

KENT COUNTY BOARD OF COMMISSIONERS

*Thursday, December 9, 2004
Administration Building - Room 310*

Meeting called to order at 8:30 a.m. by Chair David J. Morren.

Present: Commissioners Agee, Boelema, Bulkowski, Hiddema, Horton, Koorndyk, Kuipers, Mast, Mayhue, Morgan, Postmus, Rolls, VanderMolen, Vaughn, Vonk, Voorhees, Wahlfield, Chair Morren – 18.

Absent: Tanis – 1 (Excused).

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

PUBLIC COMMENT

Jim May, 7737 Fruitridge Avenue NW – on behalf of the Caledonia Future Farmers of America and the Kent County Farm Bureau, presented commissioners with poinsettias.

CONSENT AGENDA

- a) Approval of the Minutes of November 18, 2004 Meeting
- b) November 16, 2004 Finance Committee Meeting Minutes
(Reports of Claims and Allowances)
- c) Resolutions:

12-9-04-120 – RETIREMENT / DEFEASANCE OF OUTSTANDING BONDS –
CORRECTION AND DETENTION FUND / FISCAL SERVICES

WHEREAS, on October 1, 1995, the County through its Building Authority issued \$17.3 million of Building Authority Refunding Bonds. This issuance had a principal maturity schedule which ran through December 1, 2007. Excluding those bonds which mature on December 1, 2004, the current principal balance outstanding totals \$6,075,000. These bonds carry interest rates ranging from 4.9% for the 2005 maturity to 5.1% for the 2007 maturity; and

WHEREAS, the County has an opportunity to achieve additional savings against future debt service obligations by issuing new refunding bonds (Series 2005). Based on the current interest rate the County would save an estimated \$206,000; and

WHEREAS, if the County were to consider utilizing existing cash reserves to call the bonds on January 1, 2005, the estimated savings to the County would be increased by an additional \$38,000; and

WHEREAS, \$3,921,832 is required in the Debt Service Fund to call the outstanding 2005-2007 maturity Building Authority Refunding Bonds, Series 1995; and

WHEREAS, the source of funding (to the Debt Service Fund) being considered, to exercise this call on the outstanding bonds, is the Correction and Detention Fund. This will be accomplished by reducing transfers out to the General Fund \$1,300,000 and increasing this budget \$2,621,832.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners hereby approves the retirement of outstanding, 2005-2007 maturity, Building Authority Refunding Bonds, Series 1995; appropriation of an additional \$2,621,832 to the 2005 Correction and Detention Fund budget; and appropriation of \$3,921,832 to the 2005 Building Authority Debt Service Fund.

12-9-04-121 – 2005 MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) AGREEMENT / HEALTH DEPARTMENT

WHEREAS, the Michigan Department of Environmental Quality (DEQ) contract is an annual agreement between the State and the County to provide certain technical services related to non-community water supply, drinking water long-term monitoring, radon activities, public swimming pools, on-site sewage, and drinking water supply; and

WHEREAS, the contractual requirements set forth in this agreement are consistent with past program requirements. Payments will be made to the Health Department on a monthly basis with the Health Department providing quarterly reporting; and

WHEREAS, revenues and expenses related to the DEQ agreement were used to prepare the Health Department's Environmental Health Division's 2005 budget. The actual funding allocation from the DEQ is \$10,594 more than the \$429,741 originally budgeted. The additional \$10,594 of grant funds will be used to support the costs of supplies and travel; and

WHEREAS, the contract term is October 1, 2004, to September 30, 2005.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners hereby approves the 2005 Michigan Department of Environmental Quality Agreement and the appropriation of an additional \$10,594 to the 2005 Health Fund budget.

12-9-04-122 – MICHIGAN DEPARTMENT OF COMMUNITY HEALTH (MDCH)

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HIV/AIDS PROVIDER EDUCATION GRANT / HEALTH DEPARTMENT

WHEREAS, the Health Department has received notice that grant funds are available from the Michigan Department of Community Health (MDCH), through the Comprehensive Planning and Budget Contract (CPBC), for HIV/AIDS provider education services; and

WHEREAS, the HIV/AIDS Provider Education Grant is a continuation of the 2003/2004 grant that also was part of the CPBC agreement. The original funding cycle for this program ended September 30, 2004, however the MDCH transferred dollars from other areas to continue funding this program in 2004/2005; and

WHEREAS, the Health Department will coordinate educational programs to private providers in the community. The target audience will be physicians, nurses, physician assistants, nurse practitioners, nursing students, and medical students. The goal of the program is to increase the number of health care providers who can effectively counsel, diagnose, treat,

and manage individuals with HIV infection, and those at risk of HIV infection; and

WHEREAS, funding covers the 12 month period of October 1, 2004 through September 30, 2005; and

WHEREAS, in the event grant funding is eliminated or decreased, the position(s) will be eliminated unless continuation funding is approved pursuant to the Fiscal Policy on Grants.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners hereby approves the Health Department's request to accept grant funding from Michigan Department of Community Health for the HIV/AIDS Provider Education program, and the appropriation of \$90,000 to the 2005 Health Fund budget.

12-9-04-123 – ADDITIONAL BUDGET APPROPRIATION FOR SPECIAL PROJECTS / FISCAL SERVICES

WHEREAS, the County General Fund regularly subsidizes State and Federal Grant programs in the Special Project Fund such as the Grand Rapids Intervention Program, Law Enforcement Block Grant, and the Prosecutor's Drug Enforcement Unit; and

WHEREAS, over the past 4 years, \$98,363 in excess General Fund subsidy has accumulated in the Special Project Fund from funds that have not been expended in support of grant programs; and

WHEREAS, in order to return the funds to the General Fund, the Board of Commissioners must first appropriate the funds to the Special Project budgets from the Special Project Fund Balance; and

WHEREAS, the Special Project Fund budgets require an additional \$98,363 to cover the refund to the General Fund for FY 2004.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners hereby approves an additional appropriation of \$98,363 to various FY 2004 special project budgets from the Special Project Fund Balance.

12-9-04-124 – MICHIGAN COUNCIL FOR ARTS AND CULTURAL AFFAIRS (MCACA) GRANT / JOHN BALL ZOOLOGICAL GARDEN

WHEREAS, the Michigan Council for Arts and Cultural Affairs has awarded \$42,800 to the John Ball Zoological Garden; and

WHEREAS, the grant funds will be used for ongoing programs to enhance visitor experiences and visitor education programs, expansion of promotional and marketing efforts, providing permanent and seasonal zoo graphics, and use of Michigan artists in zoo programs.

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners hereby accepts the \$42,800 grant and appropriates it to the 2005 General Fund – John Ball Zoological Garden revenue and expense budget; and

BE IT FURTHER RESOLVED, that the Board Chair is authorized to sign the grant agreement.

12-9-04-125 – WAHLFIELD PARK PERFORMANCE – MDOT AGREEMENT / PARKS

WHEREAS, the Kent County Board of Commissioners, hereinafter referred to as the "GOVERNMENTAL BODY," periodically applies to the Michigan Department of

Transportation, hereinafter referred to as the “DEPARTMENT,” for permits, referred to as

“PERMIT,” to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right of way at various locations within and adjacent to its corporate limits; and

WHEREAS, in consideration of the Department granting such Permit, the Governmental Body agrees that:

Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law.

This Agreement is not intended to increase either party’s liability for, or immunity from, tort claims.

This Agreement is not intended nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

1. Any work performed for the Governmental Body by a contractor or subcontractor will be solely as a contractor for the Governmental Body and not as a contractor or agent of the Department. Any claims by any contractor or subcontractor will be the sole responsibility of the Governmental Body. The Department shall not be subject to any obligations or liabilities by vendors and contractors of the Governmental Body or their subcontractors or any other person not a party to the Permit without its specific prior written consent and notwithstanding the issuance of the Permit.
2. The Governmental Body shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the Permit which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the Department, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the Department and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the Permit, it will be considered as a breach of the Permit thereby giving the State of Michigan, the Department, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
3. It will, by its own volition and/or request by the Department, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting from the installation construction, operation and/or maintenance of the Governmental Body’s facilities according to a Permit issued by the Department.
4. With respect to any activities authorized by Permit, when the Governmental Body requires insurance on its own or its contractor’s behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the Department, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the Department and all officers, agents, and employees thereof, pursuant to a maintenance contract.

5. The incorporation by the Department of this resolution as part of a Permit does not prevent the Department from requiring additional performance security or insurance before issuance of a Permit.
6. This resolution shall continue in force from this date until cancelled by the Governmental Body or the Department with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the Governmental Body with regard to any Permit which has already been issued or activity which has already been undertaken.

NOW, THEREFORE, BE IT RESOLVED, that Roger Sabine, Parks Director, and Robert Mihos, Facilities Management Director are authorized to apply to the Michigan Department of Transportation for the necessary permit to work within state trunkline right of way on behalf of the Governmental Body.

12-9-04-126 – ADDITIONAL BUDGET APPROPRIATION FOR TAX TRIBUNAL REFUND
/ TREASURER’S OFFICE

WHEREAS, the Michigan Tax Tribunal provides all citizens and businesses with the opportunity to resolve state and local property tax disputes at a fair and impartial hearing; and

WHEREAS, the FY 2004 adopted budget of \$200,000 was increased to \$370,000, via resolution 10-28-04-106, to pay for an estimated \$330,000 in unplanned refunds to Steelcase Corporation as ordered by the Michigan Tax Tribunal, leaving an estimated \$40,000 to cover other State-ordered refunds for FY 2004; and

WHEREAS, the other remaining State-ordered refunds for FY 2004 are now estimated at \$160,000 and require an additional \$120,000.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners hereby approves an additional appropriation of \$120,000, to the Treasurer’s FY 2004 Tax Tribunal Refund program in the General Fund from the Unreserved, Undesignated General Fund Balance.

Motion by Commissioner Wahlfield, supported by Commissioner VanderMolen, to approve the consent agenda items.

Motion carried:

Yeas: Wahlfield, Voorhees, Vonk, Vaughn, VanderMolen, Rolls, Postmus, Morgan, Mayhue, Mast, Kuipers, Koorndyk, Horton, Hiddema, Bulkowski, Boelema, Agee, Chair Morren – 18.

Nays: 0.

RESOLUTIONS

12-9-04-127 – KENT COMMUNITY HOSPITAL DISSOLUTION / ADMINISTRATOR’S
OFFICE

WHEREAS, the County entered into a Transfer Agreement by and among Kent

Community Hospital Corporation, Spectrum Health-Kent Community Campus, Spectrum Health and the County of Kent dated September 30, 1999; and

WHEREAS, the Kent Community Hospital Corporation has transferred to Spectrum Health-Kent Community Campus all of the donated assets and otherwise completed all of its obligations pursuant to the Agreement; and

WHEREAS, the Kent Community Hospital Corporation has completed the purposes for which it was organized and is now prepared to terminate its corporate existence by dissolution; and

WHEREAS, the Board of Trustees of Kent Community Hospital Corporation on November 1, 2004, adopted a resolution to proceed with the dissolution of Kent Community Hospital Corporation; and

WHEREAS, Section 503 of the Michigan Municipal Health Facilities Corporation Act (Act 230 of 1987) requires that a majority of the members of the Kent County Board of Commissioners approve of the dissolution of Kent Community Hospital Corporation.

NOW, THEREFORE, BE IT RESOLVED that the members of the Board of Trustees of Kent Community Hospital Corporation, and each of them, are hereby authorized and directed, on behalf of Kent Community Hospital Corporation, to execute a notice of dissolution and to file such notice of dissolution with the Michigan Department of State, Office of the Great Seal, and to take any and all action necessary or appropriate to effect the dissolution of Kent Community Hospital Corporation, including, without limitation, the preparation, execution and filing of any and all forms, reports and returns required by any federal, state, or local government or any agency thereof in connection with or by reason of the dissolution of Kent Community Hospital Corporation.

Motion by Commissioner Hiddema, supported by Commissioner Mast, that the resolution be adopted.

Motion carried:

Yeas: Wahlfield, Voorhees, Vonk, Vaughn, VanderMolen, Rolls, Postmus, Morgan, Mayhue, Mast, Kuipers, Koorndyk, Horton, Hiddema, Bulkowski, Boelema, Agee, Chair Morren – 18.

Nays: 0.

12-9-04-128 – 2004 SENIOR MILLAGE BUDGET AMENDMENT / ADMINISTRATOR'S OFFICE

WHEREAS, the Kent County Senior Millage is funded by proceeds of a dedicated millage levied to plan, coordinate, evaluate, and provide services to persons 60 years of age or older; and

WHEREAS, the FY 2003 fourth quarter billings for the Senior Millage were received too late to be processed against the FY 2003 budget and were paid against the FY 2004 budget. Consequently, the FY 2004 budget was left under-funded by \$425,000; and

WHEREAS, an additional \$425,000 is required to cover the remaining expenditures in the FY 2004 budget.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners hereby approves an additional appropriation of \$425,000 from Senior Millage Fund reserves to the 2004 Senior Millage budget.

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

Motion carried:

Yeas: Wahlfield, Voorhees, Vonk, Vaughn, VanderMolen, Rolls, Postmus, Morgan, Mayhue, Mast, Kuipers, Koorndyk, Horton, Hiddema, Bulkowski, Boelema, Agee, Chair Morren – 18.

Nays: 0.

12-9-04-129 – PURCHASE OF PROPERTY AT 1514 BRADFORD STREET NE / FACILITIES MANAGEMENT

WHEREAS, in accordance with its on-going development plan for the Fuller Campus, the County actively seeks to acquire parcels adjacent to the Campus on the south side of Bradford Street NE, as such parcels become available; and

WHEREAS, the Facilities Management Department recently learned that a qualifying parcel at 1514 Bradford Street NE was available for purchase; and

WHEREAS, on November 23, 2004, the County made an offer on the parcel to secure it until such time as the Board of Commissioners could consider the purchase; and

WHEREAS, based on property appraisals, the County has offered to purchase the parcel for \$91,335, which includes a relocation allowance and closing costs estimated at \$1,500; and

WHEREAS, the Facilities Management Department recommends purchase of the parcel.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners approves the purchase of the property at 1514 Bradford Street NE (property parcel #41-14-20-284-036) for the sum of \$91,335, and to appropriate \$91,335 from the Unreserved, Undesignated General Fund balance to the 2004 Capital Improvement Program (CIP) fund.

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

Motion carried:

Yeas: Wahlfield, Voorhees, Vonk, Vaughn, VanderMolen, Rolls, Postmus, Morgan, Mayhue, Mast, Kuipers, Koorndyk, Horton, Hiddema, Bulkowski, Boelema, Agee, Chair Morren – 18.

Nays: 0.

12-9-04-130 – EMERGENCY MANAGEMENT ASSISTANCE COMPACT / SHERIFF

WHEREAS, the State of Michigan Emergency Management Act, P.A. 390 of 1976, as amended, M.C.L. 30.401 et. seq. authorizes the State and its political subdivisions to provide emergency aid and assistance in the event of a disaster or emergency; and

WHEREAS, the statutes also authorize the State to coordinate the provisions of any equipment, services, or facilities owned or organized by the State or its political subdivisions for use in the affected area upon request of the duly constituted authority of the area; and

WHEREAS, this Resolution authorizes the request, provision, and receipt of inter-jurisdictional mutual assistance in accordance with the Emergency Management Act, P.A.

390 of 1976, as amended, among political subdivisions within the State.

NOW, THEREFORE, BE IT RESOLVED that in order to maximize the prompt, full and effective use of resources of all participating governments in the event of an emergency or disaster, the Kent County Board of Commissioners hereby adopts the Michigan Emergency Management Assistance Compact, a copy of which is on file in the Office of the County Clerk.

Motion by Commissioner Voorhees, supported by Commissioner Vonk, that the resolution be adopted.

Motion carried by voice vote.

CLOSED SESSION

At 9:10 a.m., Commissioner Morgan, supported by Commissioner VanderMolen, moved to meet in closed session pursuant to the Open Meetings Act, Section 15.268(d), to consider the purchase of real property by the County.

Motion carried:

Yeas: Wahlfield, Voorhees, Vonk, Vaughn, VanderMolen, Rolls, Postmus, Morgan, Mayhue, Mast, Kuipers, Koorndyk, Horton, Hiddema, Bulkowski, Boelema, Agee, Chair Morren – 18.

Nays: 0.

At 9:31 a.m., Commissioner Morgan, supported by Commissioner Koorndyk, moved to go back into open session.

Motion carried:

Yeas: Wahlfield, Voorhees, Vonk, Vaughn, VanderMolen, Rolls, Postmus, Morgan, Mayhue, Mast, Kuipers, Koorndyk, Horton, Hiddema, Bulkowski, Boelema, Agee, Chair Morren – 18.

Nays: 0.

RESOLUTION

12-9-04-131 – MILLENNIUM PARK PROPERTY PURCHASE – SIETSEMA / PARKS

WHEREAS, George Sietsema owns approximately 111 acres including several bodies of water within the footprint of Millennium Park; and

WHEREAS, since plans for the park were first announced, County staff and representatives have been in contact with Mr. Sietsema in attempts to acquire the property. Those discussions have resulted in an agreement for the County to purchase the property from Mr. Sietsma for \$2,500,000, plus documented out-of-pocket expenses not to exceed \$54,000; and

WHEREAS, in addition, the County has agreed to pursue formal naming of the major water body on the parcel in honor of Mr. Sietsema's late wife, Leota, and to provide a historical marker on the property acknowledging the Sietsema family. Mr. Sietsema will also retain a life lease on an approximately five-acre parcel which includes his residence.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Board of Commissioners approves the purchase of approximately 111 acres from George Sietsema (property parcel numbers 41-13-33-351-017, 41-13-32-476-015, 41-17-05-200-010, 41-13-32-

476-010, and 41-17-05-200-015) for the sum of \$2,500,000, plus documented out-of-pocket expenses not to exceed \$54,000, and to appropriate \$1 million from the Unreserved, Undesignated General Fund balance to the Millennium Park Capital Improvement Program

(CIP) fund.

Motion by Commissioner Agee, supported by Commissioner Voorhees, that the resolution be adopted.

Motion carried:

Yeas: Wahlfield, Voorhees, Vonk, Vaughn, VanderMolen, Rolls, Postmus, Morgan, Mayhue, Mast, Kuipers, Koorndyk, Horton, Bulkowski, Boelema, Agee, Chair Morren – 17.

Nays: Hiddema - 1.

REPORTS

There were no reports.

MISCELLANEOUS

Attendance

Commissioner Mast asked for attendance records of Commissioners. They will be supplied.

Sympathy

Commissioner Wahlfield announced that former County Commissioner Dan Hess passed away recently. An expression of sympathy will be sent to the family from the Board of Commissioners.

Metro Council

Commissioner Vonk welcomed the City of Wyoming to the Grand Valley Metro Council.

Commissioner Kuipers Recognition

Commissioner VanderMolen acknowledged and thanked Commissioner Kuipers for his service on the Board of Commissioners and to the community.

Commissioner Mayhue said that he appreciated the quiet alliance that he shared with Commissioner Kuipers. They worked well together and he will be missed.

Commissioner Kuipers thanked everyone for the opportunity to serve and appreciated the kind words. He acknowledged that, during his years on the BOC, there were many accomplishments besides Millennium Park, including the jail expansion and the waste-to-energy facility, and he was glad to have been a part of them.

Prisoners ID

Commissioner Mayhue said that he would like the Community Corrections Advisory Board to know that released prisoners have a difficult time obtaining identification credentials.

Clerk Hollinrake said that the Secretary of State is concerned with this issue as well. The

Clerk's Office works with former prisoners in helping them obtain their birth certificate so that they can get the proper identification they need.

Board Chair

Chair Morren thanked Commissioner Kuipers for his service to the County, and was privileged to have served with him. Also, he was honored to have served as board chair this year and looks forward to next year. He wished all happy holidays and a happy New Year.

ADJOURNMENT

At 9:46 a.m., Commissioner Wahlfield moved to adjourn, subject to the call of the Chair, and to Tuesday, January 4, 2005, Room 310, County Administration Building, at 8:30 a.m., for an Official Meeting. Seconded by Commissioner Postmus. Motion carried.

David J. Morren, Chair

Mary Hollinrake, County Clerk