

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

May 22, 2007

3:30 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 Aley.

Roll Call

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

Excused: Gill

Absent: None

2007-241 **APPROVE AGENDA**

Moved by Aley, seconded by Wade, to approve the Agenda with Addendum, adding a resolution for the Chronicle for 150 years.

Motion Carried

2007-242 **APPROVE MINUTES OF THE REGULAR MEETING OF MAY 8, 2007**

Moved by Engle, seconded by Collins, to approve the minutes of the Regular Meeting of May 8, 2007.

Motion Carried

2007-243 **ADOPT THE AMENDED ACCOMMODATIONS ORDINANCE AND THE ACCOMMODATION ORDINANCE RULES AND REGULATIONS**

CD/SP07/05-10

The Community Development/Strategic Planning Committee recommends, moved by Scolnik, seconded by Collins, to adopt the Amended Accommodations Ordinance and the Accommodation Ordinance Rules and Regulations.

Roll Call

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

Nays: None

Motion Carried

2007-244 **APPROVE THE REMOVAL OF THE TREES AT HERITAGE LANDING ACCORDING TO THE MARCH 28, 2007, PLAN SUBMITTED BY THE COUNTY'S FORESTER**

CD/SP07/05-12

The Community Development/Strategic Planning Committee recommends, moved by Scolnik, seconded by Collins, to approve the removal of the trees at Heritage Landing according to the March 28, 2007, plan submitted by the County's forester. All costs for tree removal to be paid by Summer Celebration.

Roll Call

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

Nays: None

Motion Carried

2007-245 **APPROVE A CONTRACT WITH HOOKER DEJONG ARCHITECTS AND ENGINEERS TO DESIGN THE BID SPECIFICATIONS FOR THE PHASE I ELECTRIC WORK AT HERITAGE LANDING**

CD/SP07/05-13

The Community Development/Strategic Planning Committee recommends, moved by Scolnik, seconded by Collins, to approve a contract with Hooker DeJong Architects and Engineers to design the bid specifications for the Phase I electric work at Heritage Landing, at a cost NTE, \$4,800.00, and to release bids for completion of the work, all costs to be paid with ticket surcharge funds reserved for that purpose.

Roll Call

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

Nays: None

Motion Carried

2007-246 **SUPPORT THE MUSKEGON ROTARY PROPOSAL TO CREATE A
MEMORIAL AT THE HERITAGE LANDING ENTRANCE**

CD/SP07/05-14

The Community Development/Strategic Planning Committee recommends, moved by Scolnik, seconded by Collins, to support the Muskegon Rotary proposal to create a memorial at the Heritage Landing entrance.

Roll Call

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

Nays: None

Motion Carried

2007-247 **ESTABLISH A COMMITTEE TO DISCUSS AND STUDY THE ROAD
COMMISSION MEMBERSHIP**

CD/SP07/05-15

The Community Development/Strategic Planning Committee recommends, moved by Scolnik, seconded by Collins, to establish a Committee to discuss and study the Road Commission membership. The Committee will consist of the Board Chairman, the Public Works Committee Vice-Chair, the Ways & Means Committee Chair, the Human Resources Committee Chair and the Community Development/Strategic Planning Committee Chair.

Roll Call

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

Nays: None

Motion Carried

2007-248 **AUTHORIZE A FARE INCREASE FOR THE MUSKEGON AREA TRANSIT
SYSTEM GOBUS SERVICE**

TR07/05-11

The Transportation Committee recommends, moved by Wade, seconded by Mahoney, to authorize a fare increase for the Muskegon Area Transit System GoBus service, as presented, from \$1.50 to \$2.00 for a Metro Zone trip, from \$1.70 to \$3.00 for a Zone One trip (per revised zone), and from \$2.10/\$3.00 to \$5.00 for a Zone Two trip (per revised zone), to be effective July 1, 2007.

Roll Call

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

Nays: Snider

Motion Carried

2007-249 **APPROVE A DEED OF RELEASE FROM THE FEDERAL AVIATION
ADMINISTRATION (FAA)**

TR07/05-12

The Transportation Committee recommends, moved by Wade, seconded by Mahoney, to approve a Deed of Release from the Federal Aviation Administration (FAA), releasing from Federal obligations approximately 0.73 acres of County Airport property, and subsequently, allow staff to prepare necessary documents to transfer said property to the City of Norton Shores for compensation in the amount of \$14,000, and further authorize the Chairman to execute the Deed of Release and pending transfer document, pending Counsel review of said transfer documents.

Roll Call

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

Nays: None

Motion Carried

2007-250 **APPROVE THE MUSKEGON COUNTY PARKING AGREEMENT INTENT
TO LEASE**

TR07/05-14

The Transportation Committee recommends, moved by Wade, seconded by Mahoney, to approve the Preliminary Muskegon County Parking Agreement Intent to Lease, and authorize staff to begin using the document.

Roll Call

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

Nays: Aley

Motion Carried

2007-251 **APPROVE PAYMENT OF THE ACCOUNTS PAYABLE COVERING THE
PERIOD OF APRIL 25, THROUGH MAY 8, 2007**

WM07/5 - 68

The Ways and Means Committee recommends, moved by Aley, seconded by Collins, to approve payment of the accounts payable of \$4,613,742.67 covering the period of April 25, 2007 through May 8, 2007, as presented by the County Clerk.

Roll Call

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

Nays: None

Motion Carried

2007-252 **AUTHORIZE TOWER PINKSTER TITUS TO STUDY AND INVESTIGATE
THE SUITABILITY OF THREE COUNTY-OWNED SITES FOR LOCATING
THE NEW JAIL AND JUVENILE DETENTION CENTER**

WM07/5 - 69

The Ways and Means Committee recommends, moved by Aley, seconded by Collins, to authorize Tower Pinkster Titus to study and investigate the suitability of three County-owned sites for locating the new Jail and Juvenile Detention Center at a cost of \$18,000.

Roll Call

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

Nays: None

Motion Carried

2007-253 **CONTRACT WITH IC SOLUTIONS FOR THE SHERIFF'S JAIL PAY
PHONE SYSTEM**

WM07/5 - 70

The Ways and Means Committee recommends, moved by Aley, seconded by Collins, to contract with IC Solutions for the Sheriff's jail pay phone system for three years with an optional renewal for an additional two years in one-year increments, with the commission rate of 56.1%.

Roll Call

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

Nays: None

Motion Carried

2007-254 **WAIVE THE HIRING FREEZE FOR THE SHERIFF'S OFFICE EFFECTIVE
MAY 26, 2007**

WM07/5 - 71

The Ways and Means Committee recommends, moved by Aley, seconded by Collins, to waive the hiring freeze for the Sheriff's Office effective May 26, 2007 for the opening of Lieutenant, position #C02502; the opening of a Sergeant position and the opening of either a Deputy or Corrections Officer position.

Roll Call

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

Nays: Aley

Motion Carried

2007-255 **APPROVE SUBMISSION OF THE PROSECUTOR'S FY 2008
COOPERATIVE REIMBURSEMENT CONTRACT APPLICATION**

WM07/5 - 72

The Ways and Means Committee recommends, moved by Aley, seconded by Collins, to approve submission of the Prosecutor's FY 2008 Cooperative Reimbursement Contract application in the amount of \$351,973.

Roll Call

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

Nays: None

Motion Carried

2007-256 **WAIVE THE HIRING FREEZE TO FILL VACANT SENIOR APPRAISER
POSITION #G09008 AND ADDITIONALLY FILL CLERK II POSITION
#G20030 WITH A TEMPORARY EMPLOYEE**

WM07/5 - 73

The Ways and Means Committee recommends, moved by Aley, seconded by Collins, to waive the hiring freeze to fill vacant Senior Appraiser position #G09008 and additionally fill Clerk II position #G20030 with a temporary employee.

Roll Call

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

Nays: None

Motion Carried

CHAIR'S REPORT/COMMITTEE LIAISON REPORTS

Commissioner Wade reported on Monday's WMSRDC meeting in Baldwin, noting projects are proceeding at a good pace and reported that former County Commissioner, Nancy Waters, was appointed to the board.

Commissioner Mahoney gave an update on the Convention and Visitor's Bureau meeting.

Commissioner Buzzell noted Road Commission controversy to be worked out between the Road Commission and local municipalities regarding repair costs of drains running under local roads.

Chairman Derezinski noted MAC Legislative Updates of May 4 and 11, 2007, were included in agenda packets.

Mary Villanueva reported the County Employee Picnic is scheduled to be held at Pioneer Park on June 30th, tickets to be available early June.

2007-257 PREPARE A RESOLUTION RECOGNIZING THE MUSKEGON CHRONICLE FOR 150 YEARS

The Chairman recommends, moved by Wade, seconded by Mahoney, to prepare a resolution recognizing the Muskegon Chronicle for 150 years.

Motion Carried

INTERIM ADMINISTRATOR'S REPORT

2007-258 APPROVAL TO WAIVE THE HIRING FREEZE FOR CLERK II POSITION IN COMMUNITY CORRECTIONS

The Administrator recommends, moved by Engle, seconded by Snider, to waive the hiring freeze for the Clerk II position (G20043) in Community Corrections in order to meet State and Court reporting requirements.

Motion Carried

2007-259 ADOPTION OF THE TRUTH IN TAXATION RESOLUTION

The Administrator recommends, moved by Aley, seconded by Snider, to adopt the attached resolution setting June 12, 2007 as the date for the Truth In Taxation public hearing for the purpose of discussing and receiving testimony regarding the proposed tentative levy of 5.6984 mills for Muskegon County general operating in July 2007, the proposed tentative levy of 0.3221 mills for Muskegon County Museum operating in December 2007, the proposed tentative levy of 0.0752 mills for Department of Veterans Affairs operating in December 2007, the proposed tentative levy of 0.3000 mills for Muskegon County Central Dispatch operating in December 2007 and the proposed tentative levy of 0.3400 mills for Quality of Life Bond repayment in December 2007.

Motion Carried

2007-260 APPROVE A CONSTRUCTION CONTRACT FOR THE MICHAEL E. KOBZA HALL OF JUSTICE 4TH FLOOR RENOVATION PROJECT WITH THE LOW BIDDER, VANDERVEN CONSTRUCTION COMPANY

The Administrator recommends, moved by Buzzell, seconded by Snider, to approve a construction contract for the Michael E. Kobza Hall of Justice 4th Floor Renovation Project with the low bidder, VanderVen Construction Company, at a cost not to exceed \$813,861.00; and a contract with Video-Tech-Tronics for the security and access control systems, at a cost not to exceed \$41,496.00.

(Continued)

2007-260 APPROVE A CONSTRUCTION CONTRACT FOR THE MICHAEL E. KOBZA HALL OF JUSTICE 4TH FLOOR RENOVATION PROJECT WITH THE LOW BIDDER, VANDERVEN CONSTRUCTION COMPANY

Roll Call

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

Nays: McMurray

Motion Carried

2007-261 APPROVE EXPENDITURE \$14,883 FOR WASTEWATER CONTRACT #2 OF PHASE I COLLECTION SYSTEM UPGRADE

The Administrator recommends, moved by Buzzell, seconded by Snider, to approve expenditure \$14,883 for Wastewater Contract #2 of Phase I Collection System Upgrade, to bridge a deep muck area near Black Creek on Airline Road, with this item to be brought to next Public Works Board for ratification.

Roll Call

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

Abstain: McMurray

Nays: None

Motion Carried

Old Business

2007-262 HIRE JACK NIEMIEC AS COUNTY ADMINISTRATOR

Moved by Aley, seconded by Snider, to hire Jack Niemiec as County Administrator and form a committee to negotiate an employment contract for approval by this board and to terminate the search contract with MML.

Roll Call

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

Abstain: McMurray

Nays: None

Motion Carried

New Business

None.

Public Participation

Tom Stark, Michigan Regional Council of Carpenters and Millrights, requested review by the board regarding the recently approved Muskegon County Responsible Contractor Policy. The current policy does not address: ratio of local workers; any requirement for fitness for duty regarding drug and/or alcohol use; safety training; apprenticeship programs; ratio of journeymen on jobs.

2007-263 **CLOSED SESSION - PROPERTY ACQUISITION**

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

Roll Call

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

Nays: None

Motion Carried

Returned to Open Session at 4:42 p.m.

2007-264 **AUTHORIZE ENVIRONMENTAL RESOURCE MANAGEMENT TO PROCEED WITH THE PHASE II ENVIRONMENTAL ASSESSMENT ACTIVITIES**

Moved by Aley, seconded by Snider, to authorize Environmental Resource Management to proceed with the Phase II Environmental Assessment activities, specifically to include additional sampling and retaining underground storage tank subcontractor to access the underground storage tanks which include accessing the waste tanks found on the property at a cost not to exceed \$8,500.

Roll Call

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

Nays: None

Motion Carried

Adjourned at 4:45 p.m.

Marianne L. Hathaway, Deputy County Clerk

MLH/jmp