

MONTCALM COUNTY BOARD OF COMMISSIONERS

Regular Meeting

Monday, February 13, 2023

4:00 PM

The regular meeting was called to order by Chairman Carr at 4:00 p.m.

The meeting opened with the Pledge of Allegiance. Pastor Dennis Ross from Nevins Lake Church offered invocation.

Members present at roll call: Commissioners Baker, Johnston, Painter, Mahar, Carr and Kohn. Members absent at roll call: Commissioner Petersen.

Others present: Kristen Millard, Brenda Taeter, Michelle Becker, Ryan Dreyer, Chuck Hazekamp, Todd Sattler, Deb Ballard, Andrea Krause, Rhonda Carlson, Jaye Christensen, Matt Kuhn, Lori Wilson, Mike Mazzola, Tamara Kuhn, Brandon Denby, Stu Sanders, Darin Dood, Armon Withey, Denise Ledford, Breanna Hendrick, JoAnne Vukin, Lisa Petersen, Trevor Wright, Chuck Miel, Pete Frye, Judge Adam Eggleston, Vicki Dyer, Amy Thomas, Kim Kuhn and Elisabeth Waldon.

Moved by Commissioner Johnston, supported by Commissioner Painter to approve the January 23, 2023, regular meeting minutes as written. Motion carried.

Moved by Commissioner Johnston, supported by Commissioner Painter to approve the agenda as presented. Motion carried.

Public comments were offered. Brandon Denby, Livingston County Register of Deeds, addressed the Board to inform them that the Michigan Association of Register of Deeds being opposed to the concept of combining the office of County Clerk and the Register of Deeds. He stated it is difficult for one person to be the best at elections and the best at protecting property records. He feels that the Register of Deeds offices runs better when an elected official is in the office as opposed to one person running multiple offices.

Stu Sanders, Legislative Co Chair and Newaygo County Register of Deeds, addressed the Board regarding his opposition to the combination of County Clerk and Register of Deeds. Mr. Sanders read a letter from Lori Martin, Clare County Clerk/Register, that was written a couple of years ago about Oceana County. Ms. Martin's letter stated that the Register of Deeds office tends to get neglected when combined because the Clerk's position is too demanding.

Charles Miel, Stanton, former real estate attorney and 8th Circuit Court Judge, addressed the Board in opposition to combining the offices of County Clerk and Register of Deeds. Judge Miel feels that both offices are specialty offices and need to have a separate elected official overseeing each. He feels it would be best to keep the positions separated instead of combining them.

Pete Frye, attorney from Greenville, addressed the Board in opposition to the combination of the Clerk and Register of Deeds. He stated that the offices are entirely different. Mr. Frye stated that he doesn't feel the offices are broke and therefore shouldn't be fixed.

Moved by Commissioner Baker, supported by Commissioner Johnston to enter into a Public Hearing at 4:16 p.m. for the purpose of an annexation request for one property into the Village of Lakeview. Motion carried.

Darin K. Dood, Lakeview Village Manager, was in attendance to present the Board with an Annexation Request. This is property located at 9440 Cutler Rd., Lakeview, MI 48850, and the request is being made due to a poor water quality. Mr. Dood stated that Cato Township is not opposed to the annexation as no money is being lost. Mr. Dood presented the board with a proposed Resolution.

Moved by Commissioner Petersen, supported by Commissioner Johnston to close the public hearing at 4:25 p.m.

Moved by Commissioner Petersen, supported by Commissioner Painter to approve and adopt **RESOLUTION 2023-02, A RESOLUTION TO ALTER THE BOUNDARIES OF THE VILLAGE OF LAKEVIEW AND APPROVING A CORRESPONDING ORDER AND DETERMINATION:**

WHEREAS, the Village of Lakeview has filed with this Board of Commissioners its petition to alter the boundaries of the Village of Lakeview, Montcalm County, Michigan, but adding and annexing to the Village that property which is legally described as:

Parcel 1 (59-004-004-026-00):

Beginning at the Southwest corner of the Southwest ¼ of the Southeast; thence North 0 degrees 4' West 660 feet; thence North 89 degrees 56' East 420 feet; thence South 0 degrees 4' East 660 feet; thence South 89 degrees 56' West 420 feet to the point of beginning, Section 4 Town 12 North, Range 8 West, Cato Township, Montcalm County, Michigan.
which is incorporated by reference; and

WHEREAS, the Village of Lakeview is a general law village possessing the authority, pursuant to Chapter XIV, Section 6, of Act No. 3 of the Public Acts of Michigan of 1895, as amended, ("Act 3"), to petition the County Board of Commissioners to alter its boundaries by taking in property that adjoins the Village, and

WHEREAS, the Property is contiguous to the Village of Lakeview, and

WHEREAS, the Village of Lakeview has determined by resolution dated January 10, 2023, to alter its boundaries to include the Property within the Village limits, and

WHEREAS, the Village of Lakeview has submitted a proposed Order and Determination approving the annexation, and

WHEREAS, after due consideration, the Board of Commissioners of Montcalm County, Michigan, has determined to approve the annexation and the proposed Order and Determination.

NOW, THEREFORE, BE IT RESOLVED that the Order and Determination annexing the Property to the Village of Lakeview in accordance with the above description is approved, and

BE IT FURTHER RESOLVED that the Chairperson and Clerk of the Board are hereby directed to sign the Order and Determination and transmit a certified copy to the Clerk of the Village of Lakeview, to the Secretary of State, and to the Montcalm County Treasurer.

Motion carried.

At 4:27 p.m. Todd Sattler was in attendance to request to approval and adoption of a resolution to amend lake level order for Sand Lake – Joint effort with Kent County.

Moved by Commissioner Petersen, supported by Commissioner Johnston to approve and adopt **RESOLUTION 2023-03 A RESOLUTION TO INITIATE ACTION TO AMEND LAKE LEVEL ORDER SAND LAKE – JOINT EFFORT WITH KENT COUNTY:**

WHEREAS, Part 307 of the Natural Resources and Environmental Protection Act (Inland Lake Levels), MCL 324.30701 *et seq.*, (“Part 307”) requires the County Board of Commissioners, or its delegated authority, to maintain established normal lake levels; and

WHEREAS, Sand Lake, located in Nelson Township and the Village of Sand Lake, Kent County, Michigan and Pierson Township, Montcalm County, Michigan, has an established normal lake level under Part 307 by the Kent County Circuit Court; and

WHEREAS, the Kent County Drain Commissioner is the delegated authority to maintain Sand Lake’s normal lake level under Part 307 for Kent County. Likewise, the Montcalm County Drain Commissioner is the delegated authority to maintain Sand Lake’s normal level under Part 307 for Montcalm County; and

WHEREAS, the Kent Drain Commissioner has conducted a comprehensive review of the historical lake level orders in Kent County and found that some require revisions to be consistent with state law to ensure that the court orders specify the correct lake level elevations and correctly establish a special assessment district to fund lake level infrastructure, among other things; and

WHEREAS, this comprehensive review led to a recommendation to amend Sand Lake’s lake level order in the Kent County Circuit Court to comply with Michigan law; and

WHEREAS, the Montcalm County Drain Commissioner desires to work cooperatively with the Kent County Drain Commissioner to update the lake level order for Sand Lake and expressly asks the County Board of Commissioners for authorization to assist with amending the established lake level order for Sand Lake in accordance with Part 307 to be consistent with state law and the current operation of its water control structure.

NOW, THEREFORE, BE IT RESOLVED:

1. The Montcalm County Drain Commissioner shall continue to serve as Montcalm County’s delegated authority for Sand Lake under Part 307.
2. As delegated authority, the Montcalm County Drain Commissioner may cooperate with the Kent County Drain Commissioner to utilize legal counsel to perform services related to any needed updates to Sand Lake’s lake level order and any further services that are necessary related to maintaining its normal lake level. Further, the Board of Commissioners specifically authorizes such legal counsel to file a petition in the Kent County Circuit Court to, among other things, establish and confirm the boundaries of a lake level special assessment district and update the datum used for the ordered lake level elevation. See MCL 324.30707(5).
3. All costs associated with the activities authorized above shall be reimbursed by property owners and other applicable entities in a lake level special assessment district to the extent permitted by Part 307. To the extent necessary, the Drain Commissioner is expressly authorized to expend more than \$10,000 annually under Section 30722(4) of Part 307 to maintain the normal level of Sand Lake. MCL 324.30722(4).
4. All resolutions and parts of resolutions insofar as the same may be in conflict herewith are hereby rescinded.

Motion carried.

Ryan Dreyer, Commission on Aging Director, was in attendance to request a \$50,000 grant for the Greenville Area Senior Center. Mr. Dreyer informed the board that there are still some details to be worked out and he is requesting this be tabled until the next meeting. Moved by Commissioner Petersen, supported by Commissioner Johnston to table any action on the Greenville Area Senior Center until the March 2023, meeting. Motion carried.

Mr. Dreyer requested the appointment of Kathy Bresnahan to COA Executive Board. Moved by Commissioner Petersen, supported by Commissioner Kohn to appoint Kathy Bresnahan to the Montcalm County Commission on Aging Executive Board. Motion carried.

Trevor Wright, Veterans Affairs, addressed the board with a request for training reimbursement approval. Moved by Commissioner Petersen, supported by Commissioner Johnston to approve the presented State of Michigan and MVAA training reimbursement application for the 2023 MACVC Spring Conference and allow for signatures. Motion carried.

Judge Adam Eggleston, 64B District Court, was in attendance to request the approval of Brian Wagner as District Court Magistrate. Moved by Commissioner Petersen, supported by Commissioner Painter to approve the court's appointment of Brian Wagner as District Court Magistrate. Motion carried.

Kristen Millard, County Clerk, and Lori Wilson, Register of Deeds, were in attendance for discussion on the pros and cons to combining the offices into one. Ms. Wilson asked Brandon Denby, Livingston County Register of Deeds, to answer questions as to why combining the two offices is not a good idea. Ms. Millard informed the board that she feels a combination is worth exploring and informed the board that they do not have the information they need at this time to make a decision either way. She encourage the Board to do a study similar to the study done by Ottawa County prior to when they combined the Clerk and Register. Commissioner Petersen made a motion to not combine the County Clerk and Register of Deeds offices which did not receive support. No action was taken.

Andrea Krause, Prosecuting Attorney, was in attendance to request permission to post an Office Assistant position to replace Lisa Rogers. Because the "Go Live" date for Karpel/Paperless system is April 17, 2023, and Ms. Krause would like to start training Ms. Rogers replacement while she is still here and when Karpel goes live. This would allow for a six-week overlap training period.

Moved by Commissioner Kohn, supported by Commissioner Baker to allow the Prosecutor to post an Office Assistant position immediately and allow for a six-week overlap training period for the new hire. Motion carried.

JoAnne Vukin, County Treasurer, informed the Board that Cindy Christiansen is retiring 3/31/23. Ms. Vukin would like to have someone in the office by 3/10/23 so the new person can start training with Ms. Christiansen. Moved by Commissioner Petersen, supported by Commissioner Johnston to allow the County Treasurer to fill an Administrative Aide position, at a starting wage of \$16.80, and allow for 3 weeks of overlap training so that the new employee can train with Ms. Christiansen. Motion carried.

Ms. Vukin stated that the interest earned in the banking accounts with Huntington is going to be substantial. Ms. Vukin also informed the board that Joyce Hachman's duties have been jobbed out and the fee is \$175 per search. She will not be asking to fill Ms. Hachman's position following her retirement.

Sheriff Williams presented the board with a request to renew the Howard City and Reynolds Township Police Protection Contracts with the exception of two deputies instead of three. Moved by Commissioner Petersen, supported by Commissioner Kohn to approve the Howard City and Reynolds Township Police Protection Contracts and allow for signatures. Motion carried.

Doug Gietzen, Maintenance Director, was in attendance to discuss the painting of the interior of the Administration Building. Moved by Commissioner Petersen, supported by Commissioner Mahar to allow a contract to be made with Jack Joustra Painting for the interior painting of the Administration, MSU-E, and Drain Buildings, in the amount of \$26,604.00. Motion carried with Commissioner Kohn voting no.

Eric Smith provided the Board with a request for a sick time donation between employees. Eric Smith and Doris Case each want to donate 80 hours of sick time to Barry Christiansen. Moved by Commissioner Mahar, supported by Commissioner Petersen to approve Eric Smith and Doris Case to donate 80 hours of sick time to Barry Christiansen. Motion carried.

Michelle Becker, Controller's Office, informed the board that the Community Corrections Advisory Board supplied the board with recommendations on who they would like appointed to the board.

Moved by Commissioner Petersen, supported by Commissioner Painter to appoint the following individuals to the Community Corrections Advisory Board:

- Brian Blomstrom to represent Police Chiefs, term to expire 10/31/2024
- James Anderlohr to represent Dept. of Health and Human Services, term to expire 10/31/2024
- Dustee Gibson to represent Montcalm Care Network, term to expire 10/31/2024
- Brian Wagner, Official participant for Judge Eggleston, term to expire 12/31/2024

Motion carried.

Brenda Taeter, Controller/Administration, provided the Board with updated rental rules for Ford Lincoln Park. Moved by Commissioner Petersen, supported by Commissioner Kohn to approve the updated Ford Lincoln Park Rules & Rental Form as presented. Motion carried.

Brenda Taeter, Controller/Administrator, presented the board with the budget review documents that included both revenues and expenditures. She informed the board that there is nothing unusual on the reports that cause her any concern.

Moved by Commissioner Petersen, supported by Commissioner Painter to approve warrant report number 02132023 in the amount of \$586,269.51. Motion carried.

Moved by Commissioner Petersen, supported by Commissioner Painter to approve consent agenda item 14 and move stated action:

Controller	FY23 MDOT Specialized Service Project Authorization	Place on file
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Motion carried.

Brenda Taeter, Controller/Administrator, informed the Board that the county's attorney quoted about \$1,200 to draft a Blight Ordinance. Moved by Commissioner Petersen, supported by Commissioner Kohn to direct the County Controller to have county's legal counsel draft a Blight Ordinance to be adopted by the Townships.

Under discussion the topic of a Daily News article in which the Sheriff was quoted as saying he was enforcing the County's current Junk Ordinance, so there is some confusion as to whether the Board needs to have an attorney draft a sample ordinance for the local units. It was clarified that the Sheriff stated he would continue to enforce the county's current ordinance until directed by the Board of Commissioner otherwise.

Motion carried.

Brenda Taeter, Controller/Administrator, informed the board that she has reached out to the Republican and Democratic Party chairpersons for Montcalm County and informed them that the board

is uncomfortable with non employees having keys to the Administration Building. Ms. Taeter reported that she had a phone conversation with Matt Murray, Republican Chairperson, who stated that he understands the concerns with using the building after hours and is ok with not meeting at the courthouse. Ms. Taeter stated that the Democratic Party hasn't had a meeting at the Administration Building since November and have been moving their meeting around the county at different locations.

Chairman Carr stated that when talking with Michelle Becker she informed him that when she worked at MCC they had a "monitor" that had to be in attendance whenever a building at MCC was in use by an entity outside of the college. That person was responsible for opening up the building, making sure the building was empty when the meeting or event was over, and then locking the building up. Chairman Carr agrees that the key situation does need to be dealt with, but he would still like to allow those organizations to use the building.

Discussion took place on different options, such as a swipe key system to provide, and control, access to the Administration Building after hours. The consensus of the Board was that use of the building isn't so much a concern, but non-employees having keys to the building is a concern and a solution needs to be found. No action was taken at this time.

Public comments were offered. Chuck Hazekamp, Sidney Township, addressed the board regarding the funds going to the Commission on Aging Greenville Center. He also informed the board that he retired from Central Montcalm Public School and whenever one of their buildings was in use, there was always someone knowledgeable in the building that could handle any situation that could arise, such as a pulled fire alarm, a flood, etc. He stated a swipe key access is good, but someone should be on site that can handle situations as well.

Mr. Hazekamp also informed the Board that the design and structure of an organization determines the outcome of the results. Therefore, he is not in favor of combining the offices of Clerk and Register.

JoAnne Vukin, County Treasurer, informed the board that Cindy Christiansen has worked for the county for 44 years.

Matt Murray, Republican chairperson addressed the board that the group is large enough now that they cannot hold a meeting at a restaurant, they may be able to find a church. But his preference would be to continue to meet at the Administration Building. He's not in favor of having a key but is willing to work through a resolution.

Moved by Commissioner Petersen, supported by Commissioner Mahar to adjourn at 6:32 p.m. Motion carried.

Kristen Millard, County Clerk

Patrick Q. Carr, Chairman