

KENT COUNTY BOARD OF COMMISSIONERS

*Thursday, August 8, 2002
Administration Building - Room 310*

Meeting called to order at 8:30 a.m. by Chair Steven R. Heacock.

Present: Commissioners Agee, Boelema, Hiddema, Horton, Koorndyk, Kuhn, Kuipers, Mast, Mayhue, McGuire, Morgan, Morren, Postmus, Sak, Vaughn, Vonk, Wahlfield, Chair Heacock – 18.

Absent: Buege – 1 (Excused).

Invocation: Commissioner Wahlfield gave the invocation.
The Pledge of Allegiance followed.

PUBLIC COMMENT

There was no public comment.

SPECIAL ORDER OF BUSINESS

8-8-02-105 – APPOINTMENT OF COUNTY COMMISSIONER – DISTRICT 12

WHEREAS, the Board of Commissioners accepted Commissioner Richard Smoke's resignation from his 12th District Board of Commissioner seat on July 11, 2002; and

WHEREAS, the Board of Commissioners has thirty days to appoint a County Commissioner for the 12th District; and

WHEREAS, in the August 6, 2002, primary election for the new (from redistricting) District 11, voters elected Dean Agree in the Republican Primary and Patricia Broxton in the Democratic Primary; and

WHEREAS, the appointee must be a current resident of current District 12 per state statute; and

WHEREAS, Dean Agee is the lone qualified candidate from the August primary election.

NOW, THEREFORE, BE IT RESOLVED, the Kent County Board of Commissioners does hereby appoint Dean Agee as Kent County Commissioner of the 12th District effective August 8, 2002, to fill the non-expired term ending December 31, 2002.

Motion by Commissioner Koorndyk, supported by Commissioner Kuhn, that the resolution be adopted.

Motion carried by voice vote.

2001 Audit Report – BDO Seidman (Larry Oberst, Pat Duperron and Bruce Kroll)

Motion by Commissioner Wahlfield, supported by Commissioner Sak, to receive and file the 2001 Audit Report.

Mr. Oberst announced the change this year in the County's financial statements due to GASB 34, which was adopted earlier by the County.

Ms. Duperron explained the new reporting model – GASB 34. She also reviewed the 2001 Audit Report. Mr. Kroll reviewed the Memorandum of Recommendations.

(A copy of the Comprehensive Annual Financial Report and Memorandum of Recommendations is on file in the Office of the County Clerk.)

Motion to receive and file the 2001 Audit Report carried by voice vote.

CONSENT AGENDA

a) Approval of the Minutes of July 25, 2002, Meeting

Motion by Commissioner Wahlfield, supported by Commissioner Sak, to approve the consent agenda item.

Motion carried:

Yeas: Wahlfield, Vonk, Vaughn, Sak, Postmus, Morren, Morgan, McGuire, Mayhue, Mast, Kuipers, Kuhn, Koorndyk, Horton, Hiddema, Boelema, Agee, Chair Heacock – 18.

Nays: 0.

RESOLUTIONS

8-8-02-106 – WILLIAMS AND WORKS PROPOSAL – STUDY OF ALTERNATE EXPANSION SITE / JOHN BALL ZOOLOGICAL GARDEN

WHEREAS, on March 18, 2002, Mayor Logie and representatives of the City of Grand Rapids requested the County consider expansion of the Zoo on vacant land located on the West side of the I-196 Expressway; and

WHEREAS, on July 17, 2002, Chair Heacock and Mayor Logie issued a non-binding joint letter in which Mayor Logie agreed to delay historic designation of the John Ball Zoological Garden, and Chair Heacock agreed to delay implementation of the November 2001 Jones & Jones Master Plan; and

WHEREAS, Chair Heacock and Mayor Logie also agreed that the County would study the I-196 property as a potential site for the Zoo and also review other sites; and

WHEREAS, a proposal has been submitted by Williams and Works to review the feasibility of the I-196 for Zoo expansion for a total price of \$60,000; and

WHEREAS, the Finance and Physical Resources Committee, on August 6, 2002, authorized only the geological and traffic flow of the study at a cost not-to-exceed \$11,500.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners approves the geological and traffic flow portion of the proposal from Williams & Works and authorizes Chair Heacock to sign a professional services agreement with Williams & Works for completion of the geological and traffic flow work outlined in the proposal.

Motion by Commissioner McGuire, supported by Commissioner Sak, that the resolution be adopted.

Motion carried by voice vote.

8-8-02-107 – STATUTORY REVENUE SHARING / BOARD OF COMMISSIONERS

WHEREAS, county government provides law enforcement, judicial administration, public health, mental health and environmental services, many of which are required by law; and

WHEREAS, Kent County not only provides services that are mandated by law, but also provides many discretionary services to enhance the quality of life for its citizens; and

WHEREAS, the state legislature has continued to adopt laws which increase the responsibilities and costs of counties in providing services; and

WHEREAS, the state constitution requires the state to provide funding for these mandates; and

WHEREAS, state revenue sharing has been a historical source of funds provided in support of the county's obligations to provide such services; and

WHEREAS, the need for these services is continually greater than the amount of funds available to provide them; and

WHEREAS, on July 25, 2002, Governor John Engler vetoed all statutory revenue sharing payments for fiscal year 2003; and

WHEREAS, this veto threatens the public safety and quality of life for all of Michigan's citizens.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners supports all efforts by the Michigan Legislature to override the Governor's veto and immediately restore this critical funding;

BE IT FURTHER RESOLVED that the Board Chair work with the County's Lobbyist, Public Affairs Associates, to make Kent County's position known to the County's legislative delegation legislators and urge their support to override the veto of statutory revenue sharing.

Motion by Commissioner Koorndyk, supported by Commissioner Sak, that the resolution be adopted.

Motion carried by voice vote.

CLOSED SESSION

Motion by Commissioner Morren, supported by Commissioner McGuire, that the board go into closed session to discuss and consider a legal opinion.

Motion carried:

Yeas: Wahlfield, Vonk, Vaughn, Sak, Postmus, Morren, Morgan, McGuire, Mayhue, Mast, Kuipers, Kuhn, Koorndyk, Horton, Hiddema, Boelema, Agee, Chair Heacock – 18.

Nays: 0.

(Commissioner Morren left the meeting at this time.)

Motion by Commissioner Morgan, supported by Commissioner Mayhue, to go back into open session.

Motion carried:

Yeas: Wahlfield, Vonk, Vaughn, Sak, Postmus, Morgan, McGuire, Mayhue, Mast, Kuipers, Kuhn, Koorndyk, Horton, Hiddema, Boelema, Agee, Chair Heacock – 17.

Nays: 0.

8-8-02-108 – MILLENNIUM PARK OIL WELLS / BOARD OF COMMISSIONERS

WHEREAS, Kent County ("County") is the owner and/or lessee of the surface and subsurface, including the minerals, regarding certain parcels of land ("Property") in the Walker Field within the County, the locations of which are described in the attached Appendices A and B; and

WHEREAS, the County intends to construct a public park on the Property to be called "Millennium Park"; and

WHEREAS, there currently exists on the Property oil wells and a brine disposal well; and

WHEREAS, Goodale Enterprises, L.L.C., claims an interest in certain oil wells and is represented as the permittee of the oil wells; and

WHEREAS, Jack Goodale claims an interest in a brine disposal well and is represented as the permittee of said well; and

WHEREAS, Jack Goodale claims an interest in the oil and gas lease which reflects acreage upon which the brine disposal well is located; and

WHEREAS, before the County proceeds with construction of Millennium Park, it desires to first file a declaratory action in the Kent County Circuit Court ("Circuit Court") requesting the Circuit Court declare that neither Jack Goodale nor Goodale Enterprises, L.L.C., have any leasehold interests or other interest as to the Property; and

WHEREAS, the County will additionally request the Circuit Court to declare the wells be plugged, that all related flow lines, vessels, tanks, pipelines, gathering lines, equipment, and related facilities be purged and removed, and the Property be restored and remediated in accordance with the applicable authorities, statutes, rules and regulations, including those of and pertaining to the Michigan Department of Environmental Quality ("DEQ"); and

WHEREAS, the County will also request the Circuit Court to order any other appropriate relief as is necessary; and

WHEREAS, the County desires to have the law firm of Varnum, Riddering, Schmidt & Howlett^{LLP} represent the County in this declaratory action against Jack Goodale and Goodale Enterprises, L.L.C.

NOW, THEREFORE, BE IT RESOLVED that the County hereby agrees that a declaratory action is necessary: (1) to declare neither Jack Goodale nor Goodale Enterprises, L.L.C., have any leasehold interest or other interest as to the Property; (2) to require Jack Goodale and Goodale Enterprises, L.L.C., to plug the well and/or wells each claims an interest in, and to purge and remove the related flow lines, vessels, tanks, pipelines, gathering lines, equipment, and related facilities; (3) to require Jack Goodale and Goodale Enterprises, L.L.C., to restore and remediate the Property in accordance with the applicable authorities, statutes, rules and regulations, including those of and pertaining to the DEQ; and (4) to obtain any other relief from the Circuit Court as is necessary; and

BE IT FURTHER RESOLVED that the County authorizes the law firm of Varnum, Riddering, Schmidt & Howlett^{LLP} to represent the County as Special Counsel in this declaratory action; and

BE IT FURTHER RESOLVED that the County Administrator, Special Counsel, and other County officials are hereby authorized and directed to take all actions necessary in this declaratory action.

Motion by Commissioner Morgan, supported by Commissioner Wahlfield, that the resolution be adopted.

Motion carried:

Yeas: Wahlfield, Vonk, Vaughn, Sak, Postmus, Morgan, McGuire, Mayhue, Mast, Kuipers, Kuhn, Koorndyk, Horton, Hiddema, Boelema, Agee, Chair Heacock – 17.

Nays: 0.

REPORTS

Justice Task Force

Commissioner Morgan stated that the Justice Task Force is working through the subcommittee recommendations and is very encouraged by the level of participation from the judges, clerks, prosecutors and other stakeholders. They are on track.

MISCELLANEOUS

Downtown Development Authority (“DDA”)

Commissioner Mayhue thanked everyone for the support he received regarding his recent DDA appointment.

Jury Selection

Commissioner Mayhue thanked individuals for looking into the jury selection process.

Aeronautics Board Vacancy

Chair Heacock announced that with the appointment of Dean Agee as County Commissioner, a vacancy now exists for a citizen member on the Aeronautics Board. The deadline for applicants is Friday, August 23rd.

Congratulations

Chair Heacock congratulated all the primary election winners.

ADIJOURNMENT

At 10:31 a.m., Commissioner Wahlfield moved to adjourn, subject to the call of the Chair, and to Thursday, August 22, 2002, Room 310, County Administration Building, at 8:30 a.m., for an Official Meeting. Seconded by Commissioner Sak. Motion carried.

Steven R. Heacock, Chair

Mary Hollinrake, County Clerk