

THE BENZIE COUNTY BOARD OF COMMISSIONERS
October 9, 2018

The Benzie County Board of Commissioners met in a regular session on Tuesday, October 9, 2018, in the Frank F. Walterhouse Board Room, 448 Court Place, Government Center, Beulah, Michigan.

The meeting was called to order by Chair Gary Sauer.

Present were: Commissioners Griner, Jeannot, Money, Roelofs, Sauer and Warsecke
Excused: Commissioner Carland

The invocation was given by Commissioner Griner and the Pledge of Allegiance was recited.

Agenda:

Motion by Roelofs, seconded by Money, to approve the agenda as amended, adding TPOAM to Action Items and adding COTW Discussion at Committee of the Whole time. Ayes: Griner, Jeannot, Money, Roelofs, Sauer and Warsecke Nays: None Exc: Carland Motion carried.

Minutes:

Motion by Jeannot, seconded by Warsecke, to approve the regular session minutes of September 25, 2018 as presented. Ayes: Griner, Jeannot, Money, Roelofs, Sauer and Warsecke Nays: None Exc: Carland Motion carried.

Motion by Roelofs, seconded by Griner, to approve the closed session minutes of September 25, 2018 as corrected, indicating Comm Jeannot appeared by phone. Ayes: Griner, Jeannot, Money, Roelofs, Sauer and Warsecke Nays: None Exc: Carland Motion carried.

9:06 a.m. Public Input

Mary Haan, 1040 Pilgrim Hwy, Frankfort, encouraged the board to oppose ballot Proposal #1.

9:08 a.m. Public Input Closed

ELECTED OFFICIALS & DEPARTMENT HEAD COMMENTS

Bert Gale, Building Department, presented the 3rd quarter report for July, August, September 2018. Building permits are up 26 for 2018 over the same period last year.

Comm Jeannot inquired whether townships or any entities have approached the building department about enforcement of their zoning? Mr. Gale indicated not recently.

Chairman Sauer asked that if a township issues a land use permit, you make sure they have that before issuing a building permit? Yes

Eric VanDussen, Chair of the Building Authority (BA), stated that he handles distributing the agenda and board packets to the members and has a great appreciation for what Dawn Olney has done in the past for the Building Authority, it is a very time-consuming task. He stated that Lisa Vogler's term on the Building Authority expires at the end of the year and she does not wish to be reappointed.

Phase 3 construction is on its way, projected end of the year completion date. Litigation: the BA has decided to engage in mediation with ELA, which will be more cost effective. He stated that he has reviewed the proposed Agreement with the BOC and DHHS and agrees that the BA should not be involved in the agreement. The BA did approve paying the retainage of approximately \$197,000 to Comstock Construction for subcontractors which has been held back.

Comm Roelofs asked how much money does the BA maintain other than bond money? It fluctuates. Comm Jeannot stated that the decision to reorganize the BA was the right choice.

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Mr. Deisch stated that the Maples Sublease Agreement is being reviewed by the DHHS attorney as we speak.

Comm Griner spoke regarding the bond vote: first we had to take the lower bidder (first mistake), then we were going to do the project without bonds (second mistake). It made sense to have a five-member board.

COMMISSIONER REPORTS

Comm Griner stated that there is only one thing that is important and that is agriculture preservation; the farmers have to make money. Tourism is still important. Cruise ship in Traverse City.

Comm Jeannot reported that Lake Township is looking to hire a new zoning administrator; they also have concerns regarding the Level 4 Assessor. Platte Township has acquired a new generator thanks to the work of Frank Post and they are also looking at a Solar Policy. Almira Township spoke regarding the number of emergency runs – 2015 = 135 and 2018 = 214 year to date. They also are looking for a new Zoning Administrator.

Comm Money stated that he attended the Homestead Township and Village of Honor meetings; Village of Honor is also looking for a Zoning Administrator. Homestead agreed to hire a grant company to apply for a couple of projects. Village of Honor hired an LED company to change lights and will save about \$600 per month.

Comm Warsecke attended the Solid Waste Advisory board meeting and stated that there will be two openings effective January 1, 2018 2019. Jesse Zylstra is working on the 2019 dates for collections; also will be putting up educational kiosks at all sites. All but two recycling bins have been sold; Benzie Bus has received an award for \$100,000 from MDOT for technology upgrade; they will be doing Halloween Shuttles on October 27 and 31. Inland Township will hold a Halloween Party on October 31 from 5 – 8 p.m. A Pot Luck Christmas Party is scheduled for December 16. February 3, 2019 will be their Chili cook off. They have started an event committee which has met a couple of times and have scheduled January 17, 2019 as card night, February 21, 2019 will be Pictionary, and March 21, 2019 will be Trivia Night, all being 6 p.m. – 9 p.m. Also attended the school board meeting at Lake Ann Elementary and they had two student presentations; the board approved a resolution of support for the School Resource Officer millage; the Superintendent showed some comparison stats for state comparisons for Benzie County Schools.

Comm Roelofs indicated that he has received calls from people with concerns about the School Resource Officer. Benzie County Veterans Affairs met yesterday – there will be two openings on the committee at the end of this year. Veterans Memorial excavation is complete and they are waiting on building materials to be delivered and hopefully the roof will be on the pavilion and completed for the 1 p.m. ceremony on Veterans Day, November 11.

Chairman Sauer reported on the BVTMC applied for a DNR grant and should know next month; Chairman David Oellerick went to Escanaba for a presentation. Road Commission has received extra MTF funds, \$100,000 for the township match and they are working on the distribution for that. Glad to see the state-wide union road projects that were held up are all back to work now. Health Department is 23 years old this year; Jim Reardon is the new Environmental ~~Health Officer~~ Sanitarian; they are increasing fees 2% inflationary. MERS conference – they are redoing the actuarial but they are a year out; the rate of return is anticipated to be dropped from the 7.75; they

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want us all at 100% funded, so will need to figure out how we will budget for it; we need to honor the past commitment, but we need to look at the future benefit.

Mr. Deisch said they haven't decided when the change will be, but it will happen. Believe they will increase the age to retire and feel they will bring us down to 7.0. He would suggest a meeting with our liaison Tony Radjenovich to MER during a COTW meeting. The monthly allocation to defined benefit members throughout the State of Michigan is \$70 million.

10:01 a.m. David Lemmien, DNR Forester, unit manager for the Traverse City Unit with the oversight of 330,000 acres of state land; annually they are required to sell 6,500 acres per year over those five counties; Benzie County has 60-65,000 acres of state land; probably 1,000 acres of timber sales each year within the county; revenue goes to forest development fund which is used for our own operating budget. Additional funds go to each County Road Commission based on acreage and the Benzie County Road Commission gets approximately \$42,000 per year. We are mandated to harvest 55,000 acres per year on a state-wide basis.

Comm Money inquired as to how much that 55,000 brings in? about \$40-45 million per year. 85% of the budget goes to employees. We are pretty self-sufficient, so we don't receive a lot of general fund money.

Comm Griner asked if the funds to the Road Commission are the same each year? Yes

Comm Warsecke asked about the state mandate on harvest? Yes they mandate it.

Ed Kowalski asked about the budget to counties out of the five-county area? Benzie County Road Commission is \$42,000. Kalkaska is first; Benzie; Grand Traverse, Leelanau, Manistee

John Schorr asked whose land is it? Mr. Lemmien stated it is the State of Michigan

Mr. Schorr says the state doesn't own the land, they don't pay taxes, it is the people's land. He said Thank you to Mr. Lemmien, not attacking you, I'm attacking the system. He wants the BOC to ask for the contract that they have with the people to manage our land. We can manage our own timber much better. He stated that the state can't own land – it is unconstitutional. The land in this county belong to the people, not the state.

Mr. Lemmien says he disagrees, the state owns the land; the state constitution says they can; we are dual certified in forest certification; within those certifications there are criteria that need to be kept; we must prove that we do what we say we are.

Michelle Thompson asked if you manage State of Michigan and DNR land? There is no DNR land, only State of Michigan. The legislature formed the DNR to manage the state land. Newly acquired land pays fall taxes minus the state-wide school tax (18 mills), the state does pay all county, township and local school millage.

Mr. Lemmien stated that in June of each year they hold an Open House for review and comment on future projects at the Traverse City Field Office south of Traverse City on M-37.

10:45 a.m. Break

10:55 a.m. Reconvene

COUNTY ADMINISTRATOR'S REPORT

- Department Heads are presenting monthly reports.
- Just learned that the recycling bins were sold for \$500 each.
- New lighting – LED, looking forward to seeing the first bill.
- Solid Waste is still looking for a Frankfort site.

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- October 16 will attend a meeting at the City of Frankfort regarding the School Resource Officer.
- MIDC – there is a meeting of the Commission in Lansing on October 16 and hopefully they will come to some decisions.
- Strategic Plan – need to set 3 meetings with Tim Irvin: October 25, 2018 – 4 – 6 p.m.; November 1, 2018 – 4 – 6 p.m. and November 13, 2018 – 1:30 p.m. in place of the COTW meeting.

Comm Jeannot has asked that the Quarterly Financial Reports that will be presented by Susan Boyd include a comparison to last year, same time period as well.

FINANCE

Bills: Motion by Warsecke, seconded by Money, to approve payment of the bills from September 24, 2018 to October 9, 2018, in the amount of \$840,779.76 as presented. Roll call. Ayes: Griner, Jeannot, Money, Roelofs, Sauer and Warsecke Nays: None Exc: Carland Motion carried.

Michelle Thompson, County Treasurer, reported on the Michigan State Land Bank Summit held in Marquette which she attended.

Chairman Sauer said the Road Commission is extremely happy with your investment strategy.

COMMITTEE OF THE WHOLE

Comm Jeannot removes items 7 and 8

Comm Warsecke removes item 9

Motion by Jeannot, seconded by Warsecke, to approve items 1-6 of the September 25, 2018 Committee of the Whole Consent Calendar as presented. Roll call. Ayes: Griner, Jeannot, Money, Roelofs, Sauer and Warsecke Nays: None Exc: Carland Motion carried.

#7 & 8: Michelle Thompson stated that the request was to amend the 17-18 budget for something that we had yet to adopt and a transfer from 401 to the jail. Wanting to make sure you are aware that you approved transferring funds from the 401 Capital Improvement to the Jail; the 401 is General Fund funds not Jail funds. To be placed on the next COTW agenda.

#9: Comm Warsecke stated that he feels the wording in the new Travel Policy was incorrect regarding the flat amount for meals; discussions held regarding same.

Motion by Warsecke, seconded by Griner, to approve #9 as presented: To approve amending the Travel Policy with a trial period of six (6) months for meals: \$10.00 for breakfast, \$15.00 for lunch, \$25.00 for dinner, with a \$50.00 limit and travel before 7 a.m. for breakfast and after 7 p.m. for dinner, without receipts. Roll call. Griner, Jeannot, Money, Roelofs, Sauer and Warsecke Nays: None Exc: Carland Motion carried.

COTW Meeting today: Comm Warsecke stated that there is only 1 item on the agenda that needs action and it has been placed on the BOC agenda today; he would recommend cancelling the COTW meeting.

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Motion by Warsecke, seconded by Roelofs, to approve the cancellation of the Committee of the Whole meeting for today, October 9, 2018, at 1:30 p.m. Ayes: Griner, Jeannot, Money, Roelofs, Sauer and Warsecke Nays: None Exc: Carland Motion carried.

COMMITTEE APPOINTMENTS – None

ACTION ITEMS

TPOAM Grievance: Mitch Deisch, County Administrator, updated the board regarding this grievance #18-152; he stated that this grievance would have been taken care of should the union have ratified the Tentative Agreement (TA) following negotiations, but the union chose not to accept the agreement; Mr. Deisch feels we have the right to place the Animal Control employee at Step 2 based on his expertise and that this is not an isolated event. He recommends confirming that it is management rights and that management has the right to do this.

Comm Money stated that he totally agrees 100% on this.

Comm Roelofs stated that in mediation, the TPOAM voted to sign the TA with the president of the union as well as another member and when it went to the body, they voted it down. They need to be held liable for what they have done in the past.

Comm Jeannot asked if there were any others that set a precedence? Mr. Deisch reported that there were prior times in the Animal Control office -- ACO after 9 months of part time work, was then elevated to step 5.

Comm Roelofs states that the union has allowed it four times in the last two years, but not this time.

Motion by Jeannot, seconded by Money, to support the County Administrator's position that management right allows the flexibility to place new TPOAM members on the pay scale based upon their education and experience.

Michelle Thompson stated that she recently hired someone in the TPOAM union; the pool of applicants was small with only receiving 7 applications, the wage scale is too low and therefore three chose to withdraw. Had she had the flexibility, perhaps they would have interviewed.

Sheriff stated that we have extensive history in the Sheriff's Office – not just in TPOAM. Not sure why this is such a sticking point with them. It is management rights.

Roll call. Ayes: Griner, Jeannot, Money, Roelofs, Sauer and Warsecke Nays: None Exc: Carland Motion carried.

PRESENTATION OF CORRESPONDENCE

- Benzie County Community Partners minutes of August 15, 2018 received.
- Little Platte Lake Elevation report for September 2018 received.
- Crystal Lake Elevation report for September 2018 received.
- Benzie-Leelanau Health Dept minutes of September 27, 2018 received.

UNFINISHED BUSINESS – None

NEW BUSINESS – None

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11:54 a.m. Public Input

Annie Browning stated that some people are opposed to Proposal 1, but it does help others. She is in support of it.

Sherry Taylor, Cinder Road, just a comment, I find it interesting that you are willing to give new employees a step up and not willing to keep your employees with a fair wage.

Eric VanDussen stated he has spoken to a couple of union employees regarding the grievance that the union feels Mitch unilaterally did this without Board of Commissioner approval; the Elected Officials don't have the authority without Board approval.

Mitch Deisch stated that this is management rights; all elected officials can do it too.

Comm Roelofs stated that this motion is for this grievance only.

Comm Money stated that the last couple of speakers with the DNR have been very informative; we should continue with other topics, perhaps the Health Dept, CMH, Dental, etc.

Comm Jeannot commented regarding compensation, he is 100% in support of paying properly. Pay scales are important; but I can only pay for what the job is, I can't pay you for what you are capable of doing.

Motion by Roelofs, seconded by Griner, to adjourn at 12:03 p.m. Ayes: Griner, Jeannot, Money, Roelofs, Sauer and Warsecke Nays: None Exc: Carland Motion carried.

Gary G. Sauer, Chair

Dawn Olney, Benzie County Clerk

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2. Approved the regular session minutes of September 25, 2018 as presented.
3. Approved the closed session minutes of September 25, 2018 as corrected, indicating Comm Jeannot appeared by phone.
4. Approved payment of the bills in the amount of \$840,779.76 as presented.
5. Approved items 1-6 of the September 25, 2018 Committee of the Whole Consent Calendar as presented.
6. Approved amending the Travel Policy with a trial period of six (6) months for meals: \$10.00 for breakfast, \$15.00 for lunch, \$25.00 for dinner, with a \$50.00 limit and travel before 7 a.m. for breakfast and after 7 p.m. for dinner, without receipts.
7. Approved the cancellation of the Committee of the Whole meeting for today, October 9, 2018, at 1:30 p.m.
8. Approved to support the County Administrator's position that management right allows the flexibility to place new TPOAM members on the pay scale based upon their education and experience.