

# *M u s k e g o n   C o u n t y*

## *Board of Commissioners*

*James Derezinski, Chairman*  
*Don Aley*  
*Charles Buzzell*  
*Lew Collins*  
*Marvin Engle*  
*Bill Gill*

*I. John Snider, Vice-Chairman*  
*Kenneth Mahoney*  
*Louis A. McMurray*  
*Robert Scolnik*  
*Roger C. Wade*

*Board Minutes may be found on the web at <http://co.muskegon.mi.us/clerk>*

### **Regular Meeting**

**August 9, 2007**  
**4:30 p.m.**

### **Chairman Derezinski, Presiding**

The Regular Meeting of the Board of Commissioners was called to order by Chairman Derezinski. The pledge of Allegiance was recited followed by the invocation given by Commissioner Snider.

### **Roll Call**

Present: Aley, Buzzell, Derezinski, Engle, Mahoney, McMurray, Snider, Wade

Excused: Collins, Gill, Scolnik

Absent: None

### 2007-370    **APPROVE AGENDA**

Moved by Engle, seconded by Wade, to approve the Agenda adding 10. D. Work Session to review Jail/Juvenile Detention Study.

**Motion Carried**

### 2007-371    **APPROVE MINUTES OF THE REGULAR MEETING OF JULY 24, 2007**

Moved by Engle, seconded by Mahoney, to approve the minutes of the Regular Meeting of July 24, 2007, correcting the spelling of Roesler in three places.

**Motion Carried**

### 2007-372    **PUBLIC HEARING - MUSKEGON COUNTY HEALTH DEPARTMENT VECTOR CONTROL REGULATIONS 2007**

Moved by Engle, seconded by Aley, to open the Public Hearing regarding Muskegon County Health Department Vector Control Regulations 2007

**Motion Carried**

Ken Krause, Director of Public Health Department, reported that the Public Health Regulations are being proposed under the Public Health Code regarding Vector Control activities that relate to communicable disease. This code would go into effect 45 days following Board approval.

Dr. Sandra Strandberg, DVM, All Creature Mobile Veterinary Care; questioned information that deals with adoption, animal cruelty and wild animals. Dr. Strandberg also asked who is responsible from following up on rabies cases and for dealing with cats in Muskegon County.

Ted Sietsema, Muskegon County Health Department Vector Control, reported that cruelty to animals is covered by the penal code, (State Law) so it cannot be included in an ordinance or regulation. Cats are not addressed, because the Ordinance only speaks of dogs and the Vector Control facility is not set up for cats. If there is a public health exposure, Vector Control will deal with that and does quarantine cats.

Diana Jancek noted feral cats are a problem in the Montague area.

Discussion ensued regarding how to change the law for Muskegon to deal with cats. It was noted that it may be through State legislature, although the local municipalities may establish their own requirements, as the City of Muskegon has for licenser of cats.

Ken Krause clarified that the Ordinance is a non-public health animal control activity requiring licencing. The Regulation deals with those things related to communicable diseases and public health. Karen Palmer reiterated for clarification that the Ordinance and the Regulation serve two separate functions.

2007-373 **CLOSE PUBLIC HEARING - MUSKEGON COUNTY HEALTH DEPARTMENT VECTOR CONTROL REGULATIONS 2007**

Moved by Aley, seconded by Snider, to close the Public Hearing.

**Motion Carried**

2007-374 **PRESENTATION - SWEET WATER FARMER'S MARKET**

Chris Bedford, President of the Sweet Water Local Foods Market, introduced Diana Jancek, Market Manager, and one of the vendors, Gail Smythe. It was noted that Sweet Water Farmer's Market is the first in Michigan and one of the first in the County that has the requirement that all of the food be local, that all the produce and food are raised according to organic standards and that all the animals are raised humanely without antibiotics or hormones. The Sweet Water Farmer's Market is able to accept Bridge Cards for payment. The Market is open on Saturday, 9:00 a.m. to 1:00 p.m. at Hackley Health at the Lakes.

2007-375 **GRANT PERMISSION TO THE SHERIFF'S OFFICE TO APPLY FOR THE 2007/2008 ORV ENFORCEMENT GRANT**

CPS07/08- 35

The Courts and Public Safety Committee recommends, moved by Snider, seconded by Engle, to grant permission to the Sheriff's Office to apply for the 2007/2008 ORV enforcement grant through the State of Michigan, DNR for \$12,687.10.

Roll Call

Ayes: Aley, Buzzell, Derezinski, Engle, Snider, Wade, Mahoney, McMurray

Nays: None

**Motion Carried**

2007-376 **GRANT PERMISSION TO THE SHERIFF'S OFFICE TO APPLY FOR THE 2007/2008 SNOWMOBILE ENFORCEMENT GRANT**

CPS07/08-36

The Courts and Public Safety Committee recommends, moved by Snider, seconded by Engle, to grant permission to the Sheriff's Office to apply for the 2007/2008 snowmobile enforcement grant through the State of Michigan, DNR for \$16,010.70.

Roll Call

Ayes: Aley, Buzzell, Derezinski, Engle, Snider, Wade, Mahoney, McMurray

Nays: None

**Motion Carried**

2007-377 **APPROVE WAIVING THE HIRING FREEZE TO ALLOW THE PROSECUTOR TO MAKE AN APPOINTMENT THROUGH AN INTERNAL PROMOTION FOR THE POSITION OF SENIOR ASSISTANT PROSECUTOR**

CPS07/08-37

The Courts and Public Safety Committee recommends, moved by Snider, seconded by Engle, to approve waiving the hiring freeze to allow the Prosecutor to make an appointment through an internal promotion for the position of Senior Assistant Prosecutor, X75001, and subsequently fill the Assistant Prosecutor I position, X08003 and the vacant Assistant Prosecutor I position, X08006, effective immediately.

Roll Call

Ayes: Aley, Buzzell, Derezinski, Engle, Snider, Wade, Mahoney, McMurray

Nays: None

**Motion Carried**

2007-378     **WAIVE THE HIRING FREEZE FOR THE DISTRICT COURT CHIEF CLERK POSITION**

CPS07/08-38

The Courts and Public Safety Committee recommends, moved by Snider, seconded by Engle, to waive the hiring freeze for the District Court Chief Clerk position #D07504 due to a transfer into the Jury Clerk/Case Assignment Assistant position, through the current posting procedures as set forth in the Teamsters Local 214 labor contract.

Roll Call

Ayes: Aley, Buzzell, Derezinski, Engle, Snider, Wade, Mahoney, McMurray

Nays: None

**Motion Carried**

2007-379     **APPROVE THE PURCHASE OF A 1996 CHEVROLET LUMINA LS SEDAN 4 DOOR VEHICLE FOR THE SOBRIETY COURT**

CPS07/08-39

The Courts and Public Safety Committee recommends, moved by Snider, seconded by Engle, to approve the purchase of a 1996 Chevrolet Lumina LS Sedan 4 door vehicle for the Sobriety Court in the amount of \$1,600.

Roll Call

Ayes: Aley, Buzzell, Derezinski, Engle, Snider, Wade, Mahoney, McMurray

Nays: None

**Motion Carried**

2007-380     **APPROVE THE PURCHASE OF A 1995 FORD CLUB WAGON SUPER PASSENGER VAN FOR THE SOBRIETY COURT**

CPS07/08-40

The Courts and Public Safety Committee recommends, moved by Snider, seconded by Engle, to approve the purchase of a 1995 Ford Club Wagon Super Passenger Van for the Sobriety Court in the amount of \$2,975.

Roll Call

Ayes: Aley, Buzzell, Derezinski, Engle, Snider, Wade, Mahoney, McMurray

Nays: None

**Motion Carried**

2007-381     **AUTHORIZE THE CIRCUIT COURT TO APPOINT DARRYL BONEBRAKE  
AS A CLERK-BAILIFF**

CPS07/08-41

The Courts and Public Safety Committee recommends, moved by Snider, seconded by Engle, to authorize the Circuit Court to appoint Darryl Bonebrake as a Clerk-Bailiff, Position No. N19004 Salary Table/Grade N000170 (\$14.411/hr - \$17.955/hr) at Step 3, (\$15,732/hr) effective September 4, 2007.

Roll Call

Ayes: Aley, Buzzell, Derezinski, Engle, Snider, Wade, Mahoney, McMurray

Nays: None

**Motion Carried**

2007-382     **AUTHORIZE THE CIRCUIT COURT ADMINISTRATOR TO SIGN AN  
AMENDED MEMORANDUM OF UNDERSTANDING BETWEEN THE  
CIRCUIT COURT - FAMILY DIVISION AND THE UNITED WAY OF THE  
LAKESHORE**

CPS07/08-42

The Courts and Public Safety Committee recommends, moved by Snider, seconded by Engle, to authorize the Circuit Court Administrator to sign an amended Memorandum of Understanding between the Circuit Court - Family Division and the United Way of the Lakeshore concerning the donation of monies to the Muskegon County Child Care Fund in the amount of \$50,000 to be used as local match for state Child Care Fund monies.

Roll Call

Ayes: Aley, Buzzell, Derezinski, Engle, Snider, Wade, Mahoney, McMurray

Nays: None

**Motion Carried**

2007-383     **AUTHORIZE THE CIRCUIT COURT ADMINISTRATOR TO SIGN AN  
AMENDED MEMORANDUM OF UNDERSTANDING BETWEEN THE  
CIRCUIT COURT - FAMILY DIVISION OF MUSKEGON COUNTY AND THE  
UNITED WAY OF THE LAKESHORE**

CPS07/08-43

The Courts and Public Safety Committee recommends, moved by Snider, seconded by Engle, to authorize the Circuit Court Administrator to sign an amended Memorandum of Understanding between the Circuit Court - Family Division of Muskegon County and the United Way of the Lakeshore concerning the donation of monies to the County Child Care Fund and the transfer of \$31,000 to the County of Muskegon to be used as local match for state Child Care Fund monies.

(Continued)

2007-383 **AUTHORIZE THE CIRCUIT COURT ADMINISTRATOR TO SIGN AN AMENDED MEMORANDUM OF UNDERSTANDING BETWEEN THE CIRCUIT COURT - FAMILY DIVISION OF MUSKEGON COUNTY AND THE UNITED WAY OF THE LAKESHORE**

Roll Call

Ayes: Aley, Buzzell, Derezinski, Engle, Snider, Wade, Mahoney, McMurray

Nays: None

**Motion Carried**

2007-384 **AUTHORIZE THE CIRCUIT COURT ADMINISTRATOR TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN THE CIRCUIT COURT - FAMILY DIVISION AND THE CHILD ABUSE COUNCIL OF MUSKEGON COUNTY**

CPS07/08-44

The Courts and Public Safety Committee recommends, moved by Snider, seconded by Engle, to authorize the Circuit Court Administrator to sign a Memorandum of Understanding between the Circuit Court - Family Division and the Child Abuse Council of Muskegon County concerning Court Appointed Special Advocate (CASA) program requirements; and to further approve a revised FY 2007 budget of \$32,000 for the CASA (2920-1433) program which includes the 50% local match coming from United Way of the Lakeshore (\$16,000) resulting in no impact to the general fund.

Roll Call

Ayes: Aley, Buzzell, Derezinski, Engle, Snider, Wade, Mahoney, McMurray

Nays: None

**Motion Carried**

2007-385 **AUTHORIZE THE CIRCUIT COURT ADMINISTRATOR TO SIGN AN AMENDED AGREEMENT FOR MEDIATION SERVICES BETWEEN THE CIRCUIT COURT - FAMILY DIVISION OF MUSKEGON COUNTY AND THE WESTSHORE DISPUTE RESOLUTION CENTER OF MUSKEGON COUNTY**

CPS07/08-45

The Courts and Public Safety Committee recommends, moved by Snider, seconded by Engle, to authorize the Circuit Court Administrator to sign an amended Agreement for Mediation Services between the Circuit Court - Family Division of Muskegon County and the Westshore Dispute Resolution Center of Muskegon County with effective dates of October 1, 2006 through September 30, 2008 concerning the Balanced and Restorative Justice (BARJ) program requirements.

(Continued)

2007-385 **AUTHORIZE THE CIRCUIT COURT ADMINISTRATOR TO SIGN AN AMENDED AGREEMENT FOR MEDIATION SERVICES BETWEEN THE CIRCUIT COURT - FAMILY DIVISION OF MUSKEGON COUNTY AND THE WESTSHORE DISPUTE RESOLUTION CENTER OF MUSKEGON COUNTY**

Roll Call

Ayes: Aley, Buzzell, Derezhinski, Engle, Snider, Wade, Mahoney, McMurray

Nays: None

**Motion Carried**

2007-386 **AUTHORIZE THE COMMUNITY MENTAL HEALTH DIRECTOR TO SIGN A CONTRACT WITH THE PROVIDERS LISTED IN TABLE A FOR COMMUNITY LIVING SUPPORT SERVICES**

HR07/08-69

The Human Resources Committee recommends, moved by Buzzell, seconded by Snider, to authorize the Community Mental Health Director to sign a contract with the providers listed in Table A for Community Living Support services at or below the rate of \$4.61 per unit for one staff to one individual, \$2.40 per unit for one staff to two individuals, and \$1.90 per unit for one staff to three or more individuals effective October 1, 2007, through September 30, 2008.

Roll Call

Ayes: Wade, Snider, McMurray, Mahoney, Engle, Derezhinski, Buzzell, Aley

Nays: None

**Motion Carried**

2007-387 **AUTHORIZE THE PAYMENT FOR FY 2008 MICHIGAN ASSOCIATION OF COMMUNITY MENTAL HEALTH BOARD AND NATIONAL COUNCIL JOINT MEMBERSHIP ANNUAL DUES**

HR07/08-70

The Human Resources Committee recommends, moved by Buzzell, seconded by Snider, to authorize the payment of \$12,689 for FY 2008 Michigan Association of Community Mental Health Board and National Council Joint Membership annual dues.

Roll Call

Ayes: Wade, Snider, McMurray, Mahoney, Engle, Derezhinski, Buzzell, Aley

Nays: None

**Motion Carried**

2007-388     **SIGN AMENDMENT NO. 3 OF THE FY 06/07 CPBC AGREEMENT**  
HR07/08-71

The Human Resources Committee recommends, moved by Buzzell, seconded by Snider, to sign Amendment No. 3 of the FY 06/07 CPBC agreement, subject to final review and approval by Corporate Counsel, with the Michigan Department of Community Health with no effect on County General Funds.

Roll Call

Ayes: Wade, Snider, McMurray, Mahoney, Engle, Derezinski, Buzzell, Aley

Nays: None

**Motion Carried**

2007-389     **AUTHORIZE THE HEALTH DEPARTMENT TO ACCEPT PAYMENT FROM**  
**THE MICHIGAN DEPARTMENT OF COMMUNITY HEALTH**

HR07/08-72

The Human Resources Committee recommends, moved by Buzzell, seconded by Snider, to authorize the Health Department to accept payment from the Michigan Department of Community Health in the amount of \$8,588, to be expended by December 31, 2007, to be used for the purchase of adequate storage units and/or temperature devices by the Health Department and distributed to local providers who order and use vaccines for the Vaccines for Children (VFC) Program.

Roll Call

Ayes: Wade, Snider, McMurray, Mahoney, Engle, Derezinski, Buzzell, Aley

Nays: None

**Motion Carried**

2007-390     **ADOPT THE "MUSKEGON COUNTY HEALTH DEPARTMENT VECTOR**  
**CONTROL REGULATIONS, 2007"**

HR07/08-73

The Human Resources Committee recommends, moved by Buzzell, seconded by Snider, to adopt the "Muskegon County Health Department Vector Control Regulations, 2007," effective 45 days following adoption.

Roll Call

Ayes: Wade, Snider, McMurray, Mahoney, Engle, Derezinski, Buzzell, Aley

Nays: None

**Motion Carried**



2007-391 **APPROVE PAYMENT OF THE ACCOUNTS PAYABLE COVERING THE PERIOD OF JULY 11, THROUGH JULY 24, 2007**

WM07/8-109

The Ways and Means Committee recommends, moved by Aley, seconded by Engle, to approve payment of the accounts payable of \$4,338,807.03 covering the period of July 11, 2007 through July 24, 2007, as presented by the County Clerk.

Roll Call

Ayes: Buzzell, Aley, Derezinski, Engle, Gill, McMurray, Mahoney, Snider, Wade

Nays: None

**Motion Carried**

2007-392 **PLEDGE UP TO \$5,000 FOR BLUE LAKE TOWNSHIP FOR LEGAL EXPENSES INCURRED IN THEIR LEGAL FIGHT TO MAINTAIN THEIR RIGHT TO ZONE THE OWASIPPE PROPERTY**

WM07/8 -110

The Ways and Means Committee recommends, moved by Aley, seconded by Engle, to pledge up to \$5,000 for Blue Lake Township for legal expenses incurred in their legal fight to maintain their right to zone the Owasppe property as they and their citizens desire, to be paid as expenses are incurred, but not covered by their Legal Fund.

Roll Call

Ayes: Buzzell, Aley, Derezinski, Engle, Gill, McMurray, Mahoney, Wade

Abstain: Snider

Nays: None

**Motion Carried**

2007-393 **WAIVE THE HIRING FREEZE TO ALLOW THE EQUALIZATION DEPARTMENT TO FILL VACANT CLERK II POSITION**

WM07/8 -111

The Ways and Means Committee recommends, moved by Aley, seconded by Engle, to waive the hiring freeze to allow the Equalization Department to fill vacant Clerk II position #G20004 and Appraisal Technician position #G09202.

Roll Call

Ayes: Buzzell, Aley, Derezinski, Engle, Gill, McMurray, Mahoney, Snider, Wade

Nays: None

**Motion Carried**

2007-394     **APPROVE CHANGE ORDER #002 TO THE VANDERVEN  
CONSTRUCTION CONTRACT FOR THE MICHAEL E. KOBZA HALL OF  
JUSTICE 4<sup>TH</sup> FLOOR RENOVATION PROJECT**

WM07/8 -112

The Ways and Means Committee recommends, moved by Aley, seconded by Engle, to approve Change Order #002 to the VanderVen Construction contract for the Michael E. Kobza Hall of Justice 4<sup>th</sup> Floor Renovation Project in an amount not to exceed \$55,724.00 for a new contract total of \$906,303.00.

Roll Call

Ayes: Buzzell, Aley, Derezinski, Engle, Gill, McMurray, Mahoney, Snider, Wade

Nays: None

**Motion Carried**

2007-395     **ADOPT THE ATTACHED PROPOSED FINDINGS OF FACT AS FINDINGS  
OF FACT AS THE MUSKEGON COUNTY BOARD OF COMMISSIONERS  
AND CONCUR ON THE RECOMMENDATION TO DISCHARGE MR.  
LARRY MILLARD FROM THE POSITION OF EQUALIZATION DIRECTOR**

WM07/8 -113

The Ways and Means Committee recommends, moved by Aley, seconded by Snider, to adopt the attached Proposed Findings of Fact as findings of fact as the Muskegon County Board of Commissioners and concur on the recommendation of the Ways & Means Committee to discharge Mr. Larry Millard from the position of Equalization Director for the County of Muskegon, effective June 13, 2007.

Roll Call

Ayes: Aley, Buzzell, Derezinski, Engle, Mahoney, McMurray, Snider, Wade

Nays: None

**Motion Carried**

**CHAIR'S REPORT/COMMITTEE LIAISON REPORTS**

Commissioner Buzzell noted continued problems with the Road Commission regarding responsibility for culvert repair.

Vice-Chairman Snider reported funding for Lake Shore Coordinating Council may be in jepordy.

Chairman Derezinski noted the MAC Legislative Updates of July 20 & 27 and August 3, 2007 are included in agenda packets.

Chairman Derezinski noted a Resolution Regarding Citizens for Alternatives to Chemical Contamination is available for review by Commissioners to be presented for consideration at a later date.

2007-396     **APPROVE APPOINTMENTS TO THE MUSKEGON COUNTY  
AGRICULTURAL BOARD**

The Chairman recommends, moved by Wade, seconded by Buzzell, to approve appointments to the Muskegon County Agricultural Board: Diana Jancek, term expires 12/31/08; Paul Schroeder, term expires 12/31/08; Michael Cockerill, term expires 12/31/09; Frank Cobb, term expires 12/31/08; Coleen Boyer, term expires 12/31/10; Annosjka Steinman, term expires 12/31/10; and County Commissioner Representative, Kenneth Mahoney, term expires 12/31/08.

**Motion Carried**

2007-397     **SCHEDULE A WORK SESSION REGARDING THE JAIL/JUVENILE  
DETENTION PLAN FOR SEPTEMBER 18, 2007**

The Chairman recommends, moved by Aley, seconded by Engle, to schedule a work session regarding the Jail/Juvenile Detention Plan for September 18, 2007, at 11:30 a.m.

**Motion Carried**

**ADMINISTRATOR'S REPORT**

None.

**Old Business**

None.

**New Business**

Commissioner Mahoney and Chairman Derezinski asked the Administrator to prepare a resolution in opposition to contamination to Lake Michigan and other area lakes to be forwarded to other Lakeshore Counties, Legislators and the Governor.

**Public Participation**

Patricia Steele addressed the Board as a citizen in support of Sweet Water Farmers Market noting, besides the positive attributes reported during their presentation, the added savings of energy consumption and cost saving for transportation.

Cathy Bernson addressed the Board regarding preservation of natural resources in Muskegon and discouraging quick development.

**Budget Hearing** - Postponed to August 16, 2007.

Adjourned at 5:45 p.m.

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Karen D Buie, County Clerk

KDB/jmp