

**LEELANAU COUNTY BOARD OF COMMISSIONERS
COMMITTEE OF THE WHOLE – Monday, July 25, 2022**
Approved 04/18/2023

*Proceedings of the meeting are being recorded (audio and video). The video of the meeting can be found at the following link:
<http://leelanau.gov/meetingdetails.asp?MAId=2365#video>*

Meeting called to order by Chairman Ty Wessell at 1:00 p.m. Today's meeting is being held at the Government Center, 8527 Government Center Drive, Suttons Bay, Michigan.

Pledge of Allegiance/Moment of Silence:

The Pledge of Allegiance to the Flag of the United States of America was recited, followed by a moment of silence.

<u>Roll Call:</u>	District #1	Rick Robbins	PRESENT
	#2	Debra L. Rushton	PRESENT
	#3	Lois Bahle	PRESENT
	#4	Ty Wessell	PRESENT
	#5	Patricia Soutas-Little	PRESENT
	#6	Gwenne Allgaier	PRESENT
	#7	Melinda C. Lautner	PRESENT

Public Comment:

The following individuals spoke in person: Dean Manikas; Tony Ansoerge.

Written comments can be found at the following link:

<http://leelanau.gov/meetingdetails.asp?MAId=2365>

Commissioner Comment:

MOTION BY ROBBINS TO REQUEST TO ADD TONY ANSORGE AND JIM HOUDEK TO THE AGENDA AS SPEAKERS. SECONDED BY LAUTNER.

Discussion – Commissioner Allgaier stated that it was her understanding that they would not be adding to the agenda and people would be allowed to speak at public comment and other individuals had been told that based on that understanding.

Chairman Wessell replied that Commissioner Robbins had contacted him and Wessell stated after checking it was his understanding that no Commissioner had been denied the right to add something to the agenda.

Commissioner Allgaier replied that she had been told the agenda was closed, so she had asked people to make public comment instead.

Chairman Wessell asked all presenters to be efficient with time use and help them to meet the 3:00 p.m. ending time goal today.

Commissioner Rushton said they are here today to look at all aspects of the issue and she would like to hear from anyone who has information that will help the Board.

Commissioner Soutas-Little said if there was anyone who had wanted to be added to the agenda and was denied, and are present in the audience that they be added at this time also.

AYES – 6 (Robbins, Rushton, Bahle, Wessell, Soutas-Little, Lautner)
NO – 1 (Allgaier) **MOTION CARRIED.**

Chairman Wessell stated this is a study session and we are here to learn. Future actions will be talked about at another date.

Purpose of Meeting – Discussion:

Review of Prior Legal Opinions:

Commissioner Lautner spoke regarding an email handout dated February 6, 2018, from Attorney David Stoker to Chet Janik regarding the Health Department having authority to enforce their regulations to address problematic septic systems. Lautner then said the other handout she believes was information that had led up to that email.

The handouts can be viewed at the following links:

http://leelanau.gov/downloads/legal_opinion_1_07252022.pdf

http://leelanau.gov/downloads/legal_opinion_2_07252022.pdf

Chairman Wessell explained that his understanding after speaking to Administrator Janik on Tuesday, is that they can request the Health Department to study this issue and bring back a proposed ordinance to the Board of Commissioners for consideration and if approved it would go back to the Health Department for a public hearing to be held. The only question they don't know is since they are a two county Health Department if both Benzie and Leelanau County's Board of Commissioners would have to approve of a proposed ordinance.

Chairman Wessell said they are not here to approve an ordinance today they are here to listen. There are some restrictions in the law and their attorney will be working with them as they proceed, depending on how they wish to proceed.

Mr. Skip Pruss, former Director, Michigan Department of Energy, Labor, and Economic Growth:

Skip Pruss was present before Commissioners and gave them brief information of his background and gave a presentation that can be viewed at the link below:

http://leelanau.gov/downloads/leelanau_county_septic_presentation_pruss_07252022.pdf

Pruss answered questions from Commissioners.

Review Of Leelanau Planning Commission Report, Chapter Six:

http://leelanau.gov/downloads/leelanau_general_plan_ch_6_07252022.pdf

Commissioner Bahle addressed this item and stated she was part of a group in 1991 called the Leelanau County Groundwater Committee, which was formed under the County Planning Commission to look at issues of septic and wells and make recommendations. One of the recommendations was to identify well logs and septic system permits recorded by property numbers because at that time many had been recorded by the name of the person who had pulled the first permit and this would be an issue as properties transferred if that name was not known sometimes would lose the records completely.

Commissioner Bahle continued by saying that from the groups' recommendations they had hoped to create a model ordinance that would hopefully be adopted by multiple townships and

have common ground within Leelanau County, but that did not happen. The next thing that did happen was the creation of the Leelanau General Plan. Chapter 6 in the old ordinance has been amended many times and most recently in 2019. Chapter 6 is relevant in protecting the groundwater and Bahle stated this is just a historic perspective on how long this has been a concern and that they have not actually been able to move forward.

Mr. Rob Karner, Biologist, Glen Lake Association:

Rob Karner was present before Commissioners and stated that he is a Watershed Biologist that has been working with the Glen Lake Association since 1980. Karner said he had helped generate a map of Glen Lakes' shoreline and locations of any algal blooms for public record. Karner continued and touched on the topics of septic inspections, failed systems, point of sale septic ordinances, commercial grade septic systems, and septic system life spans.

Karner addressed questions from Commissioners.

Mr. Ron Reimink, Founder, Freshwater Solutions, LLC:

Commissioner Allgaier introduced Ron Reimink who was present before Commissioners and gave a brief history of his background as a home owner on Lime Lake, Biology teacher, and working in our lakes studying human fecal bacteria and qPCR testing.

Reimink stated he is the founder of Freshwater Solutions, LLC which started by studying the parasites that cause swimmer's itch. They then branched off and in 2018 began dealing with Enteric Bacteria which lives in the gastrointestinal tract of animals. Reimink said he works closely with expert Dr. Patrick Hannington of the University of Alberta, a Parasitologist and Molecular Biologist, and one of Canada's best scientists.

Reimink said that they are the field team here and all of the data and validation of samples taken are done at the University of Alberta (Canada). In 2018 they were asked to start a study on Glen Lake, Lime Lake, and Little Traverse Lake. They then took water samples at every 500' of shoreline on each lake and ran the molecular biology test called qPCR (quantitative polymerase chain reaction). Reimink explained that this process allows them to extract DNA from any organism in the sample and amplify it against known standards and can then tell them not only what is in the water, but how much of it. Reimink gave the statistic that out of the samples taken from the three lakes that between 20-25% had evidence of human fecal material. They can source track the DNA and tell not only how much is there but what it came from (human, deer, geese, etc.).

Reimink continued with explanation and additional details of his studies and answered questions from Commissioners.

Eric Johnston, Environmental Health Director, Benzie/Leelanau District Health Department:

Eric Johnston, Environmental Health Director of the Benzie/Leelanau District Health Department was present before Commissioners. Johnston said he has been in this line of work for almost 30 years and the roll of public health is to prevent disease. Johnston said they do that through putting in properly designed, installed, and maintained septic systems. Johnston then discussed that in Benzie County they have a county-wide ordinance for septic inspection at time of transfer or sale and his recommendation to Commissioners would be if considering anything, to make it apply county-wide versus varying township to township.

Johnston said he has worked with the Equalization Department and GIS Analyst Rob Herman to put together some numbers to see the scope of approximately how many septic systems there are in this county. There are about 15,000 residential homes on septic systems, and about 700 commercial. If you were to look at them every five years that is about 3,000 per year; 10 years about 1,500 a year, and if at time of sale about roughly 500 home sales per year. Johnston then reviewed Benzie County numbers since 1992 and the percentage of systems considered not in significant compliance or non-compliance there.

Johnston continued and said he has compiled all of Leelanau County's evaluations that have been done since their digital database was started and that they have done 355 evaluations, mostly in the townships with implemented ordinances for well and septic evaluations, and reviewed the statistics and details for Commissioners.

Johnston said as many are probably aware his department focus for several years has been to make all of their records (maps, permits, etc.) available to the community, and now the public portal is available on their website. He added that if you have a property and do not find information on their site for it, then they do not have any and gave more details of other resources listed on the website.

Commissioner Rushton questioned if it was being looked at to digitize all of the records for the entire county and if not, why not?

Johnston replied that the staffing levels are only able to handle the applications that they have right now.

Brief discussion ensued between Commissioners and Johnston.

Chairman Wessell called for a break at 2:43 p.m.
Meeting resumed at 2:51 p.m.

Jim Houdek spoke to Commissioners providing information he was in the septic pumping service for 35 years and had also attended hundreds of conferences all over the country during that time. Houdek gave additional information to Commissioners regarding his career knowledge and said if only 4% of the systems in Benzie County failed, does there need to be more regulation for that since there is a Sellers' Disclosure Act now. Houdek responded to several Commissioner questions.

Tony Ansorge, former District #1 Commissioner, was present and said he was going to be reviewing some "pretty uncomfortable facts" for Commissioners today. Ansorge said septic systems do not remove chemicals, they are designed to remove pathogens. If the real intent is to remove pathogens then is it working can be answered because the State of Michigan requires reporting, and the State reports to the CDC (Centers for Disease Control and Prevention). Everyone has access to that information. He continued and said that there are very good people enforcing standards and people are not getting sick dying from these waterborne pathogens.

Commissioners Soutas-Little and Rushton offered comments.

Other Topics:

None.

Next Steps:

Chairman Wessell stated that Commissioner Allgaier has already requested to have discussion regarding the next steps be added to the August Executive Board agenda. Wessell asked Commissioners if they want to have any conversation about what we need to do between now and decision making?

Brief discussion continued between Commissioners.

Public Comment:

The following individuals spoke in person: Jim Schwantes, Jan Witkowski, Mary O'Neill, Jim Wiegand, Kama Ross, Barb Stimaris, Tony Ansorge, Trisha Denton.

Commissioner Comment:

Chairman Wessell thanked all for being present today.

Adjournment:

Chairman Wessell adjourned the meeting at 3:37 p.m.

Ty Wessell, Chairman
Leelanau County Board of Commissioners

Alison Middleton, Admin. Deputy County Clerk,
for Michelle L. Crocker, Leelanau County Clerk