

Leelanau County Board of Commissioners
Regular Session – Tuesday, August 15, 2023
Approved 9/19/2023

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=2544#video> and <https://www.youtube.com/watch?v=lfbSMWIoFUU>

Meeting called to order by Chairman Ty Wessell at 7:00 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	PRESENT
	#4	Ty Wessell	PRESENT
	#5	Kama Ross	PRESENT
	#6	Gwenne Allgaier	PRESENT
	#7	Melinda C. Lautner	PRESENT

Guests present.

Approval of Minutes:

#221-0815202023 Regular Session

MOTION BY REXROAT THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE THE MINUTES OF: COMMITTEE OF THE WHOLE, MONDAY, SEPTEMBER 26, 2022; EXECUTIVE SESSION, TUESDAY, JULY 11, 2023; EXECUTIVE SESSION, TUESDAY, AUGUST 8, 2023; COMMITTEE OF THE WHOLE, WEDNESDAY, JULY 19, 2023. SECONDED BY O'ROURKE.

Discussion – none.

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

NO – 0

MOTION CARRIED.

Approval of Agenda / Late Additions or Deletions:

Chairman Wessell called for additions and/or deletions.

Commissioner Rexroat requested that Consent Item #8, Board of Commissioners – Rules of Order and Procedure, Suggested Amendment be to Action Items after Action Item #10; and also requested that Action Item #13a Construction Agreement and Action Item #13aii Lease Agreement be reversed in order. Commissioner Lautner requested that Action Items #13a Acceptance of Lower-Level Building Bid; Action Item #13ai Construction Agreement; and Action Item #13aii Lease Agreement be amended for Discussion only and no action as the agreements were only received late last evening and there are needed changes. She does not want to move forward with a bid until the Commissioners have discussed the Agreements and this is not ready for action.

Chairman Wessell called for the vote on the agenda as amended.

#222-08152023 Regular Session

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

NO - 1 (Allgaier)

MOTION CARRIED.

(Clerk's note: no formal motion was made on the agenda.)

Public Comment:

The following individuals spoke in person:

Gary Cozette.

The written comments can be found at the following link:

<https://leelanau.gov/meetingdetails.asp?MAId=2544#handouts>

Commissioner Comment:

None.

Communications, Proclamations, Presentations –

Administrator Update:

Administrator Allen gave an update on a variety of topics.

Consent Agenda Items:

Chairman Wessell called for a motion on the Consent Agenda.

#223-08152023 Regular Session

MOTION BY REXROAT THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE THE CONSENT AGENDA AS MODIFIED. SECONDED BY O'ROURKE.

Michigan Indigent Defense Commission (MIDC) – Approval of Second Amendment to Agreement, Jarboe & Pfeil:

#224-08152023 Regular Session

- **TO WAIVE ITS BID POLICY AND ENTER INTO AN INDEPENDENT CONTRACT AGREEMENT WITH PAUL JARBOE OF JARBOE & PFEIL, ATTORNEYS, AS THE INDIGENT DEFENSE ATTORNEY/ADMINISTRATOR FOR LEELANAU COUNTY, FOR THE PERIOD OF OCTOBER 1, 2023, THROUGH SEPTEMBER 30, 2024, IN THE AMOUNT OF \$52,500.00; FUNDS TO COME FROM #260.000.000.801.000.**

Sheriff's Office – Credit Card Request:

#225-08152023 Regular Session

- **TO APPROVE THE SHERIFF'S OFFICE TO ACQUIRE A CREDIT CARD IN THE AGENCY AND IN THE UNDERSHERIFF'S NAME FOR AGENCY OPERATIONS WITH A LINE OF CREDIT NOT TO EXCEED \$4,500.00.**

Sheriff's Office – FY2024 Secondary Road Patrol Grant Program Application:

#226-08152023 Regular Session

- **TO ALLOW THE SHERIFF'S OFFICE TO APPLY FOR THE 2023-2024 FISCAL YEAR SECONDARY ROAD PATROL GRANT THROUGH THE MICHIGAN OFFICE OF HIGHWAY SAFETY AND AUTHORIZE THE BOARD CHAIR AND THE FINANCE DIRECTOR TO REVIEW AND SIGN THE APPLICATION.**

Sheriff's Office – Acceptance of Grant:

#227-0815202023 Regular Session

- **TO ACCEPT THE DEPARTMENT OF HOMELAND SECURITY PORT SECURITY GRANT AS AWARDED IN THE AMOUNT OF \$409,266.00.**

Sheriff's Office – Boat Purchase Approval, Safe Boats International:

#228-0815202023 Regular Session

- **TO PURCHASE A 31-FOOT SAFE BOAT (FROM SAFE BOATS INTERNATIONAL) FOR A TOTAL COST OF \$547,719.97, WITH FUNDS TO COME FROM #101.225.331.970.000.**

Emergency Management/9-1-1 – Consumers Energy Tower Lease Agreement Termination (Central Tower):

#229-0815202023 Regular Session

- **TO APPROVE THE SUPPLEMENT OF THE TOWER SPACE LEASE AGREEMENT AND AUTHORIZE THE COUNTY BOARD CHAIRMAN TO SIGN THE SUPPLEMENT, PENDING APPROVAL FROM CORPORATE COUNSEL.**

Prosecuting Attorney – MDHHS Title IV-E Grant Agreement:

#230-0815202023 Regular Session

- **TO APPROVE THE CONTRACT BETWEEN LEELANAU COUNTY AND THE MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE PERIOD OF OCTOBER 1, 2023, THROUGH SEPTEMBER 30, 2026, TO CONTINUE REIMBURSEMENT FOR SERVICES UNDER THE TITLE IV-E PROGRAM.**

Planning/Community Development – Appointment of Fair Housing Coordinator:

#231-0815202023 Regular Session

- **TO APPOINT THE COUNTY ADMINISTRATOR AS THE FAIR HOUSING COORDINATOR FOR LEELANAU COUNTY.**

Planning/Community Development – Designation of Certifying Officer:

#232-0815202023 Regular Session

- **THAT THE CHAIRMAN OF THE COUNTY BOARD OF COMMISSIONERS BE DESIGNATED AS THE CERTIFYING OFFICER AND FORM 15-E CERTIFYING OFFICER DESIGNATION FORM BE COMPLETED AND SUBMITTED TO THE MICHIGAN ECONOMIC DEVELOPMENT CORPORATION OFFICE.**

Planning/Community Development – Northwest Michigan Community Action Agency (NMCAA), Housing Rehabilitation, One Year Contract Extension:

#233-0815202023 Regular Session

- **TO APPROVE A ONE (1) YEAR CONTRACT EXTENSION WITH NORTHWEST MICHIGAN COMMUNITY ACTION AGENCY FOR HOUSING REHAB SERVICES, PENDING THE CONTRACT EXTENSION REVIEW BY CORPORATE COUNSEL.**

Information Technology/Board of Commissioners – Safety Net, Cyber Security Recommendations – VLANs (Virtual Local Area Networks) Planning:

#234-0815202023 Regular Session

- **TO WAIVE ITS POLICY ON BIDS AND APPROVE THE QUOTE FROM SAFETY NET FOR THE VLAN PROJECT IN AN AMOUNT NOT TO EXCEED \$6,450.00, WITH FUNDS TO COME FROM DATA PROCESSING FUND, #636.**

Information Technology/Board of Commissioners – Firewalls Reconfiguration to Federal Information Processing Standards (FIPS):

#235-0815202023 Regular Session

- **TO WAIVE ITS POLICY ON BIDS AND APPROVE THE QUOTE FROM SAFETY NET FOR THE FIPS COMPLIANCE PROJECT IN AN AMOUNT NOT TO EXCEED \$5,160.00, WITH FUNDS TO COME FROM DATA PROCESSING FUND #636.**

Building Safety Committee Proposed Recommendations – Construction Board of Appeals Membership Expansion:

#236-0815202023 Regular Session

- **TO APPROVE THE EXPANSION OF THE CONSTRUCTION BOARD OF APPEALS FROM FIVE (5) MEMBERS TO SEVEN (7) MEMBERS.**

Building Safety Committee Proposed Recommendations – Purchase of Retired Patrol Vehicles:

#237-0815202023 Regular Session

- **TO APPROVE THE LEASE OF ONE FORMER SHERIFF'S OFFICE VEHICLE AT A COST OF \$.10/MILE; FUNDS TO COME FROM ACCOUNT #542.000.000.940.000.**

Administration – Approval of BATA (Bay Area Transportation Authority) Interlocal Agreement:

#238-0815202023 Regular Session

- **TO APPROVE THE BAY AREA TRANSPORTATION AUTHORITY (BATA) INTERLOCAL AGREEMENT BETWEEN GRAND TRAVERSE COUNTY, LEELANAU COUNTY AND BATA, AS PRESENTED, AND AUTHORIZE THE BOARD CHAIRMAN TO SIGN THE AGREEMENT, AS APPROVED TO FORM BY THE COUNTY'S ATTORNEY.**

Administration – Amendment No. 2 to the Fiber Optic Broadband Network Construction Agreement, Point Broadband Fiber Holdings, LLC:

#239-0815202023 Regular Session

- **TO APPROVE AMENDMENT #2 TO THE FIBER OPTIC BROADBAND NETWORK CONSTRUCTION AGREEMENT, PENDING FINAL COUNSEL REVIEW AND APPROVAL.**

Administration – Networks Northwest – Appointment of North Region Active Transportation Plan Liaison:

#240-0815202023 Regular Session

- **TO APPOINT COUNTY ADMINISTRATOR DEB ALLEN AS THE COUNTY'S PRIMARY LIAISON AND APPOINT COMMISSIONER JAMIE KRAMER AS ALTERNATE TO THE NORTH REGION ACTIVE TRANSPORTATION PLAN IF ADMINISTRATOR ALLEN CANNOT ATTEND.**

Discussion – none.

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

NO – 0

MOTION CARRIED.

Chairman Wessell noted after the vote that the Consent Agenda items were discussed at last week's meeting and all agreed on the recommendation and potential decision so they were on as one time and any Commissioner could have removed any item, if they so wished.

Action Items:

The 86th District Court – Staffing Levels (Probation) Adjustment Request:

Honorable Robert A. Cooney, Chief Judge of the 86th District Court, and Gwen Taylor, Court Administrator, were present before Commissioners. Judge Cooney explained the request before Commissioners and that the caseload has doubled and reviewed the information provided. Judge Cooney gave the numbers for the Court. There is not staff to properly manage staff. It is a self-inflicted wound.

The Court voluntarily made the cuts to be fiscally responsible and when you find out that we cut too deeply, it would be a mistake to penalize us for trying to do the right thing. Judge Cooney and Court Administrator Taylor responded to questions.

#241-0815202023 Regular Session

MOTION BY ALLGAIER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE THE PROPOSED 86TH DISTRICT COURT STAFFING PLAN CHANGE REQUEST, WITH FUNDS TO COME FROM #101.350.136.801.000. SECONDED BY O'ROURKE.

Discussion.

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

NO – 0

MOTION CARRIED.

Board of Commissioners – Rules of Order and Procedure, Suggested Amendment:

Chairman Wessell recapped the changes from last week regarding the order of the Agenda. The original recommendation approved was to change the order of the agenda to make sure that presenters came before Public Comment, so that presenters would know when to be here and when they could leave.

Commissioner Rexroat commented that he would like to see if the Board would entertain limiting the first public comment segment to items that are associated with the agenda for the day. We all have multiple ways for people to get ahold of us, phone calls, people know where we live. This would make the meeting move along a little more expediently. Rexroat continued that he thinks it is a good idea and there is still public comment at the end of the meeting for five minutes per person for any topic that someone wants to speak on.

MOTION BY REXROAT THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS AMEND WESSELL'S ORIGINAL MOTION TO AMEND THE RULES OF ORDER AND PROCEDURE SO THAT PUBLIC COMMENT AT THE BEGINNING BE LIMITED TO AGENDA ITEMS. SECONDED BY O'ROURKE.

Discussion - Commissioner Allgaier questioned if that is in addition to moving Public Comment after the presenters? Commissioner Rexroat said he is not asking for Public Comment to be moved as Chairman Wessell's original motion to move the presenters would still take place. Rexroat said this would just be for the first public comment section. Allgaier commented that it would be moved and limited. Chairman Wessell commented on the original motion and this amendment and this amendment limits the first public comment.

Commissioner Allgaier said that Commissioners have had this request on and off for years and she cautioned that she gets it and it seems to make sense; however, no one knows when the meeting is going to end and it can be impossible to predict. So if one of the citizens wishes to say something that is not on the agenda, they have no way of knowing when the meeting may end and they may have to sit here for six hours. That has been one of the reasons this has not been supported. Allgaier does strongly support moving public comment to after the presenters as most of the presenters run agencies and programs and they have busy days, so it makes sense to let them do their presentation so that they can get back to the work of serving us. That is her caution about the suggestion on Public Comment, it really does cut people out.

Commissioner Lautner questioned, for clarification, would this be for both meetings or just for Executive?

Commissioner Rexroat assumed that it would be for both but is open for discussion on that. He continued that he is trying to streamline the meetings and there are so many other ways that are available that you can receive public comment.

Commissioner Lautner said that there were requests on this in the past and there was a lot of discussion on this. She is willing to give this a try for at least the Executive meeting; however for the Regular Session, leave it open as it is. Try this for one month at the Executive meeting only.

Commissioner Ross commented that she thinks this is a good way to make the change, to compromise and ease into it, test it out, and see what the response is from constituents. She would be open to having this back on the agenda at some point.

Chairman Wessell said it will be back on the agenda in January for the Organizational meeting to review the Board Rules of Order and Procedure.

Commissioner Allgaier commented on the Executive Meeting being the longer of the two meetings and very few, loyal faithful people can sit through the whole meeting and the Executive is empty by the end. Perhaps it should be switched.

Commissioner Lautner said that she gave this some thought and when Commissioners arrive for the Executive meeting at 9:00 a.m. and the Commissioners have 212 pages to prepare for the meeting, and that is prior to Claims and Accounts and Post Audit as well as any late additions, she is thinking along the lines, if Commissioners can keep their mind at the Executive meeting where all of the hard work and leg work is done and keep the focus on the business, that is why she likes the idea of trying the Executive. At the Regular Session, Commissioners have already heard it all and also then that gives / and is more important for the Public Comment as it gives the Public an opportunity to speak to us if they haven't connected with us throughout the week and before we ratify.

Commissioner Rexroat commented that if there is a request to amend his motion.

#242-08152023 Regular Session

MOTION BY REXROAT TO AMEND HIS MOTION THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS LIMIT THE FIRST PUBLIC COMMENT TO AGENDA ITEMS FOR THE EXECUTIVE SESSION ONLY AND TO CHANGE THE ORDER OF THE AGENDA FOR PRESENTATIONS, COMMUNICATIONS, AND PROCLAMATIONS (FOR BOTH AGENDAS) TO BE PRESENTED PRIOR TO PUBLIC COMMENT. SECONDED BY O'ROURKE.

Discussion - Commissioner Kramer said that she is concerned that since this Board has been a Board together, we have already downsized the amount of time the public can speak. She has concern that this, is sometimes it is not for the Commissioners but the Community as a whole. When someone has to say something she wants to make sure that they have the platform to speak. She understands the need to expedite the process and sometimes we can get the same message, she is nervous about this.

Chairman Wessell stated that he is going to support the motion and wants to remind the public that we also take public comment in writing and will continue to do that. Wessell restated that he will support the motion.

Commissioner Kramer commented that she actually met with a lawyer the other day about actively listening and hearing people. She feels that a lot of what can be heard is frustration from the constituents and the community of the whole. A lot of time people want to know that they are heard and she wants to make sure that is taken into consideration as to that is essentially why Commissioners are here.

Commissioner Allgaier said she will not support this as she, for years, was one of the people in the audience and it is important that you are able to speak.

Chairman Wessell said that Commissioner Rexroat withdrew his first motion and made a second motion.

ROLL CALL: Rexroat – YES; Ross – YES; Wessell – YES; Allgaier – NO; Kramer – NO; Lautner – YES; O'Rourke – YES.

AYES – 5 NO – 2

MOTION CARRIED.

Chairman Wessell said that they will keep track of this, see how it works, and see if people stay for the full meeting.

Human Resources – Board Policies, Committee of the Whole Meeting Policy Recommendations:
Human Resources Director Darcy Weaver present and offered comments.

#243-08152023 Regular Session

MOTION BY ROSS THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE THE UPDATES TO COUNTY POLICIES:

2.03 Equal Employment Opportunity Policy (Federal Law)

3.03 Information Technology Resources Policy

5.01 Travel Policy

5.08 Reimbursement Policy

Paid Medical Leave Act Policy (Michigan Law) (Number to be assigned) and Whistleblower's Protection Policy (Federal Law) (Number to be assigned)

PENDING REVIEW AND APPROVAL BY CORPORATE COUNSEL. SECONDED BY REXROAT.

Discussion – Weaver said that the policies have been already vetted through Counsel. Commissioner Allgaier asked which policy was the paid medical leave policy and what were the changes. Weaver responded if that is where she changed items and she said it is reference personal leave time after 90 days.

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

NO – 0

MOTION CARRIED.

Human Resources – Late Addition Request – LOA (Letter of Agreement), Senior Services Aging Well Resource Coordinator:

Weaver present, explained the request, and also noted that the due to a typo in the rate of pay a corrected version is in front of Commissioners.

#244-0815202023 Regular Session

MOTION BY KRAMER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE, AND THAT THE CHAIRMAN BE AUTHORIZED TO SIGN, THE LETTER OF AGREEMENT BETWEEN LEELANAU COUNTY AND THE TEAMSTERS, STATE, AND COUNTY AND MUNICIPAL WORKERS LOCAL 214 RECLASSIFYING THE POSITION OF AGING WELL RESOURCE COORDINATOR TO SENIOR SERVICES CARE COORDINATOR AND AMENDING THE RATE OF PAY FOR GAIL CARLSON. SECONDED BY ALLGAIER.

Discussion – brief.

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

NO – 1 (Lautner)

MOTION CARRIED.

Renewable Energy Exploratory Group Report:

#245-0815202023 Regular Session

MOTION BY ALLGAIER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS CREATE THE LEELANAU COUNTY ENERGY FUTURES TASKFORCE THAT WILL IDENTIFY OPPORTUNITIES AND FACILITATE IMPLEMENTATION OF ENERGY EFFICIENCY AND RENEWABLE ENERGY WITHIN OUR COUNTY. ANY PROJECTS THAT INVOLVE COUNTY EXPENDITURES OR ARE IN COUNTY FACILITIES MUST HAVE BOARD APPROVAL. THE MEMBERSHIP WILL BE COMPOSED OF REPRESENTATIVES FROM COUNTY ENERGY PROVIDERS, COMMUNITY ORGANIZATIONS, BUSINESS, AGRIBUSINESS, AND INTERESTED RESIDENTS, FOR A TOTAL OF 12 MEMBERS. THE ENERGY FUTURES TASKFORCE WILL MEET FOR 12 MONTHS, AT WHICH TIME A REPORT WILL BE PRESENTED TO THE BOARD. SECONDED BY ROSS.

Discussion – Commissioner Ross questioned if this can be formed before Commissioners and Commissioner Allgaier responded in the affirmative and Chairman Wessell indicated that appointments could be made at the September meeting. Commissioner Lautner asked if notification would be in the newspaper asking for applicants. Wessell said that applicants would be asked to use the same process for other appointments. Commissioners commented that this will be done for September and it possibly may lag a month. Administrator to make sure that this is moved along and advertised. Further comments/discussion by Commissioner Lautner regarding others in the County working on renewal energy. Commissioner Kramer said that with a government entity over this this, it provides different avenues for funding, although it is great that others are also working on this too.

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

NO – 1 (Lautner)

MOTION CARRIED.

Administration – Leelanau County/BLDHD Environmental Health – Acceptance Lower-Level Buildout Bid Recommendation:

Chairman Wessell noted that Director of Environmental Health of BLDHD, Eric Johnson, was present.

Administrator Allen said what is being distributed is what she was asked to do, which is the receipt of a letter distributed that was received August 9, 2023, and documentation that meets what Commissioners asked for as a letter of intent to proceed and other documents for consideration.

Administration – Leelanau County/BLDHD Lease Agreement:

The agenda has been amended so these items are for discussion only.

Chairman Wessell made opening comments on documents submitted to Commissioners earlier in the week and Commissioner Lautner asked if it was only sent virtually. Wessell said the lease agreement begins on page 33. Commissioner Allger questioned if this has been reviewed by Counsel and Allen responded yes; however, it has not been reviewed by the BLDHD Counsel. Wessell again noted the amended agenda and this is only discussion and Commissioners Lautner and Rexroat agreed.

Chairman Wessell requested that Commissioners look at and review the lease now so that there could be discussion. Wessell said that he reached out to the Administrator today on the rental costs and what was done for the Soil Conservation District and asked Allen if she was able to find out anything on that. Allen said that that was slightly different from the standpoint in that you have a mandated service for the County to have the Soil Conservation District and the partnership with them was based on the fee structure and requested the Clerk to assist if necessary, and there was a reduction in contribution and that is the single difference. This (the Health Department) difference is that it is not a County mandated service. The lease was based on conversation that the project cost was \$400,000 - \$500,000 and there would be a cost sharing which would utilize the rent payment for 15 years. Allen continued that those are all items the Commissioners have the opportunity to discuss. Allen said that now that the cost has changed and that is a viable discussion and she is just providing options, not recommendations.

Commissioner Lautner said she has a lot of concern and that does explain what happen and that is where she was going to go. In the first "WHEREAS" it talks about facilities that would provide Public Health Services and she always understood there to be a difference between Public Health Services and Environmental Health Services. This is to be Environmental Health Services and she knows they do not want Public Health Services down there. Lautner continued that is one change that has to be made, it talked a little bit about in the cost sharing – it talks about maintenance and cleaning, but it came to a cost allocation portion. The questions she has is what is – what is rent worth, if this is project is coming in way below where we thought it would be, when it was thought it might be \$500,000 - \$600,000 and if we were getting all of our cost allocation -- now that it is coming lower we should not lock ourselves in and should consider paying it all up front ourselves, charging rent, and bring it to what is rent worth in this County and in this building. The County was offered quite a bit from the Secretary of State and the Commissioners were not super receptive to that based on several factors and one being the wear and tear on this building with the foot traffic, with the elevator, and everything else and it did not move forward. So what is rent worth and how many years out for the cost of the renovation. The cost allocation needs to

be reviewed and the included costs – cleaning, maintenance, square footage, telephones, IT charges. This is a lot of extra on the building and there are other things, but this is the beginning of her concerns.

Commissioner Allgaier commented that she is very pleased with a couple of things – one is the opportunity to complete the building and it is absolutely beautiful space down there and is currently being used to store bikes. She also wanted to comment that she came into the building yesterday and a gentleman walked out of the door looking around and asked if Environmental Health is here as he needs a well permit and she responded, next year and right now you need to go down the road. Allgaier believes that this will be a good service to our citizens who can come here to Conservation District, get a well permit, and do construction codes and they are all in the same place. She believes that this will serve out citizens. When the 15 years versus — where can feedback or information be obtained as the price has changed. She is grateful that the cost has come down to finish the building and serve our citizens better. She will support this as it has been worked on for two years.

Commissioner Rexroat said Commissioner Lautner already covered some of this things. Rexroat wanted to specifically responded to Commissioner Allgaier's question and he did a search on a couple of real estate sites and he found one commercial building that is ready to be leased \$20.00/sq feet and that seems to be typical. If he takes 2,720 square feet at \$20.00/sq feet it is approximately \$55,000.00 a year. If he takes the contribution the Health Department would make and divide it by 15 years, it comes to about \$11,000.00 a years, which would be about 20% of market rate from the single property he could find. Rexroat has concerns about how this is working and echoes Commissioner Lautner's concerns with the costs. He continued that he believes that we need to revisit the terms or some of the other things to have a more equitable — and continued that once we do the build out, the insurance rates will go up as we have more properties to insure and that should also be in the cost sharing agreement. Rexroat also commented on the parking spaces, the snow plowing and he sees many holes in this. He continued that we need to really look at this – he is not opposed to the project going forward, but has concerns about giving it away and review this based on the numbers to see what works. Maybe a five-year agreement, which may still be a bargain. Having just seen this late last night and the terms, he has great caution on moving forward. He said he is not against the project in general, but the costs.

Commissioner Kramer and she naively ran the numbers and is with Commissioners Rexroat and Lautner. We need to look at more options and more numbers. If this were a low-cost housing option, it would be great.

Commissioner Ross said the County has been talking with the Health Department about this for months, two years, prior to this Commission. Is there a commitment that was discussed that cannot now be delivered.

Administrator Allen responded that there is no formal agreement and there are options for discussion. There are options to revisit this.

Chairman Wessell did want Director of Environment Health Eric Johnson to come back to the table to answer questions and discuss this further.

Commissioner Allgaier commented that in this discussion, Commissioners need to remember that this is not any old company we are renting space too. It is our Board of Health that serves our citizens and our tax dollars funds this. If we were to propose a rent too onerous there would be fewer services delivered to the citizens.

Commissioner Lautner said that that is not true.

Johnson said that obviously it is a partnership and it has been worked on for two years at the invite of a Commissioner from two years ago. It has been a very long process of where to go and how to get to the point to get an actual bid amount that seems reasonable and that is where we are at. The discussion with the 15 years was talked about 10 months ago and we didn't have a number in mind, it should be about this much. He continued that the Health Department is planning to pay operational costs like any other tenant in the building which he presumes would cover snow plowing, electrical and all of those things the other tenants in the building pay as part of the monthly payment that would be done for every agenda here. The aspect of the rent, or lack of rent, was because we were covering ½ of the costs, we want to be good partners here. We certainly would want to be fair and equitable and would listen to that and discuss it. At the moment, due to funding streams, we do have the money to pay for ½ of the construction costs at the time and is not sure they will down the road. We want to be good partners and think this an excellent opportunity for our services, building, plumbing and soil erosion to be under one roof to be a one stop shopping and have the ability to invite Building Safety down to have good discussions and for them to have access to "us" a little easier.

Commissioner Kramer asked the Administrator for cost allocation numbers on other tenants in the building and what they are paying. Allen believes that is already compiled based on square footage and those factors and that is what the payment structure would be.

Commissioner Rexroat commented that it needs to be kept in mind that the other one that you are speaking of is a service that we are compelled by law to combine, so there is a slight difference there. He doesn't disagree with Commissioner Allgaier that it has to be at full market rate, for the rate proposed is 20% of market rate.

Commissioner Kramer commented that is a concern when looking at 15 years out.

Commissioner Lautner said that that made her point with the future of the Health Department and she honestly believes that by moving Environment Health into the basement of this building is not going to solve their problems down the road. The Health Department needs a home down the road and she firmly believes Environmental Health and Personal Health should be together as they are one entity. She continued Leelanau County is not responsible for the Health Department, we provide a Health Department. The Health Department is the Health Department. The other discussions that have not been had, there are bikes in that space down there and kayaks and exercise equipment and there are a lot of things down there, so if they are not going to be there, where are they going to be. Are we going to be talking about a pole barn and there is that cost has not been discussed yet. Lautner continued that she knows that Courts who own all of that equipment are not thrilled with their stuff going out to a pole barn and they don't want to have to go out there to access their stuff and that is just from conversation with the court employees that use that. They do not want to see it go. There is also the discussion as to 15 years is too far out for everyone and Commissioners do not know that we won't need that space

in five, seven or ten years and that space was for expansion of County Government should it be used in the future. The original plans didn't even have a basement, which she (Lautner) insisted that there be a basement as it is the cheapest space to build. We don't know if we will need that space and it is for County services. As far as one step shopping, we have heard that before; people would come in the building looking for the Secretary of State's Office and you have to tell them it is down in Suttons Bay, it is not here. People would walk in for the Health Department, a lot after the building was built. There used to be a sign telling people where the Health Department was. We cannot be one stop everything. Yes I can go to soil erosion, yes I can go to Building Safety, but I can't get my land use permit here, it also doesn't serve my FSA here. It is a fact that you are going to different places to get different services that we need and that is just a fact.

Commissioner Allgaier said so what could be the steps to finalize this. The Board of Health has to approve whatever we do. We don't want to keep dragging this out as it has truly been two years. She continued that she thinks that Corporate Counsel has to review the contract, could we make it 12 years?

Commissioner Lautner countered with seven years, five years and she does she hear four years.

Commissioner Allgaier said that we have an opportunity here to meet the needs of our citizens. What is a reasonable compromise. This has been moved to discussion, she understands that we cannot make a final until September, so we come back in September with a final offer?

Chairman Wessell said this is just for discussion tonight. Wessell said he heard Johnson say he wants to work with the County Administrator. Commissioners need to share their concerns and speaking just for himself, he is a member of the Benzie Leelanau District Health Department and wants this to happen, but wants it to happen responsibly and he has some concerns with the lease agreement; however, he would welcome the Health Department here, it makes sense, and he would like to reach an agreement. We need to hear what the two organizations can bring forward to this group at next month's meeting.

Commissioner Allgaier agreed and said that a much lower price is available now.

Administrator Allen apologizes for not knowing what the time line is on the bid requirement and Evans' response was inaudible. Allen does not want to lose out on the bid timing. Allen said she would communicate back to the Board on the timeline and look up some information about cost allocation and add that to the discussion.

Commissioner Kramer commented that she would like to take another look at this. She would love for the Health Department to be here, but she wants to make sure that the County is being taken care of fairly and equitably.

Commissioner Rexroat stated that he echoes Commissioners Lautner's comments of five (5) to seven (7) years.

Commissioner O'Rourke said that Allen should have enough information.

Commissioner Allgaier said we could figure out what it would have been had each of the jurisdictions had to kick in \$250,000.00 and figure out what that would be with the revised price. This will be figured out.

Chairman Wessell thanked Johnson for coming in and he is sure it will be back on the table next month.

Administration – Leelanau County/BLDHD Construction Agreement:

Chairman Wessell said that this should be placed on hold until a lease agreement is brought back and it is determined if an agreement can be reached.

Commissioner Rexroat said that we should also be discussing an Owner's Representative of a qualified person, the County's luck with getting what we paid for has not been optimal. He wouldn't - whatever happens – he would not be comfortable without someone that would be strictly looking at the interests of Leelanau County to make sure that they got what they paid for.

Chairman Wessell called for consensus that everyone was comfortable in bringing these items back in September.

Administrator Allen added that it would be three items.

Review of County Board Credit Card Policy, 7.12:

Chairman Wessell asked if Finance Director Sean Cowan would be presenting on this and the Administrator said no she would handle. Allen gave a brief update and it has been adjusted to address the Finance Director and that is the only change.

Commissioner Lautner asked if this was just provided last night and what is the hurry with no review. Allen responded that this was to clean up the language as a credit card was established for the Undersheriff and it will be a clean policy.

Administrator Allen gave a brief update and it has been adjusted to address the Finance Director (remove Clerk) and that is the only change.

#246-0815202023 Regular Session

MOTION BY O'ROURKE THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE LEELANAU COUNTY BOARD POLICY 7.12 – COUNTY CREDIT CARD POLICY. SECONDED BY ROSS.

Discussion – Commissioner Rexroat said that the Clerk has been removed and is curious as to why the Treasurer should be there and Administrator Allen said that would be fine. Brief discussion and there is not a specific need to have the Treasurer and questioned the Finance Director and Interim Finance Director as to the need and they confirmed that these do not run through the Treasurer.

#247-0815202023 Regular Session

MOTION BY REXROAT TO AMEND THE MOTION THAT THE TREASURER BE REMOVED FROM THE POLICY. SECONDED BY O'ROURKE & ROSS.

Discussion – none.

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

NO – 0

MOTION CARRIED.

#246-0815202023 Regular Session

MOTION BY O'ROURKE THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE LEELANAU COUNTY BOARD POLICY 7.12 – COUNTY CREDIT CARD POLICY AND REMOVE THE TREASURER FROM THE POLICY. SECONDED BY ROSS.

Discussion – none.

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

NO – 0

MOTION CARRIED.

Closed Session Request, Written Attorney/Client Privileged Legal Opinion from Civil Counsel per MCL 15.268(h):

#248-0815202023 Regular Session

MOTION BY ALLGAIER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS ENTER INTO CLOSED SESSION TO REVIEW A WRITTEN ATTORNEY/CLIENT PRIVILEGED LEGAL OPINION FROM CIVIL COUNSEL, PER MCL 15.268(h). SECONDED BY REXROAT.

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.

Closed Session began at 8:15 p.m.

#249-0815202023 Regular Session

MOTION BY ALLGAIER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS RESUME OPEN SESSION. SECONDED BY LAUTNER & REXROAT.

Discussion – none.

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

NO – 0

MOTION CARRIED.

Open session resumed at 9:13 p.m.

#250-0815202023 Regular Session

MOTION BY ALLGAIER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS ACCEPT THE RECOMMENDATION OF LEGAL COUNSEL AND AUTHORIZE THE BOARD CHAIR TO RESPOND TO THE GRIEVANT IN WRITING. SECONDED BY REXROAT.

Discussion – none.

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

NO – 0

MOTION CARRIED.

Review Of Financials:

Finance Director Sean Cowan and Assistant Finance Director Cathy Hartesvelt responded to questions.

Special Reports by Staff, Commissioners, and Affiliated Agencies:

None.

Public Comment:

The following individuals spoke in person:
Bill Wiesner (gave handout); Steve Mikowski.

The written comments can be found at the following link:

<https://leelanau.gov/meetingdetails.asp?MAId=2544#handouts>

Commissioner Comment:

- Commissioner Allgaier commented on her EV. She plugs it in every night and has spent about \$30.00 in the last year at public charging station and her electric bill is up slightly, maybe \$10-\$20 a month although she really cannot tell. She has not paid for an oil change for a year, drives right past gas stations, and has not found it to be expensive.
- Commissioner Kramer commented that she is going to cast Commissioner Allgaier in a commercial for EV's soon.

Approval of Financials —
Amendments & Transfers:

Hartesvelt and Cowan were present and responded to questions.

#251-08152023 Regular Session

MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE FY 2023 AMENDMENT #23-012. SECONDED BY ALLGAIER.

Discussion – none.

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

NO – 0

MOTION CARRIED.

#252-08152023 Regular Session

MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE FY 2023 FUND TRANSFER #23-005. SECONDED BY ALLGAIER.

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:

#253-0815202023 Regular Session

MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE CLAIMS AND ACCOUNTS IN THE AMOUNT OF \$1,019,925.69. SECONDED BY ALLGAIER.

Discussion – brief comments on the total.

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

NO – 0

MOTION CARRIED.

Post Audit Claims and Accounts:

#254-0815202023 Regular Session

MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE POST AUDIT CLAIMS AND ACCOUNTS IN THE AMOUNT OF \$2,175,235.99. SECONDED BY ALLGAIER.

Discussion – none.

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

NO – 0

MOTION CARRIED.

Adjournment:

Motion by Rexroat to adjourn.

Chairman Wessell adjourned the meeting at 9:30 p.m.

Ty Wessell, Chairman
Leelanau County Board of Commissioners

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