

THE BENZIE COUNTY BOARD OF COMMISSIONERS
October 13, 2020

The Benzie County Board of Commissioners met in a regular session on Tuesday, October 13, 2020 in the Frank F. Walterhouse Board Room, 448 Court Place, Government Center, Beulah, Michigan.

The meeting was called to order by Chair Bob Roelofs.

Present were: Commissioners Farrell (phone), Jeannot (phone), Nye, Roelofs, Sauer, Taylor and Warsecke

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

Agenda:

Motion by Warsecke, seconded by Nye, to approve the agenda as amended, adding Resolution 2020-007 discussions after Public Input and removing Committee of the Whole. Roll call. Ayes: Farrell (phone), Jeannot (phone), Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

Minutes:

Motion by Sauer, seconded by Taylor, to approve the regular session minutes of September 22, 2020 as amended, correcting Chairman Roelofs as providing the invocation. Roll call. Ayes: Farrell (phone), Jeannot (phone), Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

9:03 a.m. Public Input

Valerie Gerhart with the Yes for Benzie Kids group spoke regarding the Benzie Central Schools millage request.

Barb Skurdall also spoke regarding the school millage.

9:10 a.m. Public Input Closed

Resolution 2020-007 Discussion: Comm Jeannot stated that on March 18, 2020 we passed a resolution to agree to follow the Executive Orders (EO) as well as any guidelines the Health Department put out as to COVID-19; the EOs have been deemed invalid, however the Health Dept have not; we need to follow the Health Department Guidelines or rescind our resolution.

Chair Roelofs, do we feel it is necessary to rescind that resolution and begin again as it is today.

Chairman Roelofs stated that he and Mitch will discuss this issue further and bring back; will table until the next meeting.

ELECTED OFFICIALS & DEPARTMENT HEAD COMMENTS

Lisa Peacock, Health Officer, Benzie-Leelanau Health Dept, provided the Board and members of the public an update on COVID-19 in Benzie and Leelanau Counties. She stated that the National Guard will be coming in to assist with testing in both Benzie and Leelanau Counties. She has not issued any local orders at this point. Our schools are doing great. Flu vaccine access – we are working really hard to expand the service.

Comm Warsecke asked what their definition of an outbreak is? 2 or more individuals linked by time and place – not at home.

He also asked what the enforcement authority of the Health Department is? Ms. Peacock stated they can work with the Prosecuting Attorney and the Courts, however they try to work with the individual for compliance.

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Doug Durand, Benzie Senior Resources, spoke regarding the contract between the Commission on Aging (Board of Commissioners) and Benzie Senior Resources.

Mitch stated that the contract is being reviewed by Cohl Stoker and Toskey.

Commissioner Taylor asks to have the attorneys review paragraph V. Return of Excess Funds.

Will come back to this board with a final copy for consideration.

Cameron Clark, Juvenile Officer, updated the board on the 2020 Child Care Fund Budget; many funds went unused this year; it was a good year.

Kyle Maurer, ACO, reported that numbers are down this year; the siding project on the shelter has been completed; working on getting a garage door – ordered 4 weeks ago; will be working on the dog run yard where we are dealing with erosion; dogs are digging up the drainage field.

Greg Hubers, Undersheriff, reported that one jail employee has tested positive for COVID-19 and is under quarantine; Health Dept has recommended that two other employees from the jail also be under quarantine; Becky will be checking the dispatch due to shared space with jail employees; a deputy was involved in a crash and the vehicle is deemed to be a total loss.

ACTION ITEMS

Court CESF Grant: Motion by Warsecke, seconded by Taylor, to accept the Coronavirus Emergency Supplemental Funding (CESF) Grant Contract between the Michigan State Police and Benzie County – Benzie County Courts as presented, authorizing the chair to sign. Roll call. Ayes: Farrell (phone), Jeannot (phone), Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

10:25 a.m. Break

10:33 a.m. Reconvene

COMMISSIONER REPORTS

Comm Nye attended several meetings – Headlee Sub-Committee #3 and discussed millage bundling; Centra Wellness Planning/Finance; Parks/Recreation – they recommend approval of the Ikens request, scheduled trail talk between FBVT and property owners has been postponed until Spring, Thompsonville Diamond Crossing dedication ceremony – was cancelled; Health Dept Board of Appeals – two appeals were heard, one was approved and one was not. Village of Benzonia – water hook-up fees increased, they are in negotiations with TC Concrete for the tennis court completion, One-Time Water Leak Forgiveness Ordinance is being considered; Centra Wellness Executive Meeting – they are in good shape fiscally, \$2.00 wage increase will remain permanent, the Audit of their Recipient Rights was 100%; Village of Beulah has switched to BS&A accounting, discussion regarding dock removal was held, Fall Fest had over 350 people, CLCBA is exploring an option for downtown business only Trick or Treating; Broadband Summit – the FCC maps are not accurate as they pertain to Benzie County.

Comm Warsecke attended the Solid Waste meeting where they discussed the fund balance that they have; finance officer does not feel it is out of line with a new contract coming next year.

Chairman Roelofs attended the Health Dept Board of Appeals – 3 members from Benzie County and 3 from Leelanau, only 1 Leelanau on the call – the other two maybe didn't want to be a part of the Chair/Vice Chair/Secretary positions. Area Agency on Aging – long virtual meeting. Veterans

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Affairs had to take care of some financial issues yesterday; have found some flags for Memorial Park made in the USA.

Comm Taylor attended the Homestead Township meeting where they talked about Home Stretch and the PILT that would reduce the amount of taxes they would collect from Home Stretch project; have the attorney reviewing it. Village will be discussing the same thing. Participated in Broadband and thought it was very good.

Comm Sauer attended several meetings – Health Dept state is pushing the PFAS issue, another unfunded mandate; Road Commission – fully staffed on mechanics, will be discussing the Platte River School with the superintendent, Esch Road repairs will be more than originally planned – they have decided to move forward, Iron Man is talking to the City of Frankfort to run up and down M-22, swim the bay, will need permission from each jurisdiction. Maples have had their second employee test positive for COVID and the Legionella issue continues. BVT – going out for bids for the trail project to get started in the Spring. Village of Thompsonville last night had the Dental Van there for tours. Eclipse wants to use the tower; they talked about pulling the ambulance out of Kaleva.

Comm Jeannot provided a written report (attached) and spoke about the Building Authority Generator project; Broadband – it is gratifying that the speakers continually gave the BOC and the EDC credit for having started this project a year ago.

Comm Farrell reported that she attended 6 meetings (report attached) virtually and joined the community COVID update and the Broadband update last night. Human Services Collaborative with a presentation from Kristi Johnson, COO of Paul Oliver Hospital and the Bay Area Youth initiative is moving to the HSB. Health Dept Board of Health meeting. Attended the Centra Wellness Community Services and Resources meeting, together with the Executive Committee meeting. Health Dept Board of Appeals. Betsie Natural River Zoning Review Board – approved set back on River Road.

Rebecca Hubers, Emergency Manager/911 Director, spoke regarding the Iron Man event – they are working with Josh Mills, and wanting to hold the 2021 Iron Man Event in Frankfort and surrounding townships, but totally enclosed in Benzie County for September 2021. Next step in the process in order for a permit to close M-22, MDOT needs a permit applied by a government entity or Road Commission, prefer that the permit not come from every township – Road Commission will collect the approvals and they will make the application for the closure. Maximum participates is 2,500.

COUNTY ADMINISTRATOR'S REPORT – Mitch Deisch

- Provided a written update and spoke regarding:
- Medical Examiner – received a flier from Mid-Michigan ME Group. Board member (Warsecke) to sit down with him and gather information then report back. Comm Jeannot says the number of autopsies performed would be helpful to know as well.
- Headlee Sub-Committee – Motion by Sauer, seconded by Taylor, to request Cohl Stoker and Toskey to prepare a memo regarding Headlee Options to be used in our Headlee Subcommittee meetings and for use with the public. Roll call. Ayes: Farrell (phone), Jeannot (phone), Nye, Roelofs, Sauer, Taylor and Warsecke. Nays: None. Motion carried.
- Next Monday will be his 5-year anniversary with the County.

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Comm Sauer asked about the \$2,000 regarding Ikens and why it should be added to the Parks & Rec budget – it should be to the General Fund.

FINANCE

Bills: Motion by Warsecke, seconded by Jeannot, to approve payment of the bills in the amount of \$729,579.23, as presented. Roll call. Ayes: Farrell (phone), Jeannot (phone), Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

COMMITTEE OF THE WHOLE – No meeting held on September 22, 2020

COMMITTEE APPOINTMENTS

Benzie Bus: Interview to be scheduled for one applicant; Sauer, Warsecke, Roelofs, Deisch and Chair of the BTA. In-person interview to be scheduled for October 19, 2020 at 4:45 p.m.

UNFINISHED BUSINESS – Assessor: Mitch stated that he and Tom Longanbach are working on this issue; Cohl Stoker and Toskey have written a DRAFT contract. More to follow.

NEW BUSINESS – None

PRESENTATION OF CORRESPONDENCE

- Benzie-Leelanau Health Dept minutes of September 23, 2020 received.
- Little Platte Lake elevation report for September 2020 received.
- Crystal Lake elevation report for September 2020 received.
- HR Committee minutes of September 9, 2020 received.

12:02 p.m. Public Input

Comm Taylor let Chairman Roelofs know that Michigan State Industries is another company that make flags if you need for Veterans.

12:04 p.m. Public Input Closed

Motion by Warsecke, seconded by Sauer, to adjourn at 12:05 p.m. Roll call. Ayes: Farrell (phone), Jeannot (phone), Nye, Roelofs, Sauer, Taylor and Warsecke Nays: None Motion carried.

Bob Roelofs, Chair

Dawn Olney, Benzie County Clerk

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1. Approved the agenda as amended.
2. Approved the regular session minutes of September 22, 2020 as amended.
3. Accepted the Coronavirus Emergency Supplemental Funding (CESF) Grant Contract between the Michigan State Police and Benzie County – Benzie County Courts as presented.
4. To request Cohl Stoker and Toskey to prepare a memo regarding Headlee Options to be used in our Headlee Subcommittee meetings and for use with the public.
5. Approved payment of the bills in the amount of \$729,579.23, as presented.

Art Jeannot
Commissioner Report
October 13, 2020

- Participated in 5 meetings on behalf of the County since our September 22nd meeting.
- **9/24 Platte Township** – The Township will have a presentation in a future meeting from a company regarding marijuana grow operations.
- **10/1 Lake Township** –
- **10/6 Platte Township** – Quarterly board meeting. A company requesting to do a presentation on developing a marijuana grow operation learned that the Township opted out in January 2019. Township is beginning the discussion to update their master plan. I shared information regarding the Headlee Amendment.
- **10/7 Building Authority** – Feyen Zylstra was selected to upgrade the generator at Maples. Bid is for \$34,610. Work should be completed by end of year. This should conclude the Building Authority's role in this project.
- **10/12 Almira Township** – I will give any pertinent details at the BOC meeting.
- **Other** –
 - Attended the Broadband Summit on Monday October 12th.

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OCT 12 2020

DAWN OLNEY
BENZIE COUNTY CLERK
BEULAH, MI 49617

Commissioner's Report to BOC
October 13, 2020
Linda Farrell
District #3
Frankfort and Crystal Lake Township

Since our last meeting on September 22, I have attended six meetings (virtually) on behalf of Benzie County; joined the (virtual) Community COVID Update on September 30th; and attended the (virtual) Benzie County Broadband Summit.

September 23rd

- Human Services Collaborative
 - Kristi Johnson - COO of Paul Oliver Memorial Hospital - gave an update: Coordination among POMH and Manistee and Cadillac hospitals; Fitness Center is scheduled to open in November; They have increased telemedicine opportunities; Will have virtual events and programming going forward
 - The Benzie Area Youth (BAY) Initiative formerly run by CWN is moving to HSC. BAY focuses on youth substance abuse prevention. They use data from youth surveys to best address issues facing Benzie County youth
- Benzie Leelanau Health Department Board of Health - Minutes are in today's packet

September 29th

- CWN Community Services and Resources Meeting
- CWN Executive Committee Meeting

September 30th

- Community COVID Update
- Benzie Leelanau Health Department Board of Review - Commissioners Nye and Roelofs addressed; I did contact Eric Johnston, Environmental Health Director, and BLDHD Staff will take minutes at meetings going forward.

October 6th

- Betsie Natural River Zoning Review Board - Variance was granted for a small property on River Road to reduce the setback of 165' to 65' from the Betsie River for a 30' camper. It is a "lot of law" and it was deemed the best way to use the lot because moving the camper trailer back would necessitate removal of trees greater than 4" in diameter. There were conditions to the variance approval for the removal of an outdoor light and the provision that a plastic net fence be removed and any future fencing be of natural materials.

October 12

- Benzie County Broadband Summit - Well presented information about where Benzie County is with sufficient broadband coverage, the partners, including Benzie County Commissioners, working towards addressing the still huge lack of sufficient coverage, and movement towards full broadband coverage. Lyndon Township residents have option for 3 levels of Mbps up and down from \$35 + \$22 for the millage = \$58/mo to \$75 + \$22 for the millage = \$98/mo. All levels are good prices for the speed provided when compared to the fees paid by Benzie County residents.

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DAWN OLNEY
BENZIE COUNTY CLERK
BEULAH, MI 49617



448 Court Place • Beulah, MI 49617

Memo To: Board of Commission
From: Mitch Deisch, Administrator *m Deisch*
Date: October 7, 2020
Subject: Admin Update 10/13/2020 BOC Meeting

1. **Medical Examiner Costs** – We appeared to have a much better year regarding overall Medical Examiner costs. As we know, much of this department's costs are directly related to autopsy's and related costs (toxicology and histology), which are variable year to year.

Recently we received a flyer/solicitation from Mid-Michigan Medical Examiner Group, which provides medical examiner services for Oceana, Mecosta, Newaygo, Lake, Montcalm, Clare, Wexford, Otsego, Crawford and Alpena counties. Out of curiosity I reached out to Administrators in these counties to see how their overall costs for ME services. Attached are the results of this inquiry.

County	Population	18/19 ME costs	19/20 ME costs
Benzie	17,500	\$88,746	\$65,360 (YTD)
Lake	11,539	\$46,586	\$54,245 (YTD)
Wexford	33,000	\$101,726	\$573,362 (YTD)
Crawford	14,000	\$66,665	\$38,000 (YTD)
Otsego	25,000	\$69,355	\$66,434 (YTD)

2. **Supreme Court Ruling & Executive Orders** – As of 10/2/2020 the State of Michigan was up to 192 Executive Orders. The most relevant recent EO 186 Declaration of an Emergency extended the emergency declaration until Tuesday October 27, 2020. On the same day, the Michigan State Supreme Court handed down a ruling, that Governor Whitmer cannot continue to extend Emergency Declaration without consent of the legislature. The Supreme Court ruling does not take effect for at least 21 days. Until this time the Emergency Orders remain. I have been in communication with Cohl Stoker & Toskey regarding this Supreme Court ruling. I have attached the e-mail from Matt Nordfjord that states that until more is known, the Executive Orders remain in effect. I have also copied additional information regarding this topic from the BLDHD, Prosecuting Attorney's office and our Courts. On Monday October 5, 2020, the Department of Health and Human Service issued an Emergency Order under MCL 333.2253 which stated the following for Region 6.
- 25 people per 1,000 sf. BOC room is approximately 58' x 32' (not including hallway area) for approximately 1,856 sf, which allows for approximately 46 attendees in the BOC room.
 - Require that each person gathered wear a face covering.
 - Exemptions to face coverings include medically cannot tolerate a mask or giving a speech or talking during a BOC meeting.

RECEIVED

OCT 07 2020

DAWN OLNEY
BENZIE COUNTY CLERK
BEULAH, MI 49617

- Cannot assume that someone entering without a face covering falls within the exceptions. Can accept a verbal representation from the individual that the person falls within an exception.

Cohl, Stoker & Toskey have provided update to the Executive Orders, Supreme Court ruling and the DHHS Emergency order, which is attached.

3. **Headlee Research Options** – Last week I received an opinion from Cohl Stoker & Toskey regarding the process for establishing a Tax Allocation Committee/Board and another option for addressing general fund millage, which is a special voted county millage. I will be discussing both options with the BOC at the 10/13/2020 COTW and Headlee Subcommittee #3 meeting scheduled for 10/15/2020. It will be my recommendation that the BOC directs CST to prepare a memorandum that contains the core information in the Attorney Opinion, which will not contain the attorney client privilege. This memo would be available for public distribution.
4. **Benzie County Broadband Summit** – The Benzie County Chamber of Commerce in conjunction with the Economic Development Committee has scheduled an electronic zoom Benzie County Broadband Summit scheduled for Monday October 12, 2020 starting at 7:00 pm.
5. **PA 660 / Assessor of Record** – Equalization Director Tom Longanbach and I have been discussing how to come into compliance with PA 660 of 2018, commonly referred to as the Property Assessing Reform. PA 660 has modified the audit review process and when a unit is not in substantial compliance, there are three options.
 1. The assessing district may hire a new Michigan Advanced Assessing Officer (MAAO) or Michigan Master Assessor Officer (MMAO).
 2. The State Tax Commission assumes jurisdiction over the assessment roll to bring the roll into substantial compliance, or
 3. The local unit may move directly to the Designated Assessor.

We will continue to work with the local unites of government (12 townships and 1 city) that are impacted by PA 660. One Assessing firm has already reached out to Benzie County about the Designated Assessor position. More follow.

6. **Ikens Easement Request Update**- On Monday September 28, 2020 I attended the Benzie County Parks and Recreation Commission (BCPRC) meeting and presented the Ikens easement request across the Railroad Point Natural Area. After considerable discussion, the BCPRC unanimously voted to recommend to the full BOC that they approve the Ikens easement request and that the \$2,000 easement agreement payment be placed in the BCPRC budget.

Based upon the BCPRC vote and previous BOC discussions, I requested that attorney Dick Figura to apply for the MDNR permanent easement application to review and approve the easement request over the MDNR conservation easement. Depending on how long the MDNR review and approval process takes, it most likely will not make the October 13, 2020 BOC meeting. If not, I will place the item on the next available BOC meeting agenda.

7. **State of Michigan Partners** – As you know Benzie County hosts both the Department of Health and Human Services and the State of Michigan DOC Probation Office in the Government Center. Both the Probation Office and DHHS have informed their employees that they will be working remotely until the first of the new year. Probation office employees are required to seek approval from their direct supervisor to be in the Government Center and specifically their offices. Currently they are conducting probation visits at client's homes and in the Government Center parking lot. How this will work as winter approaches, no one knows. As for DHHS, they also have minimal staffing in the building at any one time.
8. **Benzie Senior Resource Contract** – The 3-year Benzie Senior Resource Contract expired on September 30, 2020. BSR Executive Director Doug Durand and I would like to discuss with the BOC their wishes for renewing the service agreement and for how many years. The recently expired service agreement and Appendix A programs and services and Appendix B Retention Schedule are attached for your review.