

THE BENZIE COUNTY BOARD OF COMMISSIONERS

June 26, 2018

The Benzie County Board of Commissioners met in a regular session on Tuesday, June 26, 2018, 448 Court Place, Government Center, Beulah, Michigan.

The meeting was called to order by Chair Gary Sauer.

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

Excused: Commissioner Griner and Warsecke

The invocation was given by Chairman Sauer and the Pledge of Allegiance was recited.

Agenda:

Motion by Roelofs, seconded by Carland, to approve the agenda as amended, adding Parks & Rec discussion under Committee Appointments. 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 June 12, 2018 as corrected on page 2. Ayes: Carland, Jeannot, Money, Roelofs and Sauer Nays: None Exc: Griner and Warsecke Motion carried.

9:04 a.m. Public Input

Karen Mallon, Homestead Township, spoke regarding the lawsuit that she filed regarding an OMA violation and the payment of her attorney fees.

Leroy Reed, Crystal Lake Township, spoke regarding the Airport and the accident there last week.

9:10 a.m. Public Input closed

ELECTED OFFICIALS & DEPARTMENT HEAD COMMENTS

Doug Durand, Benzie Senior Resources, reported that financials for the month of May are normal; the congregate meal count is down, but the home delivered meals are up. They have given out 224 \$20.00 coupons for Project Fresh. The Senior Expo went well and was a success; the numbers were up, as well as increase of vendors. We might be outgrowing that location.

COMMISSIONER REPORTS

Comm Roelofs reported that we have been busy with budget reviews over the last week and a half. Benzie County Veterans Affairs supported the Thunder at the River event of about 175 people at the Veterans Memorial; they have been asked to support them again next year. An event coming up is the Congregational Summer Assembly will be interviewing Doug Stanton at the Garden Theater, proceeds will be donated to the Benzie County Veterans Affairs.

Comm Carland reported that he has attended a couple of the budget hearings. He was in Livonia last week when the accident happened at the Airport. They will have an after-action session this Friday regarding that accident and they will go through the Emergency Action Plan. The FAA may require fencing of the airport property at some point. The pilot is OK.

Chairman Sauer said that the main thing is that no one was hurt.

Comm Jeannot stated we have heard from a member of the public on two separate occasions offer some criticism of the management of the airport – is there anything we need to take from that.

Comm Carland also reported that the fuel reclaiming was installed last Thursday.

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Comm Money reported that things were quiet with the budget work we've been doing; he attended the Village of Honor meeting and they had a large sewer release into the ponds that they charge other people to bring, so their budget is growing and they are happy. Homestead Township was a quiet meeting. Homestead Inland Joint ZBA (not Joint Planning Commission) voted 5-0 that St. Ambrose could continue with events under 300 people and in July they will have a meeting at Inland Township to decide on two applications to allow 400 and over.

Comm Jeannot inquired if the Coho Festival will continue? They don't know. With respect to the increased use of the sewer ponds, will that reduce costs to the residents? No, it will fund the improvements that they need at the sewer ponds.

Comm Jeannot stated we have had three rounds of the budget process this year. He attended Venture North's Annual meeting on June 13. There is a big emphasis on Economic Development in every community – Benzie EDC will be going out and visiting with businesses. June 14 he participated in an interview for the EDC candidate. June 15 he attended the EDC meeting – the committee wants goals to keep them involved. Building Authority has good dialog amongst the members; new completion date for the Maples is March 31, 2019.

Comm Carland says he likes the idea of EDC visits – Frankfort Manufacturing has been there a long time.

Chairman Sauer reported that he, Comm Jeannot and Comm Carland all attended the MAC Regional Summit in Gaylord. They want to expand the MAC board to include Clerks, Treasurers, Register of Deeds – want to add a seat. Road Commission is moving forward regarding a policy for the local road match with the townships; their MERS actuarial showed they went from 39% to 41% due to their putting extra money in. Village of Elberta sewer project is complete; they passed a couple of ordinances regarding the parking on the 4th of July and to close the park from 11 pm to 4 am. They are going to ask the Benzie Bus to shuttle folks down there for the fireworks. He attended a meeting with MGT – they prepare the cost allocation for the courts to determine the amount of reimbursement we will receive from the state. He and Mitch looked at the attorney meeting room at the jail – will be discussed at the COTW meeting.

Comm Jeannot stated regarding the time study usually for a specific time. MAC Summit -- managing risk and liability, our staff re-organization will provide a higher level of management skills for human resources and economic development.

COUNTY ADMINISTRATOR'S REPORT – Mitch Deisch

- Last week he spoke to the League of Women Voters regarding county government.
- MIDC – attended a meeting last week with Marla (regional contact) and she stated that the Governor will sign for \$84 million with funds coming October 1, 2018 with 80/20 split next year.
- Strategic Plan – July 6 he will meet with Tim Irvin and then report back to the full board.
- Finance RFP – two have been received.

FINANCE

Bills: Motion by Jeannot, seconded by Carland, to approve payment of the bills in the amount of \$405,322.82 as presented. Roll call. Ayes: Carland, Jeannot, Money, Roelofs and Sauer Nays: None Exc: Griner and Warsecke Motion carried.

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COMMITTEE OF THE WHOLE

Consent Calendar: Motion by Carland, seconded by Money, to adopt items 1-11 of the Committee of the Whole Consent Calendar dated June 12, 2018 as presented. Roll call. Ayes: Carland, Jeannot, Money, Roelofs and Sauer Nays: None Exc: Griner and Warsecke Motion carried.

9:57 a.m. Break

10:02 a.m. Reconvene

Shaun Howard, Nature Conservancy, explains their efforts to control ecological integrity. They have been engaged in removal of Baby's Breath since 2007. The Zetterberg Preserve is at a controlled level now. We are now looking at Lot 10 which is opposite the Light House. They will use mechanical removal and chemical control and propose that this be done yearly on Thursday of each week.

Comm Money asks that they not allow anyone to use chemicals.

Comm Jeannot stated that the length of the contract is of concern to him. Is this area a public access site? Yes

Chuck Clarke, Friends of Point Betsie, stated that they have no problem with use of chemicals.

Chairman Sauer inquired if they are required to post pesticide use on the property? Is this a licensed person that will apply the chemicals.

Mr. Howard stated that herbicide is not a requirement for this property. Seasonal crews will apply the chemicals and yes, they are licensed.

Comm Money asks Mr. Figura if he is aware of the class action lawsuit regarding Round Up? No Tad Peacock, Conservation District and Parks & Recreation member, stated that they do use Round-Up and are aware of the class action suit; they have deep trust in the Nature Conservancy.

Comm Jeannot has concern about the contract's length.

Mr. Howard stated they will reduce the term of the contract.

Motion by Money, seconded by Carland, to enter into a 3-year License and Limited Waiver of Liability for Invasive Plant Removal Activities with the Nature Conservancy, with no chemicals being used. Roll call. Ayes: Carland, Money, Roelofs and Sauer Nays: Jeannot Exc: Griner and Warsecke Motion carried.

10:30 a.m. Motion by Sauer, seconded by Roelofs, to go into a closed session pursuant to Section 8(e) [MCL 15.268(e)] of the Michigan Open Meetings Act for the purpose of consulting with legal counsel regarding trial or settlement strategy in connection with the lawsuit of Benzie County and Benzie County Parks and Recreation Commission vs Cole and the counterclaim made therein by the Coles. Legal counsel in this matter has advised that, in his opinion, discussion of this matter in an open session would have a detrimental financial effect on the litigating or settlement position of the County and the County Parks and Recreation Commission. Roll call. Ayes: Carland, Jeannot, Money, Roelofs and Sauer Nays: None Exc: Griner and Warsecke Motion carried.

10:44 a.m. Re-enter Open Session

Mr. Figura details the settlement: Proposed settlement would grant the county property along RR Point from the western shore to western edge of the Cole property; approve an easement for them to have Consumers Power run utilities from Ikens to Cole property, underground; \$35,000 to the Cole, \$17,500 from the county for purposes of acquiring clear title to the property the other \$17,500 from the insurance carrier; the reason for those amounts is that if we were to litigate the case, we would

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spend 3 – 4 times amount for litigation and the insurance carrier would do the same. Also, with having it underground, there would be no possibility that there would be utility poles running along the trail.

Motion by Money, seconded by Carland, to approve the settlement and authorize Mr. Figura to proceed to file the appropriate paperwork with the court as presented. Roll call. Ayes: Carland, Jeannot, Money, Roelofs and Sauer Nays: None Exc: Griner and Warsecke Motion carried.

10:49 a.m. Recess

10:51 a.m. Reconvene

Jay Darling, spoke regarding the Airport Authority, he had a hangar at the airport from 2010-2017. Stated that the Airport came up with a discriminatory lease. State that they have hired Dick Bayer for a job with no experience. May 2017 moved out of airport because lease is discriminatory. Reads from a memo stating things the airport didn't do: 1) cannot discriminate; 2) must involve tenants in any change. Claims that Dick Bayer has damaged snow plow twice, he knocked down a hangar door while plowing. Stated he has a lawsuit with the FAA now. This is just wrong. County Commission has no oversight or vision. Doug Kirk has stored his car in his hangar – not to be used for cars, only airplanes. The Airport Manager also pays no electricity, but everyone else does.

Comm Jeannot stated that he is in possession of a letter dated 9/12/17 from the Dept of Transportation letter states you can file a formal complaint with the FAA – Yes, I have filed.

Comm Jeannot asked if he would accept the outcome of the appeal and Mr. Darling said yes.

Comm Jeannot also inquired as to the way the Airport Administrator was hired.

Comm Roelofs asked how many tenants do you believe are leasing from the AA – if you know? 7 – 8 Does anyone have a suit against the FAA or MDOT? Don't know.

Motion by Sauer, seconded by Money, to enter closed session to discuss strategy for collective bargaining agreement negotiations as permitted by MCL 15.268(c). Roll call. Ayes: Carland, Jeannot, Money, Roelofs and Sauer Nays: None Exc: Griner and Warsecke Motion carried.

12:09 p.m. Re-enter open session

COMMITTEE APPOINTMENTS

Benzie Transportation Authority: Motion by Carland, seconded by Roelofs, to appoint Patty Bannon Roth to the Benzie Transportation Authority for a term to expire April 30, 2021. Ayes: Carland, Jeannot, Money, Roelofs and Sauer Nays: None Exc: Griner and Warsecke Motion carried.

EDC: Motion by Jeannot, seconded by Money, to appoint Robert Russell to the EDC/BRA with a term to expire January 31, 2022. Ayes: Carland, Jeannot, Money, Roelofs and Sauer Nays: None Exc: Griner and Warsecke Motion carried.

Parks & Recreation: Comm Carland inquired as to any applicants. There is one. Committee set up to interview: Comm Carland, Money and Warsecke; Mitch Deisch; Cathy Demitroff.

ACTION ITEMS:

Soil Erosion Application for Railroad Point: Motion by Carland, seconded by Money, to approve the Soil Erosion Application for Railroad Point as presented, authorizing the chairman to sign. Roll call.

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

PRESENTATION OF CORRESPONDENCE

- Road Commission minutes of May 24, 2018 received.
- Berrien County resolution opposing HB 6049 and SB 1025 which would restructure the tax assessing in Michigan.
- Benzie Transportation Authority April and May 2018 financial statements received.
- Osceola County resolution regarding MIDC received.
- Saginaw County resolution regarding MIDC received.
- Berrien County resolution in opposition to SB 1031 to amend the General Property Tax Act.

UNFINISHED BUSINESS – None

NEW BUSINESS – None

Comm Money makes a correction to his report earlier in the meeting regarding the Homestead Inland Joint Planning Commission should have stated Homestead Inland Joint ZBA.

12:20 p.m. Public Input

Karen Mallon thanks Mr. Money for his correction.

Ken Laurence, Lake Township resident and member of Airport Authority, commented regarding the Airport Authority and they are doing a great job.

Doug Kirk, former Airport Manager, stated that he can't stand by idly with the actions of what is going on. We know what we are doing out there. His car was in the hangar for 2 years and it will be again – as long as an aircraft is in the hangar, you can store personal items as well.

12:30 p.m. Public Input Closed

Motion by Roelofs, seconded by Carland, to adjourn at 12:30 p.m. Ayes: Carland, Jeannot, Money, Roelofs and Sauer Nays: None Exc: Griner and Warsecke Motion carried.

Gary G. Sauer – Chair

Dawn Olney, Benzie County Clerk

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1. Approved the agenda as amended.
2. Approved the regular session minutes of June 12, 2018 as corrected on page 2.
3. Approved payment of the bills in the amount of \$405,322.82 as presented.
4. Adopted items 1-11 of the COTW Consent Calendar dated June 12, 2018 as presented.
5. Approved to enter into a 3-year License and Limited Waiver of Liability for Invasive Plant Removal Activities with the Nature Conservancy, with no chemicals being used.
6. Entered closed session for the purpose of consulting with legal counsel regarding BC and BC Parks & Rec vs Cole and the counterclaim made therein by the Coles.
7. Approved the settlement in the BC et al vs Cole matter in 19th Circuit Court.

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8. Entered closed session to discuss strategy for collective bargaining agreement negotiations.
9. Appointed Patty Bannon Roth to the BTA for a term to expire April 30, 2021.
10. Appointed Robert Russell to the EDC/BRA with a term to expire January 31, 2022.
11. Approved the Soil Erosion Application for RR Point as presented.

Committee of the Whole

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Motion by Carland, seconded by Money, to approve the Committee of the Whole Consent Calendar as follows:

1. To amend the Probate Court budget by \$4,000 for court-appointed attorneys, with the source to be determined and come back.
2. To sell up to 16 roll-off recycling bins.
3. To authorize the Prosecuting Attorney to enter into a 5-year lease for a Sharp MX2630N copier at the rate of \$122.00 per month, authorizing the Prosecuting Attorney to sign.
4. To authorize Jim Henderson to sell the 2007 Chevy ambulance with a minimum bid of \$5,000.00.
5. To amend the 2017-18 EMS 214 budget in the amount of \$4,375.00, as presented.
6. Space Planning Needs Committee: Roger Griner, Gary Sauer and Bob Roelofs
7. To authorize the use of \$2,807.00 of fund balance being transferred to the Emergency Management Budget line 101-426-970.00 (Equipment) to satisfy the local match requirement of the grant.
8. To authorize the purchase of the aforementioned items approved by the Michigan State Police – Emergency Management and Homeland Security Division.
9. To authorize Mitch Deisch to act on behalf of the Labor Subcommittee to handle the Class Action Grievance with regard to the Assistant Animal Control Officer.
10. To adopt resolution 2018-019 to transfer \$160,000 from Fund 516 DTRF to Fund 401 Capital Improvement Fund.
11. To amend the 2017-18 Remonumentation 245 budget in the amount of \$700.00, as presented.