

# *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 21, 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, Collins, Derezinski, Engle, Gill, Mahoney, McMurray, Scolnik, Snider, Wade

Absent: None

### 2007-398    **APPROVE AGENDA**

Moved by Aley, seconded by Engle, to approve the Agenda adding addendum items 7. C. and 9. D.

**Motion Carried**

### 2007-399    **APPROVE MINUTES OF THE REGULAR MEETING OF AUGUST 9, 2007**

Moved by Engle, seconded by Scolnik, to approve the minutes of the Regular Meeting of August 9, 2007.

**Motion Carried**

2007-400     **APPROVE FISCAL YEAR 2008 CONVENTION AND VISITORS BUREAU'S  
MARKETING PLAN**

CD/SP07/08-17

The Community Development/Strategic Planning Committee recommends, moved by Scolnik, seconded by Collins, to approve Fiscal Year 2008 Convention and Visitors Bureau's Marketing Plan.

Roll Call

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

Nays: Gill

**Motion Carried**

2007-401     **AUTHORIZE THE BOARD CHAIR TO SIGN A LETTER OF SUPPORT TO  
THE MICHIGAN DEPARTMENT OF TRANSPORTATION ENDORSING  
THE SOLUTION BEING RECOMMENDED BY THE I-96/US-  
31/STERNBERG ROAD INTERCHANGE COMMITTEE**

CD/SP07/08-18

The Community Development/Strategic Planning Committee recommends, moved by Scolnik, seconded by Collins, to authorize the Board Chair to sign a letter of support to the Michigan Department of Transportation endorsing the solution being recommended by the I-96/US-31/Sternberg Road Interchange Committee to request funding for a "west bound off I-96 onto Sternberg Road and an east bound off of Sternberg onto I-96".

Roll Call

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

Nays: Gill

**Motion Carried**

2007-402     **RESCIND RESOLUTION 99-500**

CD/SP07/08-19

The Community Development/Strategic Planning Committee recommends, moved by Scolnik, seconded by Collins, to rescind Resolution 99-500.

Roll Call

Ayes: Buzzell, Collins, Derezinski, Engle, Gill, Mahoney, Aley, McMurray, Scolnik, Snider

Nays: Wade

**Motion Carried**

2007-403     **CHAIRMAN TO APPOINT A SPECIAL COMMITTEE TO REVIEW THE  
MUSKEGON COUNTY ROAD COMMISSION'S COMPENSATION, TERM  
OF OFFICE AND ANY OTHER ISSUES IT DEEMS APPROPRIATE**

CD/SP07/08-20

The Community Development/Strategic Planning Committee recommends, moved by Scolnik, seconded by Collins, that the Chairman appoint a special committee to review the Muskegon County Road Commission's compensation, term of office and any other issues it deems appropriate, pursuant to Board Rule XV, Section 2.

Roll Call

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

Nays: None

**Motion Carried**

2007-404     **APPROVE MDOT PROJECT AUTHORIZATION 2007-0264\Z3**

TR07/08-24

The Transportation Committee recommends, moved by Gill, seconded by Snider, to approve MDOT Project Authorization 2007-0264\Z3 with the Muskegon Area Transit System providing state capital match funds in the amount of \$62,000 for a replacement bus, and to authorize the Chairperson to execute the contract.

Roll Call

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

Nays: None

**Motion Carried**

2007-405     **APPROVE MDOT PROJECT AUTHORIZATION 2007-0264\Z4**

TR07/08-25

The Transportation Committee recommends, moved by Gill, seconded by Snider, to approve MDOT Project Authorization 2007-0264\Z4 with the Muskegon Area Transit System providing state capital match funds in the amount of \$195,499 for facility construction, and to authorize the Chairperson to execute the contract.

Roll Call

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

Nays: Gill

**Motion Carried**

2007-406 **APPROVE MDOT PROJECT AUTHORIZATION 2007-0264\Z5**

TR07/08-26

The Transportation Committee recommends, moved by Gill, seconded by Snider, to approve MDOT Project Authorization 2007-0264\Z5 with the Muskegon Area Transit System providing \$48,000 in FY2007 state toll credits, and to authorize the Chairperson to execute the contract.

Roll Call

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

Nays: Gill

**Motion Carried**

2007-407 **APPROVE MDOT PROJECT AUTHORIZATION 2007-0264\Z6**

TR07/08-27

The Transportation Committee recommends, moved by Gill, seconded by Snider, to approve MDOT Project Authorization 2007-0264\Z6 with the Muskegon Area Transit System providing state capital match funds in the amount of \$63,500 for a replacement bus, and to authorize the Chairperson to execute the contract.

Roll Call

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

Nays: None

**Motion Carried**

2007-408 **APPROVE PAYMENT OF THE ACCOUNTS PAYABLE COVERING THE PERIOD OF JULY 25, THROUGH AUGUST 14, 2007**

WM07/8-113

The Ways and Means Committee recommends, moved by Aley, seconded by Engle, to approve payment of the accounts payable of \$7,968,243.29 covering the period of July 25, 2007 through August 14, 2007, as presented by the County Clerk.

Roll Call

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

Nays: Gill

**Motion Carried**

2007-409 **APPOINT DAN VANDERKOOI, DEPUTY EQUALIZATION DIRECTOR, AS INTERIM EQUALIZATION DIRECTOR**

WM07/8-114

The Ways and Means Committee recommends, moved by Aley, seconded by Engle, to appoint Dan VanderKooi, Deputy Equalization Director, as Interim Equalization Director, effective August 10, 2007, at a salary table/grade of NX00362, step 5 (\$70,224.96), which is approximately 10% higher than his current salary. Additionally requests approval to waive the hiring freeze and begin the recruitment process to permanently fill the Equalization Director position with a properly qualified individual as required by the State Assessors Board.

Roll Call

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

Nays: Gill

**Motion Carried**

2007-410 **APPROVE THE JAIL/JUVENILE DETENTION CENTER PLAN OF ACTION**  
WM07/8-115

The Ways and Means Committee recommends, moved by Aley, seconded by Engle, to approve the Jail/Juvenile Detention Center Plan of Action as follows:

- 1) Agree to develop a Jail and Juvenile Detention and Treatment Center Complex on a site to be determined.
- 2) Agree to construct a new Jail facility of approximately 376 beds and continue to utilize the existing 162 beds in the basement of the Hall of Justice bringing the total jail capacity to 538 beds.
- 3) Agree to construct a new Juvenile Detention and Treatment Center with a 48-bed capacity.
- 4) Agree to begin millage campaign for 1 mill to help fund this project and plan on putting this proposal on the ballot for the February, 2008 election date.
- 5) Present the results of all previous studies and scenarios to various community organizations and local units of government to gain their support in the millage effort.

Roll Call

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

Nays: Gill

**Motion Carried**

2007-411 **APPROVE SETTING THE PUBLIC HEARING DATE FOR THE FY 2008 PROPOSED MUSKEGON COUNTY BUDGET FOR THURSDAY, SEPTEMBER 6, 2007 AT 3:30 P.M. AT THE LOUIS A. MCMURRAY CONFERENCE CENTER**

WM07/8-116

The Ways and Means Committee recommends, moved by Aley, seconded by Engle, to approve setting the Public Hearing date for the FY 2008 Proposed Muskegon County Budget for Thursday, September 6, 2007 at 3:30 P.M. at the Louis A. McMurray Conference Center and to authorize the publication of a Notice of Public Hearing in a newspaper of general circulation on or before August 29, 2007.

Roll Call

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

Nays: None

**Motion Carried**

2007-412 **ALLOW THE EQUALIZATION DEPARTMENT TO RETAIN THE CURRENT CONTRACTED TEMPORARY CLERK II FOR AN ADDITIONAL 90 DAYS**

WM07/8-117

The Ways and Means Committee recommends, moved by Aley, seconded by Engle, to allow the Equalization Department to retain the current contracted temporary Clerk II for an additional 90 days.

Roll Call

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

Nays: Gill

**Motion Carried**

2007-413 **AUTHORIZE THE SHERIFF'S OFFICE TO PURCHASE ONE 2007 CHEVY IMPALA**

WM07/8-118

The Ways and Means Committee recommends, moved by Aley, seconded by Engle, to authorize the Sheriff's Office to purchase from Joseph Chevrolet One 2007 Chevy Impala for \$16,995.00 to be paid from the General Fund, Sheriff's Operation.

Roll Call

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

Nays: None

**Motion Carried**

2007-414 **WAIVE THE HIRING FREEZE AND ALLOW THE SHERIFF'S OFFICE TO  
FILL THE VACANT CORRECTIONS OFFICER POSITION #005001**

WM07/8-119

The Ways and Means Committee recommends, moved by Aley, seconded by Engle, to waive the hiring freeze and allow the Sheriff's Office to fill the vacant Corrections Officer position #005001.

Roll Call

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

Nays: None

**Motion Carried**

2007-415 **AUTHORIZE THE PROSECUTOR TO ACCEPT THE VICTIMS OF CRIME  
ACT GRANT**

WM07/8-120

The Ways and Means Committee recommends, moved by Aley, seconded by Engle, to authorize the Prosecutor to accept the Victims of Crime Act Grant from the State of Michigan, Department of Community Health in the amount of \$65,090 with the local match requirement provided by volunteer hours, to adjust the County budget to reflect the grant award and to affix the signature of the Chairman of the Board to two copies of the agreement.

Roll Call

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

Nays: None

**Motion Carried**

2007-416 **APPROVE THE PROSECUTOR'S FY 2008 COOPERATIVE  
REIMBURSEMENT CONTRACT**

WM07/8-121

The Ways and Means Committee recommends, moved by Aley, seconded by Engle, to approve the Prosecutor's FY 2008 Cooperative Reimbursement Contract and affix the signature of the Chairman of the Board to two copies of the agreement.

Roll Call

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

Nays: None

**Motion Carried**

2007-417     **AUTHORIZE THE PROSECUTOR TO ACCEPT THE FY 2008 CRIME VICTIMS RIGHTS FUNDING AGREEMENT**

WM07/8 - 122

The Ways and Means Committee recommends, moved by Aley, seconded by Engle, to authorize the Prosecutor to accept the FY 2008 Crime Victims Rights funding agreement in the amount of \$135,100 from the Crime Victim Services Commission and to affix the signature of the Chairman of the Board on two copies of the agreement.

Roll Call

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

Nays: None

**Motion Carried**

2007-418     **AUTHORIZE THE CONTINUANCE OF THE EXISTING “NON-AVAILABLE BED” STATUS FOR 19 NURSING HOME BEDS AT BROOKHAVEN MEDICAL CARE FACILITY**

WM07/8 - 123

The Ways and Means Committee recommends, moved by Aley, seconded by Engle, to authorize the continuance of the existing “non-available bed” status for 19 nursing home beds at Brookhaven Medical Care Facility from October 1, 2007 through September 30, 2008.

Roll Call

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

Nays: None

**Motion Carried**

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

Commissioner Mahoney reported that the Library Board has hired Steven Dick as their new Director.

Commissioner Wade attended the Emergency Planning Committee meeting.

Commissioner McMurray reported as liaison between Board of Public Works and the County Commission with a story from a Muskegon County paper about the reconstruction of a house on MacArthur where the sewer damage had taken place.



- A. MAC Legislative Update of August 10, 2007 included in agenda packets.

MAC Conference updates: Commissioner Mahoney reported regarding a session about Department of Corrections plans for changes, general concenses was co oppose changes.

Commissioner Wade attended a session on casinos and reported on monies raised for roads, police enforcement, etc. A copy of the report is available to Commissioners.

Commissioner Gill attended a session regarding changes by Secretary of State for Driver's licenses and State I.D.'s patterned after the State of Washington. Also congratulated Commissioner Scolnik for winning a seat on the MAC Board.

Commissioner Scolnik noted one breakout session included a presentation by our own Solid Waste Supervisor, Greg Leverage. His presentation regarding the methane gas collection system which is currently being used by Eagle Alloy. Commissioners Engle and McMurray spoke in support of continued development of this energy source.

Commissioner Gill noted the venue for the 2009 MAC Conference is open.

- B. Chairman Derezinski reminded Board Members of the Board Planning Session; September 18, 2007 at 11:30 a.m.

2007-419 **CONSTITUTE A SPECIAL COMMITTEE TO STUDY THE ROAD COMMISSION ISSUE**

The Chairman recommends, moved by Snider, seconded by Scolnik, to constitute a special committee to study the Road Commission issue as outlined in a resolution adopted at the Strategic Planning session to report to the Strategic Planning Committee, consisting of Commissioners Buzzell, Mahoney and Engle along with Duane Buckner and Lupe Alviar.

**Motion Carried**

- D. County of Muskegon United Way Campaign Ending August 31, 2007, six pledge forms still outstanding as of this meeting.

**ADMINISTRATOR'S REPORT**

2007-420 **APPROVE THE CONTRACT SETTLEMENT WITH MICHIGAN NURSES ASSOCIATION REPRESENTING THE PUBLIC HEALTH NURSES**

The Administrator recommends, moved by Snider, seconded by Engle, to approve the contract settlement with Michigan Nurses Association representing the Public Health Nurses and authorize the County Board Chairman and County Clerk to sign the labor agreement subsequent to signatures being obtained from union representatives.

(Continued)

2007-420 **APPROVE THE CONTRACT SETTLEMENT WITH MICHIGAN NURSES ASSOCIATION REPRESENTING THE PUBLIC HEALTH NURSES**

Roll Call

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

Nays: None

**Motion Carried**

2007-421 **AUTHORIZE THE BOARD CHAIR TO EXECUTE THE ATTACHED ADDENDUM TO LAND CONTRACT WITH B.S.D. GROUP, L.L.C.**

The Administrator recommends, moved by Engle, seconded by Buzzell, to authorize the Board Chair to execute the attached Addendum to Land Contract with B.S.D. Group, L.L.C., which will suspend interest payments and increase the contract balance to \$526,250.03 which will be due in full March 2, 2008.

Roll Call

Ayes: Mahoney, McMurray, Scolnik, Wade, Buzzell, Collins, Derezinski, Engle, Gill, Snider

Nays: Aley

**Motion Carried**

### **Old Business**

2007-422 **APPOINT MRS JUDY WISNIEWSKI TO THE VACANT JURY COMMISSION POSITION**

Moved by Scolnik, seconded by Snider, to appoint Mrs Judy Wisniewski to the vacant Jury Commission position.

2007-423 **SUSPEND THE RULED TO ALLOW DOLORES COLE TO ADDRESS THE BOARD**

Moved by McMurray, seconded by Gill, to suspend the ruled to allow Delores Cole, applicant for Jury Commission position, to address the Board.

Roll Call

Ayes: Buzzell, Collins, Gill, Mahoney, McMurray, Wade

Nays: Aley, Derezinski, Engle, Scolnik, Snider

**Motion Carried**

Commissioner McMurray explained his vote that the public should have the right to address

an issue prior to the time it is passed. Chairman Derezinski explained his vote noting this appointment comes as a recommendation from the Chief Judge, the Commissioners may vote the recommendation up or down, not change the candidate.

Dolores Cole addressed the Board, thanking the Board for the opportunity to apply and expressing her desire to serve the County in some capacity in the future.

**Roll Call on item 2007-422**

Ayes: Aley, Buzzell, Derezinski, Engle, Scolnik, Snider

Nays: Collins, Gill, Mahoney, McMurray, Wade

**Motion Carried**

Commissioner Aley noted a decrease of cigarette trash on Muskegon area beaches and asked that the subject return to the board in the future.

Chairman Derezinski reminded Commissioners that six preliminary evaluations for the County Administrator have not been turned in. It was noted they were intended to be used as a tool and would be helpful if received before the work session.

**New Business**

2007-424     **PREPARE A RESOLUTION IN RECOGNITION OF PITKIN'S DRUG STORE, 125 YEARS**

Moved by Mahoney, seconded by Gill, to prepare a resolution in recognition of Pitkin's Drug Store, 125 years of continuous operation.

**Motion Carried**

Commissioners Aley, Gill, Mahoney and Derezinski noted receiving complaints regarding access to Heritage Landing and bike trail due to the festival season.

Commissioner McMurray expressed benefits of tele-prompt on the Human Resources phone system.

**Public Participation**

Martin Hulka, Muskegon County Drain Commissioner, addressed the Board regarding issues with the County Administrator regarding Drain Commission staffing. Mr. Hulka read a letter from the County Administrator regarding a complaint against one employee of the Drain Commission that led to a private investigation on this employee's work and direction to follow the Personnel Rules. Mr. Hulka noted he knows what his employee's responsibilities are but very few others would. Mr. Hulka expressed his sadness that things would come to this. Mr. Hulka asked Administrator Niemiec to resign his position.

Administrator Niemiec responded noting the issue was first brought to Commissioners by the public, then to his own attention. The determination of the course of action that was

taken was following discussion with some Commissioners.

Steve Cornell also addressed the Board in support of Martin Hulka, County Drain Commissioner.

Mark Mangionie addressed the Board regarding the Responsible Contractor Policy. It was noted by Corporate Counsel Williams that a policy will be coming to the Board in the near future for approval.

Kathy Bernson addressed the Board asking who determines the route for the water project. It was noted the County does not have authority in the local municipalities decisions in that regard. It is the authority/responsibility/decision of the local municipality.

Commissioner Engle urged transparency of government and asked for communication with all Board members.

2007-425     **GO INTO CLOSED SESSION RE: PROPERTY ACQUISITION**

Moved by Aley, seconded by Engle, go into Closed Session re: Property Acquisition.

Roll Call

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

Nays: Gill

**Motion Carried**

Returned to Open Session at 5:46 p.m.

2007-426     **AUTHORIZE THE BOARD CHAIR TO EXECUTE ATTACHED ADDENDUM TO PURCHASE AGREEMENT COVERING BLOCK 213, CITY OF MUSKEGON, EXCEPT THE NORTH ½ OF LOT 6 (DOBBEN PROPERTY)**

Moved by Engle, seconded by Aley, to authorize the Board Chair to execute attached Addendum to purchase agreement covering Block 213, city of Muskegon, except the North ½ of Lot 6 (Dobben Property) and to authorize expenditure of not to exceed \$160,000.00 to ERM Environmental to complete environmental work including demolition, Due Care Plan, asbestos and lead paint oversight and complete Baseline Environmental Assessment and to authorize staff to close transaction as soon as possible.

(Continued)

2007-426

**AUTHORIZE THE BOARD CHAIR TO EXECUTE ATTACHED ADDENDUM  
TO PURCHASE AGREEMENT COVERING BLOCK 213, CITY OF  
MUSKEGON, EXCEPT THE NORTH ½ OF LOT 6 (DOB BEN PROPERTY)**

Roll Call

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

Nays: None

**Motion Carried**

Adjourned at 5:48 p.m.

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Karen D Buie, County Clerk

KDB/jmp