

THE BENZIE COUNTY BOARD OF COMMISSIONERS
December 17, 2019

The Benzie County Board of Commissioners met in a regular session on Tuesday, December 17, 2019 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 Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke

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

Agenda:

Motion by Roelofs, seconded by Warsecke, to approve the agenda as presented. Ayes: Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

Minutes:

Motion by Roelofs, seconded by Warsecke, to approve the regular session minutes of November 26, 2019 as amended, by removing a portion of Comm Farrell's report. Ayes: Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

Motion by Jeannot, seconded by Roelofs, to approve the closed session minutes of November 26, 2019 as presented. Ayes: Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

9:05 a.m. Public Input – None

ELECTED OFFICIALS & DEPARTMENT HEAD COMMENTS

Tom King, EMS Director, provided the board with a written report and talked about Benzie County EMS being selected by the Center for Medicare Studies to take part in a study to determine the true cost of doing business as an ambulance service provider.

Judge Mead spoke to the board regarding the hiring freeze in effect until January 1, 2020; they currently have one opening – Probation Officer, with another being open effective the end of the year; they will be replacing two positions after the first of the year – information only.

Eric VanDussen, Chair of the Building Authority, updated the board that mediation with the Building Authority attorney Bryce Kern and Attorney Ed Roy and Kuhn Rogers law firm have reached a settlement – Building Authority is being released from any financial obligations for the alleged \$50,000 they believe we owe them; Building Authority releases Kuhn Rogers for malpractice; No fault is being admitted; \$25,000 to the Building Authority from Ed Roy and Kuhn Rogers insurance company. Final fire inspection has been approved for the Maples. They do have a minor punch list that is being worked on to obtain final electrical and mechanical inspections. Asks that this board waive the confidentiality and release the opinion received from Cohl Stoker & Toskey regarding the millage for the debt and allow them to have a copy of same. This Board had approved the Building Authority the use of \$500,000 from the DTRF if needed, and only \$150,000 was used. He also spoke about the generator issue – who is responsibility for the cost to correct it, it is not up to capacity.

Written report provided by Rebecca Hubers, Emergency Manager/911 Director.

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COMMISSIONER REPORTS

Comm Warsecke had no report.

Comm Roelofs reported that the NMAAA has a new director – Heidi Justine. He has been busy with negotiations for five unions. Benzie County Veterans Affairs – all is going well this time of year. HSCB has a presentation regarding opioid activity.

Comm Farrell reported that she attended the Networks Northwest Natural Hazards Mitigation Plan, we have one, but it is in need of update. We need this plan in order to get Federal and State grants. Attended the Shoreline Erosion meeting in Manistee. The Lake Michigan issue is erosion, not flooding, so there is no money available for emergencies, only for long-term erosion prevention. Attended the Crystal Lake Township meeting and they will have a new cottage industry in the township – it is a landscape business; they have rewritten their Marijuana Ordinance and it will be on the March 10 ballot – to prohibit all marijuana establishments within CL Township. Centra Wellness meeting – big concern of the DHHS toward behavioral health – they will hold a meeting on January 9 from 6 – 8 p.m. to bring both the Manistee and Benzie Boards up to date. She also attended the Health Dept special meeting regarding the Leelanau County millage that was passed regarding early childhood development.

Comm Nye also reported on the Centra Wellness – this issue is quite dire and needs to be discussed. Village of Benzonia has been approached for a variance by Dollar General for a parking lot – special meeting tomorrow. Village of Beulah discussed concern over snow removal of businesses and residents that are not keeping their sidewalks cleaned off – there will be fines for noncompliance. Also approved 3% increase in sewer ready to serve and usage fees. CLCBA held Christmas Magic last weekend. Benzonia Township discussed the Road Commission road improvement for Love Road, but before it happens, the grade of the hill is being discussed. Approved three new fire department trainees. The Recreational Adult use marijuana ordinance was approved. P/R – Master Plan is moving forward.

Comm Taylor reported that the Homestead Township meeting had a group to discuss issues with St. Ambrose Noise Ordinance violations with citations issued. Village of Honor are working on approving their budget and are working on a sewer project. Healthcare meeting went very well, the next meeting we will learn about HSAs.

Comm Jeannot provided a written report (attached) – attended committee appointment interviews; Lake Township meeting; Building Authority special meeting; Almira Township

Comm Sauer reported that Blaine Township has hired a new assessor – Amy DenHaan. Road Commission awarded two bids to Western Star for two trucks. Approved \$186,000 for roof repair to one of the Quonset huts. They will hold a Special meeting in March to start discussions on building improvements at the road commission. There will be a local road meeting on December 18 at 2 p.m. Village of Thompsonville are trying to finalize the Joint Planning Commission (JPC) withdraw of Weldon. Gilmore – SOS automatically registered to vote unless you refuse – that has increased voter registrations in each township. Health Dept interim agreement to make sure we can fulfil our obligations. School safety committee discussion regarding the boot system.

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Motion by Sauer, seconded by Farrell, to waive the Attorney/Client Privilege on the Cohl Stoker & Toskey opinion regarding the Maples bond decision. Roll call. Ayes: Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

10:00 a.m. Pat Heins and Shaun Anchak, Drug Court Grant

Ms. Heins report that the court applied for a specialty grant for an Adult Drug Court program; \$28,000 funding through SCAO; this will be a contract employee at 15 hours per week. We will need a room and desk for this individual to meet with clients.

Mr. Anchak – this is being done collaboratively with the Prosecutor's Office and Indigent Defense. Now we will have six defendants and it will be a diversion approach. It will help get defendants into treatment faster and save jail bed space.

Motion by Jeannot, seconded by Warsecke, to acknowledge the Grant Application that was submitted on an earlier date for the Michigan Drug Court Grant Program. Roll call. Ayes: Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

Motion by Warsecke, seconded by Roelofs, to amend the 2019-20 Budget for Circuit Court as follows:

Increase

101-131-539.00	State Grants (revenue)	\$28,000
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Increase

101-131-801.00	Contracted Services – Drug Court (expense)	\$28,000
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Roll call. Ayes: Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

10:20 a.m. Recess

10:26 a.m. Reconvene

Doug Durand, Benzie Senior Resources Annual Report

Provided a written report and reported that they served 522 veterans and spouses of veterans, representing about 32% of our overall client base. 2000 Christmas Gift Bags have been prepared. 47% of the HDM clients said that without the BSR, they wouldn't have enough food. He reported on the Meals and Food Services; Home Services; Health & Safety Services; Support Services; Social Connections; Volunteers; Township Report, showing clients served.

Additional Highlights: In 2019 they received the Non-Profit Member Community Impact Award by the Chamber of Commerce; they had a successful Build-A-Van fundraising campaign with support from Benzie County 100 Women Who Care, Grand Traverse and of Ottawa & Chippewa Indians 2% Grant, March for Meals Restaurants and 82 Individual Donors. We couldn't do what we do without the collaboration with other organizations.

10:47 a.m. Motion by Sauer, seconded by Roelofs, according to MCL 15.268(c), the Benzie County Board of Commissioners is entering into a closed session for strategy and negotiation session connected with the negotiation for collective bargaining agreements with Attorney Matt Nordfjord. Roll call. Ayes: Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

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11:33 a.m. Re-enter Open Session

Revisit Minutes:

Motion by Sauer, seconded by Farrell, to change the SWAC contracts in the November 26, 2019 to an expiration date of 2021. Ayes: Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke
Nays: None Motion carried.

Motion by Roelofs, seconded by Warsecke, to ratify the Total Tentative Agreement with FOPLC Deputy Unit dated December 12, 2019. Roll call. Ayes: Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

Motion by Roelofs, seconded by Farrell, to amend the previous Board of Commissioners decision to determine that the Employer and Employee contributions for the Defined Contribution plan for new hires to become effective January 1, 2020. Roll call. Ayes: Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

Motion by Roelofs, seconded by Farrell, that a new Defined Contribution plan with Employee contribution at 6%; Employer contribution: 1 year = 2%; 2 years = 4%; 3 years = 4%; 4 years = 6% and 5 years = 7% for all new employees with the same vesting period that was previously approved by the Board of Commissioners starting January 1, 2020. The Employer contribution would not exceed 7%. Roll call. Ayes: Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

COUNTY ADMINISTRATOR'S REPORT

Provided a written report and adds that he has emailed the attorney opinion to Kathy Dube of the Maples and the Building Authority board. When cleaning out room 138, we came across three banker boxes of ME reports – Mitch will be providing them to the Medical Examiner and signing the chain of custody to her.

FINANCE

Bills: Motion by Warsecke, seconded by Roelofs, to approve payment of the bills from November 27, 2019 thru December 26, 2019 in the amount of \$493,628.03, as presented. Roll call. Ayes: Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

Michelle Thompson, County Treasurer, reported on the award of an \$80,000 grant from Rotary Charities of Traverse City for the Land Bank's housing project in Honor.

COMMITTEE OF THE WHOLE

Motion by Warsecke, seconded by Roelofs, to approve items 1-4 of the November 26, 2019 Committee of the Whole Consent Calendar as presented. Roll call. Ayes: Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

COMMITTEE APPOINTMENTS

Airport Authority: Motion by Farrell, seconded by Nye, to reappoint Coury Carland to the Airport Authority for a term to expire December 31, 2023. Ayes: Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

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DHHS: Motion by Jeannot, seconded by Taylor, to appoint Dr. Donald Schaffer to the DHHS Board for a term to expire October 31, 2022. Ayes: Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

EMS: Motion by Roelofs, seconded by Jeannot, to reappoint Gaylord Jowett and Marty Bates, and appoint Ron Fought to the EMS Advisory Board for a term to expire December 31, 2022. Ayes: Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

Building Authority: Motion by Jeannot, seconded by Nye, to reappoint Eric VanDussen to the Building Authority for a term to expire December 31, 2022. Ayes: Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

Housing: Motion by Jeannot, seconded by Warsecke, to reappoint Jean Bowers, Amy Bissell and Dawn Olney to the Benzie County Housing Committee for a term to expire December 31, 2024. Ayes: Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

Parks & Recreation: Motion by Sauer, seconded by Jeannot, to reappoint Barb Skurdall, Sean Duperron and Tad Peacock to the Parks & Recreation Commission for a term to expire December 31, 2022. Ayes: Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

Planning Commission: Motion by Sauer, seconded by Warsecke, to appoint James Sheets as the Benzonia/Platte representative to the Planning Commission for a term to expire December 1, 2020. Ayes: Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

SWAC: Motion by Warsecke, seconded by Roelofs, to reappoint Marlene Wood to the Benzie County Solid Waste Advisory Board for a term to expire December 31, 2021. Ayes: Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

Veterans Affairs: Motion by Roelofs, seconded by Nye, to reappoint Lawrence Bailey to the Benzie County Veterans Affairs for a term to expire December 31, 2023. Ayes: Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

Land Bank: Motion by Warsecke, seconded by Roelofs, to accept the resignation of Terry Money from the Land Bank Authority with regrets. Ayes: Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

ACTION ITEMS:

Point Betsie Amendment to Costal Management Grant with EGLE: Motion by Farrell, seconded by Jeannot, to approve the extension and enter into an Amendment to the Costal Management Program between Michigan Dept of EGLE and Benzie County for the Point Betsie Lighthouse, as presented, authorizing the chairman to sign. Roll call. Ayes: Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None ~~Exc: Farrell~~ Motion carried.

Recycling Site Leases – Almira Township, Frankfort, Save-A-Lot:

Motion by Warsecke, seconded by Roelofs, to enter into a 2-year (1/1/2020 to 12/31/2021) Recycling Site Lease with Almira Township, authorizing the chairman to sign. Roll call. Ayes: Farrell,

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Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

Motion by Warsecke, seconded by Farrell, to enter into a 2-year (1/1/2020 to 12/31/2021) Recycling Site Lease with City of Frankfort, authorizing the chairman to sign. Roll call. Ayes: Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

Motion by Warsecke, seconded by Taylor, to enter into a 2-year (1/1/2020 to 12/31/2021) Recycling Site Lease with Homestead Township, authorizing the chairman to sign. Roll call. Ayes: Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

Motion by Warsecke, seconded by Nye, to enter into a 2-year (1/1/2020 to 12/31/2021) Recycling Site Lease with Subhash Kapur Living Trust (Save-A-Lot), authorizing the chairman to sign. Roll call. Ayes: Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

Motion by Roelofs, seconded by Farrell, to increase the wage of the non-union/non-elected employees effective January 1, 2020 by an additional .5%. Roll call. Ayes: Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

PRESENTATION OF CORRESPONDENCE

- Letter received from MMRMA of denial of RAP grant for Jail Control Board Replacement.
- Notice of Intent received from Wexford Joint Planning Commission.
- Copy of letter sent to Governor Whitmer from Crawford County.
- Letter and Resolution received from Michigan Resource Stewards regarding Enbridge Pipeline 5.
- Resolution received from Eaton County regarding Changes to the Application of Fee-For-Service Model for Local Substance Abuse Service Delivery.
- Crystal Lake Elevation report for November 2019 received.
- Little Platte Lake Elevation report for November 2019 received.
- Benzie-Leelanau Health Dept minutes of November 21, 2019 received.
- Benzie Transportation Financial Reports for October and November 2019 received.

UNFINISHED BUSINESS – None

NEW BUSINESS – None

12:16 p.m. Public Input

Dawn Olney, County Clerk, let the board know that the Organizational Meeting packets will be out to them next week.

Motion by Roelofs, seconded by Warsecke, to adjourn at 12:20 p.m. Motion carried. Ayes: Farrell, Jeannot, Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

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1. Approved the agenda as presented.
2. Approved the regular session minutes of November 26, 2019 as amended.
3. Approved the closed session minutes of November 26, 2019 as presented.
4. Approved to waive the Attorney/Client Privilege on the Cohl Stoker & Toskey opinion regarding the Maples bond decision.
5. Acknowledged the Grant Application that was submitted on an earlier date for the Michigan Drug Court Grant Program.
6. Amended the 2019-20 Budget for Circuit Court in the amount of \$28,000.
7. Entered closed session for strategy and negotiation session connected with the negotiation for collective bargaining agreements with Attorney Matt Nordford.
8. Changed the SWAC contracts in the November 26, 2019 to an expiration date of 2021.
9. Ratified the Total Tentative Agreement with FOPLC Deputy Unit dated December 12, 2019.
10. Amended the previous Board of Commissioners decision to determine that the Employer and Employee contributions for the Defined Contribution plan for new hires to become effective January 1, 2020.
11. A new Defined Contribution plan with Employee contribution at 6%; Employer contribution: 1 year = 2%; 2 years = 4%; 3 years = 4%; 4 years = 6% and 5 years = 7% for all new employees with the same vesting period that was previously approved by the Board of Commissioners starting January 1, 2020. The Employer contribution would not exceed 7%.
12. Approved payment of the bills in the amount of \$493,628.03, as presented.
13. Approved items 1-4 of the November 26, 2019 Committee of the Whole Consent Calendar as presented.
14. Reappointed Coury Carland to the Airport Authority for a term to expire December 31, 2023.
15. Appointed Dr. Donald Schaffer to the DHHS Board for a term to expire October 31, 2022.
16. Reappointed Gaylord Jowett and Marty Bates, and appoint Ron Fought to the EMS Advisory Board for a term to expire December 31, 2022.
17. Reappointed Eric VanDussen to the Building Authority for a term to expire December 31, 2022.
18. Reappointed Jean Bowers, Amy Bissell and Dawn Olney to the Benzie County Housing Committee for a term to expire December 31, 2024.
19. Reappointed Barb Skurdall, Sean Duperron and Tad Peacock to the Parks & Recreation Commission for a term to expire December 31, 2022.
20. Appointed James Sheets as the Benzonia/Platte representative to the Planning Commission for a term to expire December 1, 2020.
21. Reappointed Marlene Wood to the Benzie County Solid Waste Advisory Board for a term to expire December 31, 2021.
22. Reappointed Lawrence Bailey to the Benzie County Veterans Affairs for a term to expire December 31, 2023.
23. Accepted the resignation of Terry Money from the Land Bank Authority with regrets.
24. Approved the extension and enter into an Amendment to the Costal Management Program between Michigan Dept of EGLE and Benzie County for the Point Betsie Lighthouse, as presented, authorizing the chairman to sign.
25. Entered into a 2-year (1/1/2020 to 12/31/2021) Recycling Site Lease with Almira Township, authorizing the chairman to sign.

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26. Entered into a 2-year (1/1/2020 to 12/31/2021) Recycling Site Lease with City of Frankfort, authorizing the chairman to sign.
27. Entered into a 2-year (1/1/2020 to 12/31/2021) Recycling Site Lease with Homestead Township, authorizing the chairman to sign.
28. Entered into a 2-year (1/1/2020 to 12/31/2021) Recycling Site Lease with Subhash Kapur Living Trust (Save-A-Lot), authorizing the chairman to sign.
29. Increased the wage of the non-union/non-elected employees effective January 1, 2020 by an additional .5%.

Committee of the Whole

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November 26, 2019

Motion by Warsecke, seconded by Roelofs, to approve the Committee of the Whole Consent Calendar as follows:

1. To authorize the execution of payment to Northern Michigan Regional Entity, with the knowledge that this will be paid before December 17, 2019.
2. To amend the Fund 101 budget in the amount of \$50,000 for the liquor tax, with the knowledge that this will be taken care of before December 17, 2019.
3. To accept the Budget Amendment request in the amount of \$57,427.00 for Fund 425 as presented.
4. To authorize Rebeca Hubers to enter into contract with Networks Northwest for completion of a Hazardous Mitigation Plan, acknowledging that this action will occur prior to the December 17, 2019 meeting.

Art Jeannot
Commissioner Report
December 17, 2019

- Attended 5 meetings on behalf of the county since November 26th.
- 12/4 Committee Interviews – for Airport Authority (2), DHHS (2), EMS Advisory (2). Several strong candidates for each interview. Out come will be discussed later in this meeting.
- 12/5 Lake Township – Township Supervisor's spouse passed away (Jerry Grobe). Discussed swimmers itch. They believe the Mallard Duck population may need to be re-located. Earlier this year we were informed by another group about the re-location of Mergansers.
- 12/6 BA – Special meeting to discuss settlement with the BA's previous legal counsel. Positive outcome for Benzie County. I have invited the BA Chairman and current legal counsel to give a presentation during "department head" reports. It's worth noting that to date, the County has had a net financial outcome with regard the changes on the BA board.
- 12/9 Almira Township – Met new fire chief. They appear to be well organized to include drafting a multi year capital improvement needs. The Board was complimentary of Jessie Zylstra's (Solid Waste) hard work and consciousness for his duties.
- 12/11 BCCC – Met new executive director (Rich Coates). The Board is going through strategic plan review in anticipation of the CVB combining with Traverse City Tourism Bureau. I have invited Rich to a future BOC meeting to introduce himself. He will also be brought before the BOC for appointment to the EDC/BRA.
- Other -
 - Dick Taylor, Chairman of the Friends of Betsie Lighthouse discussed with me their continued concern about erosion at the base of the lighthouse and road condition at the property as it relates to public safety. The current road condition does not accommodate an emergency vehicle being able to turn around easily during peak seasons.
 - Jeff Johnson's term is over at year end with the BA. We will need to recruit a qualified candidate. Jeff will not be seeking re-appointment, however is willing to stay on until a replacement is found if bylaws allow.