

MUSKEGON COUNTY BOARD OF COMMISSIONERS  
MUSKEGON COUNTY, MICHIGAN

AGENDA

**FULL BOARD**

**Hall of Justice**

**990 Terrace, Muskegon, MI**

**January 13, 2011 - 3:30 PM**

**Kenneth Mahoney, Chair**

**I. John Snider, II, Vice-Chair**

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1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Approval of Agenda
6. Approval of Minutes
  - A. Minutes of December 21, 2010 (Previously Forwarded)
  - B. Organizational Meeting of January 4, 2011 (Previously Forwarded)
7. Presentation
  - Employers' Association Presentation - Healthy on the Shore Challenge
8. Public Comment (on an agenda item)
9. Communication
  - A. Charlevoix County; Resolution; Rescind Memorandum No. 16 for Remonumentation
  - B. VanBuren County; Withdraw Memorandum No. 16 for Remonumentation
10. Committee Reports
  - A. Courts & Public Safety Committee (To Be Distributed)
  - B. Human Resources Committee (To Be Distributed)
  - C. Ways & Means Committee (Page 5)

**Public Comment**

Persons may address the Commission during the time set aside for Public Comment or at any time by suspension of the rules. All persons must address the commission and state their name for the record. Comments shall be limited to **two (2) minutes** for each participant, unless time is extended prior to the public comment period by a vote of a majority of the commission.

Full Board  
Agenda  
January 13, 2011

11. Chairman's Report/Committee Liaison Reports
  - A. 2011 Committee Chair & Vice Chair Appointments
  - B. 2011 Commissioner Liaison Appointments
  - C. 2011 Citizen Appointments
12. Administrator's Report
  - A. Approve the First Amendment to the Administrative Services Agreement with the Muskegon Area District Library and Authorize Chair to Sign
  - B. Appoint Heath Kaplan to Serve as County's Alternate Representative to the Central Dispatch Board
  - C. Authorize Board Chair to Accept the Just Compensation and Sign the Permanent Easement Agreement with the City of North Muskegon
13. Old Business
14. New Business
15. Public Comment (on a new topic)
16. Adjournment

AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF THE MUSKEGON COUNTY BOARD OF COMMISSIONERS AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES

The County of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities who want to attend the meeting upon 24-hours notice to the County of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the County of Muskegon by writing or calling: Administration, 990 Terrace Street, Muskegon, MI 49442 (231) 724-6520

DECEMBER 22, 2010

RESCIND MEMORANDUM NO. 16 FOR REMONUMENTATION

RESOLUTION

WHEREAS, Act 345 of 1990 established the statewide Michigan Remonumentation Program, to be administered by the counties, but funded by annual grants from the State of Michigan; and

WHEREAS, Act 346 of 1990 established the funding mechanism for those grants; and

WHEREAS, the Headlee Amendment to the Constitution of the State of Michigan prohibits state government and its agencies from imposing new mandated programs on the counties and municipalities unless those mandates are fully funded ; and

WHEREAS, the Headlee Amendment also prohibits state agencies from reducing the state financed proportion of necessary costs for existing activities or services mandated by the state; and

WHEREAS, since 1993, the State of Michigan has fully funded the necessary costs for the Remonumentation Program for many counties, and shared costs with other counties based on voluntary local contributions; and

WHEREAS, many counties have developed a long and productive partnership with the state based on those voluntary contributions and the associated Category III grant funds, significantly accelerating program completion; and

WHEREAS, the Office of Land Survey and Remonumentation within the Department of Energy, Labor & Economic Growth as issued Information Memorandum No. 16, dated November 18, 2010 which purports to drastically change the funding formula, drastically reduce the reimbursable cost items, and drastically limit each county's ability to properly fulfill the basic goals of the Remonumentation Program; and

WHEREAS, many of the provisions of Memorandum No. 16 are in direct violation of the Headlee Amendment; and

WHEREAS, there are far too many onerous provisions within Memorandum No. 16 to fully itemize within a single resolution,

NOW THEREFORE BE IT RESOLVED that the Charlevoix County Board of Commissioners demands that Memorandum No. 16 be immediately withdrawn in its entirety so that the grant process for 2011 may proceed without unconstitutional restrictions, and that any future program revisions be developed in cooperation and collaboration with the counties.

Submitted by:

JOEL EVANS

Supported by:

CHRIS CHRISTENSEN

10-171  
13 ad  
3

A 56/12-14-2010

# VAN BUREN COUNTY BOARD OF COMMISSIONERS

RESOLUTION  MOTION  REPORT OF ADMINISTRATIVE AFFAIRS COMMITTEE

HONORABLE BOARD OF COMMISSIONERS:

WHEREAS, Act 345 of 1990 established the statewide Michigan Remonumentation Program, to be funded by fees collected at the Register of Deeds Office in each county and sent to a dedicated account at the State, to be administered by the counties, but distributed by annual grants from the State of Michigan, and;

WHEREAS, Act 346 of 1990 established the funding mechanism for those grants, and;

WHEREAS, the Headlee Amendment to the Constitution of the State of Michigan prohibits state government and its agencies from imposing new mandated programs on counties and municipalities unless those mandates are fully funded, and;

WHEREAS, the Headlee Amendment also prohibits state agencies from reducing the state financed proportion of necessary costs for existing activities or services mandated by the state, and;

WHEREAS, the Office of Land Survey and Remonumentation within the Department of Energy, Labor & Economic Growth has issued information Memorandum No. 16 dated November 18, 2010 which purports to drastically reduce the reimbursable cost items, and drastically limit each county's ability to properly fulfill the basic goals of the Remonumentation Program, and;

WHEREAS, many of the provisions of Memorandum No. 16 are in direct violation of the Headlee Amendment, and;

WHEREAS, there are far too many onerous provisions within Memorandum No. 16 to fully itemize within a single resolution;

NOW, THEREFORE BE IT RESOLVED, that the Van Buren County Board of Commissioners demands that Memorandum No. 16 be immediately withdrawn in its entirety so that the grant process for 2011 may proceed without unconstitutional restriction, and that any future program revisions be developed in cooperation and collaboration with the counties.

Signed: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
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 \_\_\_\_\_  
 \_\_\_\_\_

Date: December 14, 2010

FOR CLERK'S USE ONLY

MOTION BY: Hanson

CARRIED

SECONDED BY: EROMANN

NOT CARRIED

The Ways and Means Committee met on January 6, 2011, it was recommended, and I move:

- WM11/01 - 01 To approve payment of the accounts payable of \$3,720,563.95 covering the period of December 8, 2010 through December 22, 2010 as presented by the County Clerk.
- WM11/01 - 02 To authorize the Chairman of the County Board of Commissioners to sign Amendment No. 1 to the Meinert County Park Acquisition (TF09-029) grant to extend the end date of the project period from June 30, 2010 to December 31, 2010.
- WM11/01 - 03 To reclassify the Drain Inspector Full Time position (N28001) (salary table NO00130, \$13.039/hr to \$16.173/hr) into (3) Drain Inspector Seasonal positions (at a 3 step seasonal salary range of \$11.00/hr, \$12.00/hr, \$13.00/hr) and further move that the Drain Commission be authorized in FY2011 to attend the summer and winter Drain Commission conferences.
- WM11/01 - 04 To award the proposal for a one year contract renewable for up to two additional years based upon performance and the availability of funding, to James T. Stokes to provide intensive classroom based services designed to enhance the life and employability skills of jobseekers with little to no work history who are now entering the labor force.
- WM11/01 - 05 To award the proposal for a one year contract renewable for up to two additional years based upon performance and the availability of funding, to Community enCompass to provide construction skills training, workplace readiness training, and GED assistance for 18 to 21 year old high school dropouts.
- WM11/01 - 06 To authorize staff to solicit bids for the custodial services for the Muskegon County facilities.
- WM11/01 - 07 To approve the work outlined in Bulletin #4 for the Hall of Justice renovation project (RFB-10-1739) for a cost of \$12,122 for Clifford Buck's portion of the necessary work and \$8,965 for Video-Tech-Tronics portion of the work with the costs being paid from the Hall of Justice renovation project fund 4130-4131.

2011 CITIZEN APPOINTMENTS  
FOR JANUARY 13, 2011 FULL BOARD MEETING

Accommodations Tax - 1/1/11 - 12/31/13

Joni Dorsett  
Jim Rudicil  
Leonard Piasecki  
Bryon Mazade  
Doug Pollock  
Susan Simonson  
Kevin Newton

Airport Advisory Committee - 1/1/11 - 12/31/12

Rex VanderLinde  
John Workman  
Cindy Larsen  
Roger Wade

Community Corrections - 1/1/11 - 12/31/13

Chief Lynne Gill  
Malachi Williams

Foreign Trade Zone - 1/1/11 - 12/31/12

Edward Garner

Lakeshore Coordinating Council - 1/1/11 - 12/31/12

Ivory Morris  
Cheryl McKinney

MSU District Extension Council - 1/1/11 - 12/31/13

Nancy Waters  
Andy Mikula

Muskegon County Agricultural Preservation - 1/1/11 - 12/31/13

Joan Raap



Muskegon County Lakeshore Museum - 1/11 - 12/31/13

Sabina Freeman

Workforce Development - 1/1/11 - 12/31/13

Vicki Hilliard  
Chris McGuigan  
Jane Johnson

# REQUEST FOR BOARD CONSIDERATION-COUNTY OF MUSKEGON

COMMITTEE Full Board		BUDGETED    NON-BUDGETED    PARTIALLY BUDGETED <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		
REQUESTING DEPARTMENT Administration		COMMITTEE DATE January 13, 2011		REQUESTOR SIGNATURE
SUMMARY OF REQUEST (GENERAL DESCRIPTION, FINANCING, OTHER OPERATIONAL IMPACT, POSSIBLE ALTERNATIVES)				
<p>The County has been approached by the Muskegon Area District Library to amend its Agreement whereby it be allowed to terminate the Agreement and a previous Amendment without notice. The basis for this Agreement is the Library's intended transfer of accounting services to Brickley DeLong. The reason for the Amendment is to basically waive the contractual 60-day notice provision so that the library will not have to change accounting services twice, once to accommodate the County's change to ADP, the second to accommodate their change to Brickley DeLong.</p>				
SUGGESTED MOTION (STATE EXACTLY AS IT SHOULD APPEAR IN THE MINUTES)				
<p>I move to approve the First Amendment to the Administrative Services Agreement dated January 1, 2007 between the County of Muskegon and the Muskegon Area District Library and that the chairman be authorized to sign the First Amendment.</p>				
ADMINISTRATIVE ANALYSIS (AS APPLICABLE)				
<u>HUMAN RESOURCES ANALYSIS:</u>		<u>FINANCE &amp; MANAGEMENT ANALYSIS:</u> <i>Recommend Approval</i> 		
<u>CORPORATE COUNSEL ANALYSIS:</u>  Concur T. Williams		<u>ADMINISTRATOR RECOMMENDATION:</u>  <i>approval</i> 		
AGENDA DATE:                    AGENDA NO.:                    BOARD DATE: <i>1/13/11</i> PAGE NO.:				

**FIRST AMENDMENT TO THE ADMINISTRATIVE SERVICES AGREEMENT**

In an Agreement between the County of Muskegon and the Muskegon Area District Library Board, dated January 1, 2007, it was agreed that the County would provide accounting and payroll services to the District Library. Under the terms of the Agreement, specifically Section III "Term; Extension; Termination", the parties agree to amend that section to allow either party to terminate the Agreement upon written notice.

With the exception of this Amendment, the Agreement dated January 1, 2007 remains in full force and effect

**COUNTY OF MUSKEGON**

Dated: \_\_\_\_\_

By: \_\_\_\_\_

County Board of Commissioners

**MUSKEGON AREA DISTRICT LIBRARY**

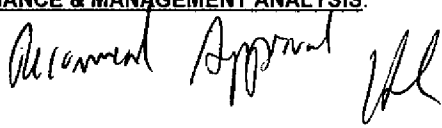
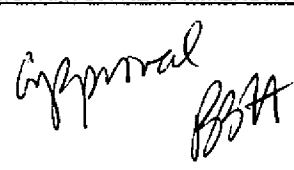
Dated: \_\_\_\_\_

By: \_\_\_\_\_


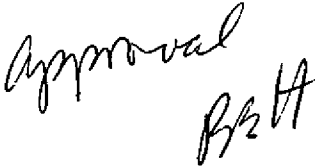
Its Chairperson



# REQUEST FOR BOARD CONSIDERATION-COUNTY OF MUSKEGON

COMMITTEE Full Board		BUDGETED    NON-BUDGETED    PARTIALLY BUDGETED	
REQUESTING DEPARTMENT Administration	COMMITTEE DATE January 13, 2011	REQUESTOR SIGNATURE	
SUMMARY OF REQUEST (GENERAL DESCRIPTION, FINANCING, OTHER OPERATIONAL IMPACT, POSSIBLE ALTERNATIVES)			
Due to the recent appointment of Heath Kaplan, Finance & Management Services Director, Administration would like to update the representation of the County on the Central Dispatch Board. The Budget Manager has been serving in this capacity due to the vacancy in the Finance & Management Services Director Position.			
SUGGESTED MOTION (STATE EXACTLY AS IT SHOULD APPEAR IN THE MINUTES)			
I move to appoint Heath Kaplan, Finance & Management Services Director, to serve as the County's alternate representative to the Central Dispatch Board of Directors.			
ADMINISTRATIVE ANALYSIS (AS APPLICABLE)			
<u>HUMAN RESOURCES ANALYSIS:</u>	<u>FINANCE &amp; MANAGEMENT ANALYSIS:</u> 		
<u>CORPORATE COUNSEL ANALYSIS:</u>	<u>ADMINISTRATOR RECOMMENDATION:</u> 		
AGENDA DATE:			
AGENDA NO.:		BOARD DATE: 1/13/11	PAGE NO.

# REQUEST FOR BOARD CONSIDERATION-COUNTY OF MUSKEGON

COMMITTEE Full Board		BUDGETED <input type="checkbox"/>	NON-BUDGETED <input type="checkbox"/>	PARTIALLY BUDGETED <input type="checkbox"/>	
REQUESTING DEPARTMENT Administration		COMMITTEE DATE January 13, 2011	REQUESTOR SIGNATURE		
SUMMARY OF REQUEST (GENERAL DESCRIPTION, FINANCING, OTHER OPERATIONAL IMPACT, POSSIBLE ALTERNATIVES)					
<p>The City of North Muskegon will be improving Central Street and Lake Avenue from Ruddiman Drive to Whitehall Road in spring 2011. A new 10-foot-wide, non-motorized path on the south side of Lake Avenue will be constructed along with an extensive resurfacing of the existing pavement and drainage improvements. First Row, Inc., on behalf of the City of North Muskegon, is acquiring permanent easements from property owners along Lake Avenue. Muskegon County owns and operates Pump Station B at 2441 Lake Avenue. In order to proceed with this project, the City of North Muskegon wishes to obtain a permanent easement and permit grade drive over property owned by Muskegon County. The City of North Muskegon has offered Just Compensation in the amount of \$1,564.00. Staff has reviewed the drawings and has determined that the 10-foot-wide, non-motorized path will not interfere with the operations of Pump Station B.</p>					
SUGGESTED MOTION (STATE EXACTLY AS IT SHOULD APPEAR IN THE MINUTES)					
<p>I move to authorize the Board Chair to accept the Just Compensation in the amount of \$1,564.00 and sign the attached Permanent Easement Agreement between Muskegon County and the City of North Muskegon.</p>					
ADMINISTRATIVE ANALYSIS (AS APPLICABLE)					
<u>HUMAN RESOURCES ANALYSIS:</u>		<u>FINANCE &amp; MANAGEMENT ANALYSIS:</u>			
					
<u>CORPORATE COUNSEL ANALYSIS:</u>		<u>ADMINISTRATOR RECOMMENDATION:</u>			
<p>Concur T. Williams</p>					
AGENDA DATE:	AGENDA NO.:	BOARD DATE: 1/13/11	PAGE NO.		

## Permanent Easement Agreement

This Easement Agreement is made \_\_\_\_\_, between the **County of Muskegon, a Municipal Corporation** of Michael E. Kobza Hall of Justice, 990 Terrace Street, Muskegon, MI. 49442 ("Grantor") and the **City of North Muskegon, a Michigan municipal corporation**, of 1502 Ruddiman Drive, North Muskegon, Michigan 49445 ("City") as follows:

### Background

- A. Grantor owns certain real estate located in the City of North Muskegon, Muskegon County, Michigan, specifically described on the attached **Exhibit A** ("Burdened Property").
- B. City desires to obtain an easement on, over, under, across and through a portion of the Burdened Property.
- C. Grantor desires to grant City an easement on, over, under, across and through a portion of the Burdened Property described on attached Exhibit A ("Easement Property").

**In consideration of the mutual promises of the parties set forth in this Agreement and other valuable consideration, the receipt and adequacy of which are acknowledged, the parties agree as follows:**

1. **Grant of Easement.** In consideration of payment by City to Grantor in the amount of \$1,564.00 (One Thousand Five Hundred Sixty Four Dollars and No Cents) and other valuable consideration, Grantor grants to City a permanent easement on, over, under, across and through the Easement Property ("Easement").
2. **Purpose.** The Easement shall be used for the purpose of the construction and installation of a street and its appurtenances and accessories within the Easement Property. The Easement and right of way shall include the City's right to enter upon the Easement at such times as are reasonably necessary to construct, maintain, repair, replace, reinstall and inspect its street within the Easement Property. The Grantor shall not construct any improvements within the Easement Property without the written permission of City, or interfere with the use of the Easement in any manner.
3. **Warranty.** The parties warrant that they have the right and authority to enter into this Easement Agreement.
4. **Binding Effect.** This Easement Agreement shall bind the parties, and their successors and assigns.
5. **Recording.** The parties shall record this Easement Agreement with the Muskegon County Register of Deeds, and City shall pay all recording costs.
6. **Amendment.** This Agreement shall not be amended or modified except in a writing signed by both parties.
7. **Michigan Law.** This Easement Agreement shall be construed and enforced in accordance with the laws of the State of Michigan applicable to contracts made and to be performed within the State of Michigan.
8. **Entire Agreement.** This Easement Agreement and the attached exhibits constitute the entire agreement as to this matter between the parties and supersedes all prior agreements and understandings, both written and oral, with respect to the subject matter hereof.

This Easement Agreement was entered into on the date set forth above.

**Grantor:** County of Muskegon, a Municipal Corporation

By: \_\_\_\_\_  
Kenneth Mahoney

Its: Chairman of the Board for the County of Muskegon

By: \_\_\_\_\_  
Nancy A. Waters

Its: County Clerk for the County of Muskegon

**City of North Muskegon**, a Michigan municipal corporation

By: \_\_\_\_\_  
Christopher Witham, Mayor

By: \_\_\_\_\_  
Marcia Jeske, Clerk

STATE OF MICHIGAN  
COUNTY OF MUSKEGON

Signed and sworn to before me in Muskegon County, Michigan, on \_\_\_\_\_, 2011, by Kenneth Mahoney, the Chairman of the Board for the County of Muskegon, a Municipal Corporation, for the corporation.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County, Michigan  
My Commission Expires: \_\_\_\_\_  
Acting in Muskegon County, Michigan

STATE OF MICHIGAN  
COUNTY OF MUSKEGON

Signed and sworn to before me in Muskegon County, Michigan, on \_\_\_\_\_, 2011, by Nancy A. Waters, the County Clerk for the County of Muskegon, a Municipal Corporation, for the corporation.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County, Michigan  
My Commission Expires: \_\_\_\_\_  
Acting in Muskegon County, Michigan

STATE OF MICHIGAN  
COUNTY OF MUSKEGON

Signed and sworn to before me in Muskegon County, Michigan, on \_\_\_\_\_, 2011, by **Christopher Witham, Mayor, and Marcia Jeske, Clerk, of the City of North Muskegon**, a Michigan municipal corporation, who acknowledged the above instrument on behalf of the City of North Muskegon.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County, Michigan  
My Commission Expires: \_\_\_\_\_  
Acting in Muskegon County, Michigan

PREPARED BY AND WHEN RECORDED RETURN TO:  
John C. Schrier  
PARMENTER O'TOOLE, P.O. Box 786, Muskegon, MI 49443-0786

# PERMIT TO GRADE DRIVE

TO THE CITY OF NORTH MUSKEGON

*This information required by Act 286, P.A. of 1964, in order  
to grant The City of North Muskegon access to property*

**NOT TO BE RECORDED**

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For the sum of: \$0.00 (Mutual Benefits) the Grantor, County of Muskegon, a Municipal Corporation, whose address is: Michael E. Kobza Hall of Justice, 990 Terrace Street, Muskegon, MI., 49442 grant to the City of North Muskegon a Permit to Grade Drive including the right to remove trees, shrubs, and vegetation as necessary in the judgment of the City and the right of temporary occupancy by public utilities upon a parcel of land situated in the City of North Muskegon, County of Muskegon, State of Michigan described as:

**See attached sketch. Grading Permit for Drives only.**

Property address is 2431 Lake Avenue Pump Station #8

## **SPECIAL CONDITIONS:**

1. The drives will be restored with a minimum of 3.5 inches of heavy duty HMA.
2. After construction of this Project, there is a small elongated triangle area between the two drives, back of curb and the pathway that will be restored with HMA instead of grass.
3. The City and/or its contractors will confirm and verify the electrical with the force main.

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Stationing: Drives along approx 43+50R to 45+00R

EXPIRATION: Period of Construction of the Center Street/Lake Avenue Project

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CONTROL SECTION	PARCEL #	NAME
STUL 61407	61-23-542-003-0003-00	County of Muskegon
JOB #	FED ITEM #	FED PROJECT #
104278A		

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Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2011

\_\_\_\_\_  
Witness County of Muskegon, a Municipal Corporation  
By: Kenneth Mahoney  
Its: Chairman of the Board of the County of Muskegon

\_\_\_\_\_  
Witness County of Muskegon, a Municipal Corporation  
By: Nancy A. Waters  
Its: County Clerk for the County of Muskegon