

SEPTEMBER SESSION 2016
MIDLAND COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 20, 2016

APPROVED

Board called to order by Chairman, Mark Bone, at 9:07 a.m.

ROLL CALL

MEMBERS PRESENT: KLOHA, LEIGEB, KEENAN, GEISLER, DORRIEN, NOESEN, BONE.

MEMBERS ABSENT: NONE.

APPROVAL OF MINUTES OF SEPTEMBER 6TH AND SEPTEMBER 13TH, 2016:

Motion by Commissioner Leigeb to approve.

Motion carried by voice.

APPROVAL OF THE BILLS FOR AUGUST 26TH AND SEPTEMBER 2ND, 2016:

08-26-16 - REGULAR	\$346,894.59
09-02-16 - REGULAR	<u>\$171,103.43</u>
TOTAL CHECK RUNS	\$517,998.02
TOTAL GENERAL FUNDS EXPENDITURES	\$135,858.84

Motion by Commissioner Noesen accept.

Motion carried by voice.

SPECIAL PROGRAM OF THE DAY - NONE.

Public Comments on anything that is not on the agenda or consent:

CONSENT AGENDA - NONE.

Commissioner Consideration to remove any consent agenda item:

1

THE ADMINISTRATION AND OPERATIONS COMMITTEE RECOMMENDS APPROVAL TO ACCEPT THE RECOMMENDATION OF THE COURTHOUSE CONSTRUCTION COMMITTEE TO AWARD THE CONSTRUCTION MANAGEMENT SERVICES FOR THE COURTHOUSE ADDITION AND REMODELING PROJECT TO SPENCE BROTHERS OF SAGINAW, MICHIGAN.

September 15, 2016

To the Honorable Chairman and
Members of the Board of Commissioners Agenda Item: 50-6-15AO

Gentlemen:

We your Administration and Operations Committee recommend accepting the recommendation from the Courthouse Construction Committee to award the bid to Spence Brothers of Saginaw, Michigan to provide Construction Management (CM) services for the Courthouse Addition and Remodel project.

There were four firms that submitted qualifications; all four were invited to submit detailed proposals for consideration by this said committee. Spence Brothers submitted their cost proposal of \$543,540.00 (including liability insurance, performance & payment bond, CM fee and reimbursable).

We further recommend that an agreement be drafted up between all parties for consideration at a later date with Spence Brothers.

Respectfully submitted,
S/James Geisler, Chairperson S/Richard Keenan
S/Scott Noesen

Administration and Operations Committee
Motion by Commissioner Geisler to adopt.
Motion Carried by Roll Call.
Public comments: Judge Carras spoke as Chairman of the Construction Committee.

ROLL CALL
YEAS: KEENAN, GEISLER, DORRIEN, NOESEN, KLOHA, BONE.
NAYS: LEIGEB.
ABSENT: NONE.

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2

THE ADMINISTRATION AND OPERATIONS COMMITTEE RECOMMENDS APPROVAL OF AN AGREEMENT BETWEEN THE HEALTH DEPARTMENT AND HAROLD ALEXANDER, INC. REGARDING GROUNDWATER RESTRICTIONS NEAR 815 ASHMAN STREET IN MIDLAND, MICHIGAN.

September 15, 2016

To the Honorable Chairman and
Members of the Board of Commissioners Agenda Item: 74-9-16AO

Gentlemen:

We your Administration and Operations Committee recommend approval of an agreement between the County of Midland Department of Public Health and Harold Alexander, Inc. regarding groundwater restrictions near 815 Ashman Street in Midland, Michigan. This is a one-time agreement.

This agreement was prepared jointly between the representatives from the Michigan Department of Environmental Quality ("MDEQ"), Harold Alexander owner's representative, Charles Barbieri of Foster, Swift, Collins; the County Health Director, the County's Civil Counsel and others. This agreement prohibits or restricts the use or installation of wells within the established geographic area surrounding the Harold Alexander property. The Restricted Zone has groundwater contamination in this area. Any relief from the prohibition would require involvement with the MDEQ and the County.

Cont.

Adjacent property owners have been notified of the proposed action by the owner's representative using certified mail. In addition significant testing has been conducted regarding water quality and the MDEQ has been active in reviewing those results. Based upon available data it is believed that the contamination is confined to the Restricted Zone.

Respectfully submitted,
s/James Geisler, Chairperson s/Richard Keenan
s/Scott Noesen

Administration and Operations Committee
Motion by Commissioner Geisler to adopt.
Motion Carried by Roll Call.
Public comments: NONE.

ROLL CALL

YEAS: KEENAN, GEISLER, DORRIEN, NOESEN, KLOHA, LEIGEB, BONE.
NAYS: NONE.
ABSENT: NONE.

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3
THE FINANCE COMMITTEE RECOMMENDS APPROVAL TO LEVY .9 MILLS FOR THE SENIOR SERVICES, COUNCIL ON AGING FOR BUDGET YEAR 2017.

September 15, 2016

To the Honorable Chairman and
Members of the Board of Commissioners Agenda Item: 72-9-16F

Gentlemen:

We your Finance Committee recommend approval to levy the full .9 mills that the voters approved for Senior Services, Midland County Council on Aging for 2017 Budget.

Respectfully submitted,
S/Scott Noesen, Chairperson S/James Geisler
S/Eric Dorrien

Finance Committee
Motion by Commissioner Noesen to adopt.
Motion Carried by Roll Call.
Public comments: NONE.

ROLL CALL

YEAS: GEISLER, DORRIEN, NOESEN, KLOHA, LEIGEB, KEENAN, BONE.
NAYS: NONE.
ABSENT: NONE.

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4
THE FINANCE COMMITTEE RECOMMENDS APPROVAL OF THE MICHIGAN DEPARTMENT OF TREASURY FORM 614 (FORMERLY L-4029) 2016 TAX RATE.

September 15, 2016

To the Honorable Chairman and
Members of the Board of Commissioners Agenda Item: 73-9-16F

Gentlemen:

We your Finance Committee recommend approval of the Michigan Department of Treasury form 614 (formerly L-4029) 2016 Tax Rate Request. This form meets the criteria as described in MCL 211.24e, 211.34 and 211.34d that states "that the levy of tax shall not be authorized unless the governing body of the taxing jurisdiction has certified that the requested millage has been reduced, if necessary, in compliance with section 31 of Article IX of the State Constitution of 1963."

Cont.

The state-issued form reports the results of the "rollback" calculations and serves as the certification of compliance. A version of this form submitted in June confirmed the county operating millage was properly considered and levied on the summer tax statements. This version lists the extra voted millage to be levied on the winter tax statements.

This current version does not currently include County Connection as their millage had expired December, 2015. Reporting will be revised after successful approval by the voters at the November 2016 election.

Respectfully submitted,

S/Scott Noesen, Chairperson

S/James Geisler

S/Eric Dorrien

Finance Committee

Motion by Commissioner Noesen to adopt.

Motion Carried by Roll Call.

Public comments: NONE.

ROLL CALL

YEAS: DORRIEN, NOESEN, KLOHA, LEIGEB, KEENAN, GEISLER, BONE.

NAYS: NONE.

ABSENT: NONE.

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5

THE HUMAN SERVICES COMMITTEE RECOMMENDS APPROVAL OF REVISED DRAFT COUNTY POLICIES 402.2, ANNUAL LEAVE-REGULAR FULL-TIME EMPLOYEES AND 402.3, ANNUAL LEAVE-REGULAR PART-TIME EMPLOYEES.

September 15, 2016

To the Honorable Chairman and

Members of the Board of Commissioners

Agenda Item: 6-1-16HS

Gentlemen:

We your Human Services Committee recommend approval of draft revised County Policies 402.2, Annual Leave-Regular Full-Time Employees and 402.3, Annual Leave-Regular Part-time Employees. All changes are indicated by bold and/or strike-out characters.

Respectfully submitted,

S/Eric Dorrien, Chairperson

S/James Leigeb

S/Al Kloha

Human Services Committee

Motion by Commissioner Noesen to adopt.

Motion Carried by Roll Call.

Public comments: NONE.

ROLL CALL

YEAS: NOESEN, KLOHA, LEIGEB, KEENAN, GEISLER, DORRIEN, BONE.

NAYS: NONE.

ABSENT: NONE.

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MIDLAND COUNTY BOARD OF COMMISSIONERS
REQUESTS, PETITIONS AND COMMUNICATIONS
SEPTEMBER 20, 2016

72-9-16

BOARD OF DIRECTORS OF SENIOR SERVICES, MIDLAND COUNTY COUNCIL ON AGING REQUESTS TO LEVY THE VOTER APPROVED .9 MILLS FOR 2017.

REFERRED TO THE FINANCE COMMITTEE.

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73-9-16

EQUALIZATION DIRECTOR REQUESTS APPROVAL OF THE MICHIGAN DEPARTMENT OF TREASURY FORM 614 (FORMERLY L-4029) 2016 TAX RATE REQUEST.

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74-9-16

HEALTH DIRECTOR REQUESTS APPROVAL OF AN AGREEMENT BY AND AMONG HAROLD ALEXANDER, INC. AND THE HEALTH DEPARTMENT REGARDING GROUNDWATER RESTRICTIONS NEAR 815 ASHMAN STREET IN MIDLAND, MICHIGAN.

REFERRED TO THE ADMINISTRATION AND OPERATIONS COMMITTEE.

OLD BUSINESS

OLD BUSINESS NO. 1

62-8-16

CONSIDERATION OF THE REAPPOINTMENT OF YVONNE CORBAT TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES BOARD FOR A SECOND TERM WITH TERM TO BE OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2019.

September 20, 2016

To the Honorable Chairman and
Members of the Board of Commissioners Agenda Item: 62-8-16BOC

Gentlemen:

I recommend the reappointment of Ms. Yvonne Corbat to the Department of Health and Human Services Board for a second term with the term to be October 1, 2016 through September 30, 2019.

Respectfully submitted,
S/James Geisler

District #5
Midland County Board of Commissioners
Motion by Commissioner Geisler to approve.
Motion Carried by Roll Call.

Public comments: NONE.

ROLL CALL

YEAS: KLOHA, LEIGEB, KEENAN, GEISLER, DORRIEN, NOESEN, BONE.
NAYS: NONE.
ABSENT: NONE.

COMMISSIONER COMMENTS

LEIGEB - SPOKE REGARDING BOARD OF PUBLIC WORKS MEETING.

KEENAN - SPOKE REGARDING PINECREST.

GEISLER - NO COMMENT.

DORRIEN - SPOKE REGARDING THERE BEING 50 DAYS UNTIL THE ELECTION.

NOESEN - SPOKE REGARDING MACC.

KLOHA - NO COMMENT.

BONE - WANTED TO ECHO COMMISSIONER LEIGEB'S COMMENTS.

COMMISSIONER MEETING(S) SCHEDULE

CLOSED SESSION - PENDING LITIGATION

Pursuant to a motion by Commissioner Noesen and supported by Commissioner Geisler and with the corresponding passage by voice a Closed Session of the Board of Commissioners was declared at 10:00 a.m. for the purpose of discussing Pending Litigation in accordance with MSA 4.1800(18), Sec. 8(e)

Motion carried by voice.

Motion by Commissioner Noesen supported by Commissioner Kloha to return to Open Session. Motion carried by voice.

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Motion by Commissioner Dorrien supported by Commissioner Noesen to bring one item of New Business to the floor.

Motion carried by voice.

NEW BUSINESS -
NEW BUSINESS NO. 1

RECOMMENDATION FOR THE BOARD OF COMMISSIONERS TO SETTLE A WORKERS COMPENSATION CASE.

September 20, 2016

To the Honorable Chairman
And Members of the Board of Commissioners

Gentlemen:

I recommend the Board of Commissioners settle the workers compensation case filed by Mr. Gregory Boyle as recommended by Mr. James Stark of Kluczynski, Girtz & Vogelzang for the amount of \$70,522.00.

Sincerely,
Eric Dorrien
Committee Chair, District 6
Motion by Commissioner Dorrien to approve.
Motion Carried by Roll Call.
Public comments: NONE.

ROLL CALL

YEAS: LEIGEB, KEENAN, GEISLER, DORRIEN, NOESEN, KLOHA, BONE.
NAYS: NONE.
ABSENT: NONE.

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MOTION BY COMMISSIONER DORRIEN SUPPORTED BY COMMISSIONER GEISLER TO ADJOURN: Motion carried by Roll Call.

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MEETING IS ADJOURNED UNTIL OCTOBER 4, 2016 AT 9:00 A.M. TO MEET IN A REGULAR SESSION OF THE BOARD OF COMMISSIONERS AND FOR THE COMMITTEES TO RESUME THEIR DUTIES.

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Mark C. Bone, Chairman, Midland County
Board of Commissioners

Ann Manary, Midland County Clerk and
Clerk of the Board of Commissioners