

THE BENZIE COUNTY BOARD OF COMMISSIONERS
November 14, 2017

The Benzie County Board of Commissioners met in a regular meeting on Tuesday, November 14, 2017, 448 Court Place, Government Center, Beulah, Michigan.

The meeting was called to order by Chairman Coury Carland at 9:00 a.m.

Present were: Commissioners Carland, Griner, Jeannot, Roelofs, Sauer, Walterhouse and Warsecke

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

Agenda:

Motion by Walterhouse, seconded by Warsecke, to approve the agenda as amended, adding Holiday Schedule to Commissioner Reports. Ayes: Carland, Griner, Jeannot, Roelofs, Sauer, Walterhouse and Warsecke Nays: None Motion carried.

Minutes:

Motion by Jeannot, seconded by Griner, to approve the regular session minutes of October 24, 2017 as presented.

Motion by Carland, seconded by Warsecke, to amend the October 24, 2017 minutes on page 3 Comm Carland's comments.

Vote on Amendment: Ayes: Carland, Griner, Jeannot, Roelofs, Sauer, Walterhouse and Warsecke Nays: None Motion carried.

Vote on Original as Amended: Ayes: Carland, Griner, Jeannot, Roelofs, Sauer, Walterhouse and Warsecke Nays: None Motion carried.

Motion by Roelofs, seconded by Warsecke, to approve the closed session minutes of October 24, 2017 as presented. Ayes: Carland, Griner, Jeannot, Roelofs, Sauer, Walterhouse and Warsecke Nays: None Motion carried.

9:05 a.m. Public Input

Thelma Rider, spoke regarding the Building Authority and the removal of members; and closed session later today.

9:08 a.m. Public Input Closed

ELECTED OFFICIALS & DEPT HEAD COMMENTS:

David Schaffer, Recycling Coordinator, stated that he has met with American Waste and they are in the early stages of contract negotiations which will be finished in the Spring; we will be switching from 30 yard roll-off bins to 10 yard dump-style bins in December; he has put a press release out to the paper and will put on social media; he is placing a newsletter in the winter tax bills; DEQ Recycling Education Grant is going well and with some of those funds they are working on a web page.

Doug Durand, Executive Director of Benzie Senior Resources, presented the October 2017 report; 104 people signed up for snowplowing; reported on the Home Health Care celebration yesterday; Subaru will be used for the addition of a 5th route; Congregate Meals in Thompsonville on the 1st Friday; Christmas bags are going along good – working with grocery stores. In-home services have jumped in need.

COMMISSIONERS

Page 2 of 8

November 14, 2017

Kyle Maurer, Animal Control, stated that the flooring is completed at the shelter and it looks great and is easy clean-up; we will need to purchase a leaf blower and they will be looking into replacing the ventilation system. Currently they have 4 dogs and 12 cats at the shelter.

Dawn Olney, County Clerk, reported to the board that the MMRMA renewal has been received and gave an update before signing the renewal. We have been a member of MMRMA for 33 years; we have in excess of \$26 million in building value and contents insured; we have 32 vehicles insured; we have received in excess of \$626,940 in net asset distributions and this year our distribution has been determined to be \$103,450 upon signing the renewal. We have received over \$87,469 in RAP grants which have been used for the Jail, EMS, Courthouse, and Emergency Management.

COMMISSIONER REPORTS

Buildings & Grounds Consent Calendar: Motion by Jeannot, seconded by Griner, to approve the one item from the November 8, 2017 Buildings & Grounds Consent Calendar as presented. Roll call. Ayes: Carland, Griner, Jeannot, Roelofs, Sauer, Walterhouse and Warsecke Nays: None Motion carried.

Holiday Schedule: Dawn Olney, County Clerk, explained the issue with the dates that the Government Center is currently scheduled to be closed for the Christmas and New Year holidays. The dates are in conflict with the SCAO schedule for the courts to be closed.

Motion by Carland, seconded by Griner, to have the Courthouse closed on Friday, December 22, 2017 and Monday, December 25, 2017; and Friday, December 29, 2017 and Monday, January 1, 2018. Roll call. Ayes: Carland, Griner, Jeannot, Roelofs, Sauer, Walterhouse and Warsecke Nays: None Motion carried.

Comm Roelofs reported on the Domestic Violence Task Force; Grand Traverse Veterans Affairs have voted 3-0 to hire Michael Roof as the new Director, with a January 2, 2018 start date; Benzie County Veterans Affairs met last Monday and stated that Mr. Hoyt is getting ready for stem cell transplant next week and his spirits are very good – keep him in our prayers; attended Buildings & Grounds; 911 was cancelled; VCAT meeting last week he spoke regarding VA claims; we had a great crowd at the Veterans Memorial on Veterans Day.

Comm Walterhouse reported on the Homestead Township monthly meeting and stated they are doing a lot of work around that building, some new blacktop work at the fire department and ball fields; Village of Honor meeting – Carrie Corey met with people on the corner and the Village gave her the OK to move forward. She is looking for 2018 – tires, vehicle repairs, convenience store with gas station. Platte River Inn has added a Pub and will have bands in the future.

Comm Griner reported that he attended the Veterans breakfast at Frankfort High School sponsored by the National Honor Society last month; Conservation Resource Alliance – 50th Anniversary get together at Black Star Farms; Work force housing; Jason Allen was appointed to head up the Rural Development.

Comm Jeannot reported that he attended the DHHS meeting on October 27th and they are hiring a new state director for our region – Kris Lagois is being reassigned; The Maples has 93% occupancy now; HR Consent for the interim director for EMS discussion later today; 11/9 attended the Chamber annual dinner; attended a meeting with Rep VanderWall yesterday – there is a bill being circulated

COMMISSIONERS

Page 3 of 8

November 14, 2017

regarding legacy costs for counties less fortunate than us; attended Almira Township meeting last night.

10:00 a.m. Jennifer Berkey, MSUE, presented the Annual Agreement for Services and stated the language is the same as before.

Motion by Walterhouse, seconded by Sauer, to approve the Agreement for Extension Services with MSUE for 2018, authorizing the chairman to sign. Roll call. Ayes: Carland, Griner, Jeannot, Roelofs, Sauer, Walterhouse and Warsecke Nays: None Motion carried.

10:08 a.m. Recess

10:15 a.m. Reconvene

Tony Radjenovich, MERS

Mr. Radjenovich presented a power point showing the program that we offer; Benzie County has 9 divisions and it offers a defined benefit; at this point all employees pay 6% toward this benefit. Mr. Radjenovich discussed various items of the report and managing the unfunded accrued liability. As we move forward there will be a great amount that will need to be applied to this unfunded balance and discussions will need to be had about the budgeting of same.

Comm Sauer asks if we could have more time for this presentation and discussion on another date. Mr. Deisch said he will work to reschedule in January 2018.

10:38 a.m. Bill Kennis, Benzie Bus Annual Report

Mr. Kennis provided the board with a copy of the 2017 Annual Report for the Benzie Bus. He also talked about the reduction in their board members from 9 to 7 thank you for allowing us to do that; Chad Hollenbeck being named Boss of the Year last year; Surveying the riders is a key to need to regarding their services; Riders per mile are more efficient – we have done more with less; they will be getting 4 more Husky and Panther buses by Christmas. Their funding comes from three areas: 1) county-wide millage of $\frac{1}{2}$ mill = $\frac{1}{3}$; 2) State of Michigan = $\frac{1}{3}$; 3) grants and fare boxes = $\frac{1}{3}$.

10:53 a.m. Ed Roy, Building Authority Attorney

I am here because we need to mend fences and build bridges. I don't know if I owe some of you or all of you an apology. My role is to exercise independent judgment and counsel to the Building Authority and to keep the legal interests autonomy of the BA. When the effect of the September 12 BOC action was to legally stop the BA from pursuing their statutory duties and obligations because you eliminated two members of the BA and you thought it eliminated a quorum – action was required. The BA's action from September 13 thru next week's court hearing had a singular purpose, to maintain the absolute independence and integrity of the BA. There likely has been some BOC unintended consequences – 1) One was plaintiff's lawsuit against two BA members. I believe Judge Thompson will dismiss the action next week and if the Judge stays the course, he will make sure the taxpayers do not have to pay for the work on the case that has been done in that litigation. 2) Another unintended consequence was that I was required to submit information that you, numerous letters and document emphasizing action of certain members of the BOC that actions were improper and that the BOC's ongoing actions were likely improper. Today, the BOC has a wonderful opportunity to do what is proper for the residents of this county. When you go into closed session, 1) what are you really intending to accomplish with just 2 BA meetings left for the year and then all 3 members terms expire. 2) Is it worth the time, money and effort? 3) BOC waited on interviewing for the BA, to allow the BA to complete their work thru the end of the year. 4) Is the BOC better off

COMMISSIONERS

Page 4 of 8

November 14, 2017

to let Judge Thompson act next week. If he dismisses case, without or without sanctions, the county can close out a significant chapter of Benzie County history and move forward.

10:59 a.m. Motion by Carland, seconded by Sauer, that pursuant to Section 8(h) of the Michigan Open Meetings Act, we go into a closed session to discuss two written legal opinions submitted by legal counsel dealing with proposed charges for removal of two members of the Benzie County Building Authority Commission and issues related thereto. Roll call. Ayes: Carland, Griner, Jeannot, Roelofs, Sauer, Walterhouse and Warsecke Nays: None Motion carried.

11:45 a.m. Re-enter Open Session

COMMISSIONER REPORTS (Continued)

Comm Sauer reported on the Veterans Memorial -- thank you to members of the committee; Boy Scouts had a dinner at Blaine Township that night as well which was very nice -- thank you. Road Commission is ready for winter; they will fix the slope at the gravel pit; they developed a Policy on Funding for Roads; they are also looking at a list of projects that have been funded through the millage; Village of Thompsonville meeting, AES was there and they are looking to do a sidewalk project and AES will write the grant for it; somehow, state money goes through the ISD to be distributed, but then they don't have to use the funds for that project (like skilled trades) -- they have discretion on where it goes.

Comm Warsecke stated he attended the Inland and Colfax meetings, Colfax set their Clean-Up Day for June 9, 2018; Inland Township has four new fire fighters that will be attending the fire academy; he participated in the committee interviews last week and was glad to be able to do that; snowmobile safety program -- Inland Township approved donating \$100.00 toward that program. November 15 is the Conservation District annual Meeting from 4 -- 6 p.m.

Comm Carland reported that he attended an informational meeting for LCAN (Local College Access Network) which is to encourage college attendance and completion; November 2 he attended a skilled trades session at Fallen Timbers -- want to get a skilled trades program back in the schools and an apprentice program; he attended two village meetings -- Village of Beulah streetscape is nearing completion and Village of Benzonia is looking at the 2020 MDOT US 31 project to partner with them for their streetscape project; attended the Veterans Memorial; also attended a memorial service for Dennis Pace there were 276 people there at Grow Benzie.

COUNTY ADMINISTRATOR'S REPORT -- Mitch Deisch

- Provided a revised December 2017 calendar; will make further changes based on the discussion regarding the Christmas and New Years' holiday schedule.
- There have been four EMS application received; deadline is November 27; all applications have come from Indeed.com.
- Potential Opioid litigation -- where do you want to go from here? Are you interested in joining in? He has forwarded the information to Mr. Figura and Sara Swanson. I could try and have them here for a presentation. Comm Jeannot stated that he typically will oppose class actions.

COMMISSIONERS

Page 5 of 8

November 14, 2017

FINANCE

Bills: Motion by Griner, seconded by Warsecke, to approve payment of the bills from October 25, 2017 to November 13, 2017 in the amount of \$833,360.03, as presented. Roll call. Ayes: Carland, Griner, Jeannot, Roelofs, Sauer, Walterhouse and Warsecke Nays: None Motion carried.

HR AND PERSONNEL

Consent Calendar – October 24, 2017: Motion by Sauer, seconded by Warsecke, to approve items 1 - 3 of the October 24, 2017 HR Consent Calendar as presented. Roll call. Ayes: Carland, Griner, Jeannot, Roelofs, Sauer, Walterhouse and Warsecke Nays: None Motion carried.

Consent Calendar – November 7, 2017:

Comm Jeannot removes the 1 item. The purpose for removing this item, just thought that it was important to have a public discussion that we were making these changes and there is retroactive pay; this will be a separate item on the paycheck.

Motion by Jeannot, seconded by Roelofs, to approve the recommendation on interim pay for the EMS Interim Director as noted with the changes of the work sheet of \$31.02 OT rate to \$32.52. Roll call. Ayes: Carland, Griner, Jeannot, Roelofs, Sauer, Walterhouse and Warsecke Nays: None Motion carried.

COMMITTEE APPOINTMENTS

DHHS: Motion by Jeannot, seconded by Sauer, to waive the interview process and reappoint Gaylord Jowett to the DHHS Board for a 3-year term, to expire on October 31, 2020. Ayes: Carland, Griner, Jeannot, Roelofs, Sauer, Walterhouse and Warsecke Nays: None Motion carried.

EMS: Motion by Walterhouse, seconded by Warsecke, to waive the interview process and reappoint Mike Mead to the EMS Advisory Board for a 3-year term, to expire on December 31, 2020. Ayes: Carland, Griner, Jeannot, Roelofs, Sauer, Walterhouse and Warsecke Nays: None Motion carried.

SWAC: Motion by Warsecke, seconded by Roelofs, to reappoint Roger Schultz, Marlene Wood and Dennis Fischgrabe and appoint David Zempel to the Solid Waste Advisory Committee for a 2-year term, to expire on December 31, 2019. Ayes: Carland, Griner, Jeannot, Roelofs, Sauer, Walterhouse and Warsecke Nays: None Motion carried.

BVTMC: Motion by Griner, seconded by Walterhouse, to appoint John Rothhaar to the vacancy on the Betsie Valley Trail Management Council, to expire on April 15, 2019. Ayes: Carland, Griner, Jeannot, Roelofs, Sauer, Walterhouse and Warsecke Nays: None Motion carried.

Planning Commission: Motion by Sauer, seconded by Warsecke, to appoint Walter H. Roch Von Rochsburg (2 year term), Jim Clark (3 year term), Vince Edwards (2 year term), Chuck Beale (1 year term) and Betsy Evans (1 year term) to the Planning Commission as presented. Ayes: Carland, Griner, Jeannot, Roelofs, Sauer, Walterhouse and Warsecke Nays: None Motion carried.

ACTION ITEMS

BSR Contract: County provides in-kind contribution in the form of the donation of the administrative offices.

COMMISSIONERS

Page 6 of 8

November 14, 2017

Motion by Warsecke, seconded by Jeannot, to approve a Services Agreement between Benzie County Commission on Aging and Benzie Senior Resources for the period October 1, 2017 thru September 30, 2020, authorizing the chairman to sign. Roll call. Ayes: Carland, Griner, Jeannot, Roelofs, Sauer, Walterhouse and Warsecke Nays: None Motion carried.

Planning Commission Ordinance: Changes were made to the wording in Section 2. Membership, A. Number of Members.

Motion by Carland, seconded by Warsecke, to approve the changes to the Planning Commission Ordinance as presented. Roll call. Ayes: Carland, Griner, Jeannot, Roelofs, Sauer, Walterhouse and Warsecke Nays: None Motion carried.

Michigan Indigent Defense Plan: Motion by Warsecke, seconded by Walterhouse, to approve the Benzie County Michigan Indigent Defense Plan as presented. Roll call. Ayes: Carland, Griner, Jeannot, Roelofs, Sauer, Walterhouse and Warsecke Nays: None Motion carried.

IT Right Contract: Motion by Roelofs, seconded by Griner, to approve the Service Agreement between Benzie County and IT Right for Information Technology Services as presented.

Motion by Carland, seconded by Jeannot, to amend to include language “contingent upon additional language being included where IT Right will assist in the acquisition of hardware and software, authorizing the chairman to sign.

Vote on Amendment: Roll call. Ayes: Carland, Griner, Jeannot, Roelofs, Sauer, Walterhouse and Warsecke Nays: None Motion carried.

Vote on Original Motion as Amended: Ayes: Carland, Griner, Jeannot, Roelofs, Sauer, Walterhouse and Warsecke Nays: None Motion carried.

2% Grant Application – Jail: Removed from agenda per Sheriff Schendel.

CORRESPONDENCE

- Letter received from the US Department of the Interior requesting input to the plan to increase both entrance and camping fees beginning January 1, 2018.
- Missaukee County resolution regarding Great Lakes Restoration Initiative received.
- Road Commission minutes of October 12, 2017 received.
- Letter from US Senator Debbie Stabenow received.

UNFINISHED BUSINESS – None

NEW BUSINESS – None

12:49 p.m. Public Input

Ed Roy, on behalf of the Building Authority, we are disappointed in the no action following closed session; provides Comm Jeannot, Comm Sauer and Comm Griner with subpoenas to attend the November 21, 2017 court hearing.

Jim Evans, Joyfield Township, says he received a thank you card for his public input – relinquish anyone from that responsibility in the future; Joyfield Township as you know is once again a Zoned Community after 7 years; Best of Luck with the Maples issues.

COMMISSIONERS

Page 7 of 8

November 14, 2017

Thelma Rider Novak, stated that Mr. Roy's first Public Input said the taxpayers will be paid back when the Judge dismisses the case – he is hopeful, but he has forgot about the appeal process. You have had a closed session then no answers to the public – that is very disrespectful to the public.
12:54 p.m. Public Input Closed

All items on the agenda having been taken care of, the chairman declared this meeting adjourned

Custer C. Carland – Chair

Dawn Olney, Benzie County Clerk

INDEX

1. Approved the agenda as amended, adding Holiday Schedule to Commissioner Reports.
2. Approved the regular session minutes of October 24, 2017 as amended.
3. Approved the closed session minutes of October 24, 2017 as presented.
4. Approved the one item from the November 8, 2017 Buildings & Grounds Consent Calendar.
5. Approved a change in the dates of closure of the Government Center for the holidays to be closed on Friday, December 22, 2017 and Monday, December 25, 2017; and Friday, December 29, 2017 and Monday, January 1, 2018.
6. Approved the Agreement for Extension Services with MSUE for 2018.
7. Discussion with MERS Representative will be scheduled in January 2018 to allow additional time for questions from the BOC.
8. Bill Kennis provided the Benzie Bus Annual Report.
9. Ed Roy, Building Authority Attorney, spoke regarding Building Authority issues.
10. Entered closed session in compliance with OMA to discuss two written legal opinions submitted by legal counsel dealing with proposed charges for removal of two members of the Benzie County Building Authority Commission and issues related thereto.
11. Approved payment of the bills as presented.
12. Approved HR Consent Calendar from October 24, 2017 as presented.
13. Approved the recommendation on interim pay for the EMS Interim Director as noted with the changes of the work sheet of \$31.02 OT rate to \$32.52.
14. Reappointed Gaylord Jowett to the DHHS Board for a 3-year term.
15. Reappointed Mike Mead to the EMS Advisory Board for a 3-year term.
16. Reappointed Roger Schultz, Marlene Wood and Dennis Fischgrabe and appointed David Zempel to the Solid Waste Advisory Committee for a 2-year term, to expire on December 31, 2019.
17. Appointed John Rothhaar to the vacancy on the BVTMC.
18. Appointed Walter H. Roch Von Rochsburg (2 year term), Jim Clark (3 year term), Vince Edwards (2 year term), Chuck Beale (1 year term) and Betsy Evans (1 year term) to the Planning Commission as presented.
19. Approved a Services Agreement between Benzie County Commission on Aging and Benzie Senior Resources for the period October 1, 2017 thru September 30, 2020, authorizing the chairman to sign.
20. Approved the changes to the Planning Commission Ordinance as presented.

COMMISSIONERS

Page 8 of 8

November 14, 2017

21. Approved the Benzie County Michigan Indigent Defense Plan as presented.
22. Approved the Service Agreement between Benzie County and IT Right for Information Technology Services contingent on including language "contingent upon additional language being included where IT Right will assist in the acquisition of hardware and software, authorizing the chairman to sign.

Motion by Sauer, seconded by Warsecke, to adopt the HR Consent Calendar as follows:

1. To approve the EMS Director job description with the agreed upon changes.
2. To set the salary range for the EMS Director position at \$54,000 - \$58,000.
3. To approve the proposed changes by the 85th District Court – Probate Court, Benzie County as presented.

Motion by _____, seconded by _____, to adopt the HR Consent Calendar as follows:

1. Removed from Consent Calendar.

BUILDINGS & GROUNDS**November 08, 2017****Page 3 of 3**

Motion by Jeannot, seconded by Griner, to approve the Buildings and Grounds Consent Calendar as follows:

1. To authorize the carpet in the District and Probate Court offices with Waterland Tile Co for \$2,265.00 from the Building and Grounds.