

**THE BENZIE COUNTY BOARD OF COMMISSIONERS**  
**February 27, 2018**

The Benzie County Board of Commissioners met in a regular meeting on Tuesday, February 27, 2018, 448 Court Place, Government Center, Beulah, Michigan.

The meeting was called to order by Chairman Gary Sauer at 9:00 a.m.

Present were: Commissioners Carland, Jeannot, Money, Roelofs and Sauer

Excused: Commissioners Griner and Warsecke

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

**Agenda:**

Motion by Carland, seconded by Roelofs, to approve the agenda as amended; adding to change the date of the Board of Commissioners March 27, 2018 meeting, under New Business. Ayes: Carland, Jeannot, Money, Roelofs and Sauer Nays: None Exc: Griner and Warsecke Motion carried.

**Minutes:**

Motion by Jeannot, seconded by Carland, to approve the regular session minutes of February 13, 2018 as amended. Ayes: Carland, Jeannot, Money, Roelofs and Sauer Nays: None Exc: Griner and Warsecke Motion carried.

Motion by Carland, seconded by Sauer, to approve the special session minutes of February 16, 2018 as presented. Ayes: Carland, Jeannot, Money, Roelofs and Sauer Nays: None Exc: Griner and Warsecke Motion carried.

9:02 a.m. Public Input - None

**ELECTED OFFICIALS & DEPT HEAD COMMENTS:**

Ted Schendel, Sheriff, presented Matt Olson, Superintendent of Benzie Central Schools. In light of the recent tragedy on February 14, 2018 in the Parkland School in Florida; hits close to home as he used to live two miles from the school. There has been an increase in discussion regarding a school resource officer. At one time we had one but it was driven by a grant and that has expired.

Matt Olson, Superintendent of Benzie Central Schools, stated they are taking steps to help keep the children safe. He spoke with Sheriff Schendel regarding a School Resource Officer, hoping that there will be some action on the State and Federal level, along with the local level.

Sheriff Schendel is hoping that we step up to the plate, and fund this position. We currently have the court officer go to the school one day a week.

Comm Roelofs asked why he has not seen Benzie Central School apply for a 2% grant with the tribe. Comm Carland stated that back in 2015 he remembered we transferred a position from the jail over to road patrol side to fund an officer in the school. This is the first he has heard we do not have an officer in the school.

Sheriff Schendel does not remember that transfer was going to be for a dedicated resource officer, but will check into it.

Doug Durand, Executive Director Benzie Senior Resources, presented written report; have hired a LPN, Margie Clouse; this will open up more help in the senior visitation and telephone program.

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Thomas Longanbach, Equalization Director, reported that the 2018 tentative ratio and factors were published in the newspaper last week; Majority of assessments are going up, but there are some going down.

David Schaffer, Recycling Coordinator, reported that we were awarded a Scrap Tire grant in the amount of \$8,000.00; there are three scheduled events, June 16, 2018 in Frankfort, July 14, 2018 in Thompsonville, and August 4, 2018 in Honor. The owner of the Frankfort site has given us a 30-day notice; we have to be moved by March 21, 2018. The 4<sup>th</sup> and final draft for the state solid waste law should be ready in March, and go before the house. Meeting with Benzie Bus Transportation Board and Bob Rosa on Thursday regarding a parcel behind their facility; this is hope for a future building behind their facility for year around recycling drop off; would need an easement across Mr. Rosa's property.

### **COMMISSIONER REPORTS**

Comm Roelofs reported that a couple of his committees have moved into the Committee of the Whole; Grand Traverse Veterans Affairs have relocated their office to another part of the building; thanked everyone who attend Phil Hoyt's funeral.

Comm Carland, reported that he attended the Building Authority meeting on February 15, 2018. The Building Authority is looking at having John Axe review expenditures; they will be requesting money to be set aside for counsel; they are looking at two attorney firms for arbitration; and they have hired a recording secretary, Sharon May. Was in Lansing last week to the Michigan Airport Conference. Michigan is ranked number two in the country for Aerospace Engineering; University of Michigan is the oldest Aerospace engineering school in America.

Comm Money, reported that he attended the Animal Welfare League meeting; there is construction going on in the building; attended Land Bank; there is a one-acre parcel that has been given to Benzie County for use or sell; have a interested party in the 17 acre parcel of the 669 property; will be planting 4,000 red pine trees on the remaining 4 ½ parcel of the 669 property in the Spring.

Comm Jeannot, attended four meetings since last commissioners meeting; working with Mitch Deisch regarding the Finance/IT Manager; attended the EDC and Brownfield meetings; attended a meeting on tiny homes in Benzie County.

Comm Sauer, attended the 2% grant award ceremony with the tribe; Weldon Township is leaving the JPC and starting their own Planning Commission; Village of Elberta is looking at access to beach parking lots and they are seeking a grant for various projects; Life Station has 31 confirmed reservations for this year and 2 reservations for 2019; Benzie County Road Commission looked at their bidding process and were able to complete the project they had listed for the local road and primary that the Board was working on; they will be at the next Board of Commissioners meeting to present ballot language for renewal of the road millage; Joint Court meeting regarding indigent defense counsel; Betsie Valley District library is going for a millage renewal.

**COUNTY ADMINISTRATOR'S REPORT** – Mitch Deisch presented written report. He and Jim Henderson will be meeting with Paul Oliver to discuss the current contract between the parties.

- March 2018 Calendar
- Michigan Indigent Defense Commission

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- Grand Traverse Band of Ottawa and Chippewa Indians 2% Grant Distribution

## **FINANCE**

**Bills:** Motion by Carland, seconded by Roelofs, to approve payment of the bills from February 14, 2018 to February 27, 2018 in the amount of \$258,493.87, as presented. Roll call. Ayes: Carland, Jeannot, Money, Roelofs and Sauer Nays: None Exc: Griner and Warsecke Motion carried.

Michelle Thompson, County Treasurer, reported that March 1 begins delinquency of the 2017 taxes, forfeiture of the 2016 taxes and foreclosure of the 2015 taxes; her office is very busy.

## **COMMITTEE OF THE WHOLE**

Comm Carland removed items 1, 2 and 3 from the Consent Calendar.

#1: Discussion held regarding cloud-based email storage. Motion by Carland, seconded by Jeannot to approve to go with the cloud-based email solution for the email issues in Benzie County. Roll Call Ayes: Carland, Jeannot, Money, Roelofs and Sauer Nays: None Exc. Griner and Warsecke Motion carried

#2: Discussion held regarding TPOAM letter of understanding for Karen Mallon. Motion by Carland, seconded by Money to approve the Letter of Understanding to allow Karen Mallon to be a member of the TPOAM union, as presented, authorize chairman to sign. Roll Call Ayes: Carland, Jeannot, Money, Roelofs and Sauer Nays: None Exc. Griner and Warsecke Motion carried

#3: Discussion held regarding four EMS Coordinator support positions with \$0.25 per hour wage increase. Motion by Carland, seconded by Jeannot, to approve four EMS support Coordinator positions with a \$0.25 pay increase, identified separate on their pay check, contingent of the EMS Advisory Board approval, with Budget adjustment to be presented to full Board of Commissioners at the next regular meeting. Roll Call Ayes: Carland, Jeannot, Money, Roelofs and Sauer Nays: None Exc. Griner and Warsecke Motion carried

## **COMMITTEE APPOINTMENTS** – None

## **ACTION ITEMS**

**Integrated Public Alert & Warning System (IPAWS):** Motion by Jeannot, seconded by Roelofs to approve the Integrated Public Alert & Warning System as presented, authorizing the chairman to sign. Roll call. Ayes: Carland, Jeannot, Money, Roelofs and Sauer Nays: None Exc: Griner and Warsecke Motion carried.

**Memorandum of Understanding – Betsie Valley Trail:** Motion by Sauer, seconded by Roelofs, to approve the Memorandum of Understanding with the Michigan DNR for the Betsie Valley Trail as presented, authorizing the chairman to sign. Roll call. Ayes: Carland, Jeannot, Money, Roelofs and Sauer Nays: None Exc: Griner and Warsecke Motion carried.

## **CORRESPONDENCE**

- Road Commission minutes of January 25, 2018 received.
- Veterans Affairs minutes of January 8, 2018 received.
- Transportation Authority financial statement for January 2018 received.

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- Building Authority minutes of February 15, 2018 received.
- Road Commission minutes of February 8, 2018 received.
- Email from Bill Kennis, BTA, regarding seat openings on their board.

### UNFINISHED BUSINESS -None

**NEW BUSINESS** – Comm Sauer requested that the March 27, 2018 Board of Commissioners meeting be moved to another date as it is the same date as the MAC conference, in which three of the commissioners will be attending. Comm Roelofs will not be available March 29, 2018.

Motion by Sauer, seconded by Roelofs to change the March 27, 2018 regular Board of Commissioners meeting and Committee of the Whole meeting to March 29, 2018, meeting times to remain the same. Ayes: Carland, Jeannot, Money, Roelofs and Sauer Nays: None Exc: Griner and Warsecke Motion carried.

Richard Figura, FOIA Appeal: Reported that as long as the primary reason for the closed session is on the County Administrator's evaluation then you can discuss the terms of the contract. After review of the December 19, 2017, closed session minutes, it was found that all of the discussion was on contract terms and conditions, and the purpose for the closed session was not valid. Recommends that the Board of Commissioners acknowledge that the December 19, 2017 closed session meeting was improper; that the December 19, 2017 closed session minute be made public; and re-affirm the Board of Commissioners approval of the County Administrator's contract terms and conditions.

Motion by Carland, seconded by Money, to acknowledge the December 19, 2017 Board of Commissioners closed session meeting, where there was improper discussion carried on, that the Board of Commissioners had every reason to believe that it was appropriate, and there was no intention to violate the Open Meetings Act. Roll Call Ayes: Carland, Jeannot, Money, Roelofs and Sauer Nays: None Exc: Griner and Warsecke Motion carried.

Motion by Jeannot, seconded by Carland to grant the appeal and provide a copy of the entire December 19, 2017 close session minutes to Karen Mallon. Roll Call Ayes: Carland, Jeannot, Money, Roelofs and Sauer Nays: None Exc: Griner and Warsecke Motion carried.

Motion by Carland, seconded by Roelofs, to re-affirm the January 9, 2018 terms and conditions of the County Administrator's contract. Roll Call Ayes: Carland, Jeannot, Money, Roelofs and Sauer Nays: None Exc: Griner and Warsecke Motion carried.

John Rothhaar, Public Hearing on MNRTF Application for Bestie Valley Trail: Public hearing regarding the grant application, with Benzie County being the sponsor, to the DNR trust fund. This grant would be for various improvements that will cost \$150,000 to complete. Improvements include upgrading signage, providing demarcation between portions of the Trail and Crystal Avenue and eliminating storm water runoff wash out issues at the intersection of Benzie Street and Crystal Avenue. Michigan DNR grant will be approximately \$100,000, with the balance of the funds would be contributed by the Friends of the Betsie Valley Trail.

10:03 a.m. Public Input

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John Wheeler, President of the Crystal Lake Property Rights Association, stated they are in favor and support this.

Ross Stevenson – resident of Deadstream Road and Vice Chairman of the Friends of the Sleeping Bear Park National Park, stated that they support this also.

10:05 a.m. Public Input closed.

John Smendzuik, Surveyors – Remonumentation Report: Presented the 2017 Remonumentation Report and map that depicts the status of the Benzie County Remonumentation program as of February 13, 2018. Has about 800 corners in place. The State of Michigan shows Benzie County is 73% complete, he feels it is more like 80% complete.

Eric VanDussen, Building Authority Civil Counsel Funding: Wanted to bring to the Board of Commissioners attention that the October 23, 2017 letter from the former Building Authority chair titled arbitration decision by the Building Authority is concerning. There was no motion passed by the Building Authority to support that letter at any public meeting. Requesting that \$5,000.00 be set aside for the Building Authority to pay for civil legal counsel; his understanding is that the bond money can only be used for the project; John Axe may have a conflict with review of the expenditures. It has been submitted to the ~~conflict attorneys~~ partners at Mr. Axe's law firm for review and we are waiting for a response. Record Eagle has submitted a FOIA requesting 2016 and 2017 attorney invoices and payments. He had redacted copies of the 2016 invoice and has provided those to the Record Eagle; they will be having an attorney review and redact the 2017 invoices; they will also be requesting an interpretation of the bond from the attorney.

11:25 a.m. Break

11:35 a.m. Reconvene

12:13 p.m. Public Input

Eric VanDussen, disagrees with Richard Figura recommendation to the Board of Commissioners regarding releasing the December 19, 2017 closed session minute to Karen Mallon. If you release the closed session minutes, he will probably sue Benzie County as it is forbidden under the Open Meetings Act.

12:17 p.m. Public Input - closed

Motion by Roelofs, seconded by Carland to adjourn at 12:17 p.m. Ayes: Carland, Jeannot, Money, Roelofs and Sauer    Nays: None    Exc: Griner and Warsecke    Motion carried.



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### INDEX

1. Approve the agenda as amended.
2. Approve the regular session minutes of February 13, 2018 as amended.
3. Approve the special session minutes of February 16, 2018 as presented.
4. Approve payment of the bills from February 14, 2018 to February 27, 2018 in the amount of \$258,493.87, as presented.
5. Approve to go with the cloud-based email solution for the email issues in Benzie County.
6. Approve the Letter of Understanding to allow Karen Mallon to be a member of the TPOAM union as presented.
7. Approve four EMS support Coordinator positions with a \$0.25 pay increase, identified separate on their pay check, contingent of the EMS Advisory Board approval, with budget adjustment to be presented to full Board of Commissioners at the next regular meeting.
8. Approve the Integrated Public Alert & Warning System as presented.
9. Approve the Memorandum of Understanding with the Michigan DNR for the Betsie Valley Trail as presented.
10. Change the March 27, 2018 regular Board of Commissioners meeting and Committee of the Whole meeting to March 29, 2018, meeting time to remain the same.
11. Acknowledge the December 19, 2017 Board of Commissioners closed session meeting, where there was improper discussion carried on, that the Board of Commissioners had every reason to believe that it was appropriate, and there was no intention to violate the Open Meetings Act.
12. Grant the appeal and provide a copy of the entire December 19, 2017 close session minutes to Karen Mallon.
13. Re-affirm the January 9, 2018 terms and conditions of the County Administrator's contact.