

ALLEGAN COUNTY BOARD OF COMMISSIONERS

INDEX

JANUARY 25, 2024 SESSION

JOURNAL 72

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February 13, 2024 Session

MORNING SESSION**FEBRUARY 13, 2024 SESSION - PLEDGE OF ALLEGIANCE, ROLL CALL**

1/ The Board of Commissioners of the County of Allegan, State of Michigan, met in the Board Room of the County Services Building in the Township of Allegan on February 13, 2024 at 9:00 A.M. in accordance with the motion for adjournment of January 25, 2024, and rules of this board; Vice-Chair Kapenga presiding.

The Deputy Clerk led the Board in the Pledge of Allegiance to the flag.

Upon roll call the following members answered as Commissioners for the respective Districts:

DIST #1 JIM STOREY - Absent
DIST #2 MARK DEYOUNG
DIST #3 DEAN KAPENGA
DIST #4 SCOTT BELTMAN
DIST #5 GALE DUGAN

PUBLIC PARTICIPATION - COMMENTS

2/ Vice-Chair Kapenga opened the meeting to public participation and the following individuals offered comments:

1. Alice Bernal, candidate for the 48th Circuit Court Judge, introduced herself to the board

AGENDA - ADOPTED AS PRESENTED

3/ Moved by Commissioner Dugan, seconded by Commissioner Beltman to adopt the meeting agenda as presented. Motion carried by voice vote. Yeas: 4 votes. Nays: 0 votes. Absent: 1 vote.

2023/27 BOARD STRATEGIC PLANNING UPDATE

4/ Commissioners discussed the 2023/27 Board Strategic Planning. Highlights included: Broadband Action Workgroup is ready to conclude; State Game area; sustainable business park; corridor development and Calkins Dam.

BREAK - 9:50 A.M.

5/ Upon reconvening at 10:00 A.M., the following Commissioners were present: Commissioner DeYoung, Kapenga, Beltman and Dugan. Absent: Storey.

ADMINISTRATIVE UPDATE - 4TH QUARTER CAPITAL REPORT

6/ Project Manager Valdis Kalnins presented the 4th Quarter Capital Report for 2023.

PUBLIC PARTICIPATION - NO COMMENTS

7/ Vice-Chair Kapenga opened the meeting to public participation and as there were no comments from the public, he closed the meeting to public participation.

ADJOURNMENT UNTIL FEBRUARY 22, 2024 AT 9:00 A.M.

8/ Moved by Commissioner Dugan, seconded by Commissioner Beltman to adjourn until February 22, 2024 at 9:00 A.M. The motion carried by voice vote and the meeting was adjourned at 11:18 A.M. Yeas: 4 votes. Nays: 0 votes. Absent: 1 vote.

AFTERNOON SESSION**FEBRUARY 13, 2024 SESSION - INVOCATION, PLEDGE OF ALLEGIANCE, ROLL CALL**

9/ The Board of Commissioners of the County of Allegan, State of Michigan, met in the Board Room of the County Services Building in the Township of Allegan on February 13, 2024 at 1:00 P.M. in accordance with the motion for adjournment of January 25, 2024, and rules of this Board; Vice-Chair Kapenga presiding.

The invocation was offered by District #1 Commissioner Storey.

The Deputy County Clerk led the Board in the Pledge of Allegiance to the flag.

Upon roll call the following members answered as Commissioners for the respective Districts:

| | |
|---------|---------------|
| DIST #1 | JIM STOREY |
| DIST #2 | MARK DEYOUNG |
| DIST #3 | DEAN KAPENGA |
| DIST #4 | SCOTT BELTMAN |
| DIST #5 | GALE DUGAN |

JANUARY 25, 2024 SESSION MINUTES - ADOPTED

10/ Moved by Commissioner Beltman, seconded by Commissioner Dugan to approve the minutes for the January 25, 2024 session as distributed. Motion carried by voice vote. Yeas: 5 votes. Nays: 0 votes.

PUBLIC PARTICIPATION - COMMENTS

11/ Chair Storey opened the meeting to public participation and the following individuals offered comments:

1. Al Radspieler of PO Box 266, Hopkins, addressed the board regarding the Pledge of Allegiance; courthouse engineering plans; deer carcasses; and the animal shelter.
2. Tim Culver from Rep. Matt Hall's office gave a legislative update on current bills in Lansing
3. Joe Schaeffer, Dorr Township, addressed the board via Zoom and thanked the Board and the Road Commission for their work; and State Game area issues

AGENDA - ADOPTED AS PRESENTED

12/ Moved by Commissioner Dugan, seconded by Commissioner Beltman to adopt the meeting agenda as presented. Motion carried by voice vote. Yeas: 5 votes. Nays: 0 votes.

CONSENT ITEMS:

FINANCE COMMITTEE - CLAIMS & INTERFUND TRANSFERS

13/ WHEREAS, Administration has compiled the following claims for February 2, 2024 and February 9, 2024; and

WHEREAS, the following claims, which are chargeable against the County, were audited in accordance with Section 46.61 to 46.63, inclusive, M.C.L. 1970 as amended and resolutions of the Board; and

WHEREAS, said claims are listed in the 2024 Claims folder of the Commissioners' Record of Claims.

February 2, 2024

| | TOTAL AMOUNT CLAIMED | AMOUNT ALLOWED | AMOUNT DISALLOWED |
|--|----------------------|---------------------|-------------------|
| General Fund – 101 | 183,981.16 | 183,981.16 | |
| Parks/Recreation – 208 | 8,760.85 | 8,760.85 | |
| Friend of the Court – 215 | 114.88 | 114.88 | |
| Health Department Fund – 221 | 4,419.40 | 4,419.40 | |
| Solid Waste/Recycling – 226 | 8,048.83 | 8,048.83 | |
| Animal Shelter – 254 | 263.30 | 263.30 | |
| Central Dispatch Fund – 261 | 5,507.24 | 5,507.24 | |
| CDBG Program Income Fund – 277 | 2,350.00 | 2,350.00 | |
| Grants – 279 | 114.20 | 114.20 | |
| Sheriffs Contracts – 287 | 418.26 | 418.26 | |
| Transportation Fund – 288 | 1,907.63 | 1,907.63 | |
| Child Care Fund – 292 | 9,379.49 | 9,379.49 | |
| Fitness Center Fund – 296 | 1,539.62 | 1,539.62 | |
| Senior Services Fund – 298 | 555.43 | 555.43 | |
| Capital Improvement Fund – 401 | 3,580.00 | 3,580.00 | |
| Central Dispatch CIP – 496 | 23,100.00 | 23,100.00 | |
| Tax Reversion 2019 – 619 | 4,154.52 | 4,154.52 | |
| Tax Reversion – 620 | 19,750.00 | 19,750.00 | |
| Revolving Drain Maintenance Fund – 639 | 310.00 | 310.00 | |
| Self -Insurance Fund – 677 | 3,044.63 | 3,044.63 | |
| Drain Fund – 801 | 16,259.77 | 16,259.77 | |
| TOTAL AMOUNT OF CLAIMS | \$297,559.21 | \$297,559.21 | |

February 9, 2024

| | TOTAL AMOUNT CLAIMED | AMOUNT ALLOWED | AMOUNT DISALLOWED |
|---------------------------|----------------------|----------------|-------------------|
| General Fund – 101 | 220,989.14 | 220,989.14 | |
| Parks/Recreation – 208 | 508.75 | 508.75 | |
| Friend of the Court – 215 | 3,771.55 | 3,771.55 | |

| | | | |
|--|---------------------|---------------------|--|
| Health Department Fund – 221 | 20,414.69 | 20,414.69 | |
| Animal Shelter – 254 | 9,232.53 | 9,232.53 | |
| Indigent Defense Fund – 260 | 153.54 | 153.54 | |
| Central Dispatch Fund – 261 | 4,420.44 | 4,420.44 | |
| Law Library Fund – 269 | 2,640.60 | 2,640.60 | |
| CDBG Program Income Fund – 277 | 30.00 | 30.00 | |
| Grants – 279 | 232.49 | 232.49 | |
| Transportation Fund – 288 | 19,278.86 | 19,278.86 | |
| Child Care Fund – 292 | 28,724.42 | 28,724.42 | |
| Veterans Relief Fund – 293 | 1,554.17 | 1,554.17 | |
| Senior Services Fund – 298 | 815.50 | 815.50 | |
| Property Tax Adjustments – 516 | 71.82 | 71.82 | |
| Revolving Drain Maintenance Fund – 639 | 261.51 | 261.51 | |
| Self -Insurance Fund – 677 | 431,885.01 | 431,885.01 | |
| Drain Fund – 801 | 3,429.00 | 3,429.00 | |
| TOTAL AMOUNT OF CLAIMS | \$748,414.02 | \$748,414.02 | |

THEREFORE BE IT RESOLVED that the Board of Commissioners adopts the report of claims for February 2, 2024 and February 9, 2024.

Moved by Commissioner Dugan, seconded by Commissioner Kapenga to adopt the report of claims for February 2, 2024 and February 9, 2024. Motion carried by roll call vote. Yeas: 5 votes. Nays: 0 votes.

DISCUSSION ITEMS:

BOARD OF COMMISSIONERS – RESOLUTION AUTHORIZING ELECTION PURSUANT TO PUBLIC ACT 69 OF 2005

14/ WHEREAS, if approved by the voters of a participating unit of government, Public Act 69 of 2005 permits a county to charge not more than \$4.00 per month or \$50.00 per year per household for waste reduction programs and for the collection of consumer source separated materials for recycling or composting, including, but not limited to, recyclable materials, as defined in part 115 of the Natural Resources and Environmental Protection Act, 1994 P.A. 451, MCL 324.11501 to 324.11550, household hazardous wastes, tires, batteries, and yard clippings.

THEREFORE BE IT RESOLVED that:

1. The Allegan County Board of Commissioners (Board) hereby authorizes an election under P.A. 69 of 2005 scheduled for August 6, 2024,

2. Robert Sarro, County Administrator for Allegan County, is designated as the individual to negotiate the interlocal agreement between the municipalities and townships within the County,

3. Each municipality and township within the County that intends to participate in the County's waste reduction programs shall authorize an election under MCL 124.508a by May 14, 2024 by 4:00 P.M.,

4. Each municipality and township within the County that intends to participate in the County's waste reduction programs shall elect to participate in the interlocal agreement by December 31, 2024,

5. The amount of the proposed surcharge is \$50 per year per household,

6. Commercial businesses will not be subject to the proposed surcharge,

7. A voter-approved surcharge is a mandatory charge to be collected as part of billings for property taxes, both current and delinquent; and

BE IT FINALLY RESOLVED that the County Administrator and/or the Board Chairperson are authorized to sign the necessary documents on behalf of the County and that the Executive Director of Finance is authorized to perform the necessary budget adjustments to complete this action.

Moved by Commissioner Dugan, seconded by Commissioner DeYoung to take immediate action and approve the resolution as presented. Motion carried by roll call vote. Yeas: 5 votes. Nays: 0 votes.

BREAK - 2:02 P.M.

15/ Upon reconvening at 2:09 P.M., the following Commissioners were present: Commissioner Storey, DeYoung, Kapenga, Beltman and Dugan.

ALLEGAN STATE GAME AREA (ASGA) USAGE

16/ Commissioners discussed the Allegan State Game Area Usage resolution.

Moved by Commissioner Dugan, seconded by Commissioner Beltman to adopt the amendments to three WHEREAS clauses as discussed. Motion carried by voice vote. Yeas: 5 votes. Nays: 0 votes.

Moved by Commissioner Beltman, seconded by Commissioner Dugan to accept the amendment on the final WHEREAS clause. Motion carried by voice call vote. Yeas: 5 votes. Nays: 0 votes. ** Amended during the 2/22/2024 session correcting the seconder to the motion. **

Moved by Commissioner Storey, seconded by Commissioner Dugan to add a third resolving clause to the resolution. Motion carried by voice vote. Yeas: 5 votes. Nays: 0 votes.

Moved by Commissioner Kapenga, seconded by Commissioner Dugan to amend the final THEREFORE BE IT RESOLVED. Motion carried by voice vote. Yeas: 5 votes. Nays: 0 votes.

ALLEGAN STATE GAME AREA (ASGA) USAGE

16.1/ **WHEREAS**, the Michigan Department of Natural Resources (MDNR) is committed to the conservation, protection, management, use and enjoyment of the state's natural and cultural resources for current and future generations; and

WHEREAS, the Board of Commissioners (Board) requested a dialogue with MDNR to expand recreation usage of the ASGA initially regarding increased use for biking; and

WHEREAS, citizens, directly and through an independently facilitated citizen engagement survey, have expressed an expectation of increased recreational programming; and

WHEREAS, the Board has since added a goal to increase ASGA usage to its Strategy Plan including consideration of expanding opportunities for

walking, biking, hunting, equestrian use, snowmobiling, ORV use and other potential programming; and

WHEREAS, the County has met with MDNR, Representative Smit, Midwest Strategy Group, and other stakeholders to discuss the potential use of the state game area for biking and subsequently meeting with MDNR officials on a decision to close a snowmobile trail; and

WHEREAS, MDNR has generically referenced that the expanded use and activities outlined above may be restricted and not permitted under land use, species protection, and funding agreements.

THEREFORE BE IT RESOLVED that the Board is formally requesting from MDNR any and all documents relative to the properties located within Allegan County, with specific highlights and/or citations to sections of such documents, that outline any restrictions to any activities outlined above, notwithstanding that some activities may need to operate separately from other activities within the broader ASGA; and

BE IT FURTHER RESOLVED to the extent the MDNR requires a request under Michigan's Freedom of Information Act, this Board action shall serve as the written official request; and

BE IT FURTHER RESOLVED that the County Administrator is authorized to work with the necessary stakeholders and services within reason to gather said information and to have such information evaluated; and

BE IT FINALLY RESOLVED that the Clerk is directed to provide authentic copies of this resolution to Allegan County's representatives and senators in the Michigan Legislature and United States Congressman Bill Huizenga.

Moved by Commissioner Beltman, seconded by Commissioner Dugan to approve the final resolution with all amendments as written. Motion carried by roll call vote. Yeas: 5 votes. Nays: 0 votes.

MICHIGAN DEPARTMENT OF TRANSPORTATION – PERFORMANCE RESOLUTION FOR MUNICIPALITIES

17/

Michigan Department of Transportation 2207B (05/21)

PERFORMANCE RESOLUTION FOR MUNICIPALITIES

This Performance Resolution (Resolution) is required by the Michigan Department of Transportation for purposes of issuing to a Municipality an "Individual Permit for Use of State Highway Right of Way", and/or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".

RESOLVED WHEREAS, the Allegan County (County, City, Village, Township, etc.)

hereinafter referred to as the "MUNICIPALITY," 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 utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the MUNICIPALITY agrees that:

- 1. Each party to this Resolution shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Resolution, as provided by law. This Resolution is not intended to increase either party's liability for, or immunity from, tort claims, 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.
2. If any of the work performed for the MUNICIPALITY is performed by a contractor, the MUNICIPALITY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the MUNICIPALITY Failure of the MUNICIPALITY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the MUNICIPALITY by a contractor or subcontractor will be solely as a contractor for the MUNICIPALITY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the MUNICIPALITY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the MUNICIPALITY.
4. The MUNICIPALITY 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.
5. The MUNICIPALITY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the MUNICIPALITY'S facilities according to a PERMIT issued by the DEPARTMENT.

- 6. With respect to any activities authorized by a PERMIT, when the MUNICIPALITY 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.
- 7. 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.
- 8. This *Resolution* shall continue in force from this date until cancelled by the MUNICIPALITY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the MUNICIPALITY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the MUNICIPALITY.

Title and/or Name:

Sheriff Frank Baker

Undersheriff Mike Larsen

Lt John Damveld

Lt Michael Brown

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the _____ Board of Commissioners

 (Name of Board, etc.)
 of the _____ County of Allegan _____ of _____ Allegan _____

 (Name of MUNICIPALITY) (County)
 at a _____ Board of Commissioners _____ meeting held on the 13th day
 of _____ February _____ A.D. _____ 2024 _____.

Signed

County Clerk/Register of Deeds

Title

Bob Genetski

Print Signed Name

Moved by Commissioner Dugan, seconded by Commissioner Kapenga to approve the resolution as presented. Motion carried by voice vote. Yeas: 5 votes. Nays: 0 votes.

PUBLIC PARTICIPATION - NO COMMENTS

18/ Chair Storey opened the meeting to public participation and as there were no comments from the public, he closed the meeting to public participation.

ADJOURNMENT UNTIL FEBRUARY 22, 2024 AT 1:00 P.M.

19/ Moved by Commissioner Dugan, seconded by Commissioner Kapenga to adjourn until February 22, 2024 at 1:00 P.M. The motion carried by voice vote and the meeting was adjourned at 2:43 P.M. Yeas: 5 votes. Nays: 0 votes.

Jennifer Duen

Deputy Clerk

James M. Storey

Board Chair

Minutes approved during the 02/22/2024 Session