

THE BENZIE COUNTY BOARD OF COMMISSIONERS

May 24, 2016

The Benzie County Board of Commissioners met in a regular meeting on Tuesday, May 24, 2016, 448 Court Place, Government Center, Beulah, Michigan.

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

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

Excused: Commissioners Griner and Tucker

The invocation was given by Commissioner Bates followed by the pledge of allegiance.

Agenda:

Motion by Bates, seconded by Warsecke, to approve the agenda as presented. Ayes: Bates, Carland, Sauer, Walterhouse and Warsecke Nays: None Exc: Griner and Tucker Motion carried.

Minutes:

Motion by Sauer, seconded by Bates, to approve the regular session minutes of May 10, 2016 as presented. Ayes: Bates, Carland, Sauer, Walterhouse and Warsecke Nays: None Exc: Griner and Tucker Motion carried.

9:02 a.m. Public Input

Eric VanDussen discussed his litigation and suggests that during closed session the attorney is asked why committees aren't public bodies and subject to the OMA.

9:05 a.m. Public Input Closed

ELECTED OFFICIALS & DEPT HEAD COMMENTS:

Doug Durand, Council on Aging, provided his reports for the board and spoke regarding the starting of Project Fresh this week; May 11 was Older Michiganiaan's Day; the Lawn Chore program is off and running; they ended the month of April with a surplus; the merger with Benzie Home Health Care is moving forward with an October 1, 2016 effective date – the seniors will have a much stronger agency to represent them.

Comm Carland inquired if a senior program has been held regarding use of the internet.

Sheriff Schendel asks about education regarding scams.

Craig Johnson, EMS, talked about a Community Paramedic Program that would be follow-up with individuals that have recently been released from the hospital or have chronic health issues; they do not know how it would be funded yet; POMH may be able to do it as an outreach program; the call volume is up for the summer.

Comm Sauer stated that he likes some of what you are saying, but we can't get too large and need to hire more staff.

Craig said that it would only be 9 a.m. – 5 p.m. and they would only see 2 – 3 patients per week; they won't need more staff.

David Schaffer, Recycling Coordinator, reported to the board that we have a signed tire grant back from the State so we are good to go with the first date of June 25 in Frankfort; he will write a press release next week; they are looking to schedule two more dates – hopefully in Honor and Thompsonville.

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Benzie Transportation Authority financial report for April 2016 received.

Benzie Home Health Care April 2016 monthly services statistics report received.

COMMISSIONER REPORTS

Comm Carland stated that he attended a meeting yesterday in Bear Lake regarding internet; they will do a broadband survey which will be distributed later this summer.

Comm Bates stated that it has been quiet.

Comm Warsecke reported that he had one meeting and it was cancelled – Conservation District.

Comm Sauer reminded everyone of the Memorial Day Service at 12:00 noon on May 30 at the Veteran's Memorial in Benzonia; Road Commission final bids are in on the Lindy Road project which will start this summer; culvert replacement on Red Creek; will start the bridge work on Nostwick Road; Village of Elberta hired a code enforcement officer and Zoning Administrator – Don Tanner.

Comm Walterhouse reported that Maple City Highway is being black topped.

COUNTY ADMINISTRATOR'S REPORT – Mitch Deisch

- Once Chairman Griner returns he will get with him to get the assignments for the AES board.
- There is a new Governor-signed law regarding how to classify salary employees.
- Will be meeting with Dr. Lois Goslinoski, Medical Examiner for Manistee County.

Buildings & Grounds Consent Calendar: Motion by Bates, seconded by Warsecke, to approve the May 11, 2016 Buildings & Grounds Consent Calendar items 1 and 2 as presented. Roll Call. Ayes: Bates, Carland, Sauer, Walterhouse and Warsecke Nays: None Exc: Griner and Tucker Motion carried.

AES/Village of Beulah Resolution: Motion by Bates, seconded by Carland, to adopt Resolution 2016-016 Submission on Community Development Infrastructure Capacity Enhancement Grant Application for Village of Beulah as presented, authorizing the chairman to sign. Roll Call. Ayes: Bates, Carland, Sauer, Walterhouse and Warsecke Nays: None Exc: Griner and Tucker Motion carried.

NMCA Dues: Motion by Bates, seconded by Sauer, to authorize payment to Northern Michigan Counties Association from line 101-101-955.10 in the amount of \$75.00 for 2016 dues. Roll call. Ayes: Bates, Carland, Sauer, Walterhouse and Warsecke Nays: None Exc: Griner and Tucker Motion carried.

FINANCE

Bills: Motion by Carland, seconded by Sauer, to approve payment of the bills from May 10, 2016 to May 19, 2016 in the amount of \$202,764.77, as presented. Roll call. Ayes: Bates, Carland, Sauer, Walterhouse and Warsecke Nays: None Exc: Griner and Tucker Motion carried.

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Michelle Thompson, County Treasurer, reported that the tax collection delinquency rates are down this year so the forfeitures and foreclosures are as well; Land Bank is considering projects from the Excess Land listing in Joyfield Township, Village of Honor and Village of Thompsonville. She also reported that she has been selected as the treasurer for the Michigan Association of Land Banks; she and Amy Bissell will be attending a Land Bank Summit in Marquette next month.

Remonumentation Contract: Motion by Sauer, seconded by Bates, to adopt the Remonumentation Contract as presented, authorizing the vice chair to sign. Roll call. Ayes: Bates, Carland, Sauer, Walterhouse and Warsecke Nays: None Exc: Griner and Tucker Motion carried.

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

HR AND PERSONNEL – None

COMMITTEE APPOINTMENTS

Solid Waste Advisory Committee: Motion by Bates, seconded by Carland, to appoint Marlene Wood, to the Solid Waste Advisory Committee to fill a vacancy with a term expiring December 31, 2017. Ayes: Bates, Carland, Sauer, Walterhouse and Warsecke Nays: None Exc: Griner and Tucker Motion carried.

Betsie Valley Trail: Motion by Sauer, seconded by Bates, to accept the recommendation of the Village of Elberta for the appointment of Jennifer Whiting as the representative to the Betsie Valley Trail Committee with Bill O'Dwyer to serve as the alternate, with a term ending August 1, 2019. Ayes: Bates, Carland, Sauer, Walterhouse and Warsecke Nays: None Exc: Griner and Tucker Motion carried.

ACTION ITEMS

Remonumentation Contract: Handled under Finance.

CORRESPONDENCE

- Veterans Affairs minutes of April 4, 2016 received.
- Frankfort City County Airport Authority minutes of May 5, 2016 received.
- Bay County resolution regarding Clean Water Act received.
- Road Commission minutes of April 28, 2016 received.

NEW BUSINESS – None

Benchmarking Part C: Benefits – Mitch Deisch

Mitch covered and discussed Retirements Benefits and Health Insurance with comparisons to surrounding counties.

Comm Warsecke inquired regarding the committee appointments which were made earlier in the meeting – if the policy is being followed.

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Closed Session: Motion by Bates, seconded by Carland, to go into closed session to consult with our attorney regarding trial strategy in connection with the cases of Evans vs Benzie County and Benzie County Planning Commissioner, File No. 15-10285-CZ and VanDussen vs Benzie County Board of Commissioners and Benzie County Sheriff Ted Schendel, File No. 16-10329-CZ, pending in the Circuit Court for the County of Benzie pursuant to Section 8(e) of the Open Meetings Act since discussion in an open meeting will have a detrimental financial effect on the litigating position of the County. Roll call. Ayes: Bates, Carland, Sauer, Walterhouse and Warsecke Nays: None Exc: Griner and Tucker

11:01 a.m. Re-Enter Open Session

Motion by Bates, seconded by Sauer, that we have received an update from our attorney on two cases, 15-10285-CZ and 16-10329-CZ, Evans vs Benzie County and VanDussen vs Benzie County, and based on those discussions and the update from our attorney, we authorize our attorney to proceed as discussed in closed session. Roll call. Ayes: Bates, Carland, Sauer, Walterhouse and Warsecke Nays: None Exc: Griner and Tucker Motion carried.

11:03 a.m. Public Input

Mary Lee Orr, League of Women Voters, requests this board adopt a resolution to shut down the Enbridge Line 5.

Eric VanDussen asks did you have discussions regarding conflict of interest in closed session; why is the HR not a legislative body – did your attorney explain that.

11:11 a.m. Public Input Closed

Motion by Bates, seconded by Carland, to adjourn until the June 14, 2016 Regular meeting or the call of the chair. Ayes: Bates, Carland, Sauer, Walterhouse and Warsecke Nays: None Exc: Griner and Tucker Nays: None Motion carried

Frank F. Walterhouse – Vice Chair

Dawn Olney, Benzie County Clerk

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1. Approved the agenda as presented.
2. Approved the regular session minutes of May 10, 2016 as presented.
3. Approved the May 11, 2016 Buildings & Grounds Consent Calendar as presented.
4. Adopted Resolution 2016-016 Submission on Community Development Infrastructure Capacity Enhancement Grant Application for Village of Beulah as presented.
5. Authorized payment to Northern Michigan Counties Association from line 101-101-955.10 in the amount of \$75.00 for 2016 dues.
6. Approved payment of the bills from May 10, 2016 to May 19, 2016 in the amount of \$202,764.77, as presented.
7. Adopted the Remonumentation Contract as presented, authorizing the vice chair to sign.

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8. Approved the May 10, 2016 Finance Committee Consent Calendar item 1 as presented.
9. Appointed Marlene Wood, to the Solid Waste Advisory Committee to fill a vacancy with a term expiring December 31, 2017.
10. Accepted the recommendation of the Village of Elberta for the appointment of Jennifer Whiting as the representative to the Betsie Valley Trail Committee with Bill O'Dwyer to serve as the alternate, with a term ending August 1, 2019.
11. Entered closed session.
12. Authorized our attorney to proceed as discussed in closed session.

BUILDINGS & GROUNDS

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

1. To include the expense for duct cleaning in the 2016-17 budget.
2. To have Mitch pursue discussions with the Village of Beulah for a water tower.

Motion by Bates, seconded by Warsecke, to approve the Finance Consent Calendar items as follows:

1. To establish a Letter of Understanding to standardize contractual employment with Benzie County.