

THE BENZIE COUNTY BOARD OF COMMISSIONERS
February 23, 2016

The Benzie County Board of Commissioners met in a regular meeting on Tuesday, February 23, 2016, 448 Court Place, Government Center, Beulah, Michigan.

The meeting was called to order by Vice Chairman Frank Walterhouse at 9:00 a.m.

Present were: Commissioners Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke

Absent: Excused: Chairman Griner

The invocation was given by Comm Bates and the pledge of allegiance was led by Comm Sauer.

Agenda:

Motion by Bates, seconded by Sauer, to approve the agenda as amended, adding potential OMA violation at 10:15. Ayes: Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke Nays: None
Exc: Griner Motion carried.

Minutes:

Motion by Bates, seconded by Sauer, to approve the regular session minutes of February 9, 2016 as presented. Ayes: Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke Nays: None Exc: Griner Motion carried.

9:03 a.m. Public Input

Ted Wood, Joyfield Township Clerk and member of Lakes to Land, stated that he supports your consideration for the AES proposal; at the Benzie Summit last October and they had very positive comments regarding AES and economic development.

Josh Mills, Frankfort Superintendent, says thank you for your dedication to this fine community that we call home; he stated he is in support the proposal of AES; this requires strong leadership; he doesn't feel we need more studies, we need to implement the strategies in place and he is confident that we will see immediate rewards.

Betsy Evans, Director of Business Development for AES has provided the board with one-page of additional information and stated that the EDC has been supportive as well.

Eric VanDussen, Benzonia, says he doesn't understand how this board does not grasp that Cohl Stoker & Toskey has an absolute conflict of interest in representing the Sheriff and the county in regard to David Tucker's grievance and the lawsuit; there was a secret HR meeting on August 31, 2015 with Mr. Tucker where you went into closed session and no minutes were taken; why wasn't Ms. Olney in that meeting or Tammy Bowers her assistant clerk to take minutes and record the open session of that meeting; where are those minutes for the August 31, 2015 HR meeting where a decision was made by that HR committee. Also, December 22, 2015 closed session which is the subject of my lawsuit where MMRMA had already assigned another attorney to represent the county – why would you go into closed with Bonnie Toskey by phone -- she doesn't even represent the county in that threat of action; why the secrecy – that is the biggest question here.

Mike Worden, Chair of EDC, stated that he supports the AES; it was an easy decision for EDC; if we want to have consistent economic development in the county we need this; there needs to be a commitment by the county.

Katie Osborn stated that she works for the Prosecuting Attorney and before that worked for the County Clerk; she stated she will be running for County Clerk this election.

Bev McCarthy, AES Board, we are very excited about the potential of working together. Our board is very interested.

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Deb Lindgren, Joyfield Twp, spoke of her concerns about AES – you have been elected to represent the people; you need to do your research; did you post this service that you are looking at; did you give Networks Northwest the chance to bid on this. Where is the money coming from? Very concerned about this going to AES.

9:22 a.m. Public Input closed

ELECTED OFFICIALS & DEPT HEAD COMMENTS:

Sheriff Schendel, passed out some information for the board regarding point of clarification regarding the county vehicle policy – Comm Bates was confused, it should be all elected officials not just the Sheriff Dept. The Sheriff Dept is not bound by the Personnel Policy adopted by the Board of Commissioners.

Comm Tucker asks if the policy language was changed to be the sole discretion of the Sheriff-elected officials.

Doug Durand, Council on Aging, provides the February 2016 report; last year we saved over \$14,000 with the Feeding America Program with the purchase of dry goods and we are also now working with Food Rescue; last Thursday they met with Paul Oliver Hospital and are working on partnership collaboration on educational services – it was a great meeting; January was a good month for the agency and they continue to look forward to an early Spring.

Amy Bissell, Register of Deeds, updated the board for the last FY stating that we moved close to \$1.1 million through her office; of that \$721,000 went to the state transfer tax; \$26,430 went to the Register of Deeds Automation Fund for the upgrading of technology; \$17,970 went to the State Survey and Remonumentation Fund to reset the corners in the State of Michigan; \$237,500 went to the county General Fund – our office is a revenue generator. Revenues for this FY are up 7.69% over last year at this point; Passports -- \$4,750 last year or 190 passports with an average of 15 minutes each; they have been notified by the Dept of State to expect an increase in passport applications over the next two years. They have two search engines to use records on-line 1) Loreda – for the title companies, independent searchers, they sign up, pay a fee and can use the records 24 hours per day; and 2) Tapestry – those are for customers that are occasional users; split the fee with the software company. SB 599 is out there – this is known as the flat-fee bill and is a restructuring fee passed the senate and is now at the house. If it passes, it could bring about \$67,000 to Benzie County.

Marlene Wood, Recycling Coordinator, stated that the bins have settled from the holidays and the county has community events and education is very important and to have recycling bins available to them; she has been attending festivals already -- Water Festival, Shiver by the River and Winterfest.

Dawn Olney, County Clerk, stated that she is running for re-election for County Clerk and not retiring as some have said.

Benzie Transportation Authority January 2016 report received.

Benzie Home Health Care January 2016 report received.

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Comm Carland stated that he has had a quiet couple of weeks; he has met with the Village of Beulah regarding the water system.

Comm Warsecke stated that he attended the Colfax Township and Conservation District meetings.

Comm Bates said that Platte Township meets quarterly but they did have a budget meeting.

Comm Tucker stated that she has attended the Benzie Transportation and they are negotiating Bill's contract renewal; she also attended the Council on Aging meeting; she restated that anything that is in front of the Board of Commissioners concerning her husband, she will recuse herself.

Comm Sauer stated that VCAT will have another meeting March 10 at the Elks in Traverse City from 1 -3 p.m.

Comm Walterhouse reported that he attended the Land Bank meeting; EMS millage is up for renewal; Joint Court meeting; Parks & Rec last evening and stated that the new member of the committee would like to see Benzie County having a pool.

COUNTY ADMINISTRATOR'S REPORT – Mitch Deisch

- Information has been provided to the board regarding the revenue sharing grants – information to amend the budgets will be sent back to committee.

Comm Tucker asked that the meetings with the Jail Administrator and Sheriff that are being held start having detailed information to the Board regarding those meeting. She would like to see it at each BOC meeting.

Michelle Thompson, County Treasurer, stated that they are just gathering data at this point.

FINANCE

Bills: Motion by Carland, seconded by Warsecke, to approve payment of the bills from February 10, 2016 to February 23, 2016 in the amount of \$392,419.19, as presented. Roll call. Ayes: Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke Nays: None Exc: Griner Motion carried.

Michelle Thompson, County Treasurer, presented the cash fund by summary report with a couple of funds in the red; she provided an update regarding the Remonumentation Program – we are about 75% redone – 15% of the remaining 25% is federal property or swamp land. She commented on SB 599 that was discussed by the Register of Deeds and stated that the County Treasurers are lobbying to get an exemption from that flat-fee.

Taxes are due to the townships in February 16 and delinquent to the county treasurer March 1.

10:05 a.m. Break

10:10 a.m. Reconvene

Finance Consent Calendar:

Comm Bates removes items 2 and 3.

Motion by Sauer, seconded by Tucker, to approve the February 9, 2016 Finance Committee Consent Calendar items 1, 4, 5 and 6, as presented. Roll call. Ayes: Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke Nays: None Exc: Griner Motion carried.

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#2: Comm Bates stated that he is not comfortable with where we are heading with item 2; this change should be done during the budget process; we are making accommodations that could come back to bite us; don't understand why we continuing to play this revolving game; let's get the sheriff's budget in control; why do we continue to go down this road.

Comm Sauer stated that we were under the impression there was four positions there; hesitant to do this; concern is contract issues; the Sergeant without the Undersheriff being an Undersheriff, the Sergeants are run by seniority; there could be one Sergeant overseeing the Undersheriff; we had status quo during contract negotiations; still not sure of this.

Sheriff Schendel stated the reason we are in this position is because of a promotion with a reduction in benefits; one of six surrounding counties have an outside Undersheriff – not hired from within; the Undersheriff is not a union position; other counties are doing what we are asking.

Comm Tucker says you have been violating; you have the verbiage that allows you to put the U/S back in the union and he would not lose his time.

Mitch Deisch says we are stuck in this endless game of a temporary scenario; a continuous cycle of Undersheriff – Sergeant – Undersheriff. We are waiting for a decision from MERS regarding leaving the Undersheriff in the bargaining unit for retirement purposes only.

Comm Bates asks what the cost is; we have a budget and need to live within that budget; we are back to making exceptions.

Comm Warsecke says that until we get it straightened out, how will anyone want to promote, they will make less money.

Vice Chair Walterhouse says we will put this issue on hold and bring back at a later date; get all of the questions asked.

#3: Comm Bates asks how the board make-up at ASE will be. Yes, Benzie County will be added to the board, but we don't know yet how many – we will look at a total restructuring of the board.

Comm Tucker stated that she hasn't been involved in a lot of the committee presentations, and doesn't fully understand it; Deb has some good questions; can you get it on an agenda for a full presentation.

Comm Bates says he concurs with the length of the contract and is happy with the 60-day out; How many will be on the board from Benzie.

Beth McCarthy indicated that they are looking at a 15 – 18 member board but we are open to what you feel is fair representation.

Vice Chair Walterhouse says EDC should be two of the people on it together with a Commissioner. Comm Sauer asks if you provide reports to the City and County of Manistee now.

Ms. McCarthy stated yes, they used to have an annual meeting and have increased it to twice per year; they also send a monthly update to them.

Comm Tucker inquired – is this a 3-year agreement; and with a 60-day out in the first year only?

Yes three year, no not only 60-day out in the first year.

Mitch Deisch says he will start finalizing the agreement.

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Motion by Bates, seconded by Warsecke, to support the Alliance for Economic Success proposal in conjunction with the City of Frankfort, not to exceed \$20,000, funds to come from Fund Balance with a 60-day cancellation notice; the agreement to be brought back before the full board for approval. Roll call. Ayes: Bates, Sauer, Tucker, Walterhouse and Warsecke Nays: Carland Exc: Griner Motion carried.

10:41 a.m. Marlene Wood, Recycling Coordinator, presented the 2015 Annual Report. Motion by Bates, seconded by Carland, to accept the 2015 Annual Report from the Recycling Coordinator, as presented. Ayes: Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke Nays: None Exc: Griner Motion carried.

10:50 a.m. Comm Bates discusses a possible OMA violation with regard to the closed session which was held on December 22, 2015 and the contents of that closed session has been compromised on February 18, 2016; information has been made public; what are we going to do about it. If we sit back as a board and do nothing, someone else will take care of the violation that we have done nothing about. Do the board intend to do anything about the potential violation?

Comm Walterhouse stated that Mitch brought it to his attention last week that one person gave a statement to the paper; it is on record.

Mitch suggested to ask legal counsel if information is provided to the paper, the information was discussed at the closed session; he would like to contact Mr. Figura regarding this issue to see if it is a violation.

Motion by Sauer, seconded by Bates, to authorize the County Administrator to contact Mr. Figura to investigate a potential OMA violation of the December 22, 2015 closed session meeting with the potential violation which happened on February 18, 2016. Roll call. Ayes: Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke Nays: None Exc: Griner Motion carried.

HR AND PERSONNEL – None

COMMITTEE APPOINTMENTS

Comm Tucker inquired regarding applicants that are reapplying, do they still need to go through the interview process if there are not more applicants than there are positions available – yes they will, that is the way the policy reads.

ACTION ITEMS

Recycling Surcharge Appeal: Motion by Tucker, seconded by Carland, to deny the Recycling Surcharge Appeal of Richard A. Barclay, as presented. Roll call. Ayes: Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke Nays: None Exc: Griner Motion carried.

Buildings & Grounds Consent Calendar:

Motion by Bates, seconded by Warsecke, to approve the February 10, 2016 Buildings and Grounds Consent Calendar item 1 as presented. Roll call. Ayes: Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke Nays: None Exc: Griner Motion carried.

CORRESPONDENCE

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- Parks & Recreation minutes of January 25, 2016 received.
- Road Commission minutes of January 28, 2016 received.
- Letter received from the State of Michigan Dept of Health and Human Services regarding approval of the 2015-16 Child Care Fund.
- MMRMA letter received regarding training videos.
- Benzie Transportation Authority Audit report for 2015 received.
- Alger County resolution 2016-04 regarding the EPA and Waters of the US received.
- Alger County resolution 2016-05 regarding the Center for Public Integrity and Global Integrity received.
- Alger County resolution 2016-06 regarding opposition to HB 5016 regulating the use of public right of ways along road.

Comm Tucker stated that she would like a full presentation from AES regarding the proposal.

Motion by Tucker, seconded by Sauer, to schedule a Special Board of Commissioners' meeting for Wednesday, March 16, 2016 at 6:00 p.m. for an AES presentation and discussion with time allotted for Public Input. Ayes: Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke Nays: None Exc: Griner Motion carried.

NEW BUSINESS – None

11:22 a.m. Public Input

Marlene Wood informed the board of a typo in her annual report.

Michelle Thompson stated that the Land Bank Authority is working on a list of projects.

Craig Johnson inquired regarding the drawing up of the ballot wording.

Lori Hill, Planning Commission member, commented regarding AES and stated it is an excellent idea to go to the public and that any agreement that the commissioners come up with AES projects, be sure they fall within the County Master Plan.

Motion by Bates, seconded by Warsecke, to authorize the County Clerk to contact Cohl, Stoker and Toskey regarding drawing up of the EMS millage proposal. Roll call. Ayes: Bates, Carland, Sauer, Tucker, Walterhouse and Warsecke Nays: None Exc: Griner Motion carried.

Deb Lindgren, Joyfield Township, says thank you for scheduling the special meeting with AES; she asks what AES does for Joyfield Township; we are very uninformed in Joyfield Township; our County Administrator was City of Manistee manager and sat on the AES board for 13 or 14 years; be careful.

Colin Merry, Record Patriot, spoke regarding the investigation of the OMA violation; he stated that no one talked to him; the information was paraphrased by him from a different source.

11:33 a.m. Public Input Closed

Motion by Bates, seconded by Warsecke, to adjourn until the March 8, 2016 Regular meeting or the call of the chair. Ayes: Bates, Carland, Griner, Sauer, Tucker, Walterhouse and Warsecke Nays: None Nays: None Motion carried

Frank Walterhouse – Vice Chair

Dawn Olney, Benzie County Clerk

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1. Approved the agenda as amended, adding potential OMA violation at 10:15.
2. Approved the regular session minutes of February 9, 2016 as presented.
3. Approved payment of the bills from February 10, 2016 to February 23, 2016 in the amount of \$392,419.19, as presented.
4. Approved the February 9, 2016 Finance Committee Consent Calendar items 1, 4, 5 and 6, as presented.
5. Item #2 from the Consent Calendar will be put on hold and brought back at a later date; get all of the questions asked.
6. #3: To support the Alliance for Economic Success proposal in conjunction with the City of Frankfort, not to exceed \$20,000, funds to come from Fund Balance with a 60-day cancellation notice; the agreement to be brought back before the full board for approval.
7. Accepted the 2015 Annual Report from the Recycling Coordinator, as presented.
8. Authorized the County Administrator to contact Mr. Figura to investigate a potential OMA violation of the December 22, 2015 closed session meeting with the potential violation which happened on February 18, 2016.
9. Denied the Recycling Surcharge Appeal of Richard A. Barclay, as presented.
10. Approved the February 10, 2016 Buildings and Grounds Consent Calendar item 1 as presented.
11. Scheduled a Special Board of Commissioners' meeting for Wednesday, March 16, 2016 at 6:00 p.m. for a presentation and discussions with time allotted for Public Input.
12. Authorized the County Clerk to contact Cohl, Stoker and Toskey regarding drawing up of the EMS millage proposal.

Motion by Sauer, seconded by Tucker, to approve the Finance Consent Calendar items as follows:

1. To amend the snowmobile budget for 2015-16 as follows:

Revenues:

217-332-539.00	State/DNR Grant	\$5,000.00
217-332-585.00	Local Match (Twps)	<u>\$1,550.00</u>
		\$6,550.00

Expenditures:

217-332-706.00	Wages – Deputy Sheriff	\$5,300.00
217-332-748.00	Gas-Oil-Grease	\$ 600.00
217-332-749.00	Vehicle Repair	\$ 400.00
217-332-970.00	Equipment	<u>\$ 250.00</u>
		\$6,550.00

2. Removed from Consent Calendar.
3. Removed from Consent Calendar.
4. To set the mileage rate at the State mileage rate for everyone and continue to set the rate at the established rate set by the IRS policy as it changes.
5. To authorize a ballot proposal for the August 2016 Primary for EMS of .8000 for six years.
6. To accept the Classic Interiors bid of \$6,200 for flooring at the EMS station on 669 as presented.

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Motion by Bates seconded by Warsecke, to approve the Buildings and Grounds Consent Calendar as follows:

1. To move forward and purchase the carpet for the DHS office and store it until Spring for installation at that time.