

**Leelanau County Board of Commissioners**  
**Regular Session – Tuesday, March 19, 2024**  
*Tentative Minutes*

*Proceedings of the meeting are being recorded (audio and video). The video of the meeting can be found at the following link: <https://leelanau.gov/meetingdetails.asp?MAId=2703#video>*

Meeting called to order by Chairman Ty Wessell at 7:15 p.m. Today's meeting is being held at the Government Center, 8527 E. Government Center Drive, Suttons Bay, Michigan.

Pledge of Allegiance/Moment of Silence:

Commissioner Lautner led the Pledge of Allegiance to the Flag of the United States of America, which was followed by a moment of silence.

<u>Roll Call:</u>	District #1	Jamie Kramer	PRESENT
	#2	James O'Rourke	PRESENT
	#3	Doug Rexroat	PRESENT
	#4	Ty Wessell	PRESENT
	#5	Kama Ross	PRESENT
	#6	Gwenne Allgaier	PRESENT
	#7	Melinda C. Lautner	PRESENT

Guests present.

Approval of Minutes:

*#070-03192024 Regular Session*

**MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE THE MINUTES OF THE ORGANIZATIONAL SESSION ON JANUARY 3, 2024; EXECUTIVE SESSION ON MARCH 12, 2024; AND CLOSED SESSION ON MARCH 12, 2024. SECONDED BY O'ROURKE.**

Discussion – none.

**AYES – 7 (Lautner, O'Rourke, Rexroat, Ross, Wessell, Allgaier, Kramer)**

**NO – 0**

**MOTION CARRIED.**

Approval of Agenda / Late Additions or Deletions:

Chairman Wessell stated that there are a few changes that are noted by the Clerk. Consent Item #6 Administration RE: 2% Grant Contract Approval, needs to be moved to an Action Item as well as Consent Item #7 MLI Administrator Search process/Action Plan. The Clerk has requested adding a late addition as Action Item #17 for correction to the L4029.

Commissioner Lautner would like Action Item #10 Sheriff's Office RE: Sheriff's Employee Recruit/Sponsorship Grant Program to be moved to the April Executive to get some items in place and figured out.

Consent Item #6 will be Action Item #10. Consent Item #7 will move down to the first Action Item.

#071-03192024 Regular Session

**MOTION BY ROSS TO APPROVE THE AGENDA AS AMENDED. SECONDED BY LAUTNER**

Discussion – None.

**AYES – 7 (Ross, Wessell, Allgaier, Kramer, Lautner, O'Rourke, Rexroat)**

**NO – 0**

**MOTION CARRIED.**

Communications, Proclamations, Presentations –

Administrator Update:

Administrator Allen – based on discussions in the Government Center in terms of establishing the code of conduct and possibility of an internal proclamation with the employees. May 5-11 is National Public Service Recognition Week and she suggested supporting a concept or recognition of that. Allen offered further comments about the possibility of a resolution or something.

Public Comment:

The following individuals spoke in person: Susie Quinlan, Lois Bahle, and Bill Wiesner.

The written public comments or handouts can be found at the following link:

<https://leelanau.gov/meetingdetails.asp?MAId=2703#handouts>

Commissioner Comments:

None.

Consent Agenda:

Chairman Wessell read the following statement: The purpose of the Consent Agenda is to expedite business by grouping non-controversial items together to be dealt with by one motion without discussion. Any Commissioner may ask that any item on the Consent Agenda be removed and placed elsewhere on the agenda for full discussion. Such request(s) will be automatically respected and will not need a second.

#072-03192024 Regular Session

**MOTION BY REXROAT THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE THE CONSENT AGENDA ITEMS AS MODIFIED. SECONDED BY ALLGAIER.**

Sheriff's Office – Corrections Restraint Chair MMRMA Rap Grant Request:

#073-03192024 Regular Session

- **TO APPROVE THE SHERIFF'S OFFICE TO APPLY FOR A RAP GRANT THROUGH MMRMA FOR REIMBURSEMENT OF THE RECENTLY PURCHASED SAFETY RESTRAINT CHAIR.**

Information Technology – Safety Net Contract Review:

#074-03192024 Regular Session

- **TO APPROVE THE CONTRACT AMENDMENT WITH SAFETY NET TO INCLUDE AN ADDITIONAL MONTHLY COST OF \$2,200.00 WITH FUNDS TO COME FROM DATA PROCESSING FUND #636 AND TO BE EFFECTIVE JANUARY 1, 2024.**

Information Technology – Audio Upgrade for BOC Meeting Room:

*#075-03192024 Regular Session*

- **TO APPROVE THE BIS DIGITAL QUOTE TO REPLACE THE NINE (9) MICROPHONES AT THE COMMISSIONERS TABLES, INSTALL ADDITIONAL SPEAKERS AND REPLACE THE AMPLIFIER.**

Emergency Management/911 – Leelanau County 911 Advisory Board By-Laws:

*#076-03192024 Regular Session*

- **TO APPROVE THE BY-LAWS OF LEELANAU COUNTY 9-1-1 ADVISORY BOARD, AS PRESENTED.**

Senior Services – RFP for 2024 Contract for In-Home Services:

*#077-03192024 Regular Session*

- **TO MOVE FORWARD THIS REQUEST FOR PROPOSAL ISSUANCE FOR THE SERVICES OUTLINED IN THE PROPOSED DOCUMENT.**

Dam Authority – Request for Scope of Work from Machin Engineering for Hydraulic Upgrades:

*#078-03192024 Regular Session*

- **TO WAIVE BID REQUIREMENTS AND ENTER INTO AN AGREEMENT WITH MACHIN ENGINEERING TO WRITE THE SPECIFICATIONS AND SCOPE OF WORK FOR THE UPGRADE AND MAINTENANCE OF AND THE REDESIGN OF THE HYDRAULIC SYSTEM FOR THE LELAND DAM NOT TO EXCEED \$7,000.00 AND FUNDS TO COME FROM #805.**

Discussion – none.

**AYES – 7 (Rexroat, Ross, Wessell, Allgaier, Kramer, Lautner, O'Rourke)**

**NO – 0**

**MOTION CARRIED.**

**ACTION ITEMS:**

Administration – MLI Administrator Search Process/Proposed Action Plan:

MLC Consultant Chet Janik was present before Commissioners.

*#079-03192024 Regular Session*

**MOTION BY ALLGAIER TO MOVE THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS SET THE SALARY RANGE FOR THE COUNTY ADMINISTRATOR/CFO AT \$110,000.00 TO \$150,000.00. SECONDED BY KRAMER.**

Discussion on salary range.

**AYES – 2 (Allgaier, Kramer)**

**NO – 5 (Lautner, O'Rourke, Rexroat, Ross, Wessell)**

**MOTION FAILED.**

*#080-03192024 Regular Session*

**MOTION BY REXROAT TO MOVE THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS SET THE SALARY RANGE FOR THE COUNTY ADMINISTRATOR/CFO AT \$110,000.00 TO \$140,000.00. SECONDED BY O'ROURKE.**

Discussion – none.

**AYES – 7 (Rexroat, Ross, Wessell, Allgaier, Kramer, Lautner, O'Rourke)**

**NO – 0**

**MOTION CARRIED.**

Janik asked the Board if there are any changes to the requirements of the Administrator/CFO candidates and does the Board want to keep the 20-mile limitation within the candidate requirements? Consensus to remove the mileage limitation.

Closed Session — Potential Closed Session: MCL 15.268(1)(C) Closed strategy and negotiation related to collective bargaining:

*#081-03192024 Regular Session*

**MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS GO INTO CLOSED SESSION UNDER 15.268(1)(c) TO DISCUSS STRATEGY AND NEGOTIATION RELATED TO COLLECTIVE BARGAINING. SECONDED BY ALLGAIER.**

Discussion – none.

**ROLL CALL: Lautner – YES; O'Rourke – YES; Rexroat – YES; Ross – YES; Wessell – YES; Allgaier – YES; Kramer – YES.**

**AYES – 7      NO – 0**

**MOTION CARRIED.**

Chairman Wessell advised the public in attendance that the Board would probably be in closed session for at least 30 minutes and that they were free to wait if they wished.

Closed Session began at approximately 7:41 p.m.

*#082-03192024 Regular Session*

**MOTION BY REXROAT THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS RESUME OPEN SESSION. SECONDED BY KRAMER.**

Discussion – none.

**AYES – 7 (Rexroat, Ross, Wessell, Allgaier, Kramer, Lautner, O'Rourke)**

**NO – 0**

**MOTION CARRIED.**

Open session resumed at 8:06 p.m.

*#083-03192024 Regular Session*

**MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS REJECT THE PROPOSED LETTER OF UNDERSTANDING FROM THE COMMAND OFFICERS UNIT REGARDING SALARY PROPOSAL AND TAKE IT UP DURING THE NEXT SCHEDULED UNION NEGOTIATIONS AND TO AUTHORIZE THE NEGOTIATION TEAM TO MEET IF NECESSARY AND BRING BACK RECOMMENDATIONS TO THE FULL BOARD. SECONDED BY O'ROURKE.**

Discussion – none.

**AYES – 7 (Lautner, O'Rourke, Rexroat, Ross, Wessell, Allgaier, Kramer)**

**NO – 0**

**MOTION CARRIED.**

Leelanau County Road Commission – Road Millage Approval Resolution:

*#084-03192024 Regular Session*

**MOTION BY ALLGAIER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE LEELANAU COUNTY RESOLUTION #2024-006 – RESOLUTION FOR A ROADS AND HIGHWAYS MAINTENANCE REPAIR MILLAGE RENEWAL PROPOSAL TO BE PLACED ON THE AUGUST 2024 PRIMARY BALLOT, AS PRESENTED. SECONDED BY ROSS.**

Discussion – none.

**ROLL CALL: Allgaier – YES; Kramer – YES; Lautner – YES; O'Rourke – YES; Rexroat – YES; Ross – YES; Wessell – YES.**

**AYES – 7      NO – 0**

**MOTION CARRIED.**

Leelanau County  
Resolution No. 2024-006

**WHEREAS**, the Leelanau County Road Commission has requested a Roads and Highways Maintenance and Repair Millage Renewal proposal be placed on the August 2024 Primary Ballot; and

**WHEREAS**, Leelanau County has maintained financing for countywide roads and highways maintenance and repairs for the benefit of the citizens of the county during prior years; and

**WHEREAS**, millage funds were approved by the electorate for countywide roads and highways maintenance and repairs every two (2) years since 1986; and

**THEREFORE BE IT RESOLVED** that the following question be submitted to a vote of the electorate in the general election to be held on August 6, 2024:

**Roads and Highways Maintenance and  
Repair Millage Renewal Proposal**

For the sole purpose of funding general operating expenses to be incurred in maintenance and repair of roads and highways within the County of Leelanau, at the same millage level previously approved by the voters every two years since 1986, shall the Constitutional limitation upon the total amount of taxes which may be assessed in one (1) year upon all property within the County of Leelanau, Michigan, be renewed at 0.5000 mill (\$0.5000 per \$1,000 of Taxable Value) for a period of two (2) years (2024-2025) inclusive?

If approved and levied in full, this millage will raise an estimated \$1,804,601 for road and highway maintenance and repair general operating expenses in the first calendar year of the levy based on taxable value. In accordance with State law, the millage will be disbursed to the Leelanau County Road Commission, and the Villages of Empire, Northport, and Suttons Bay.

YES

NO

**BE IT FURTHER RESOLVED**, that this question is hereby certified to the County Clerk.

**BE IT FURTHER RESOLVED**, that the County Clerk is hereby directed to cause the proposed to be stated on the August 6, 2024 ballot and to be prepared and distributed in the manner required by law.

Benzie-Leelanau District Health Department – Early Childhood Millage Resolution:

Chairman Wessell commented that he had asked County Clerk Michelle Crocker to assist in getting the language prepared.

*#085-03192024 Regular Session*

**MOTION BY ALLGAIER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE LEELANAU COUNTY RESOLUTION #2024 – 007 – RESOLUTION AUTHORIZING MILLAGE ELECTION FOR LEELANAU COUNTY EARLY CHILDHOOD SERVICES MILLAGE RENEWAL AND RESTORATION PROPOSAL AND CERTIFYING BALLOT LANGUAGE, AS PRESENTED. SECONDED BY ROSS.**

Discussion – Crocker responded to questions regarding the total amount of the millage to be generated if approved by the voters and that it is an up to.

**ROLL CALL: Allgaier – YES; Kramer – YES; Lautner – NO; O'Rourke – YES;**

**Rexroat – YES; Ross – YES; Wessell – YES.**

**AYES – 7      NO – 0**

**MOTION CARRIED.**

**Leelanau County  
Resolution No. 2024-007**

**RESOLUTION AUTHORIZING MILLAGE ELECTION FOR LEELANAU COUNTY EARLY  
CHILDHOOD SERVICES MILLAGE  
RENEWAL AND RESTORATION PROPOSAL  
AND CERTIFYING BALLOT LANGUAGE**

**WHEREAS**, the Michigan Public Health Code (MCL 333.1101 *et seq.*) and the Michigan Mental Health Code (MCL 330.1001 *et seq.*) authorize the County of Leelanau to establish and fund programs that promote health, vision, dental, mental and emotional health and related programs, including such programs for children; and

**WHEREAS**, the Board of Commissioners for the County of Leelanau has been advised that there is a need for additional programs and services for early childhood health, vision, dental, mental and emotional health and related early childhood development programs for residents of Leelanau County; and

**WHEREAS**, in 2019, the voters of Leelanau County approved the Early Childhood Services Millage at the rate of up to .2530 mills, which has been constitutionally reduced to .2458 mills in 2023; and

**WHEREAS**, the Board of Commissioners for the County of Leelanau seeks to have the voters of the County determine whether or not they desire to continue to raise funds for the purpose of funding the development, implementation, coordination, and monitoring of early childhood health, vision, dental, mental and emotional health and related early childhood

development programs for residents of Leelanau County, by renewing an ad valorem property tax levy at the reduced rate of .2458 mills, and restoration of the .0072 mills reduction, for a total rate of up to .2530 of one (1) mill, for a period of five (5) years, 2025 through 2029, inclusive.

**NOW, THEREFORE, BE IT RESOLVED** that the following proposal be submitted to the qualified voters of the County of Leelanau at the Primary Election to be held in the County on Tuesday, August 6, 2024:

**EARLY CHILDHOOD SERVICES  
MILLAGE PROPOSAL**

For the purpose of funding the development, implementation, coordination, and monitoring of early childhood health, vision, dental, mental and emotional health and related early childhood development programs for residents of Leelanau County, shall the tax limitation on general ad valorem taxes within the County of Leelanau imposed under Article IX, Sec. 6 of the Michigan Constitution be renewed at the constitutionally reduced rate of up to .2458 mills, and the reduction of .0072 mills be restored, for a total authorized rate of up to .2530 mills (\$0.2530 per \$1,000 of Taxable Value) for a period of five (5) years, 2025 through 2029, inclusive?

If approved and levied in full, this millage will raise an estimated \$913,128.00 for early childhood services in the first calendar year of the levy based on taxable value. A portion of the millage may be disbursed pursuant to a contract to the Benzie/Leelanau District Health Department; and, as required by State law, a small portion of the millage may be captured by the Leelanau County Brownfield Authority.

YES   
NO

**BE IT FURTHER RESOLVED** that this question is hereby certified to the County Clerk.

**BE IT FURTHER RESOLVED** that all Public Officials of the County of Leelanau, State of Michigan, and all Governmental units thereof, within such time as shall be required by law, are directed to perform all acts which shall be necessary to be performed in order to submit the above stated proposition to the duly qualified voters of the County at the Primary Election to be held in the County on Tuesday, August 6, 2024.

Emergency Management/911 – Emergency 911 Service Plan Resolution:

Emergency Management and 9-1-1 Director Matt Ansorge present.

*#086-03192024 Regular Session*

**MOTION BY REXROAT THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE THE LEELANAU COUNTY E-911 SERVICE PLAN, AND APPROVE THE LEELANAU COUNTY RESOLUTION #2024-008 E-911 SERVICE PLAN ADOPTION RESOLUTION, AS PRESENTED. SECONDED BY KRAMER.**

Discussion – none.

**ROLL CALL: Rexroat – YES; Ross – YES; Wessell – YES; Allgaier – YES; Kramer – YES; Lautner – YES; O'Rourke – YES.**

**AYES – 7      NO – 0**

**MOTION CARRIED.**

**Leelanau County Resolution No. 2024-008  
E911 Service Plan Adoption Resolution**

WHEREAS, Leelanau County had established an Emergency 911 (E911) Service District pursuant to the Emergency Telephone Service Enabling Act, PA 32 of 1986, as amended; and

WHEREAS, as 911 system requirements increase and technology evolves, the Leelanau County Board of Commissioners still maintain the importance and benefit of providing access to an Emergency 911 System in this community; and

WHEREAS, Leelanau County wishes to open, update and amend the Leelanau County E911 Service Plan to appropriately and accurately reflect the existing and future technical, operational, managerial, and fiscal considerations of Leelanau County's E911 Service District, within the confines of, and in compliance with the processes and requirements established in PA 32 of 1986 as amended; and

WHEREAS, the Public Hearing for the E911 Service Plan will be held at the Emergency Operations Center of the Leelanau County Law Enforcement Center on Thursday, June 27th, 2024 at 8:30 am.

NOW, THEREFORE, BE IT RESOLVED, that the Leelanau County Clerk will, within five (5) days of the adoption of this resolution, forward a copy of this resolution, together with a copy of the tentative E911 Service Plan, by certified mail, return receipt requested, to the Clerk or appropriate official of each public agency located within the E911 Service District; and

BE IT FURTHER RESOLVED, that the Leelanau County Clerk will give two (2) separate notices of the Public Hearing to the public and residents of Leelanau County by publication through some form of media outlet of general circulation within the County, with the first publication notice occurring no later than May 27th, 2024 which will include the date, time, and place of the Public Hearing, a description of the boundaries of the E911 Service District, and the location where an electronic or paper copy of the tentative E911 Service Plan can be obtained; and

BE IT FURTHER RESOLVED, it is anticipated that the tentative E911 Service Plan will be adopted as the final 911 Service Plan via board resolution by the Leelanau County Board of Commissioners, superseding all previous Leelanau County 911 Service Plans, after the Public Hearing has concluded on June 27th, 2024.

Emergency Management/911 – Late Addition: Intergovernmental Agreement with Leelanau Township for Tower Construction:

Emergency Management and 9-1-1 Director Matt Ansorge present. Ansorge said that the Intergovernmental Agreement with Leelanau Township has been vetted by the County's Attorney. Ansorge did not know if Leelanau Township forwarded it to their legal team. There is a 20-year time limit on the proposal and if AT & T were to leave the Tower at the Township's Fire Station to be placed on this tower, the County will share the revenue with the Township.



*#087-03192024 Regular Session*

**MOTION BY KRAMER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE THE INTERGOVERNMENTAL AGREEMENT BETWEEN LEELANAU COUNTY AND LEELANAU TOWNSHIP FOR THE CONSTRUCTION OF THE COMMUNICATIONS TOWER LOCATED OFF KITCHEN ROAD IN LEELANAU TOWNSHIP. SECONDED BY ALLGAIER & REXROAT.**

Discussion – brief.

**AYES – 7 (Kramer, Lautner, O'Rourke, Rexroat, Ross, Wessell, Allgaier)**

**NO – 0**

**MOTION CARRIED.**

Approval of Attorney Client Privilege RE: BATA Litigation Response Approval:

Administrator Allen gave a brief overview of the reasons for this motion.

*#088-03192024 Regular Session*

**MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE THE RESPONSE AS DRAFTED IN THE BATA (BAY AREA TRANSPORTATION AUTHORITY VS GRAND TRAVERSE COUNTY AND LEELANAU COUNTY (NECESSARY PARTY DEFENDANT), CIRCUIT COURT CASE #24-36928-CZ) LAWSUIT. SECONDED BY REXROAT.**

Discussion – none.

**AYES – 5 (Lautner, O'Rourke, Rexroat, Ross, Wessell)**

**NO – 2 (Kramer & Allgaier)**

**MOTION CARRIED.**

Finance Department/Treasurer – Land Bank – Resolution #24-002 Amendment to Fund Number:

Interim Finance Director Cathy Hartesvelt explained the request.

*#089-03192024 Regular Session*

**MOTION BY ALLGAIER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS AMEND LEELANAU COUNTY RESOLUTION #2024-002 TO REFLECT CDBG FUND #275. SECONDED BY ROSS.**

Discussion – none.

**ROLL CALL: Allgaier – YES; Kramer – YES; Lautner – YES; O'Rourke – YES;**

**Rexroat – YES; Ross – YES; Wessell – YES.**

**AYES – 7      NO – 0**

**MOTION CARRIED.**

***AMENDED***

**LEELANAU COUNTY RESOLUTION #24 – 002  
LEELANAU COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION TO PROVIDE THE COUNTY LAND BANK FAST TRACK AUTHORITY WITH  
CAPACITY BUILDING FUNDING FOR ATTAINABLE HOUSING INITIATIVES**

WHEREAS, in 2009, the County, County Treasurer and the Michigan Land Bank Fast Track Authority entered into an agreement to establish a Leelanau County Land Bank; and

WHEREAS, the Land Bank has grown to be a significant economic development tool in Leelanau County for attainable housing and is the major public responder to the plight of property thrown into tax foreclosure; and

WHEREAS, the need exists for capacity at the Land Bank to deal with management and disposition of the Land Bank's inventory of property; and

WHEREAS, the Land Bank has significant physical assets with value to unlock and redeploy in the future, but faces property management and development challenges currently; and

WHEREAS, the funding provided by state law for Michigan Land Banks does not provide adequate resources to manage property or to apply for funds to properly enhance, develop and dispose of property; and

WHEREAS, there are non-committed CDBG Non-Program Income funds available for the restricted use of attainable housing initiatives within Leelanau County.

THEREFORE BE IT RESOLVED, that the Leelanau County Board of Commissioners authorizes a transfer of \$112,274.04 to the Leelanau County Land Bank to be paid for out of the NON-PROGRAM INCOME CDBG FUND ~~276~~ 275 for the purpose of the enhancement, development and disposition of property for attainable housing initiatives in the County.

BE IT FURTHER RESOLVED, that the County Finance Director/Administrator is directed to make any necessary budget adjustments consistent with this resolution.

Planning – EGLE Scrap Tire Clean Up Grant:

Planning & Community Development Director Gail Myer was present and explained the item. The County has been fortunate to receive this grant every year since 2019.

*#090-03192024 Regular Session*

**MOTION BY ROSS THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS ACCEPT THE SCRAP TIRE CLEANUP GRANT AGREEMENT BETWEEN LEELANAU COUNTY AND THE MI DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY (EGLE). SECONDED BY O'ROURKE & ALLGAIER.**

Discussion – none.

**AYES – 7 (Ross, Wessell, Allgaier, Kramer, Lautner, O'Rourke, Rexroat)**

**NO – 0**

**MOTION CARRIED.**

Planning/Parks & Recreation – Savin Lake Services for Weed Control at Veronica Valley Park:

Drain Commissioner and Parks and Recreation member Steve Christensen present with Planning and Community Development Director Gail Myer to explain the request to enter into an agreement with Savin Lake Services for weed control. Commissioner Kramer had questions about what they do for the weed control and Christensen responded.

*#091-03192024 Regular Session*

**MOTION BY REXROAT THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE ENTERING INTO THE CONTRACT WITH SAVIN LAKE SERVICES IN THE AMOUNT OF \$2,425.00, WITH FUNDS FROM PARKS AND RECREATION ACCOUNT #101.850.756.801.000, CONTRACTUAL SERVICES. SECONDED BY O'ROURKE.**

Discussion – none.

**AYES – 7 (Rexroat, Ross, Wessell, Allgaier, Kramer, Lautner, O'Rourke)**

**NO – 0**

**MOTION CARRIED.**

Planning – Late Addition – Parks & Recreation Commission – request to submit RAP grant for Playground Chips – requested by Commissioner Ross:

Chairman Wessell stated that this is a Late Addition for the Parks and Recreation Commission and he asked if Drain Commissioner Steve Christensen or Planning Director Gail Myer would be presenting? Christensen stated he could speak to it but deferred to Myer. Myer stated the request is from Commissioner Ross and that the Parks and Recreation Commission passed a motion at their March 6<sup>th</sup> meeting to approve the submittal of a RAP Grant, which would pay for engineered wood fibers to be spread out underneath the playground equipment at Myles Kimmerly Park.

Commissioner Ross stated it is half of the cost, which is about \$9,000.00 and that 50% would be covered by the grant through MMRMA.

Administrator Allen stated she wanted to add that when “we” did our risk management review with MMRMA, they actually came out and physically looked at all of the County’s Parks and Recreation facilities. She said this is one of the things that was stated from a risk perspective that we should be doing. She commented she feels good that it would be supported.

Commissioner Ross said it was highlighted in the 2017 report the last time they (MMRMA) came out and it is time to do something. Ross hopes this grant could help.

Commissioner Kramer asked if this is just about wood chips? Christensen replied they are an engineered wood chip so they are a fiber that clings together so they don’t disperse where they shouldn’t be.

Commissioner Lautner asked who is actually going to write the grant? Commissioner Ross replied that she along with Charlie (Godbout) and Don (Frerichs) and Scott (Bradley) will be. Lautner asked if this grant is just for Myles Kimmerly? Ross replied that the other parks are set for wood chips. Ross continued that Myles Kimmerly was never done and so, it is just time.

Commissioner Lautner asked if there is a scope of the amount? Commissioner Ross replied that the figures were in the Board packet and answered that the specifications from the quote reflect \$9,430.00.

Myer replied that as far as she knows this project has not been approved by the Parks and Recreation Commission. Commissioner Ross replied, yes it has. Myer continued that the project does not have approval unless it was done prior to her taking over. Commissioner Ross asked “What wasn’t approved?”

Commissioner Lautner asked if this project was approved by the Parks and Recreation Commission in March? Myer replied that this project itself has not been approved by the Parks and Recreation Commission; however, there is a motion that the grant application was approved at the March meeting.

Commissioner Ross stated that the approval to apply for the grant is in the minutes.

Myer re-stated that she doesn’t have the approval of the project itself.

Chairman Wessell stated that in the EDS there is a motion by Ross, seconded by Noonan.

Commissioner Lautner asked if that is to apply for the grant or is that project?

Commissioner Ross asked what is the project? She said she doesn't get what the project is and this is to get into compliance with the insurance company.

Myer replied that the project needs to be approved by the Parks and Recreation Commission.

Administrator Allen stated that all you are doing right now is approving the application, so then at the next Parks and Recreation Commission meeting the project can be approved pending funding approval, so it shouldn't hold up the project and should still allow for it to move forward.

Myer asked if the grant allows for the County to charge the cost of the employee? Commissioner Ross replied that she asked the insurance company and they say it can be.

Commissioner Kramer said she wanted to let everyone know there is something called Chip Drop, which is a program that will deliver wood chips, and that the program is free.

Commissioner Ross stated these are special chips.

Chairman Wessell asked if there are any more comments or questions?

Commissioner Lautner said she is satisfied that if the grant gets applied for then in April Parks & Rec can make the determination to do the project. She said it does surprise her because she believes they were just told that the chips weren't deep enough at Old Settlers by MMRMA.

Commissioner Ross stated that it is considered maintenance if it is already in place, but since there never has been any chips laid at Myles Kimmerly then it is considered a new project.

Commissioner Lautner stated then Parks and Recreation needs to approve this project.

Chairman Wessell stated there is a motion on the table and asked who supports the motion? Seven Board members said – AYE.

AYES – 7 NO – 0. Clerk's note: There was no motion on the floor.

Building & Grounds – Apex Engineering Quote for SOW Façade Repairs:

Administrator Allen explained the request before Commissioners from Building and Grounds for Apex Engineering to do a scope of work for the Façade Repairs and they would manage the bidding of the project and the coordination.

*#092-03192024 Regular Session*

**MOTION BY REXROAT THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS AWARD THE ENGINEERING AND IMPLEMENTATION OF THE LOWER-LEVEL ENTRANCE FAÇADE REPAIR CONTRACT TO APEX ENGINEERING & MANAGEMENT, INC. BASED ON THE QUOTE DATED NOVEMBER 21, 2023, AS RECOMMENDED BY THE BUILDING AND GROUNDS COMMITTEE, NOT TO EXCEED \$15,000.00. SECONDED BY ALLGAIER & O'ROURKE.**

Discussion – none.

**Ayes – 7 (Rexroat, Ross, Wessell, Allgaier, Kramer, Lautner, O'Rourke)**

**NO – 0**

**MOTION CARRIED.**

Building & Grounds/Parks & Recreation – Staffing Request:

Administrator Allen said that currently we have an employee that works in the Maintenance Department who provides seasonal support as part of his full-time duties to the Parks. He will be retiring at the beginning of May and they would like an overlap of staff for training prior to his departure.

*#093-03192024 Regular Session*

**MOTION BY KRAMER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE OVERLAP OF STAFFING IN MAINTENANCE FOR A PERIOD NOT TO EXCEED TWO WEEKS AT THE AMOUNT OF APPROXIMATELY \$4,000.00. SECONDED BY ROSS.**

Discussion – none.

**AYES – 7 (Kramer, Lautner, O'Rourke, Rexroat, Ross, Wessell, Allgaier)**

**NO – 0**

**MOTION CARRIED.**

County Policy No. 1.02 – Assessing Corporate Council:

Commissioner Ross wanted to bring to the Board's attention Policy No. 1.02 subject Assessing Corporate Council and she feels it needs to be reviewed. She continued that it was brought to her attention by four County employees, two residents, one department head, and one elected official. There are discrepancies between policy and what is occurring. The difference in interpretation is where there is a concern. There have been two conversations about the situation and there was no consensus. Ross continued that she is bringing this to the Board so that Commissioners are aware and it does read ambiguously and is open to a little bit of interpretation and opens "us" up to a little bit of liability concerns. Ross continued that processes are not being followed and also thinks that could cause a little bit of liability. She said that processes are not being followed consistently and often times that leaves the Administrator out of the loop when it comes to accessing the County's attorneys. These are our Attorneys, not individual Board member's attorneys. Ross would ask that we have the HR Director work on some of the policies to see if they can be cleaned up so that future misinterpretations are not happening and the public isn't calling her saying what is going on. Ross didn't know if she needed to be more specific and she believes that there are five policies that have been brought to her attention and handed them over to the H.R. Director that are either missing or blacked out or physically available to staff to follow. Ross continued with comments that she knows that the H.R. Director is busy but it should be a priority.

Chairman Wessell said that this is on the agenda for informational item only and reminded that one Commissioner does get a legal opinion and it is shared with others. It is so everyone gets the same information like the one he sent to Commissioners last night regarding the Undersheriff and the Administrator position. It was shared with everybody as everyone needs to have the same information.

Commissioner Rexroat commented on bullet point #5 and read it; however, it does not say distribute to fellow Commissioners. Commissioner Ross added additional comments. Rexroat said that it could be noted that opinions should be noted to be distributed to all Commissioners.

Commissioner Allgaier said she is confused about bullet point number 1 and she thought all could just call whenever they wanted. Chairman Wessell responded that the Attorney is the Board's attorney and that means that any Commissioner or Elected Official may request information or an opinion from the Attorney. The policy says that "we" do that through the Administrator or if you are uncomfortable with the Administrator, you do it through the Board Chairman. Any opinions that we get are kept in the official file and he thinks in practice we want to make sure that all Commissioners get those so everyone has the same amount of information. Allgaier said that the policy says that we can call them and then let them know. Wessell said that the Elected Officials is referring to the Clerk, Sheriff, Treasurer, etc. and Allgaier responded that "we" are all Elected Officials.

Commissioner Kramer would like to hear from Commissioner Lautner.

Commissioner Lautner commented that she was here when this was adopted and when it was revised. This is written very loosely because we cannot tell our Elected Officials that they cannot call our Corporate Counsel. They have the right to it. She continued that we can have this policy, as you can see, there is nothing in it that says it is punishable for breaking the policy, Commissioners know the Elected Officials call the Corporate Counsel when needed. The idea behind this was to ensure that should an item come up that we don't have said six Department Heads calling the Corporate Counsel, we would have one – presumably our Administrator or Board Chairman. If there is already a written opinion on an item, we don't want to be calling and have the opinion rewritten unless case law has changed. Lautner continued that we have never had seven Commissioners agreeing to handcuff ourselves from our employee, which is our Corporate Counsel. There are very few employees that the Commissioners select and those are: the Auditors, the Attorneys, and the Administrator. Lautner does agree in reading this, the County Administrator can be informed that a Commissioner is going to call "our" attorney or inform the Board Chairman. Nothing says it is shared beyond. As far as distributing, we are not going to want our Sheriff to get an opinion on something and then have to distribute that – obviously there has to be a level of confidentiality in certain things. How should it be worded for that, she is not sure. Lautner continued that if the Board Chairman contacts the Attorney, does he tell the Administrator or the Vice-Chairman or the rest of the Commissioners – there are no levels.

Commissioner Rexroat questioned if it was Ross' intent to have this hashed out or just to bring it to the Commissioner's attention.

Commissioner Ross responded that she believes the H.R. Director is responsible for writing and sharing policy that Commissioners develop and she believes the policy is written incorrectly. Ross is asking that these policies be looked at and make sure that we all agree and follow them.

Commissioner Rexroat again asked if it was the intent of Ross to rehash this tonight. Ross responded that she wants action. Chairman Wessell asked Ross for a Motion on the issue.

**MOTION BY ROSS THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS REQUEST THE HR DIRECTOR TO REVIEW POLICY 1.02 TO REFLECT THAT ALL ELECTED OFFICIALS FOLLOW THE PROCESS OUTLINED IN THE COUNTY POLICY.**

Chairman Wessell asked if Ross was also asking for clarity and tightening up. Ross responded yes and there are five other policies that need to be looked through. Ross said she is not going to tell

you what it should say and she trusts that the H.R. Director knows how to make it sound like we have a process.

Chairman Wessell asked about having the Administrator come back in April with a revision and talk through for some clarity. Ross said, she guesses. Wessell said a motion is not needed for that.

No second received.

Commissioner Allgaier commented on bullet point #1.

Chairman Wessell said that he contacts Attorney Nordfjord and if we don't communicate amongst ourselves, there is a chance of paying for services already received.

Commissioner Lautner commented that Attorney Nordfjord contacted her after he was here and that was shared with the Board. He didn't want us to misunderstand what he was saying – Commissioners are not allowed to poll each other and talk to multiple Commissioners. He wanted that clarified to the Board of Commissioners. Lautner continued that as Commissioner Rexroat stated, those attended Commissioner school – that it is Commissioners that are responsible for budget and policy, which is our job and our duty. There is not a problem using staff if necessary to assist. She will not tie the hands of our Elected Officials in contacting our Corporate Counsel when they need to and she will not support that. The policy works and was revised for a reason.

Commissioner Kramer commented that she would like to spend more time with this and she is trying to run different scenarios. What are the possible outcomes of this and she doesn't know all of them. But sitting here, she does feel that there should be a way if a Commissioner sees something that is out of the realm of going to the Administrator or Board Chairman, Commissioners should have access – it is important and really important.

Chairman Wessell said that it sounds like it is agreed to move this forward. He asked Administrator Allen to come back with proposed revisions.

Chairman Wessell responded to Clerk that it was not a motion.

Equalization/County Clerk – Corrected L-4029 (late addition request):

Chairman Wessell called on the County Clerk Michelle L. Crocker regarding this item. Crocker explained that when preparing the Resolution regarding Early Childhood it came to light that there was a typo in Column 4 of the County's L-4029 (2023) regarding the original millage amount for Early Childhood. Equalization Director Andrew Giguere does apologize and has prepared the revised form. There is no impact to any other information as column four represents the original millage that was voted on, not the rate that is currently being levied. Brief comments continued.

*#094-03192024 Regular Session*

**MOTION BY ALLGAIER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE THE REVISION OF THE COUNTY'S WINTER L-4029 (2023) TAX RATE REQUEST FORM AND RETURN SAID FORM TO THE EQUALIZATION DIRECTOR AFTER**

**SIGNED BY THE CHAIRMAN OF THE BOARD AND COUNTY CLERK. SECONDED BY REXROAT.**

Discussion – none.

**AYES – 7 (Allgaier, Kramer, Lautner, O'Rourke, Rexroat, Ross, Wessell)**

**NO – 0**

**MOTION CARRIED.**

Administration – 2% Grant Contract Approval:

Administrator Allen gave a brief update regarding this specific motion and further clarification in the language needed.

*#095-03192024 Regular Session*

**MOTION BY KRAMER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE THE FOLLOWING GRANT AGREEMENTS TO SUPPORT THE 2% TRIBAL ALLOCATIONS PREVIOUSLY APPROVED AND AWARDED TO LEELANAU COUNTY:**

- **Agreement between Leelanau County and Child and Family Services of NW Michigan for an agreement period of January 1, 2024 – December 31, 2024, for a grant award of \$5,000.00.**
- **Agreement between Leelanau County and Leelanau Christian Neighbors for an agreement period of January 1, 2024 – December 31, 2024, for a grant award of \$34,000.00.**
- **Agreement between Leelanau County and Peninsula Housing for an agreement period of January 1, 2024 – December 31, 2024, for a grant award of \$12,900.00.**

**SECONDED BY ALLGAIER.**

Discussion – none.

**AYES – 7 (Kramer, Lautner, O'Rourke, Rexroat, Ross, Wessell, Allgaier)**

**NO – 0**

**MOTION CARRIED.**

Review Of Financials:

Interim Finance Director Cathy Hartesvelt was present before Commissioners and gave an update on the Audit. She also gave a shoutout to thank Chief Deputy Treasurer Sarah Lautner as she was very helpful that last week as well as to Crocker and Chief Deputy County Clerk Jennifer Zywicki.

Administrator Allen brought up an IRS issue that was cleared as no issue.

Special Reports by Staff, Commissioners, and Affiliated Agencies:

- Commissioner O'Rourke commented on the Commissioners that were able to attend the joint Airport Authority meeting and the first step to go with the regulations within a 10-mile radius of the airport, regulating property within the airport, and he is sure that you will hear more. Brief comments regarding how much it would cost to relocate the airport, comments on making sure that there are no schools beyond the runway, and he does not want to get into the Blue Angels airshow comments.



- Commissioner Allgaier offered comment on the Northern Michigan Association of Counties meeting and commented on a few areas they recently toured. She gave a handout to Commissioners.

Public Comment:

The following individuals spoke in person:

Bill Wiesner, Kathy Dawkins, John Popa, and Steve Mikowski.

The written comments can be found at the following link:

<https://leelanau.gov/meetingdetails.asp?MAId=2703#handouts>

Commissioner Comment:

- Commissioner Kramer is still not sure which direction Commissioners are going in regards to the policy regarding contacting the Attorneys. Kramer is thinking about bad behavior on the part of Administrator. That is what makes her nervous. If there was inappropriate behavior and male/female things. That is what is making her nervous and Commissioners being forced to go through someone else and having her rights interfered with regarding the ability to contact the Attorneys. She hopes all can understand that is where she is coming from.

- Commissioner Lautner thanked Commissioner Kramer and that is an excellent example. That is exactly what happened in the past and things were nipped in the bud before things got out of hand. Lautner wanted to say thank-you to all the candidates for interviewing this afternoon and it takes a lot for those that stepped up.

Approval of Financials —

Amendments & Transfers:

*#096-03192024 Regular Session*

**MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE AMENDMENT #24-003. SECONDED BY REXROAT.**

Discussion – none.

**AYES – 7 (Lautner, O'Rourke, Rexroat, Ross, Wessell, Allgaier, Kramer)**

**NO – 0**

**MOTION CARRIED.**

Miscellaneous Fund Transfers and Amendments:

None.

Claims and Accounts:

*#097-03192024 Regular Session*

**MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE CLAIMS AND ACCOUNTS IN THE AMOUNT OF \$282,720.09. SECONDED BY O'ROURKE.**

Discussion – none.

**AYES – 7 (Lautner, O'Rourke, Rexroat, Ross, Wessell, Allgaier, Kramer)**

**NO – 0**

**MOTION CARRIED.**

Post Audit Claims and Accounts:

#098-03192024 Regular Session

**MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE POST AUDIT CLAIMS AND ACCOUNTS IN THE AMOUNT OF \$2,595,908.63. SECONDED BY REXROAT.**

Discussion – none.

**AYES – 7 (Lautner, O'Rourke, Rexroat, Ross, Wessell, Allgaier, Kramer)**

**NO – 0**

**MOTION CARRIED.**

Adjournment:

Chairman Wessell adjourned the meeting at 9:19 p.m.

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Ty Wessell, Chairman  
Leelanau County Board of Commissioners

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Michelle L. Crocker, Leelanau County Clerk  
Clerk, Leelanau County Board of Commissioners