

Leelanau County Board of Commissioners
Regular Session – Tuesday, February 21, 2023
Approved 3/21/2023

*Proceedings of the meeting are being recorded (audio and video). The video of the meeting can be found at the following link:
<https://www.leelanau.gov/meetingdetails.asp?MAId=2478#video>*

Meeting called to order by Chairman Ty Wessell at 7:04 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:

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	Jamie Kramer	PRESENT
	#2	James O'Rourke	PRESENT
	#3	Doug Rexroat	ABSENT <i>(prior notice)</i>
	#4	Ty Wessell	PRESENT
	#5	Kama Ross	PRESENT
	#6	Gwenne Allgaier	PRESENT
	#7	Melinda C. Lautner	PRESENT

Approval of Minutes:

#050-02212023 Regular Session

MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE THE MINUTES FROM THE: CLOSED SESSION, TUESDAY, DECEMBER 6, 2022; SPECIAL SESSION, FRIDAY, DECEMBER 30, 2022; SPECIAL SESSION, TUESDAY, JANUARY 10, 2023; WORK SESSION, TUESDAY, JANUARY 17, 2023; REGULAR SESSION, TUESDAY, JANUARY 17, 2023; SPECIAL SESSION, FRIDAY, FEBRUARY 3, 2023; CLOSED SESSION, FRIDAY, FEBRUARY 3, 2023. SECONDED BY ALLGAIER.

Discussion – none.

AYES – 6 (Lautner, O'Rourke, Ross, Wessell, Allgaier, Kramer)

NO – 0 ABSENT – 1 (Rexroat)

MOTION CARRIED.

- Executive Session, Tuesday, February 14, 2023, will be held until next month's meeting.

Approval of Agenda / Late Additions or Deletions:

Chairman Wessell requested County Clerk Michelle Crocker help explain tonight's agenda amendments: Crocker stated that Consent Agenda Item #5 – Equalization-Recap of Leelanau County FY 2022 L-4018, has been removed; Action Item #13c is a Late Addition request for a MAC 125th Anniversary Resolution and MAC stands for Michigan Association of Counties; there are two items that are not clearly defined on the agenda and the first would be the Administrator Credit Card Approval, which was approved last week on a 6-0 vote and we are requesting this be placed as Consent Agenda Item #5. The second item from last week that needs to be added is the Planning Commission Appointment of Brian Fenlon, which was also approved on a 6-0 vote last week and the request would be to place this as Consent Agenda Item #10c.

#051-02212023 Regular Session

MOTION BY O'ROURKE THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE THE AGENDA AS AMENDED. SECONDED BY ALLGAIER.

Discussion – none.

AYES – 6 (O'Rourke, Ross, Wessell, Allgaier, Kramer, Lautner)

NO – 0 ABSENT – 1 (Rexroat)

MOTION CARRIED.

Public Comment:

The following individuals spoke in person:

Eric Lind, Alan Campbell, Keith Beduhn, Renee Wyler, Bill Wiesner, Harry Steffens, and Stephen Mikowski.

The written comments can be found at the following link:

<https://www.leelanau.gov/meetingdetails.asp?MAId=2478#handouts>

Commissioner Comments:

- Commissioner O'Rourke gave thanks to the Sheriff's Office, TNT, and the Prosecutor's Office. He referenced an article in the *Leelanau Enterprise* regarding the drug activity in the County and it is something he worked on in 2008. O'Rourke thanked the Prosecutor's Office for holding these people and not pleading the cases. Leelanau County is a bad place to sell drugs.

- Commissioner Allgaier thanked Steve Mikowski for staying on those issues (Finance and Human Resources) and what an interesting concept that the County has something in the policy and rules and that that type of change is not made without -- she thanked him again and it is a very good idea.

- Commissioner Lautner wanted to thank Alan Campbell for the article in the paper, however the interpretation, of taxation in this County. It is important for everyone to learn how Headlee works, how Proposal A works, how we are taxed, and to understand millages as we go forward as there are some scary things that could be coming down the pike that could make it very difficult to live in Leelanau County and we need everyone to stay in Leelanau County.

- Chairman Wessell commented that he received an email from Alan Campbell and Mr. Campbell's boss. Wessell said it caused him to go back to the January 12, 2022, edition of the *Leelanau Enterprise* a couple of different times and read it, read it, and re-read it. Wessell would not give him (Campbell) an A on that particular article; but he (Wessell) was reminded, as he has been reading Calvin Coolidge's biography and he did say that he never had to apologize for something that he didn't say. Wessell said he wishes he would not have said what he did at last week's meeting because it is certainly not his role in this seat to criticize the *Leelanau Enterprise*. Wessell continued that the article was accurate and it is a confusing topic. Wessell thinks the first two paragraphs – he would rewrite them – but he (Wessell) must apologize to Mr. Campbell and say that he (Wessell) hopes you will accept my apology. Mr. Campbell, from the audience, responded in the affirmative. Wessell said he will be more careful.

Mr. Campbell said that if he had to rewrite every article he ever wrote, they would never be the same.

Communications, Proclamations, Presentations:

Administrator Allen indicated that she is fast approaching 90 days in her position. She has been making assessments on departmental activities, facilities, and encouraged departments and elected officials, as well as affiliates that work within the County facility to put together information. She distributed a review of 2022 and distributed a compilation of that information. Allen referenced her Executive Summary and she felt this was important from her own perspective to familiarize herself and to also consider priorities for 2023. She got the feedback from the Department Heads – consider priorities for 2023. This may help set priorities or goals. Allen said that this is just an overview for review of Commissioners. Chairman Wessell asked Commissioners to read it, so that it can be discussed at a future meeting as well as offer Commissioners individual feedback that she could compile. Allen would appreciate the feedback.

Consent Agenda Items:

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.

No requests were received to remove any items.

#052-02212023 Regular Session

MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE THE CONSENT AGENDA ITEMS AS PRESENTED. SECONDED BY ALLGAIER.

Discussion – none.

Sheriff's Office – FY 2023 Secondary Road Patrol Grant Allocation Adjustment:

#053-02212023 Regular Session

● TO APPROVE THE ACCEPTANCE OF THE 2023 SECONDARY ROAD GRANT CONTRACT ADJUSTMENT IN THE AMOUNT OF \$54,441.00, A DIFFERENCE OF \$30,323.00 FOR THE FISCAL YEAR 2023 SECONDARY ROAD PATROL GRANT, IF APPROVED BY THE STATE.

Sheriff's Office – FY 2023 Marine Patrol Safety Grant:

#054-02212023 Regular Session

● TO ALLOW THE SHERIFF'S OFFICE TO APPLY FOR THE 2023 MARINE SAFETY GRANT THROUGH THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES TO COVER A PERCENTAGE OF THE COSTS OF THE LEELANAU COUNTY SHERIFF'S OFFICE MARINE SAFETY PROGRAM.

Building Safety – Building, Electrical and Mechanical Third-Party Plan Review Agreements – JML Design Group, LLC:

#055-02212023 Regular Session

● TO WAIVE ITS [COUNTY] BID POLICY AND APPROVE THE PROPOSAL FROM JML DESIGN GROUP, LLC., FOR BUILDING PLAN REVIEW SERVICES IN AN AMOUNT NOT TO EXCEED \$3,000.00, PENDING COUNSEL REVIEW AND APPROVAL; FUNDS TO COME FROM THE ACCOUNT #542.000.000.801.000, TO BE REIMBURSED BY THE DEVELOPER AS PART OF THE BUILDING PLAN REVIEW PROCESS.

Building Safety – Building, Electrical and Mechanical Third-Party Plan Review Agreements – Spicer Group, Inc.:

#056-02212023 Regular Session

- **TO WAIVE ITS [COUNTY] BID POLICY AND APPROVE THE PROPOSAL FROM SPICER GROUP, INC., FOR ELECTRICAL PLAN REVIEW SERVICES IN AN AMOUNT NOT TO EXCEED \$4,000.00, PENDING COUNSEL REVIEW AND APPROVAL; FUNDS TO COME FROM ACCOUNT #542.000.000.801.000, TO BE REIMBURSED BY THE DEVELOPER AS PART OF THE BUILDING PLAN REVIEW PROCESS.**

Building Safety – Building, Electrical and Mechanical Third-Party Plan Review Agreements – Ino-Tek:

#057-02212023 Regular Session

- **TO WAIVE COUNTY BID POLICY AND APPROVE THE PROPOSAL FROM INO-TEK, INC., FOR MECHANICAL PLAN REVIEW SERVICES IN AN AMOUNT NOT TO EXCEED \$4,400.00, PENDING COUNSEL REVIEW AND APPROVAL; FUNDS TO COME FROM ACCOUNT #542.000.000.801.000, TO BE REIMBURSED BY THE DEVELOPER AS PART OF THE BUILDING PLAN REVIEW PROCESS.**

Rehmann Robson, LLC – Audit Engagement Letter, FYE December 31,2022:

#058-02212023 Regular Session

- **TO APPROVE THE LEELANAU COUNTY ENGAGEMENT LETTER, PRESENTED BY REHMANN ROBSON, LLC., FOR THE YEAR ENDED DECEMBER 31, 2022, PENDING COUNSEL REVIEW AND APPROVAL; FUNDS TO COME FROM #101.830.207.801.000.**

Replacement Copier Requests, Netlink Business Solutions – District Court:

#059-02212023 Regular Session

- **TO WAIVE COUNTY BID POLICY AND APPROVE THE PURCHASE OF A COLOR PRINTER/SCANNER/FAX/COPIER MACHINE FROM NETLINK BUSINESS SOLUTIONS, IN AN AMOUNT NOT TO EXCEED \$3,879.00, WITH MAINTENANCE AT AN ESTIMATED COST OF \$279.00; FUNDS TO COME FROM ACCOUNT #645.000.000.970.010.**

Replacement Copier Requests, Netlink Business Solutions – Family Court:

#060-02212023 Regular Session

- **TO WAIVE COUNTY BID POLICY AND APPROVE THE PURCHASE OF A NEW SHARP MX-4051 COPIER FROM NETLINK BUSINESS SOLUTIONS IN AN AMOUNT NOT TO EXCEED \$7,767.00, WITH FUNDS TO COME FROM ACCOUNT #645.000.000.970.000.**

Administration – Potential Approval of Credit Card for the County Administrator:

#061-02212023 Regular Session

- **TO APPROVE THE APPLICATION OF A CREDIT CARD FOR COUNTY ADMINISTRATOR DEBORAH ALLEN.**

Two Percent Awards Agreements – Senior Services/Leelanau Christian Neighbors, Food Pantry Assistance:

#062-02212023 Regular Session

- **TO APPROVE THE AGREEMENT BETWEEN LEELANAU COUNTY AND LEELANAU CHRISTIAN NEIGHBORS FOR FOOD PANTRY SERVICES, PENDING COUNSEL REVIEW AND APPROVAL; FUNDS TO COME FROM FUND #261.**

Two Percent Awards Agreements – Thirteenth Judicial Circuit Court/Child & Family Services, Support of Safe Haven Program:

#063-02212023 Regular Session

- **TO APPROVE THE AGREEMENT BETWEEN LEELANAU COUNTY AND CHILD & FAMILY SERVICES, INC., OF TRAVERSE CITY, PENDING COUNSEL REVIEW AND APPROVAL; FUNDS TO COME FROM FUND #261.**

Two Percent Awards Agreements – Board of Commissioners/Mnamaadiziwin, Inc., Cultural Awareness Training:

#064-02212023 Regular Session

- **TO APPROVE ENTERING INTO AN AGREEMENT WITH MNAMAADIZIWIN, INC., FOR CULTURAL AWARENESS TRAINING, IN AN AMOUNT NOT TO EXCEED \$33,691.49, PENDING COUNSEL REVIEW AND APPROVAL; FUNDS TO COME FROM FUND #261.**

Solid Waste Council – Bay Area Recycling for Charities (BARC), Two Agreements:

#065-02212023 Regular Session

- **TO APPROVE THE TWO MATTRESS RECYCLING AGREEMENTS WITH BAY AREA RECYCLING FOR CHARITIES, WITH FUNDS TO COME FROM THE 2% ALLOCATION AND THE RECYCLING FUND #230.**

Solid Waste Council – ERG Contract Amendment No. 2, Tire Recycling:

#066-02212023 Regular Session

- **TO APPROVE THE CONTRACT AMENDMENT WITH ERG FOR TWO TIRE RECYCLING EVENTS IN 2023, WITH A COST NOT TO EXCEED \$10,000.00 PER EVENT AND FUNDS TO COME FROM 2% AWARD AND THE RECYCLING FUND #230.**

Planning/Community Development – Out-of-state Travel Request, Philadelphia, PA.:

#067-02212023 Regular Session

- **TO APPROVE TRAVEL FOR SENIOR PLANNER GAIL MYER TO ATTEND THE APRIL 2023 AMERICAN PLANNING ASSOCIATION CONFERENCE IN PHILADELPHIA, WITH FUNDS TO COME FROM THE PLANNING DEPARTMENT BUDGET #101.645.400.860.000, AND NOT TO EXCEED \$3,000.00.**

Website Development Bid Recommendation:

#068-02212023 Regular Session

- **TO ENTER INTO A CONTRACT AGREEMENT WITH REVIZE FOR A TOTAL COST OF \$44,600.00 FOR WEBSITE DESIGN, DEVELOPMENT & MAINTENANCE, SUBJECT TO REVIEW BY CORPORATE COUNSEL. COST TO COME FROM FUND #636.000.000.970.000.**

Commissioner Appointments/Assignments – Boards and Commissions and Standing Committees:

#069-02212023 Regular Session

- **TO ACCEPT THE COMMISSIONER APPOINTMENTS TO BOARDS, COMMISSIONS, COMMITTEES, AND AUTHORITIES PROPOSED CHANGES AS PRESENTED: [Community Corrections – O'Rourke; Building & Grounds – Lautner, Rexroat; Building Safety – Rexroat, Wessell; Leland Dam Authority – Ross]**

Full list at the following link:

https://www.leelanau.gov/downloads/final_commissioner_appointments_to_boards_02212023_1.pdf

Commissioner Appointments/Assignments – Northern Michigan Counties Association, County Delegate and Alternate Delegate:

#070-02212023 Regular Session

- **TO NOMINATE GWENNE ALLGAIER AS THE COUNTY DELEGATE FOR THE NORTHERN MICHIGAN COUNTIES ASSOCIATION.**

Planning Commission Appointment:

#071-02212023 Regular Session

- **TO APPOINT BRIAN FENLON TO THE PLANNING COMMISSION UNDER THE CATEGORY OF AGRICULTURE FOR A THREE-YEAR TERM EXPIRING DECEMBER 31, 2025.**

Administration – Potential Approval of Leelanau County Substance Abuse Prevention Coalition (LCSAPC) Supplies Request:

#072-02212023 Regular Session

- **TO APPROVE THE SUPPLIES LIST ON BEHALF OF THE LEELANAU COUNTY SUBSTANCE ABUSE PREVENTION COALITION, AS PRESENTED.**

Discussion – none.

AYES – 6 (Lautner, O’Rourke, Ross, Wessell, Allgaier, Kramer)

NO – 0 ABSENT – 1 (Rexroat)

MOTION CARRIED.

Drain Commissioner – Lake Bluffs Drainage District Full Faith and Credit:

Administrator Allen reminded Commissioners of the correspondence that they should have all received from County Treasurer John A. Gallagher III regarding Draining District questions and pledging the “full faith and credit” of the County.

Drain Commissioner Steve Christensen and Brian Cenci, GEI Consultants P.E., were present before Commissioners. Christensen gave an update and Cenci responded to questions regarding the County’s ability for future financing and he also referenced the Treasurer’s email correspondence.

Chairman Wessell outlined what the purpose of tonight’s action is.

Brief discussion/comments ensued.

#073-02212023 Regular Session

MOTION BY ALLGAIER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE COUNTY RESOLUTION #2023-001, RESOLUTION PLEDGING THE FULL FAITH AND CREDIT OF THE COUNTY OF LEELANAU, WITHIN CONSTITUTIONAL LIMITATIONS, FOR THE PAYMENT OF THE LAKE BLUFFS DRAIN DRAINAGE DISTRICT DRAIN NOTE, AS PRESENTED. SECONDED BY ROSS.

Discussion – none.

ROLL CALL: Allgaier – YES; Kramer – YES; Lautner – YES; O’Rourke – YES;

Ross – YES; Wessell – YES.

AYES – 6 NO – 0 ABSENT – 1 (Rexroat)

MOTION CARRIED.

LEELANAU COUNTY RESOLUTION #2023-001

**RESOLUTION PLEDGING THE FULL FAITH AND CREDIT OF THE
COUNTY OF LEELANAU, WITHIN CONSTITUTIONAL LIMITATIONS, FOR THE
PAYMENT OF THE LAKE BLUFFS DRAIN DRAINAGE DISTRICT DRAIN NOTE**
(Leelanau County, Michigan)

WHEREAS pursuant to a petition filed with the Drain Commissioner of Leelanau County, State of Michigan (the "Drain Commissioner"), proceedings have been taken under the provisions of Act 40, Public Acts of Michigan, 1956, as amended (the "Act"), for the making of certain intercounty drain improvements referred to as the Lake Bluffs Drain Project (the "Project"), located in Leelanau County, and which is being undertaken by the Lake Bluffs Drain Drainage District (the "Drainage District") in a Special Assessment District (the "Special Assessment District") established by the Drain Commissioner; and

WHEREAS, the Drain Commissioner has determined that the Project is necessary for the protection of the public health, convenience or welfare, and in order to provide funds to pay the costs of the Project, the Drainage District intends to issue the Drain Note in an amount not to exceed \$900,000 pursuant to the Act; and

WHEREAS, the principal of and interest on the Note will be payable from assessments to be made upon public corporations and benefited properties in the Special Assessment District; and

WHEREAS, the Leelanau County Board of Commissioners (the "Board") may, by resolution adopted by a majority of the members of the Board, pledge the full faith and credit of the County for the prompt payment of the principal of and interest on the Note pursuant to Section 276 of the Act; and

WHEREAS, the pledge of the full faith and credit of the County to the Note will reduce the cost of financing the Project and will be a benefit to the people of the County.

WHEREAS, the Note is not a private activity bond for purposes of Section 141 of the Internal Revenue Code of 1986 (the "Code");

NOW THEREFORE BE IT RESOLVED BY THE LEELANAU COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

1. The limited tax full faith and credit of the County of Leelanau is hereby pledged for the prompt payment of the principal of and interest on the Note in a par amount not to exceed \$900,000. In case of any deficiency in the assessments to be made to pay the principal of and interest on the Note as and when due, the County shall pay the amount of such deficiency out of its general funds as a first budget obligation and, if necessary, shall levy ad valorem taxes for such purpose against all taxable property within its limits, subject to constitutional and statutory limitations provided, however, that if it is necessary to reimburse the County for money, it is obligated to advance, it shall be the duty of the Drain Commissioner to at once levy an additional assessment as herein before provided as such an amount as will make up the deficiency pursuant to Section 434 of the Drain Code.

2. Should the County advance County funds pursuant to the pledge made in this Resolution, the amounts shall be repaid to the County from assessments or reassessments made upon benefited properties in the Special Assessment District as provided in the Act.

3. The Drain Commissioner, the County Administrator, the County Clerk, the County Treasurer and any other official of the County, or any one or more of them (“Authorized Officers”), are authorized and directed to take all actions necessary or desirable for the issuance of the Drain Note and to execute any documents or certificates necessary to complete the issuance of the Note, including, but not limited to, any applications including the Michigan Department of Treasury, Application for State Treasurer’s Approval to Issue Long-Term Securities, any certificates pursuant paragraph (b)(5) of SEC Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended, and amendments to such certificate from time to time in accordance with the terms of such certificate (the certificate and any amendments thereto are collectively referred to herein as the “Continuing Disclosure Certificate”), and any waivers, certificates, receipts, orders, agreements, instruments, and any certificates relating to federal or state securities laws, rules, or regulations and to participate in the preparation of a preliminary official statement and a final official statement for the Note and to sign such documents and give any approvals necessary therefor. The County hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate.

4. All previous resolutions of the Board of Commissioners of the County, or parts thereof, that are inconsistent with this resolution, are hereby rescinded.

Juvenile Detention – Potential Action Authorizing the Court Administrator and Family Court to Continue to Explore and Encourage Regional Solutions for the Need for Youth Detention Facilities:

Administrator Allen offered comments that last week at the Executive Committee meeting there was a Resolution presented to request the County Board of Commissioners to support the research and the planning in regards to a Juvenile Detention Center for the region. What was specifically requested was that there be County involvement, County Administrator involvement in the process and to move that forward and tonight is the finalization of the Resolution.

Commissioner Allgaier commented that “we” need something like this. She continued that there is another program that she hopes will be considered – the Multisystemic Therapy is very important, very effective, and that if that could be combined somehow, you are going to be – she is on the Committee as well – and asked if that could be added to the Resolution somehow?

Commissioner O’Rourke said that is not in the resolution.

Chairman Wessell said his thinking is that this just says let’s move forward in talking about the need and the resources. That is a detail that comes later.

Commissioner Allgaier apologized as she was not in attendance last week.

Commissioner Lautner said that she had a concerned citizen call her. She supported this last week because it was discussed about obtaining funding and exploring the funding options and

ways to move forward. She continued that the Resolution does just mention Leelanau and Grand Traverse Counties. Lautner said that it was responded to last week that it would also be Antrim County. Lautner continued that she does have a concern that it doesn't state more Counties and she wants this to proceed and wants to see all of the Northern Michigan Counties explore this. She does not want to see only a three-county juvenile detention. That is her only concern. She does not know and would like to reword the Resolution a little bit and bring it back in March, which is her preference, as she would hate to vote no on the entire concept. She continued with her concern about the Resolution only mentioning two counties.

Chairman Wessell suggested that "we" could take reference to Grand Traverse County out and just have the resolution to say it supports the efforts of the Family Courts – which would be all of the Courts working together, which is what they are currently doing. Wessell did not know what the time is and it could be brought back in March.

Commissioner Allgaier questioned if a delay in moving forward, how does that affect them? We want them to move forward. She would favor changing the wording.

Commissioner Lautner said that rather than a resolution, which could place this in stone, she would make a motion to support the efforts of the "LCBOC" and Surrounding County Court systems to explore the Juvenile Detention Center. She is not sure that is what they are looking for, she would like to see it move forward, but does not want to name the counties as she would like to see it be at least 11-12 "county compilation" working together on this.

Discussion ensued.

MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS MOVE THIS FORWARD TO MARCH. NO SECOND MADE.

Commissioner Ross said it was her understanding from the presentation last week that it was basically the Court system that is aligned with Grand Traverse and Leelanau and they are spearheading this. She did not come away with the feeling that they were not going to reach out to all Northern Michigan. Ross thought that they represented that sentiment that you shared, quite strongly, and said that funding would only be possible with beds being filled from other Counties detention. Ross feels very comfortable in what was presented that the holistic approach of Northern Michigan was clearly understood. She continued that the Resolution is really powerful and she would like to see Commissioners go forward with this.

Commissioner O'Rourke commented that he thought the Resolution states to acquire State Funding, and not Leelanau County funding. He appreciates the efforts of Judge Kromkowski and Court Administrator Clark, who were on the news tonight. It is nice that these two fine individuals are fighting for a good cause, and Commissioner Lautner stole part of his thunder, but he asked, with Leelanau and Grand Traverse Counties why don't we start our own prison system? He continued that we are going to start our own Juvenile Detention with two counties in Northern Michigan with maybe less than a dozen people that need a \$30 billion facility and maybe we can get other beds in here, but at this time he doesn't see where "we" are obligated to jump on the bandwagon. We will support the concept of state funding but speaking for himself, he is not supporting the concept of funds coming from Leelanau County at this time. O'Rourke continued that even if you have it full and somebody pays for it with ARPA funds, there is still maintenance,

there are wages, they want psychologists, doctors, nurses, and educators. He said it needs to be a statewide concept from east to west and north from Lansing. He is glad he is on the Committee with Commissioner Allgaier and that they are on it together because he thinks that between the two of them they have a pretty good understanding and support Leelanau County. O'Rourke continued that yes there is a need because he was shot by a 17-year-old juvenile from a non-secure detention home, so he knows there is a problem, but why is this our problem. He continued that he appreciates Judge Kromkowski and she is an excellent Judge and he appreciates her carrying the torch forward.

Commissioner Lautner commented that Commissioner O'Rourke is absolutely right and she echoes his comments. She knows that we have two very dedicated, hardworking individuals on this. Lautner continued that this resolution states to support the efforts to develop plans and to secure state funding for a local, regional facility. Lautner is not sure that we have pinpointed where that would be for treatment, obviously. She continued that the Resolution lists Leelanau and Grand Traverse. She continued that O'Rourke is absolutely right that people would come to fill and pay for those beds, but that is an awful risk for the two Counties, us and Grand Traverse, to secure the funding and building it. Lautner went on - then in building it, it is only part of it as then it has to be staffed 24/7 by how many employees. Lautner continued that her other concern is – and she thought it was very good that this person pointed it out to her - it was by the stroke of the pen last year that 17-year-olds are now juveniles instead of adults, and what if by a stroke of the pen in a year, as someone said, we don't incarcerate juveniles anymore and what if that is a thing that they won't even be in detention homes and something else is going to be the new idea. Lautner continued that she thinks this is an awful heavy burden to put on two Counties, even for this. She continued that she thinks this needs to go to a bigger organization and she thinks that even Clare north is great. She referenced that O'Rourke may be right with Lansing north, but maybe this is something Networks Northwest should be facilitating and then bring it to the Counties and see what could be done.

Commissioner Allgaier asked if there is a time frame? Is there a window that is opening for the funds?

Administrator Allen responded that there is a concern expressed by the Family Court system that if action is not taken soon, some of the dollars may be expended. There is a group of individuals going to Lansing next Tuesday. Allen and Grand Traverse County Administrator Nate Alger is also going so that we can monitor/access the discussion on behalf of the Counties and what is happening. There is a concern that if action is not taken the funding may dry up.

Commissioner Allgaier said so time is really important and asked if they need the resolution for Lansing to ask for the funding. At this point they are just in early planning stations. Administrator Allen said there was not a full vetting process of the Resolution, but the Board reviewed it and based on presentation decided to move it forward. Allgaier would certainly support them to receive the money or a commitment to the funds if you prove it will be used wisely. Otherwise, the door will shut.

Commissioner Lautner said that the State could be the facilitator of this rather than two counties and build the Juvenile Detention Center if you are going after ARPA dollars.

Chairman Wessell commented that he thought a motion or resolution would be helpful to Judge Kromkowski and Court Administrator Clark who were spending a lot of energy without any authority basically. He continued that he know that when we all ran/campaigned, we were asked what our position is on youth detention. We know that there is a problem and he thought a resolution of support to have them continue to talk about the need with all of the regional partners was a very responsible thing to do. We are not committing to any money, not committing to any restraints, we are just saying please Judge and please Court Administrator work with your counterparts and make sure people know what our needs are. Wessell thinks that is a good message for Leelanau County to send, whether it is a resolution or motion. It does not help the cause if we have a 4-3 resolution so there may or may not be a need in Leelanau County. He continued that we have kids going out-of-state because we cannot find a bed in state. He would rather take five minutes and see if we could craft a resolution that would give them the message that yes we are concerned and we want you to continue to work and work with whomever you want to work with to talk about a need.

Commissioner Lautner stated that she would be more comfortable to have just a motion, instead of a powerful resolution and the proposed resolution says a plan to acquire the necessary funding for the purchase, construction and/or renovation of a facility. She also questioned that if this has been by our attorney, she thinks that this is a dangerous thing to do by resolution.

Commissioner Kramer wanted to zoom out and get a 360 of all of this. To address both Lautner and O'Rourke's concern, if a Resolution is made can it not be pulled back and put the brakes on for many reasons and have further discussion as to how to move forward. Kramer feels that this is just support to go to Lansing and get whatever they need while they are there and say the need is here. We know the need is here and all can agree to that.

Commissioner Lautner said there is very little need here.

Commissioner Kramer said we are tasked with this from the State, right?

Commissioner Lautner responded that there are beds here they are downstate or out-of-state, which makes it difficult for parents to see their loved ones. This makes it more regional. Lautner said that we need to provide beds.

Commissioner Kramer is their thoughts as she has been researching this, is this at a point where we can intercede on these juveniles lives and commented on the rate of recidivism to penitentiary is 70-80. So in the long term, are we saving money by providing this to our youth so that we don't pay later.

Commissioner Lautner responded that we are doing that currently through the Courts. Lautner continued that hundreds of thousands of dollars are spent on preventative measures for the youth and that is why there are so few youths. Lautner continued that it is the 18–25-year-olds that commit the crime and there are very few in that age range in this county and it is declining. She continued that that is one thing and the rest are not in the system. A whole great amount of their budget is not spent on those in trouble, but on those that they consider as risk as they may be in trouble in the future. Lautner continued with comments and that there are very few in the County that go to detention and for Leelanau to be the lead on the necessary funding and to purchase or renovate, she does not think it is necessary for Leelanau County to bite that bullet

especially if this has not been passed by the County's attorney and she does not know what this obligates us to.

Chairman Wessell questioned the Administrator as to her meeting with Grand Traverse County Administrator Nate Allgaier and Judge Kromkowski.

Administrator Allen responded to Chairman Wessell and said that she understands the reality from Judge Kromkowski and Clark that the discussions have been going on for quite some time and there have been various presentations to various County Boards and there has been education on the issue. She continued that she also realizes that Grand Traverse County, by all accounts, would be the point where such a facility would be established and she knows that they are not in a position to move forward with the construction of a facility in the near future because they are in the process of working on a facility master plan and that is going to take them perhaps 12 months to complete that and the Juvenile Detention Center is not part of that; however, there may be opportunities going forward to incorporate this in those discussions but at this point we are very early in the stages of a multi-county or unified facility. Allen said that moving the plan forward is what the request is for.

Chairman Wessell said that an alternative to a resolution could be a motion to encourage the Court Administrator and the Judge to continue to work with their partners on a plan to resolve this issue in the future.

Commissioner Allgaier said that she would support that as would Commissioner O'Rourke.

Administrator Allen said that she wanted to mention that one of the key things that she felt was added to the Resolution was the engagement of Administration so that there is an understanding of what is being committed or being discussed with the legislature. She said that that was a point that may be helpful to have it be an opportunity of inclusion in discussion or perhaps the planning.

Discussion about language if there was a motion on the floor and what the language was.
Chairman Wessell restated his motion

#074-02212023 Regular Session

MOTION BY WESSELL THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS ENCOURAGE THE JUDGE AND THE COURT ADMINISTRATOR TO WORK WITH THE COMMUNITY PARTNERS ON THE ISSUE OF YOUTH DETENTION. SECONDED BY ALLGAIER.

Discussion – none.

AYES – 6 (Wessell, Allgaier, Kramer, Lautner, O'Rourke, Ross)

NO – 0

ABSENT – 1 (Rexroat)

MOTION CARRIED.

Administration – Resolution to Restructure the Composition of the Leland Dam Authority:

An introduction of the topic by Chairman Wessell and that a roll call vote will be needed on this item if there is a motion.

Commissioner Allgaier asked who will be making the decision on who will be serving on the Authority.

Chairman Wessell indicated that there is an Ad Hoc Committee that will be reviewing the applications and come back to the Board of Commissioners in March with their recommendation.

Brief comments continued that the Resolution is to Restructure the Composition of the Leland Dam Authority.

#075-02212023 Regular Session

MOTION BY ALLGAIER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE LEELANAU COUNTY RESOLUTION #2023-002, A RESOLUTION TO RESTRUCTURE THE COMPOSITION OF THE LELAND DAM AUTHORITY, AND TO DELEGATE THE POWERS AND DUTIES FOR THE MAINTENANCE OF THE NORMAL LAKE LEVEL OF LAKE LEELANAU AND THE LELAND DAM TO THE LELAND DAM AUTHORITY AS RESTRUCTURED. SECONDED BY LAUTNER.

Discussion – none.

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

AYES – 6 NO – 0 ABSENT – 1 (Rexroat) MOTION CARRIED.

LEELANAU COUNTY RESOLUTION #2023-002

RESOLUTION TO RESTRUCTURE THE COMPOSITION OF THE LELAND DAM AUTHORITY, AND TO DELEGATE THE POWERS AND DUTIES FOR THE MAINTENANCE OF THE NORMAL LAKE LEVEL OF LAKE LEELANAU AND OF THE LELAND DAM TO THE LELAND DAM AUTHORITY AS RESTRUCTURED

WHEREAS, in 2004, the Leelanau County Board of Commissioners adopted Resolution #2004-007, in which the County Board established the Leland Dam Authority, and delegated to the Leland Dam Authority the powers and duties for the maintenance of the normal lake level of Lake Leelanau and of the Leland Dam, pursuant to MCL 324.30702(2); and

WHEREAS, the Leland Dam Authority was initially comprised of four (4) members, being the elected County Drain Commissioner and the three (3) members of the County Board of Public Works; and

WHEREAS, the County Board of Public Works was comprised of the three (3) members of the Leelanau County Board of County Road Commissioners ("Road Commission"); and

WHEREAS, in 2018, the County Board of Commissioners by separate Resolutions (a) expanded the composition of the Road Commission from three (3) members to five (5) members, effective January 1, 2019, and (b) expanded the composition of the County Board of Public Works to include the five (5) members of the Road Commission, effective January 1, 2019; and

WHEREAS, in 2018, the County Board of Commissioners expanded and reestablished the Leland Dam Authority as a six-member body, consisting of the elected Drain Commissioner, and the five (5) members of the County Board of Public Works, effective January 1, 2019; and

WHEREAS, the County Board of Commissioners desires to restructure the composition of the

Leland Dam Authority as a five-member body, effective January 1, 2023; and

WHEREAS, the County Board of Commissioners desires to delegate the powers and duties for the maintenance of the normal lake level of Lake Leelanau and of the Leland Dam to the Leland Dam Authority, as restructured, effective January 1, 2023.

NOW, THEREFORE, BE IT RESOLVED, pursuant to Part 307 of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as amended, the Board of Commissioners restructures and reestablishes the Leland Dam Authority as a five-member body, consisting of the elected Drain Commissioner, one (1) member of the County Board of Commissioners, one (1) member of the Road Commission, to serve ex-officio during their term of office, and two (2) at-large members to serve three-year terms, with priority to be given to (a) an individual with an engineering background, and (b) a Lake Leelanau riparian landowner, effective January 1, 2023; and

BE IT FURTHER RESOLVED, that the County Board of Commissioners hereby appoints the following individuals to serve on the Leland Dam Authority, commencing on January 1, 2023:

1. The Leelanau County Drain Commissioner
2. A Commissioner of the County Board of Commissioners
3. A Commissioner of the County Road Commission
4. _____
5. _____

BE IT FURTHER RESOLVED, that any member of the County Board of Commissioners or of the County Road Commission appointed to the Leland Dam Authority shall cease to hold office as a member of the Leland Dam Authority immediately upon vacating the office of County Commissioner or Road Commissioner; and

BE IT FURTHER RESOLVED, that upon its initial meeting, the newly restructured Leland Dam Authority shall elect from its membership a Chairman, a Vice-Chairman, a Secretary, and other officers as it considers necessary, which officers shall hold office until the following January, and until their successors are elected and qualified; and

BE IT FURTHER RESOLVED, that the Leelanau County Treasurer shall be the Treasurer of the restructured Leland Dam Authority; and

BE IT FURTHER RESOLVED, that pursuant to MCL 324.30702(2) and effective January 1, 2023, the restructured and reestablished Leland Dam Authority is the County's delegated authority for the maintenance of the normal lake level of Lake Leelanau, and the maintenance of the Leland Dam, with all of the powers and duties necessary to comply with the requirements of Part 307 of the NREPA, including but not limited to the computation of the costs for the normal lake level project, the holding of special assessment hearings, and the preparation and approval of a special assessment roll; and

BE IT FURTHER RESOLVED, that the compensation for the members of the Leland Dam Authority shall be fixed by the County Board of Commissioners; and

BE IT FURTHER RESOLVED, that all resolutions and parts of resolutions insofar as they conflict with this Resolution are hereby repealed.

MAC 125TH Anniversary – Resolution to Recognize the Michigan Association of Counties on its 125th Anniversary:

#076-02212023 Regular Session

MOTION BY ALLGAIER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS SUPPORT RESOLUTION #2023-003, THE RESOLUTION HONORING THE MICHIGAN ASSOCIATION OF COUNTIES. SECONDED BY KRAMER.

Discussion – none

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

AYES – 6 NO – 0 ABSENT – 1 (Rexroat) MOTION CARRIED.

RESOLUTION # 2023-003
Leelanau County Board of Commissioners
HONORING the Michigan Association of Counties on its 125th Anniversary

WHEREAS, Michigan's 83 county governments play a central role in the proper delivery of, and oversight for, critical public services for the state's approximately 10 million residents; and

WHEREAS, Michigan county governments are led by Boards of Commissioners, who are elected from their communities; and

WHEREAS, the State Association of Supervisors of Michigan was formed by representatives of 16 counties on Feb. 1, 1898, in the Senate chamber of the Michigan State Capitol in Lansing; and

WHEREAS, the association's name was changed to the Michigan Association of Counties on July 17, 1969; and

WHEREAS, the Michigan Association of Counties is the oldest association representing local governments in Michigan; and

WHEREAS, 48 of Michigan's 83 counties have had at least one of their commissioners (or supervisors prior to 1968) serve as president of the association's Board of Directors; and

WHEREAS, the association created the Michigan Counties Workers' Compensation Fund in 1979 to help county members provide workplace safety and injury insurance services to its employees; and

WHEREAS, the association created the Michigan Association of Counties Service Corporation in 1986 to partner with service providers to help counties save money on everything from health insurance to telecommunications services; and

WHEREAS, the association hosts two major conferences every year to bring together county leaders for briefings on trending public policy issues and to hear from state newsmakers and others; and

WHEREAS, the association's advocacy work in Lansing and beyond has advanced the interests of county governments and the residents they serve; and

WHEREAS, no fewer than five association presidents have served or are serving in the Michigan Legislature in the 21st century, a testament to the culture of public service inculcated by the association

THEREFORE, BE IT RESOLVED that Leelanau County wishes to commend and honor the Michigan Association of Counties on its 125th Anniversary year.

Adopted this 21st day of February, 2023

Review Of Financials:

No questions.

Special Reports by Staff, Commissioners, and Affiliated Agencies:

None.

Public Comment:

The following individuals spoke in person: Steve Mikowski, Harry Steffens, and Bill Wiesner.

The written comments can be found at the following link:

<https://www.leelanau.gov/meetingdetails.asp?MAId=2478#handouts>

Commissioner Comments:

- Commissioner Allgaier thanked Mr. Steffens for the invitation and also in the Moment of Silent or in his words, praise/prayer, she assured him that in the Moment of Silence it is very important in the way it is important to each Commissioner and she hopes he finds that assuring.
- Chairman Wessell wanted to take a moment to thank the Finance Department, Clerk's Office, Treasurer's Office, and the Administrator for pulling together to lead the finances and you are doing a wonderful job.

Approval of Financials —

Amendments & Transfers:

None.

Miscellaneous Fund Transfers and Amendments:

None.

Claims and Accounts:

#077-02212023 Regular Session

MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS AUTHORIZE THE HUNTINGTON CHARGE CARD PURCHASES IN THE AMOUNT OF \$3,837.01 WHICH OCCURRED BETWEEN 12/6/2022 – 1/24/2023. SECONDED BY O'ROURKE.

Discussion – none.

AYES – 6 (Lautner, O'Rourke, Ross, Wessell, Allgaier, Kramer)

NO – 0 ABSENT – 1 (Rexroat)

MOTION CARRIED.

#078-02212023 Regular Session

MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE CLAIMS AND ACCOUNTS IN THE AMOUNT OF \$418,383.47. SECONDED BY O’ROURKE.

Discussion – none.

AYES – 6 (Lautner, O’Rourke, Ross, Wessell, Allgaier, Kramer)

NO – 0 ABSENT – 1 (Rexroat)

MOTION CARRIED.

Post Audit Claims and Accounts:

#079-02212023 Regular Session

MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE POST AUDIT CLAIMS AND ACCOUNTS IN THE AMOUNT OF \$2,276,170.49. SECONDED BY O’ROURKE.

Discussion – none.

AYES – 6 (Lautner, O’Rourke, Ross, Wessell, Allgaier, Kramer)

NO – 0 ABSENT – 1 (Rexroat)

MOTION CARRIED.

Adjournment:

Chairman Wessell adjourned the meeting at 8:21 p.m.

Ty Wessell, Chairman
Leelanau County Board of Commissioners

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