

MONTCALM COUNTY BOARD OF COMMISSIONERS

Regular Meeting

Monday, September 25, 2023

6:00 PM

The regular meeting was called to order by Chairman Carr at 6:00 p.m.

The meeting opened with the Pledge of Allegiance. Pastor Sampson Coston from Pine Grove Church in Stanton offered invocation.

Members present at roll call: Commissioners Baker, Johnston, Petersen, Painter, Mahar, Carr and Kohn. Members absent: None.

Others present: Kristen Millard, Brenda Taeter, Michelle Becker, Eric Smith, Lisa Petersen, Scott Vukin, Helen Kennedy, Bruce & Tonya Daggett and Elisabeth Waldon.

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

Moved by Commissioner Johnston, supported by Commissioner Petersen to approve the September 11, 2023, regular meeting minutes as written. Motion carried.

Moved by Commissioner Petersen, supported by Commissioner Painter to approve the September 14, 2023, special meeting minutes. Motion carried.

Public comments were offered. None were given.

Sheriff Mike Williams provided the board with the Contract portion of the raises that were approved in the 23-24 budget. Moved by Commissioner Petersen, supported by Commissioner Johnston to approve the POAM and COAM Letter of Agreements and allow for signatures. Motion carried.

Kevin Everingham, Community Corrections, provided the Board with the Community Corrections Grant for FY2024. Moved by Commissioner Petersen, supported by Commissioner Painter to approve Grant No. CPS-2024-1-21, in the amount of \$96,054.00, for FY2024, between the Department of Corrections and Montcalm County and allow for the proper signatures. Motion carried.

Brenda Taeter, Controller/Administrator, provided the Board with the MERS Adoption Agreement for the Jail Administrator. Moved by Commissioner Petersen, supported by Commissioner Painter to authorize Patrick Q. Carr, Board Chairman, to sign the Plan Adoption Agreement allowing the Jail Administrator to be transferred to the COAM Defined Benefit Pension Plan. Motion carried.

Eric Smith, Emergency Services, provided the Board with a request to increase Karina Stiop's payscale. Ms. Stiop came to Montcalm County with 9 years of experience but was hired at the bottom of the pay scale. Mr. Smith stated that her performance has been outstanding, and she has brought many good ideas and procedures with her to Emergency Services. He recommends increasing her pay to the two-year step on her 6 month anniversary date. Moved by Commissioner Petersen, supported by Commissioner Painter to move Karina Stiop to the two-year step on the pay scale at her 6-month anniversary, so long as there is no discipline issued in the meantime. Motion carried.

Moved by Commissioner Petersen, supported by Commissioner Mahar to enter into a Public Hearing at 6:10 p.m. for the purpose of an Appeal to the Construction Ordinance for Bruce & Tonya Daggett, Bushnell Township. Motion carried.

Bruce and Tonya Dagget, Bushnell Township, were in attendance to request a variance to the Montcalm County Construction Ordinance for property located at 3122 E. Condensery Road, Sheridan, MI. Phil Baxter, Building Department, was also in attendance.

Mr. Daggett explained that they would like to put up a small home, on the same parcel, for their adult special needs son who can live independently but does need their assistance. He explained that they have already spoken to all of their neighbors and no one has problem with it. Mr. Daggett stated that it will be a stick built, small one bedroom home.

Mr. Daggett stated that because his son is on disability, the property cannot be split because the property would have to be put in his sons name and that would put him over his allowable assets for his disability income.

Phil Baxter, Building Department, explained that the only objection the Building Department has to the Daggett's plan is that it is against the Construction Ordinance to have two dwellings on the same parcel.

Commissioner Mahar stated that the property can be split, which would be the legal remedy to the Daggett's problem and would not require a variance. He stated that the problem he has with these hearings is that the applicants, particularly in this case, are trying to skirt the law to keep their son's assets down. He stated that he would like to hear from an assessor to see what the tax loss is by allowing these variances.

Commissioner Petersen stated that when the ordinance was enacted, the people that implemented it were trying to avoid "shanty towns" popping up. He stated that is not what the Daggett's are doing. Instead they are trying to help their adult son live independently in a nice, stick built home, therefore he believes the variance should be approved and they should not be required to split the property.

Commissioner Baker stated that many homes have guest houses on the same property, and he doesn't feel that this is any different. The only difference is that their son would be living in the home instead of guests.

Commissioner Mahar stated that at some point the Board needs to make a decision whether they are going to follow their own rules or not. He stated that by approving every variance that comes before the board, the Board is encouraging more people to apply for variances.

Moved by Commissioner Petersen, supported by Commissioner Painter to come out of Public Hearing at 6:27 p.m. Motion carried.

Moved by Commissioner Petersen, supported by Commissioner Kohn to grant the appeal to the Construction Ordinance brought by Bruce and Tonya Daggett for property located at 3122 E. Condensery Rd, Sheridan, MI. Motion carried.

Brenda Taeter, Controller/Administrator, provided the Board with the GY 2024 Byrne Justice Assistance Grant that allows the county to receive reimbursement from the State for the wages and benefits of the Administrative Assistant to the Central Michigan Enforcement Team. Moved by Commissioner Petersen, supported by Commissioner Painter to authorize the Byrne Justice Assistance Grant for FY2024 and allow for the property signatures. Motion carried.

Ms. Taeter also provided the Board with the updated Administrative Services Agreement between the County and CMET. She explained that this agreement goes hand in hand with Byrne Justice Assistance Grant, as Montcalm County acts as the paymaster of the Grant. Moved by Commissioner Petersen,

supported by Commissioner Painter to authorize the approval of the Administrative Services Agreement between Montcalm County and CMET and allow for the appropriate signatures. Motion carried.

Ms. Taeter provided the Board with the final FY2023 Budget Adjustments. Moved by Commissioner Petersen, supported by Commissioner Kohn to approve the final round of FY2023 Budget Adjustments as presented by the County Controller. Motion carried.

Ms. Taeter explained that during discussion regarding how weekly check warrants would be signed by the County Clerk now that the office has relocated, it was discovered from the Auditors that any bills paid outside of a board run still need to be approved by the Board even though they will be approved “after the fact”. She explained that she was not aware of that, therefore warrants previously paid weren’t presented to the Board for approval. Ms. Taeter explained that this will be a new practice moving forward, which is a good thing so the Board sees everything that is being paid.

Moved by Commissioner Petersen, supported by Commissioner Johnston to approve warrant report numbers:

- 09142023 in the amount of \$2,054,672.56
- 09212023 in the amount of \$44,201.26
- 09252023 in the amount of \$260,877.83

Motion carried.

Moved by Commissioner Petersen, supported by Commissioner Johnston to approve consent agenda items 11 through 17 and move stated action:

Controller	AAAWM Service Contract Amendment	Place on file
Controller	Reliance Purchase of Service Agreement	Place on file
Controller	Jail Inmate Medical Contract	Place on file
Controller	FY2024 County Veteran Service Grant	Place on file
Controller	Montcalm County Planning Commission August Minutes	Place on file
Controller	August ME Report	Place on file
Controller	August Dodge Report	Place on file

Motion carried.

Discussion took place on the County Clerk no longer accepting Passport application now that all Clerk staff are located in the Court Complex. Kristen Millard, County Clerk, explained that when birth certificates and the state issued safety paper, were moved to the Circuit Court Clerk’s office on September 19th, her Court staff were no longer allowed to accept passport applications for processing. Ms. Millard stated that this is a federal requirement that came about in 2011, which is why the processing of passports were moved from the Vital Records office to the Circuit Court Clerk’s Office in the first place. She explained that if employees have access to the state issued safety paper, or can sign birth certificates, the office is disqualified by the Federal Passport Agency, as an employee could apply for a fraudulent passport. This safety precaution is a result of federal changes after 9/11.

Chairman Carr stated that the Board has been informed by the Register of Deeds that the Clerk can still issue passports in her office even if the offices are combined. Ms. Millard stated that is absolutely not true. She stated that she spoke with the Passport Agency last Friday and confirmed that because of the size of the office, the size of the staff and the location of the safety paper, it is absolutely not possible for the Montcalm County Clerk to be an acceptance agency any longer. She stated that it was never her

desire to discontinue accepting passport applications as the only other acceptance agency in Montcalm County that she is aware of is the Greenville Post Office, and they require appointments.

Ms. Millard stated that while passports generated a small amount of revenue, the County Clerk became an acceptance agent as a public service. It helped constituents in the northern/central/eastern parts of the county from having to travel very far to have their applications processed.

Chairman Carr stated his displeasure over the Clerk not adding the issue of passports to the agenda prior to discontinuing to process them. Ms. Millard stated that it was never a secret that if the Vital Records and Circuit Court Clerk's offices were combined that passports would be the first thing to go as it is against federal law for her to accept passport applications if birth certificates are issued by the same staff, and safety paper is not locked away. She stated that she did not feel it was her responsibility to add the issue of passport processing to an agenda as accepting passport applications is not a mandated service. It is a non-mandated and voluntary service, therefore if another department wanted to take over the acceptance of passport applications that department would need to apply to the Federal Passport Agency. The Board has nothing to do with whether a county department is an acceptance agency or not, it is between the department head and the Passport Agency, and since it was known that passports would be discontinued in the Clerk's Office and there has been 10 meetings since the vote to combine the clerk's offices and no one expressed any kind of interest in becoming an acceptance agency, she figured it was a dead issue. The Board can't transfer the authority issued by the Passport Agency to be an acceptance agency to another department.

Commissioner Mahar asked how the Board could be sure that the Clerk could no longer be an acceptance agent for passports since the Register of Deeds states that she can still be an agent. Chairman Carr stated that he is confident that the Clerk knows the laws regarding what her office can and cannot do. He doesn't have qualms about that.

Commissioner Petersen stated that he does not feel there is enough revenue to try to force another department to take on the responsibility of becoming an acceptance agent.

Discussion took place on the County's passport camera and photo printer and whether or not the Clerk was still in possession of the equipment, or if it has been given to White Pine Library since they are currently in the process of trying to become an acceptance agency. Ms. Millard stated that while she supports White Pine Library's application to be an acceptance agency, she has not given the passport equipment to them. She stated that she had planned to bring the issue of allowing the Library to use the camera and photo printer to the Board after the Passport Agency approves the Library's application and all training has been done by the staff. She stated that applications can take quite some time with the Passport Agency, therefore she's done nothing with the equipment. Members of the Board stated they wanted proof the equipment was still in the possession of the Clerk and asked for a list of the equipment.

Commissioner Petersen stated that he wouldn't have a problem with the Library leasing the equipment for \$1, with the understanding that if they break it, they buy it. The County will not be fixing or replacing any equipment. Ms. Millard stated that she can get a list of the equipment around and after the Library is approved by the Passport Agency, she will draft an agreement to lease the camera and photo printer to them and bring it to the Board for approval.

Brenda Taeter, Controller/Administrator, informed the board that Collective Bargaining will take place this week. She also informed the Board that the Village of Lakeview will have another annexation on an October Board of Commissioners agenda.

Ms. Taeter also informed the Board that she received opioid settlement paperwork from Masters Pharmaceuticals, which is now defunct, in the amount of \$966.40. She informed the Board that she completed the paperwork and returned it. A paper check will be coming.

Public comments were offered. Commissioner Petersen stated that at the last Planning Commission there was some confusion and a few members asked for clarification as to what the Board's vision is for the Planning Commission. He stated that the Montcalm County Economic Alliance already exists. He is looking for direction from the Board as to what they would like to see as the Planning Commission will ultimately be dissolved.

Commissioner Petersen informed the Board that the building tours were done today of the Court Complex and the Sheriff Department. Only the public areas of the Court Complex were toured. He stated that the carpets need to be cleaned, and new carpet may be needed. He stated that it needs to be dealt with sooner, rather than later. The Sheriff Department is worse than the Court Complex but both definitely need attention. Chairman Carr stated that the Maintenance Director and Controller will get together to go over what they feel are the priorities and bring them back to the Board.

Commissioner Johnston stated that he feels that every time someone comes in to request a variance on the Construction Ordinance they leave feeling attacked and that everything is their fault, when in fact it is the Board of Commissioner's ordinance that they are appealing. He stated that the Board should not be making people feel bad to come before them.

Commissioner Mahar stated that he feels the Board needs to be careful with issue variances on every single appeal that is filed. He stated that when there are 3, 4 or 5 dwellings on a parcel it becomes a problem for law enforcement and neighbors. There has to be middle ground and he hopes the Board can find that. Commissioner Petersen would like the Controller to ask Mike Kalka, Building Official, for his recommendations.

Moved by Commissioner Petersen, supported by Commissioner Johnston to adjourn at 7:26 p.m.
Motion carried.

Kristen Millard, County Clerk

Patrick Q. Carr, Chairman