



**Calhoun County Board of Commissioners**  
**Thursday, June 5, 2008, 7:00 p.m.**

**Board of Commissioners Meeting Room**  
**Marshall, Michigan**

---

**KATE SEGAL**  
*Chairwoman, District 1*

**TERRIS E. TODD**  
*District 2*

**BETTY ARNQUIST**  
*District 3*

**MICHAEL RAE**  
*District 4*

**GREGORY A. MOORE**  
*District 5*

**JASE BOLGER**  
*District 6*

**EUSEBIO SOLIS**  
*Vice Chairman, District 7*

1. **Call to Order/Roll Call**
2. **Invocation**
3. **Pledge of Allegiance**
4. **Approval of Agenda**
5. **Approval of Minutes: May 15, 2008**
6. **Citizens' Comments**
7. **Elected/Appointed County Officials' Comments**
8. **Special Order of Business:**
  - A. "Juneteenth National Freedom Day" Proclamation  
-- *attachment*  
**(Action: Motion to Approve)**
  - B. Elder Abuse Awareness Day Proclamation  
-- *attachment*  
**(Action: Motion to Approve)**
9. **Consent Agenda**
  - A. **Petitions, Communications, Reports:**
    - (1) Notice of a public hearing scheduled for May 20, 2008 regarding a Brownfield Plan, Amendment No. 2, for the proposed Kellogg Research and Development Facility Expansion received from Battle Creek City. **(To be received and placed on file, with a copy remitted to Equalization Director David Jager)**

- (2) Notice of a public hearing scheduled for May 20, 2008 regarding granting Industrial Facilities Exemption Certificate Applications for Advanced Plastic Manufacturing, Inc., and Advanced Special Tools received from Battle Creek City. **(To be received and placed on file, with a copy remitted to Equalization Director David Jager)**

B. Resolutions:

- (1) Calhoun County Economic Development Corporation Appointments (Terms Expire December 31, 2014)
    - {a} Richard Folk
    - {b} Joyce Spicer
  - (2) Calhoun County Jury Board Appointments
    - {a} Marlene Plassman – Term Expires April 30, 2014
    - {b} Ann Lyon -- Term Expires April 30, 2009  
(Replacing Peggy Mrozinski)
- 

10. **Special Committee/Workshop/Board Reports**

11. **Unfinished and Old Business:**

- A. Area Agency on Aging 2009 Annual Plan Approval

12. **Petitions and New Business:**

- A. County Administrator/Controller's Report

- (1) FY 2008 Friend of the Court/Family Division Budget Adjustment  
-- *attachment*  
**(Action: Motion to Approve)**
- (2) Medical Care Facility Easements {2} -- *attachment*  
**(Action: Motion to Approve)**
- (3) Miscellaneous

13. **Citizens' Time**

14. **Commissioners' Time**

**15. Claims Payable Listings****16. Announcements****17. Adjournment****ADDITIONAL INFORMATION**

Questions regarding agenda items may be answered prior to the meeting by contacting the Board of Commissioner's Office at 781-0910.

Persons with disabilities who need accommodations to effectively participate in County Board meetings should contact the County Administrator's Office at 781-0966 a week in advance to request mobility, visual, hearing or other assistance. Agenda for Calhoun County Board Meetings can be found on the internet at <http://www.calhouncountymi.gov>

---

# Resolution

8. A.

## “Juneteenth National Freedom Day”

WHEREAS, the Calhoun County Board of Commissioners recognize that slavery existed in this country for more than 200 years; and

WHEREAS, millions of African-Americans were brought to this country as slaves, stacked in the bottom of slave ships on a 5 to 12 week journey across the Atlantic Ocean, known as the “middle passage;” and

WHEREAS, although approximately 11 ½ million African-Americans survived the voyage across the ocean, the number of those who died in the inhuman conditions of the passage is probably even higher. Once in this country the captives were subjected to whipping, castration, branding and rape; and

WHEREAS, the Board of Commissioners further observes that Congress passed the Thirteenth Amendment to the United State Constitution on January 31, 1863, abolishing slavery throughout the United States and its territories; and

WHEREAS, in the following months, spontaneous celebrations erupted throughout the country whenever African-Americans learned of their freedom. News of the amendment reached the states at different times, and it was not until June 19, 1865 that the message of freedom reached the slaves in the western states; and

WHEREAS, in honor of this great moment in the history of our nation, the Calhoun County Board of Commissioners recognize that the third Saturday in June of each year is known as “Juneteenth National Freedom Day;” and

WHEREAS, the Calhoun County Board of Commissioners encourage individuals, educational institutions; and social, community, religious, labor and business organizations to pause on “Juneteenth National Freedom Day” and reflect upon the strong survival instinct of the African-American slaves and the excitement and great joy with which African-Americans first celebrated the abolition of slavery. It is a reminder to all Americans of the status and importance of Americans of African descent as American citizens.

---

Kate S. Segal, Chairwoman  
Calhoun County Board of Commissioners

# Resolution

8. B.

## Elder Abuse Awareness Day

WHEREAS, Michigan's older citizens laid the foundation for the communities, the State and the Nation we enjoy today; and

WHEREAS, abuse of older persons is a tragedy inflicted on a vulnerable segment of the population that crosses all socio-economic boundaries; and

WHEREAS, combating abuse of older people will help to improve the quality of life for seniors across Michigan, and will allow senior citizens to continue to live as independently and vibrantly as possible; and

WHEREAS, Michigan's seniors should be treated with respect and dignity as they continue to serve as leaders, mentors, volunteers, and important and active members of our communities.

THEREFORE, I, Chairwoman Kate Segal, do hereby proclaim June 15, 2008 as

## Elder Abuse Awareness Day

in the County of Calhoun.

IN WITNESS WHEREOF, I, Kate Segal, Chairwoman of the Calhoun County Board of Commissioners, have hereunto set by hand and affixed the Seal of the County of Calhoun, Michigan this Fifth day of June 2008.



---

Kate S. Segal, Chairwoman  
Board of Commissioners

12. A. (1)

**RESOLUTION**

BE IT RESOLVED BY THE CALHOUN COUNTY BOARD OF COMMISSIONERS that the 2008 budget for Family Division budget unit 1133 is decreased \$93,864, with the amount transferred to the FOC Fund in order to increase the 2143 business unit \$93,864. The purpose of this adjustment is to transfer the amount of appropriation for the attorney referee position which was formerly in the 1133 unit but which was transferred to the 2143 unit in December of 2007 in order to facilitate the qualification for at least partial federal/state IV-D funding. The budget adjustments authorized by this resolution will become effective for June, 2008. The additional appropriation shall be allocated to the FOC fund on a monthly pro rata basis.

# Thirty-Seventh Judicial Circuit of Michigan

ALLEN L. GARBRECHT, Chief Judge  
JAMES C. KINGSLEY  
STEPHEN B. MILLER  
GARY K. REED, by assignment  
CONRAD J. SINDT  
Circuit Judges



JEFFREY S. ALBAUGH  
Circuit Court Administrator  
269-969-6523

MICHAEL BOLTZ  
Family Division Administrator  
269-969-6812

TO: Calhoun County Board of Commissioners

FROM: Jeffrey S. Albaugh, Circuit Court Administrator/FOC

DATE: May 12, 2008

**RESOLUTION: Budget Amendment - Family Division/Friend of the Court Business Units**

## RECOMMENDATION

The Circuit Court recommends approving the attached resolution amending the 2008 budget by transferring \$93,864, from Family Division (1133) to the Friend of the Court (2143) to facilitate the completion of the transfer of an attorney referee position. The purpose is to ultimately secure federal and state IV-D funding for a portion of the position's salary, benefits and related expenses.

## BACKGROUND

In late 2007, long time referee Karl Beysiegel, who was not an attorney, retired. As had previously been indicated in our Family Division Plan and in the prior job classification updates, upon this position being vacated, the court would fill the position with a qualified Michigan licensed attorney. That was accomplished on 12/3/07 with the hiring of Kristen Getting. Simultaneously, the court transferred the position from Family Division 1133 to the Friend of the Court 2143 business unit completing the transfer of all referee positions to the 2143 business unit. Transferring all referee positions to the FOC 2143 unit was started several years ago in order to maximize recovery of federal IV-D funds as may be appropriate for performing those activities. Referee Beysiegel was unable to perform IV-D activities since he was not a licensed attorney. We indicated to the county Finance Office at the time that we would hold any budget adjustment until following the 1st quarter of 2008, with the FOC absorbing any net costs for the brief part of the 2007 year that the transfer affected. This authorization will transfer the amount appropriated to 1133 that is needed for 2143 relating to Ms. Getting's position. At this point no IV-D revenue is estimated. We anticipate making any adjustment for any IV-D revenue either at the end of the budget year or after the 6 month review.

## ALTERNATIVES

The county could decline to make the budget adjustment. In this case, the position would need to be transferred back to the Family Division and IV-D funding would not occur.

Calhoun County Justice Center  
161 E. Michigan Ave.  
Battle Creek, MI 49014-4066

The Court is an affirmative-action, equal-opportunity employer.

**BUDGET IMPACT**

There is no initial budget impact as this is a straight general fund transfer. Ultimately, general funding for a share of the position will be decreased as IV-D time and reimbursement is determined.

**SUMMARY**

It is requested that the Board of Commissioners approve the attached budget resolution completing the transfer.

**37<sup>th</sup> Judicial Circuit of Michigan**  
**Budget Transfer Authorization**

RE: Transfer of Position/Budget

Background: In late 2007, long time non attorney referee Karl Beysiegel retired. As had previously been indicated in our Family Division Plan and in the prior job classification updates, upon this position being vacated, the court would fill the position with a qualified Michigan licensed attorney. That was accomplished on 12/3/07 with the hiring of Kristen Getting. Simultaneously, the court transferred the position from Family Division 1133 to the Friend of the Court 2143 business unit in order to maximize recovery of federal IV-D funds as may be appropriate for performing those activities. Referee Beysiegel was unable to perform IV-D activities since he was not a licensed attorney. We indicated to the county Finance Office at the time that we would hold any budget adjustment until following the 1st quarter of 2008, with the FOC absorbing any net costs for the brief part of the 2007 year that the transfer affected. This authorization will transfer the amount appropriated to 1133 that is needed for 2143 relating to Ms. Getting's position. At this point no IV-D revenue is estimated. We anticipate making any adjustment for any IV-D revenue either at the end of the budget year or after the 6 month review.

Authorized adjustment:

REDUCE THE 1133 APPROPRIATION A TOTAL OF \$93,864 AS FOLLOWS:

Salary	70600	(67,801)
On call	71050	( 2,080)
S & A	72100	( 1,051)
Workers C	72200	( 161)
Dental	72300	( 600)
Hospitaliz	72307	(11,725)
Life Ins.	72360	( 124)
Unemploy	72370	( 230)
FICA	72400	( 5,346)
DB	72535	( 4,746)

INCREASE THE 1141 APPROPRIATION A TOTAL OF \$93,864 AS FOLLOWS:

Transfer out	99900	93,864
--------------	-------	--------

INCREASE THE 2143 REVENUE A TOTAL OF \$93,864 AS FOLLOWS:

Transfer in	69900	93,864
-------------	-------	--------

INCREASE THE 2143 APPROPRIATION A TOTAL \$93,864 AS FOLLOWS:

Salary	70600	67,801
On call	71050	2,080
S & A	72100	1,051
Workers C	72200	161
Dental	72300	600
Hospitaliz	72307	11,725
Life Ins.	72360	124
Unemploy	72370	230
FICA	72400	5,346
DB	72535	4,746

Further note: It will be necessary to adjust the monthly transfer from 101.1141.99900 to 215.2143.69900 accordingly.

Prepared by:

Jeff Albaugh, Circuit Court Administrator  
May 12, 2008

*May 15, 2008*

## **12.A. (2)**

RESOLVED, that the Calhoun County Board of Commissioners approve two {2} easements between Emmett Township and Calhoun County for the Township's water booster station and access service drive.



620 CLIFF STREET  
BATTLE CREEK, MICHIGAN 49014  
(269) 968-0241 PHONE  
(269) 968-0108 FACSIMILE  
WWW.EMMETT.ORG

May 19, 2008

Mrs. Donna J. Mahoney, Administrator  
Calhoun County Medical Care Facility  
1150 East Michigan Avenue  
Battle Creek, MI 49014

Dear Donna,

Following up on our meeting last Thursday, I offer this letter as evidence of the assurances that the Charter Township of Emmett will provide Calhoun County as it relates to the proposed easement and water booster station.

- The Booster station exterior will be a natural aggregate embedded into color concrete.
- City or Township vehicles servicing the booster station will not block the truck apron used to access our service drive; posted signs will reinforce this to all.
- The existing curb section at the end of the truck apron will be removed during construction to allow for the service drive to be extended. The proposed service drive extension will be an asphalt drive, similar in composition to the medical care facilities service drive and truck apron. The end of the existing asphalt drive will be saw-cut to form a clean vertical service to extend the proposed service drive.
- Our agent contractors will closely coordinate construction with Mr. Chapman to ensure that disruption is minimized. We will also work with your asphalt contractor to try to coordinate the application of your final parking lot coat with our work.
- The proposed booster station site and service drive will be designed and constructed to ensure that storm runoff does not increase or become a nuisance to the Calhoun County Medical Care Facility.
- During construction a few large pieces of equipment will have to be taken across your parking lot, but the contractor will only use rubber tire vehicles on the asphalt. It is anticipated that the existing pavement, which currently supports tractor trailers and garbage vehicles will have sufficient strength to support the construction traffic. If pavement is deteriorated during construction it will be repaired at no expense to the Calhoun County Medical Care Facility.
- The contractors will design and layout the booster site plan to maximize screening from existing trees on site. In addition, a series of 6 foot pine trees will be planted on a small berm on the east of the booster station for screening.
- Use of the easement to access the booster station parcel will be limited. Under normal circumstances, one service support vehicle may access the drive 3-4 times per month.

Under no circumstances will the Township/City vehicles disrupt the flow of traffic and parking to the Calhoun County Medical Care Facility.

- Any maintenance issues at the Booster Station that may require more than normal traffic will be communicated to the Calhoun County Medical Care Facility and coordinated to minimize any impact.

I believe these are all of the items that we have discussed (or that I have discussed with Mr. Chapman) and will be provided to all parties involved to ensure compliance with our promises. I will send this letter directly to Mr. Purcell as you requested. Please contact me when you return from your vacation if you have any questions.

Respectfully,  
**CHARTER TOWNSHIP OF EMMETT**

James E. Demarest, Supervisor

# EXHIBIT DRAWING FOR

PARENT PARCEL LEGAL DESCRIPTION AS PROVIDED BY CLIENT:  
PARCEL ID 13-10-009-018-01

EMMETT TOWNSHIP T2S/R7W, SECTION 9: THAT PART OF WEST  $\frac{1}{2}$  OF THE SOUTHEAST  $\frac{1}{4}$  LYING SOUTHERLY OF MICHIGAN AVENUE. ALSO SECTION 16 T2S/R7W DESCRIBED AS THAT PART OF THE WEST  $\frac{1}{2}$  OF THE NORTHEAST  $\frac{1}{4}$  LYING NORTHERLY OF THE RAILROAD RIGHT OF WAY.

## DESCRIPTION FOR IRREVOCABLE EASEMENT FOR PUMP STATION

A PARCEL OF LAND SITUATED IN THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 9, T2S-R7W, EMMETT TOWNSHIP, CALHOUN COUNTY, MICHIGAN, FURTHER DESCRIBED AS;  
COMMENCING AT THE SOUTH  $\frac{1}{4}$  CORNER OF SAID SECTION 9; THENCE N00°25'41"W 1979.05 FEET ALONG THE NORTH SOUTH  $\frac{1}{4}$  LINE OF SAID SECTION 9 AS OCCUPIED TO A POINT ON THE SOUTH LINE OF MICHIGAN AVENUE AND S88°40'47"E 654.99 FEET ALONG SAID SOUTH LINE OF MICHIGAN AVENUE TO THE POINT OF BEGINNING. THENCE CONTINUING ALONG SAID SOUTH LINE S88°40'47"E A DISTANCE OF 38.28 FEET; THENCE S00°02'27"E 46.73 FEET; THENCE DUE WEST 2.08 FEET; THENCE DUE SOUTH 21.58 FEET; THENCE DUE WEST 5.00 FEET; THENCE DUE SOUTH 15.00 FEET; THENCE DUE WEST 8.51 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 5.20 FEET AND A CHORD BEARING AND DISTANCE OF S45°00'00"W 7.35 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 15.00 FEET AND A CHORD BEARING AND DISTANCE OF S23°15'26"E 11.85 FEET; THENCE S46°30'51"E 33.96 FEET; THENCE S43°29'09"W 10.00 FEET; THENCE N46°30'51"W 33.96 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND A CHORD BEARING AND DISTANCE OF N23°15'26"W 19.74 FEET; THENCE DUE NORTH 20.20 FEET; THENCE DUE WEST 11.83 FEET; THENCE DUE NORTH 21.58 FEET; THENCE DUE EAST 4.40 FEET; THENCE N00°06'24"W 47.61 FEET TO THE POINT OF BEGINNING. CONTAINING 0.08 ACRES OR 3594 SQUARE FEET MORE OR LESS AND ALSO BEING SUBJECT TO ANY RECORDED OR UNRECORDED EASEMENTS OF BENEFIT OR BURDEN.

## EASEMENT FOR INGRESS/EGRESS FOR EXCLUSIVE USE OF CALHOUN COUNTY, AND FOR EMMETT CHARTER TOWNSHIP AND IT'S AGENTS FOR WATER SERVICE VEHICLES ON, OVER, AND ACROSS THE FOLLOWING DESCRIBED PARCEL OF LAND:

EMMETT TOWNSHIP T2S/R7W, SECTION 9: THAT PART OF WEST  $\frac{1}{2}$  OF THE SOUTHEAST  $\frac{1}{4}$  LYING SOUTHERLY OF MICHIGAN AVENUE. ALSO SECTION 16 T2S/R7W DESCRIBED AS THAT PART OF THE WEST  $\frac{1}{2}$  OF THE NORTHEAST  $\frac{1}{4}$  LYING NORTHERLY OF THE RAILROAD RIGHT OF WAY.



**DLZ** 1425 KEYSTONE AVENUE  
LANSING, MI 48911  
517-393-6800

EXCLUSIVELY FOR: EMMETT CHARTER TOWNSHIP

DLZ JOB NUMBER: 0741-6194

CLIENT JOB NUMBER: N/A

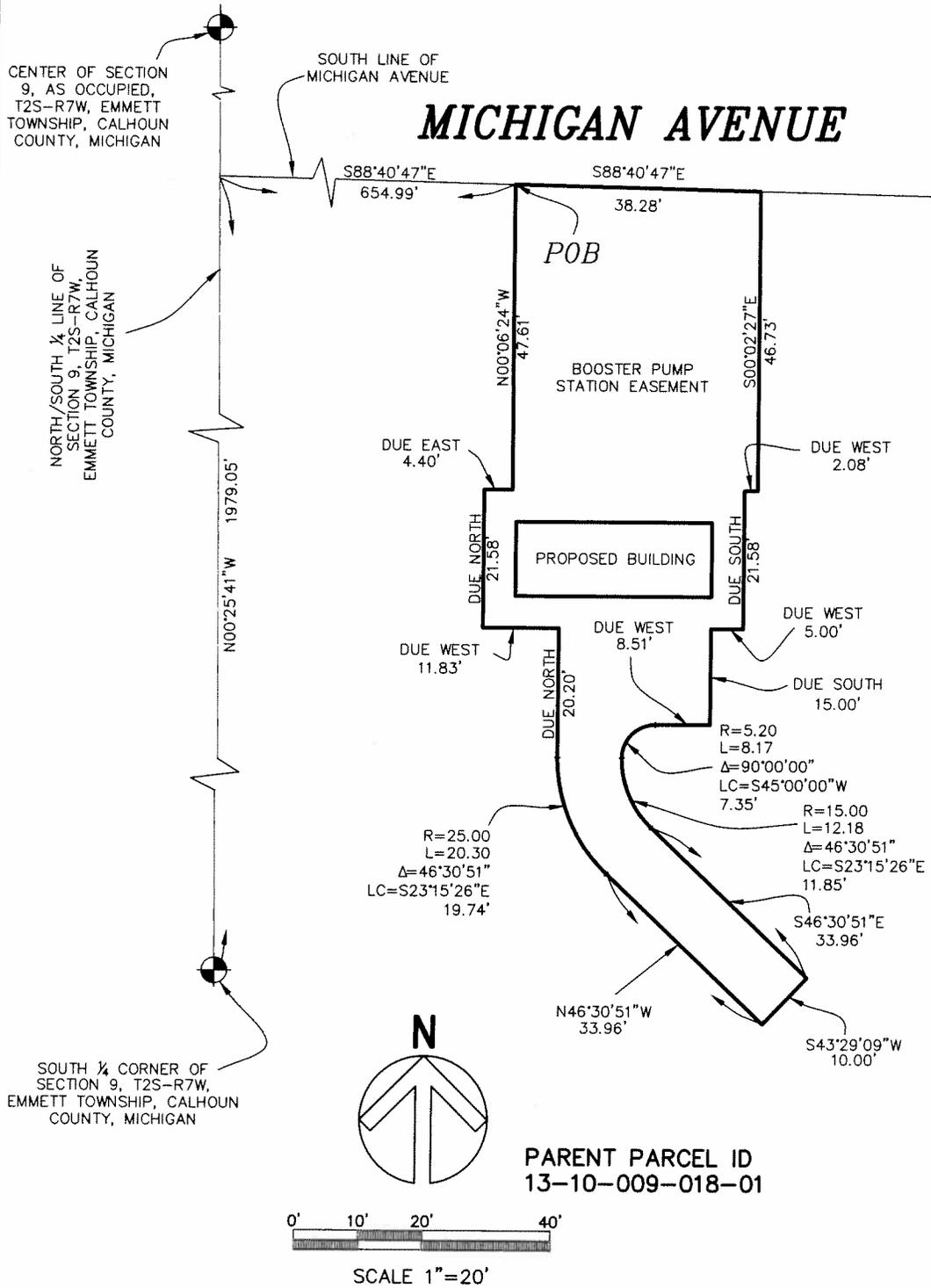
DATE: MAY 6, 2008

SHEET 2 OF 2

DRAWN BY R.G.H.

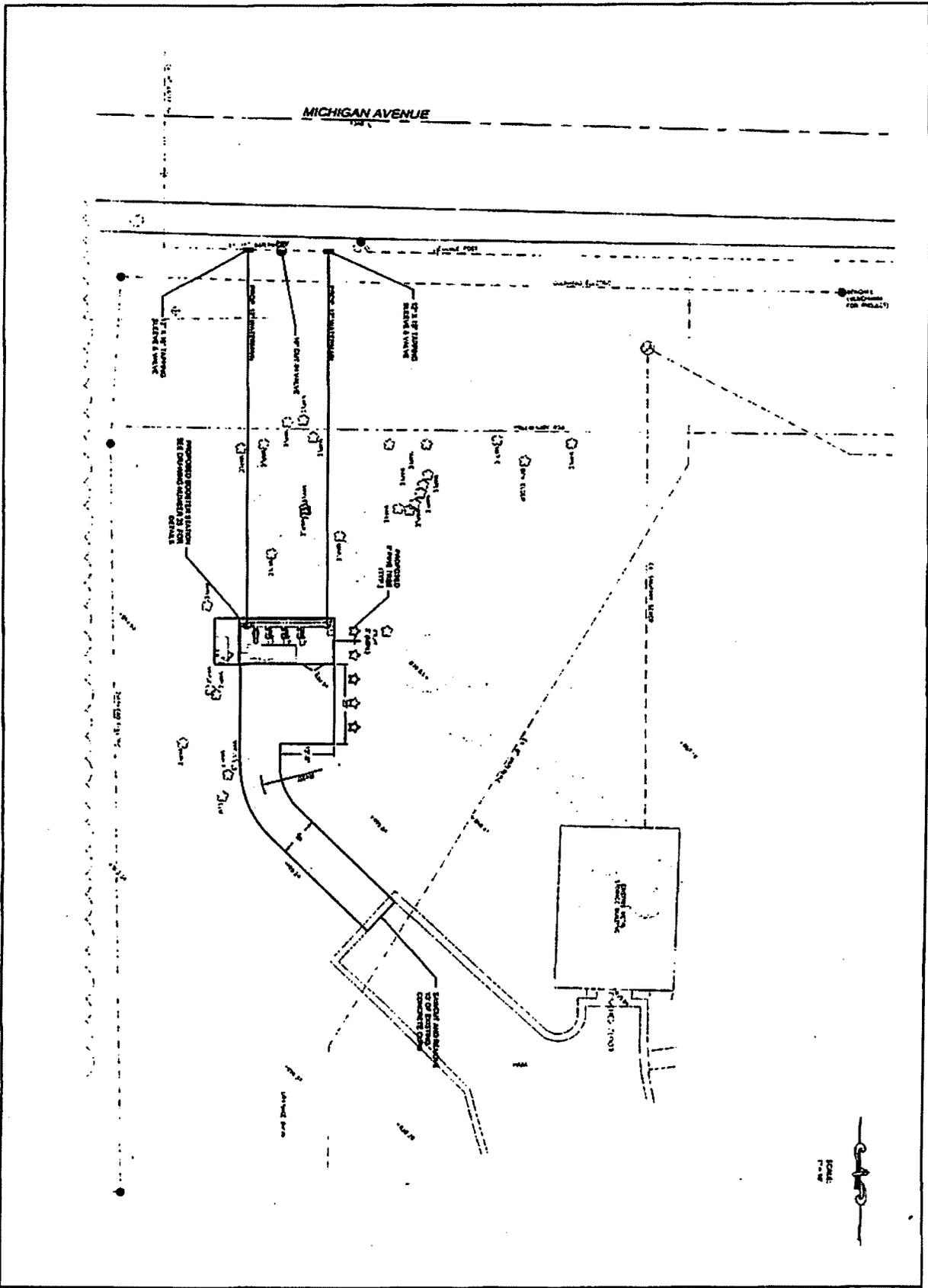
CHECKED BY: SHN

# EXHIBIT DRAWING FOR EMMETT CHARTER TOWNSHIP BOOSTER STATION

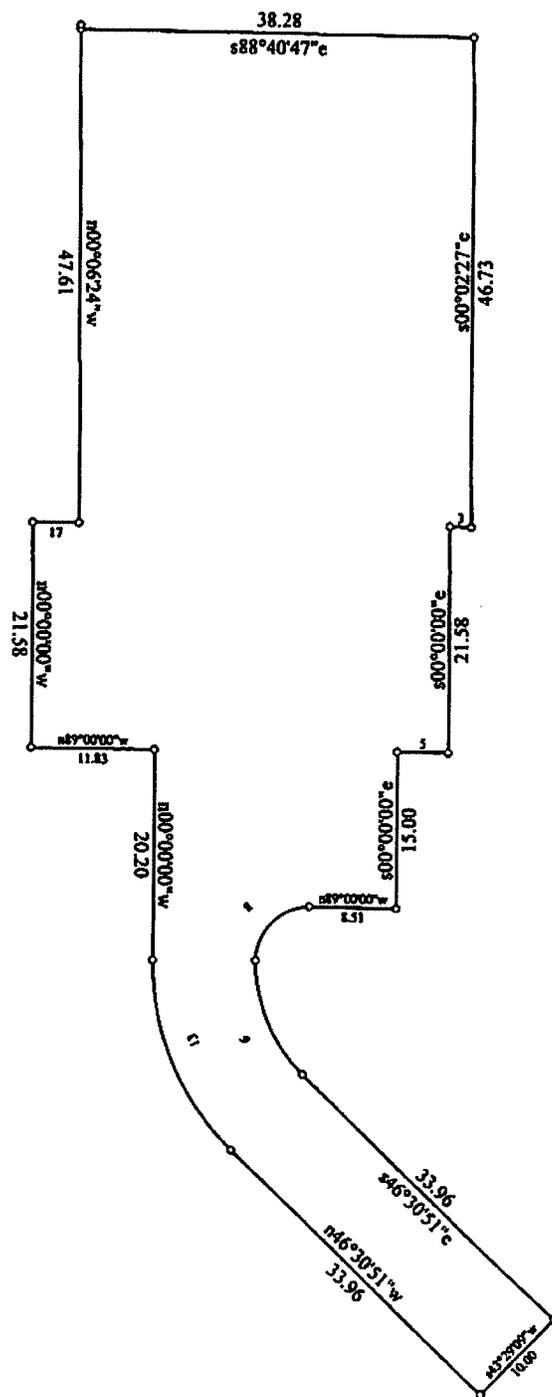


EXCLUSIVELY FOR: EMMETT CHARTER TOWNSHIP	
DLZ JOB NUMBER: 0741-6194	
CLIENT JOB NUMBER: N/A	
DATE: MAY 6, 2008	SHEET 1 OF 2
DRAWN BY: R.G.H.	CHECKED BY: SHN

**DLZ** 1425 KEYSTONE AVENUE  
LANSING, MI 48911  
517-393-6800



35	BATTLE CREEK <b>BOOSTER STATION SITE PLAN</b>	MICHIGAN	DRAWN BY: [blank] CHECKED BY: [blank] DATE: [blank]	
	SHEET 23 OF 24	FIREKEEPERS DEVELOPMENT AUTHORITY UTILITY EXTENSION PROJECT EMMETT CHARTER TOWNSHIP, CALHOUN COUNTY	PROJECT NUMBER: <b>07416194-00</b>	



Title:		Date: 05-07-2008
Scale: 1 inch = 18 feet	File:	

