

**Muskegon County
Board of Commissioners**
*Hall of Justice, 990 Terrace, 4th Floor
Muskegon, MI 49442*

*Benjamin E. Cross, Chairman
Marvin Engle
Gary Foster
Susie Hughes
Kenneth Mahoney*

*Charles Nash, Vice Chair
Robert Scolnik
I. John Snider II
Rillastine R. Wilkins*

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

Full Board Meeting

Thursday, December 21, 2017
3:30 p.m.

Chair Benjamin E. Cross, Presiding

The Full Board of Commissioners meeting was called to order by Chairman Cross. The invocation was given by Pastor Christopher D. Sandford of The Ambassadors Church, 1333 Evanston Avenue, Muskegon, MI 49442. The Pledge of Allegiance was led by Vice Chair Nash and recited in unison.

Roll Call

Present: Benjamin E. Cross, Marvin Engle, Gary Foster Susie Hughes, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider, II, Rillastine R. Wilkins

Also Present: Mark Eisenbarth, County Administrator
Nancy A. Waters, County Clerk
Jeanne Pezet, Secretary to County Clerk County Clerk
Doug Hughes, Corporate Counsel

2017-486 **APPROVE THE AGENDA AS PRESENTED**

Moved by Commissioner Engle, seconded by Commissioner Wilkins, to approve the agenda as presented.

Voice vote

Motion Carried

2017-487 **APPROVE THE MINUTES OF THE FULL BOARD MEETING OF DECEMBER 12, 2017**

Moved by Commissioner Engle, seconded by Commissioner Mahoney, to approve the minutes of the Full Board meeting of December 12, 2017.

Voice vote

Motion Carried

PUBLIC COMMENT (on an agenda item)

Tony Barnes, Dalton Township Supervisor, addressed the Board regarding appointments to the Solid Waste Planning Committee. Chair Cross explained that there is an application process. (To learn more about citizen appointments, go to: <http://www.co.muskegon.mi.us/boardofcommissioners/citizens.htm>)

PRESENTATIONS/RECOGNITIONS

Chairman Cross presented a tribute of excellence to members of the Muskegon Big Reds Boys Football Division 3 Michigan High School Athletic Association State Championship

Chairman Cross presented a resolution to La'Darius Jefferson, Mlive Michigan Football Player of the Year.

COMMITTEE/BOARD REPORTS

2017-488 **APPROVE THE AMENDED OCTOBER THROUGH DECEMBER 2017 AND JANUARY THROUGH DECEMBER 2018 LAKESHORE MUSEUM BUDGET AS PRESENTED**

CD/SP17/12-23

The Community Development/Strategic Planning Committee recommends, moved by Commissioner Scolnik, seconded by Commissioner Engle, to approve the amended October through December 2017 and January through December 2018 Lakeshore Museum budget as presented.

Roll Call:

Yes: Marvin Engle, Gary Foster, Susie Hughes, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine R. Wilkins, Benjamin E. Cross

No: None

Motion Carried

2017-489 **APPROVE SEEKING OF A PROPOSAL FROM PREIN & NEWHOF FOR SPECIFICATIONS AND CONSTRUCTION OVERSIGHT AND PERMISSION TO ISSUE AN INVITATION FOR BID ON BIDNET DIRECT FOR CONSTRUCTION WORK TO STOP EROSION AND IMPROVE THE STRUCTURAL INTEGRITY OF THE DOCK AREA AND THE EAST SIDE OF THE HERITAGE LANDING POINT**

CD/SP17/12-24

The Community Development/Strategic Planning Committee recommends, moved by Commissioner Scolnik, seconded by Commissioner Engle, to approve seeking of a proposal from Prein & Newhof for specifications and construction oversight and permission to issue an Invitation for Bid on BidNet Direct for construction work to stop erosion and improve the structural integrity of the dock area and the east side of the Heritage Landing Point.

Roll Call:

Yes: Marvin Engle, Gary Foster, Susie Hughes, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine R. Wilkins, Benjamin E. Cross

No: None

Motion Carried

2017-490 **AUTHORIZE MATS TO IMPLEMENT THE FARE AND SERVICE ADJUSTMENTS AS PRESENTED IN OCTOBER 2017, WITH A REVISED IMPLEMENTATION SCHEDULE FOR THE PROPOSED MONTHLY BUS PASS PRICE INCREASE, AS DEVELOPED PURSUANT TO THE PUBLIC COMMENT PROCESS**

TR17/12-40

The Transportation Committee recommends, moved by Commissioner Wilkins, seconded by Commissioner Snider, to authorize MATS to implement the Fare and Service Adjustments as presented in October 2017, with a revised implementation schedule for the proposed monthly bus pass price increase, as developed pursuant to the public comment process.

Roll Call:

Yes: Marvin Engle, Gary Foster, Kenneth Mahoney, Charles Nash, Robert Scolnik,
I. John Snider II, Rillastine R. Wilkins, Benjamin E. Cross

No: Susie Hughes

Motion Carried

2017-491 **APPROVE PAYMENT OF THE ACCOUNTS PAYABLE OF \$15,081,123.17, COVERING THE PERIOD OF NOVEMBER 18, 2017 THROUGH DECEMBER 7, 2017 FOR CHECKS AND NOVEMBER 1, 2017 THROUGH NOVEMBER 30, 2017 FOR EFT PAYMENTS, AS PRESENTED BY THE COUNTY CLERK**

WM17/12-146

The Ways and Means Committee recommends, moved by Commissioner Mahoney, seconded by Commissioner Hughes, to approve payment of the accounts payable of \$15,081,123.17, covering the period of November 18, 2017 through December 7, 2017 for checks and November 1, 2017 through November 30, 2017 for EFT payments, as presented by the County Clerk.

Roll Call:

Yes: Marvin Engle, Gary Foster, Susie Hughes, Kenneth Mahoney, Charles Nash,
Robert Scolnik, I. John Snider II, Rillastine R. Wilkins, Benjamin E. Cross

No: None

Motion Carried

2017-492 **AUTHORIZE THE STAFF TO CONTINUE ADMINISTERING THE DTE TEST AND TUNE-UP PROGRAM FOR THE RESIDENTS OF MUSKEGON COUNTY THROUGH DECEMBER 31, 2019, UTILIZING THE FOLLOWING APPROVED CONTRACTORS: ASSURED COMFORT, BISHOP HEATING & COOLING, BOWEN HEATING & COOLING, CARMICHAEL HEATING & COOLING, G&W REFRIGERATION, JEWETT HEATING AND COOLING, LASCKO, AND NORTHSIDE HEATING**

WM7/12-147

The Ways and Means Committee recommends, moved by Commissioner Mahoney, seconded by Commissioner Hughes, to authorize the staff to continue administering the DTE Test and Tune-Up Program for the residents of Muskegon County through December 31, 2019, utilizing the following approved contractors: Assured Comfort, Bishop Heating & Cooling, Bowen Heating & Cooling, Carmichael Heating & Cooling, G&W Refrigeration, Jewett Heating and Cooling, Lascko, and Northside Heating.

Roll Call:

Yes: Marvin Engle, Gary Foster, Susie Hughes, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine R. Wilkins, Benjamin E. Cross

No: None

Motion Carried

2017-493 **APPROVE SUBRECIPIENT AGREEMENT AND RESOLUTION BETWEEN MUSKEGON COUNTY AND NORTHERN INITIATIVES FOR THE MICHIGAN COMMUNITY DEVELOPMENT BLOCK GRANT REVOLVING LOAN FUND PROGRAM**

WM17/12-148

The Ways and Means Committee recommends, moved by Commissioner Mahoney, seconded by Commissioner Hughes, to approve Subrecipient Agreement and Resolution between Muskegon County and Northern Initiatives for the Michigan Community Development Block Grant Revolving Loan Fund Program.

Roll Call:

Yes: Marvin Engle, Gary Foster, Susie Hughes, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine R. Wilkins, Benjamin E. Cross

No: None

Motion Carried

2017-494 **APPROVE THE ADMINISTRATOR'S RECOMMENDATION TO APPOINT IVAN PHILLIPS TO THE POSITION OF I.T. DIRECTOR ND-00030, STEP #6 - \$47.144/HR, EFFECTIVE DECEMBER 24, 2017; AND TO AUTHORIZE A 5% (FIVE PERCENT) SALARY INCREASE EFFECTIVE DECEMBER 24, 2017**

WM17/12-149

The Ways and Means Committee recommends, moved by Commissioner Mahoney, seconded by Commissioner Hughes, to approve the Administrator's recommendation to appoint Ivan Phillips to the position of I.T. Director ND-00030, step #6 - \$47.144/HR, effective December 24, 2017; and to authorize a 5% (five percent) salary increase effective December 24, 2017.

Roll Call:

Yes: Marvin Engle, Gary Foster, Susie Hughes, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine R. Wilkins, Benjamin E. Cross

No: None

Motion Carried

2017-495 **APPROVE THE COUNTY OF MUSKEGON HEREBY EXERCISES THE ELECTION TO DELAY IMPLEMENTATION OF THE UNIFORM GUIDANCE PROCUREMENT STANDARDS (2 CFR 200.317 THROUGH 200.326) FOR AN ADDITIONAL PERIOD TO BECOME EFFECTIVE FOR FISCAL 2019 BEGINNING OCTOBER 1, 2018. THIS MOTION SHALL SERVE AS DOCUMENTATION OF THIS DECISION IN THE COUNTY'S INTERNAL PROCUREMENT POLICIES**

WM17/12-150

The Ways and Means Committee recommends, moved by Commissioner Mahoney, seconded by Commissioner Hughes, to approve the County of Muskegon hereby exercises the election to delay implementation of the Uniform Guidance procurement standards (2 CFR 200.317 through 200.326) for an additional period to become effective for fiscal 2019 beginning October 1, 2018. This motion shall serve as documentation of this decision in the County's internal procurement policies.

Roll Call:

Yes: Marvin Engle, Gary Foster, Susie Hughes, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine R. Wilkins, Benjamin E. Cross

No: None

Motion Carried

THE FOLLOWING MOTION WAS POSTPONED:

WM17/12-151

To authorize Human Resources to process merit increases on the employee's merit date, in the event that the performance evaluation has not been received on their anniversary date, through December 31, 2018.

CHAIRMAN'S REPORT/COMMITTEE LIAISON REPORTS

Chairman Cross noted that the County Administrator's Performance Evaluation has been distributed. He further noted that Administrator Eisenbarth's score has gone up to 4.7 out of a possible 5 as the highest score.

Administrator Eisenbarth thanked Commissioners.

2017-496 **REAPPOINT RICH HOUTTEMAN (PRIVATE SECTOR SLOT) TO THE AIRPORT ADVISORY COMMITTEE (TERM THROUGH 12/31/2019)**

The Chairman recommends, moved by Commissioner Engle, seconded by Commissioner Wilkins, to Reappoint Rich Houtteman (Private Sector Slot) to the Airport Advisory Committee (term through 12/31/2019)

Voice vote

Motion Carried

2017-497 **APPOINT ANDREW CIRNER (GENERAL PUBLIC SLOT), TO THE COMMUNITY CORRECTIONS ADVISORY BOARD (TERM THROUGH 12/31/2020)**

The Chairman recommends, moved by Commissioner Engle, seconded by Commissioner Snider, to appoint Andrew Cirner (General Public Slot), to the Community Corrections Advisory Board (term through 12/31/2020)

Voice vote

Motion Carried

2017-498

APPROVE THE FOLLOWING REAPPOINTMENTS/APPOINTMENTS TO THE SOLID WASTE PLANNING COMMITTEE WITH TERMS THROUGH 12/31/2020: ROBERT SIDNEY SHAW (ENVIRONMENTAL SLOT) – REAPPOINTMENT; WILLIAM CRABTREE (INDUSTRIAL SLOT) – APPOINTMENT; DOUG WOOD (SOLID WASTE MANAGEMENT SLOT) – APPOINTMENT; KATHY EVANS (ENVIRONMENTAL SLOT) – REAPPOINTMENT; RUSS JONES (SOLID WASTE MANAGEMENT SLOT) – REAPPOINTMENT; CHRIS HALL (PUBLIC SLOT) – REAPPOINTMENT; JIM FISHER (PUBLIC SLOT) – APPOINTMENT; TERRY SLADICK (CITY SLOT) – APPOINTMENT; KIM ARTER (TOWNSHIP SLOT) – REAPPOINTMENT; LEIGHANN MIKESSELL (PLANNING) - APPOINTMENT

The Chairman recommends, moved by Commissioner Engle, seconded by Commissioner Snider, to approve the following Reappointments/Appointments to the Solid Waste Planning Committee with terms through 12/31/2020: Robert Sidney Shaw (Environmental Slot) – Reappointment; William Crabtree (Industrial Slot) – Appointment; Doug Wood (Solid Waste Management Slot) – Appointment; Kathy Evans (Environmental Slot) – Reappointment; Russ Jones (Solid Waste Management Slot) – Reappointment; Chris Hall (Public Slot) – Reappointment; Jim Fisher (Public Slot) – Appointment; Terry Sladick (City Slot) – Appointment; Kim Arter (Township Slot) – Reappointment; LeighAnn Mikesell (Planning) – Appointment.

Discussion ensued regarding how appointments are made to this Committee, informing Townships of open slots, and the required make-up of the Committee.

Voice vote

Motion Carried

Commissioner Hughes reported for West Michigan Shoreline Regional Development Commissioner (WMSRDC). Commissioner Hughes distributed road and trail maps which are also available from WMSRDC at 316 Morris avenue, Suite 340, Muskegon, MI 49443, email: wmsrdc@wmsrdc.org. (See attached)

ADMINISTRATOR'S REPORT

County Administrator, Mark Eisenbarth, reminded Commissioners that their next meeting will be the 2018 Organizational Meeting of the Board of Commissioners on Thursday, January 4, 2018, at 3:30 p.m.

2017-499 **AUTHORIZE THE PROSECUTOR TO SIGN A ONE YEAR CONTRACT WITH WESTLAW AND MOVE TO WAIVE THE PURCHASING POLICY REQUIRING THREE QUOTES**

The County Administrator recommends, moved by Commissioner Snider, seconded by Commissioner Engle, to authorize the Prosecutor to sign a one year contract with Westlaw and move to waive the Purchasing Policy requiring three quotes.

Commissioner Hughes inquired about the cost. Prosecutor DJ Hilson confirmed the price of \$525.04.

Commissioner Nash asked how many licenses are being purchased. Prosecutor Hilson indicated only one. They currently have a contact with Lexus that will be up next December at which time they can switch all back to Westlaw at a possible lower rate for multiple licenses.

Commissioner Scolnik asked if the Public Defender also uses Westlaw. Prosecutor Hilson indicated they are all on the same system.

Roll Call:

Yes: Marvin Engle, Gary Foster, Susie Hughes, Kenneth Mahoney, Charles Nash, Robert Scolnik, I. John Snider II, Rillastine R. Wilkins, Benjamin E. Cross

No: None

Motion Carried

OLD BUSINESS

There was no old business to come before the Board.

NEW BUSINESS

There was no new business to come before the Board.

PUBLIC COMMENT

The following submitted slips for public comment Re: Kuis Drain: Tim DeVos, Tammy Barnhard, Jeremy Hooker, Michelle LeMahieu, and Josh Davis. Others who addressed the Board on this issue included Moorland Township Supervisor, Daniel Nutt; Darrick Demarr, Melanie Geiluma; Russ (inaudible last name); Timothy Kohlberg, and Richard Kozal.

Mr. DeVos stated he was disturbed by the tone of the engineer at the Work Session for the Drain Commission, indicating all neighbors had water issues.

Tammy Barnhard thanked all the neighbors that came to the Work Session. Ms. Barnhard indicated everyone thought the work session would be an opportunity to talk with the Drain Commissioner. Ms. Barnhard indicated that 125 signatures were obtained from owners and joint owners of 108 properties. Of those 108 owners, 86 of the 108 properties are now against this project. Ms. Barnhard indicated there are only 4 people left in favor of the project. Ms. Barnhard also stated that the Engineer report indicated a 2 foot difference on her property.

Jeremy Hooker thanked Commissioners for their time. Mr. Hooker also indicated there was a foot difference on his property as he indicated at the previous Full Board Meeting.

Michelle LeMahieu indicated she recently purchased her property and asked specifically about flooding and plowing. The answer she received from the prior homeowners about the flooding was that it occurred once when there was a rain storm while the ground was still frozen.

Josh Davis indicated he has no water in his basement and the assessment seems excessive and unnecessary. Mr. Davis said he hopes to find a way to stop it from moving forward.

Moorland Township Supervisor, Daniel Nutt, asked that the record reflect that the Drain Commissioner did indicate that water doesn't run uphill.

Ms. Barnhard added that the second assessment added more people without notification and asked if this was legal since they did not have the opportunity to appeal.

Darrick Demarr indicated that, in addition to the assessment, homeowners would have to pay a few thousand dollars to hook into the new system.

Melanie Geiluma stated she recently closed on her home in this area and didn't know anything about this assessment at the time of closing.

Russ addressed the Board indicating he had received a letter with a survey to which he did not respond, then he received the notice of the assessment.

Timothy Kohlberg indicated he lived in his home for 11 years without problems other than when they lose power for the sump pump.

Richard Kozal asked for justification indicating most of the information was wrong and that three projects were combined into one.

Chairman Cross noted that the Commissioners hear the concerns but the Commissioners do not have the power to do anything to stop the Drain Commissioner.

Commissioner Engle indicated that the Court and Judges have the right to change the laws.

Commissioner Hughes stated that the Drain Commissioner is elected by the people and the State Laws govern options.

Chairman Cross recognized audience members: Muskegon Charter Township Trustee, Bill Ream; Moorland Township Supervisor, Daniel Nutt; Dalton Township Supervisor, Tony Barnes; Prosecutor DJ Hilson.

2017-500 **MOVED BY COMMISSIONER ENGLE, SECONDED BY COMMISSIONER
HUGHES, TO ADJOURN**

Voice vote.

Motion Carried

Meeting adjourned at 4:12 p.m.

Nancy A. Waters, County Clerk

NAW/jmp

To be approved at the Full Board Meeting on Tuesday, January 9, 2017

Maps available at:
West Michigan Shoreline Regional Development Commission (WMSRDC)
316 Morris Avenue, Suite 340
Muskegon, MI 49443

Grand Region - North

Road and Trail Bicycling Guide



Counties of:
Lake - Mason - Mecosta
Montcalm - Muskegon
Newaygo - Oceana - Osceola

\$5.00
VALUE

 The Greenway
Collaborative, Inc.
 **MDOT**
Michigan Department of Transportation



Grand Region - South

Road and Trail Bicycling Guide



Counties of:
Allegan - Barry - Ionia
Kent - Muskegon - Ottawa

\$5.00
VALUE

 The Greenway
Collaborative, Inc.
 **MDOT**
Michigan Department of Transportation

