

Leelanau County Board of Commissioners
Regular Session – Tuesday, February 20, 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=2667#video>

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:

Chairman Wessell requested Commissioner Lautner lead the Pledge of Allegiance to the Flag of the United States of America, 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:

#042-02202024 Regular Session

MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE THE MINUTES OF:

- **REGULAR SESSION, TUESDAY, DECEMBER 12, 2023;**
- **COMMITTEE OF THE WHOLE, WEDNESDAY, JANUARY 3, 2024;**
- **SPECIAL SESSION, WEDNESDAY, JANUARY 31, 2024;**
- **SPECIAL SESSION, THURSDAY, FEBRUARY 8, 2024;**
- **COMMITTEE OF THE WHOLE, THURSDAY, FEBRUARY 8, 2024;**
- **CLOSED SESSION, THURSDAY, FEBRUARY 8, 2024;**
- **EXECUTIVE BOARD SESSION, TUESDAY, FEBRUARY 13, 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 requested the County Clerk review the changes to the agenda.

#043-02202024 Regular Session

MOTION BY REXROAT THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE THE AGENDA AS AMENDED. SECONDED BY ROSS.

Discussion – none.

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

NO – 0

MOTION CARRIED.

Chairman Wessell requested that the Clerk help Commissioners stay on the agenda.

Communications, Proclamations, Presentations:

Administrator Update:

Administrator Allen gave an update as to why BIS was off of the Agenda; spoke about the Maple City dedication for Emma and Jacob and the Habitat for Humanity award on March 6, 2024, at 5:00; spoke about the joint meeting for the Airport regarding Zoning on March 13, 2024, at 3:00 p.m.; briefly addressed the BATA lawsuit and that the motion for preliminary injunction was denied and she will have more information via email.

Public Comment:

Chairman Wessell called for public comment of three minutes per person and this is an opportunity for anyone that would like to speak on the topic of your choice. He requested that comments be addressed to the entire Board and not the audience.

The following individuals address the Board of Commissioners: Harry Steffens, Patty Lesch, Jim Kobberstad, Keith Beduhn, Keith Ashley, Bill Wiesner, Peter Wolcott, Renee Wyler, Phil Dutton, Steve Mikowski, and John Hunter.

The written comments can be found at the following link:

<https://leelanau.gov/meetingdetails.asp?MAId=2667#handouts>

Commissioner Comments:

- Commissioner Kramer commented that she is from Mesick, Michigan, which is predominantly red and she has been observing all of you every night and she just heard something today and it is relevant to everyone. She continued that holding two opposite ideas at the same time is wisdom and as we get further down the road with all of our ideas, we have a room full of passionate people and is honored to be here with all of you. She would like people to remember that there are over 8 billion people in the world and not one of us in here has all of the answers. We need to honor those perceptions and she would challenge all of us, because these are our neighbors – one side is going to be solar and the other side not – she challenges all to see the concerns instead of negating them. She is having a hard time with this division that she is seeing.
- Chairman Wessell stated that he came and voted today (Early Voting) and thanked the Clerk for making it so easy.

Consent Agenda:

Chairman Wessell stated that three items have been moved and asked if anyone would like any other items moved at this time. No response received. (The regular statement was not read.)

#044-02202024 Regular Session

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

Sheriff's Office – 2024 Marine Safety Grant Application:

#045-02202024 Regular Session

- **TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO APPLY FOR THE 2024 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.

Sheriff’s Office – FOPLC Union Request Executive Command Separation Letter of Understanding (LOU):

#046-02202024 Regular Session

- **TO APPROVE THE VOLUNTARY RECOGNITION LETTER BETWEEN THE FRATERNAL ORDER OF POLICE LABOR COUNCIL, LEELANAU COUNTY AND THE LEELANAU COUNTY SHERIFF’S OFFICE. UPON APPROVAL, THE BOARD CHAIRMAN AND SHERIFF ARE AUTHORIZED TO SIGN AND ENTER INTO THE AGREEMENT.**

Planning Department – Out of State Travel for Interim Planning Director:

#047-02202024 Regular Session

- **TO APPROVE TRAVEL FOR INTERIM PLANNING DIRECTOR GAIL MYER TO ATTEND THE APRIL 2024 AMERICAN PLANNING ASSOCIATION CONFERENCE IN MINNEAPOLIS WITH FUNDS TO COME FROM THE PLANNING DEPARTMENT BUDGET (#101-400-645-860-000), AND NOT TO EXCEED \$2,500.00.**

Finance – MGT Contract Extension for the FY 2023 & FY 2024 Cost Allocation Plan:

#048-02202024 Regular Session

- **TO WAIVE ITS POLICY ON BID REQUIREMENTS AND APPROVE RENEWING THE AGREEMENT WITH MGT OF AMERICA CONSULTING, LLC, FOR TWO (2) ADDITIONAL ONE (1) YEAR PERIODS IN AN AMOUNT NOT TO EXCEED \$7,500.00 ANNUALLY; FUNDS TO COME FROM #101-100-101-801-000.**

Finance – Heat Pump Replacement D&W:

#049-02202024 Regular Session

- **TO WAIVE BID POLICY AND APPROVE THE PURCHASE AND INSTALLATION OF 10 VERSATEC HEAT PUMPS THROUGH D&W MECHANICAL. FUNDS TO BE TRANSFERRED FROM FUND #516 DTR TO FUND #470 CAPITAL BUILDING FUND IN THE AMOUNT OF \$112,500.00. EXPENSE TO COME FROM #470.000.000.970.019 – HEAT PUMP REPLACEMENTS.**

Administration – Cohl, Stoker & Toskey, P.C. Legal Counsel Contract Renewal:

#050-02202024 Regular Session

- **TO THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO APPROVE THE 2024 – 2026 LEGAL SERVICES AGREEMENT WITH COHL, STOKER & TOSKEY, P.C. AND AUTHORIZE THE LEELANAU COUNTY CHAIRMAN OF THE BOARD OF COMMISSIONERS TO SIGN THE AGREEMENT ON BEHALF OF THE COUNTY.**

Administration – Planning Director Confirmation:

#051-02202024 Regular Session

- **TO DESIGNATE THE COUNTY ADMINISTRATOR TO FINALIZE THE EMPLOYMENT OFFER OF THE PLANNING DIRECTOR FOR LEELANAU COUNTY TO INTERIM PLANNING DIRECTOR GAIL MYER.**

Discussion – none.

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

NO – 0

MOTION CARRIED.

Action Items:

Energy Futures Task Force (EFTF):

Chairman Wessell stated we are onto our first Action Item with three Commissioners present that are on that Task Force and the Chair, Joe DeFors. Wessell thanked DeFors for all his work.

Administrator Allen apologized to Joe DeFors as he asked at 6:00 p.m. for a power point and we were unable to do that so she made copies for everyone. Chairman Wessell stated DeFors also sent Commissioners a very large packet of information and the grant application and that will be on our website: <https://leelanau.gov/meetingdetails.asp?MAId=2667#handouts>

EFTF Chairman Joe DeFors commented that the public hasn't had a chance to know about the facts of this and this is the third time he has been here and have had a fairly robust discussion and he is not entirely sure what portion of the material he submits is ready for the public to pick up. The discussions themselves have been a wide variety of questions and made every effort to answer them mostly from the audience they heard that – he made very quick notes here and may not be perfectly accurate. A comment was made about changing the entire campus over to Solar, that's not the case. The Solar Project in discussion tonight would supply about 30% of the energy to the two buildings; the numbers are not perfect. Far from making major changes to the entire system on campus. A comment was made about electric vehicles. There are zero, no electrical vehicles being called for in this grant. He shared the Task Force has a work group on electric vehicles and they certainly have done some exploration. A statement was made something about converting the Sheriff's Department over to electric vehicles. He met with the Sheriff early on and they both agreed that at this moment today, given the technology, electronic vehicles are not a fit for the Sheriff's Department; there is no such thing as that in this grant. The word monitoring was used and not sure what the comment was directed at and the word monitoring does appear in the proposal and it is specific in the solar installation they propose. There would be a hard-wired link from the solar back to this building purely for the use of the public watching the production of the solar energy; nothing more, nothing less – there is no internet, no stuff flying through the air and the motivation for it is for transparency. Part of our project is to educate folks – for better or worse, everyone would get to see the production on a day-to-day basis of the solar structures we are proposing. The word obligations was used and, well first of all, the simplest way to say it because most of us think of money first, as we have written the budget for this project, the County has zero financial obligation. If we are lucky enough to get the award, 100% of this project will be paid for by the budget we are submitting and have included a component for the Administrator, Treasurer, Finance Department, and Maintenance as there will be time on their part. There has been wage equivalents into the budget included those positions, so it doesn't impact the County's budget. The total budget – the total cost, Madam Administrator did everyone get a copy of the presentation even in the audience? Administrator Allen said not the audience as she didn't have time but it will be posted on the website. DeFors continued he had created a power point with the intention to put it up on the TV for everyone – said it is entirely his fault. His only defense was he was working on this up until an hour ago – doesn't know how to help the audience.

Chairman Wessell said they will make it available later to the audience.

DeFors continued that the power point he created is similar to the one the last time it was presented with updated numbers. To begin, the project that they have spoken of in the past – the final deadline for submission of this project is 5:00 p.m. tomorrow. The project, as discussed

in the past, is polished and ready to go – plus or minus the typos – the packet is exactly what you saw before; however, folks have shared with him the discussions of concern – particularly at the Buildings & Grounds Committee last week. There have also been concerns expressed by others in this room and the audience. The team that has been working on this grant in the last 72 hours has been 50% different project proposal to deliver to you tonight. The reason we went through this trouble – this was an extraordinary effort by the team that has been working on it – he is only the spokesperson that has been working on this – they have been working on 15 or more hours a day for the last three days to present this tonight.

Commissioner Lautner asked if he was going to go over those changes right now. DeFors stated the Task Force was created in December of 2023. He reviewed the project goals and the handout. He can make a general statement that the single most concerning, troublesome, and difficult site portion of our original site was the ground across from the Veteran's Memorial and an area that must be shared with EGLE for a future drain field. "We" removed that portion of the project hearing yours and the public's concerns; Solar over the Law Enforcement Center parking lot last he spoke to the Sheriff, he still had his support, and it serves two purposes – first of all, it comes very close to making the goal of the Solar against the meter on the jail building. There's a sweet spot of how much Solar you can put against these meters, two meters – one for each of the two buildings. That sweet spot is about 200kw of Solar. The second achievement about this solution is, historically, the Sheriff's vehicles, all of which are internal combustion engines – no electric cars and none intended in the future in this grant, have always been out in the element. Because they are emergency response vehicles and because some of this personnel might be in the building, they need to be able to respond on a minutes notice. For that reason, inclement weather in Northern Michigan is a real problem for the Sheriff in terms of meeting our goal of a nearly instantaneous response. They either go out and scrape ice off or they leave their cars running. We feel good about this portion because it checks off two boxes - we make the amount of energy, the jail building from the beginning was a goal and we also do a service to the Sheriff's emergency response. There's a nuance to this solution, to work carefully on this project with the Sheriff – typical solar over typical parking is set at a minimum of 10' vertical. We took the time to meet with the maintenance personnel and carefully consider the kinds of purchases that may be made in the future. This particular array is set at a minimum, per the Sheriff's request, of 13' off the ground and everywhere around the parking lot. Where you see it entering the building is the same spot. Spoke about the 10' parking carport in front of the Jail building – once again directional boring so there is no destruction of the surfaces and no repairs of the surfaces. A reasonable person might ask why not in front of the Administration building. We researched it deeply, the problem is there are light polls out there and to build around the light polls it would take customizing and far greater expenses to do so. The second concern, is this is much more of a generally, publicly used lot – there was a chance of RV's and other large vehicles moving through the parking lot, so for those two reasons it is not much farther for the electrical wire to go to the parking lot in front of the jail. When you look at the pros and cons, we landed at the jail. When he says "we", he has to give credit to the solar contractors. Asked if we could add solar panels in front of the Administration building and it is not practical with the oversized potential vehicles in this lot. This project will be 100% paid through the Grant. 900,000,000 pounds of coal will not be burned, over 20,800 barrels of oil will be saved. This will be equivalent to planting 7,350 acres of forest. He reviewed the packet, page by page, and can be viewed at the following link:

https://leelanau.gov/downloads/leelanau_county_re_eied_application_application_february_2024.pdf

#052-02202024 Regular Session

MOTION BY ALLGAIER THAT THE LEELANAU COUNTY BOC APPROVE SUBMISSION OF THE MPSC RENEWABLE ENERGY AND ELECTRIFICATION INFRASTRUCTURE ENHANCEMENT AND DEVELOPMENT GRANT VERSION 2 AND AUTHORIZE THE BOARD CHAIRMAN TO SIGN THE GRANT APPLICATION. SECONDED BY ROSS.

Discussion – Commissioner Allgaier stated our County has an opportunity to save our tax dollars every month, \$3,500.00 a month, and that is not huge, but it is real. We also have this unprecedented opportunity to do this with a grant the MPSC is offering a grant to implement this and it will benefit the County for the next 35-40 years. This is a grant and she wants to thank the Energy Task Force that have worked and they had two months to put this together and have worked really, really hard from dawn until midnight and she was emailing Joe late at night and appreciates your efforts on behalf of this County. This is a grant application and if we do not get it in that is it and we still have time to discuss this. We are opening a door and there is time for corrections if needed and is strongly in favor of this.

Commissioner Kramer stated here are our concerns and come back to us with a better proposal that crosses the t's and dots the i's and thinks that is not a little more than the initial plan. Second, she does want to address tax dollars and she hears you on that the grants aren't tax dollars, the thing on that is if these grant dollars are not used by our community, they will be used by the next community and if we can take part of this grant application – someone else will and that is where the money will go. If we utilize it and we get it here and then that tax savings will still exist because we will save the County over a million dollars, so that will still exist for all of us. That is fiscally a responsible thing to do over all. If you don't like the grant cycle you will need to go talk to Granholm or someone else – but not here, we need it here – if we can utilize it, it is best for all of us. Second, you guys were concerned about agendas. She wants to clarify the agenda. She asked does the grant dictate who can be used for solar or do we have that choice of contractor. DeFors responded we have that choice and wrote an RFP immediately and processed well before Christmas, they refined the project concept and put it out as a competitive grant, and it requires three quotes. Kramer continued does it dictate which panels we use and DeFors stated the contractor chooses the panels. Kramer continued the idea or maybe fear is that there is some sort of agenda happening and she wants to clarify for everyone that the Board of Commissioners has the freedom of choice. DeFors wanted to tag on that, the contractor that they are working with has done over 1,000 projects, not most, but many are well bigger than this and they pride themselves on using American made materials as much as possible. He continued. Commissioner Lautner asked him the origin of the panels and they are Canadian. Kramer stated I know there are a lot of things you can get from the states and some things you cannot and you are heading in the right direction. Thank you.

Commissioner Rexroat stated he has some questions. DeFors skipped over a slide for project financing, you stated 100% of the project costs are covered by the grant, but there's always some cost for us. The bigger question is 100% of the project costs are the Renewable Energy Grant for clarity, estimated project cost \$1.5 million all inclusive, grant request \$1.2 million. How does \$1.2 million pay for \$1.5 total cost. DeFors responded that this, especially without visuals, these are bid numbers with lots of zeros and so forth. He gave an example on what actually happens with the financial movement for this project. The contractors cost is \$1,479,473 this is predominantly a solar energy project other than a few other items mentioned – salary for staffing. The US Government has the Investment Tax Credit – available to every business, every household and every nonprofit and every government for solar projects, 30% of components get

a tax credit back. If you are someone who pays taxes, it's typically a tax credit. County Government doesn't pay taxes. It comes back to "us" as a check from the feds to the County and in addition, the northern half of the lower peninsula and most of the upper peninsula are in a region called Energy Communities. If you are in one of these Energy Communities, you get an additional 10% credit against your project. Commissioner Rexroat stated so the reason it is \$1.2 is the other \$300,000 will come from the federal rebate. DeFors stated maybe for everyone's benefits – so that nobody feels that you are trying to pull something over on them. If the solar for this project was \$1,000,000 – 40% tax credit makes that \$600,000.00. The grant is written for \$600,000. "We" at the end of the year, amongst all the other papers, the finance folks and the treasurer folks when we reconcile our books for the feds the debts put in for the 40% tax credit, we know that we are eligible for, because we don't pay taxes they write a check in the example that is a \$400,000.00 check and they have to be paid the amount they quoted and that's our obligation to them. The grant gets written for \$600,000 and we get \$400,000 back – we have zero in – that is the simplest way to try and explain.

Commissioner Rexroat asked if the project budget includes any contingency factors for any unforeseen factors. DeFors replied the grant itself, understanding that there is quite a time between the application which is tomorrow and the announcement of the awards is in September, this isn't the first time that they did these type of things. They understand things fluctuate, we are able to insert a 10% contingency on every item to cover fluctuations. Rexroat appreciates the work that went into this. The agenda thing, just to address it and it does give him some angst and he is deeply conflicted on this project. He believes solar does have a place and it is maybe not as fast as some people would like. One thing troubling him is he sees the Sheriff rescind his support for this project when he was a supporter before. DeFors states he hasn't seen that. Rexroat stated he didn't see it until an hour and twenty minutes ago himself.

Commissioner Lautner stated she understand you (DeFors) got an email. DeFors stated Commissioner Lautner sent me something presuming to speak for the Sheriff. Lautner said he (the Sheriff) sent you an email and she thought he said he spoke to you as well. DeFors said he didn't speak with me. Lautner said he sent you an email. Chairman Wessell handed DeFors an email and stated it's important for him to read that and respond to it as well, DeFors does have the Sheriffs email.

DeFors stated after reading the Sheriffs email that there are only a handful of small words in the email are not factual other than that I understand the Sheriff, he certainly has the right to.

Commissioner Allgaier stated he (Sheriff) believed there were EV (Electric Vehicle) mandates in there and they're not. DeFors said those were the words that I would clarify. It states including EV and other infrastructure mandates as well. DeFors doesn't know what that means.

Commissioner Rexroat stated I can see where there could be some confusion. There are some concerns by some of the people involved here, there's a section that starts on page 9 called project objectives and the project is this project that we are applying for a grant for. It talks about project objectives and what project objectives you have met. Part of the objectives, decarbonizing buildings and electrifying transportation, in addition to the plans clean the electric grid pillar, part of the County's broader commitment to electrifying and decarbonizing its operations and otherwise advancing its sustainability. And a transition to our 100% ICE vehicle fleet to EV's. This is actually described as a project objective. Commitment to environmental

justice is a project objective. As he scrolls down, some of these concerns are delineated as project objectives. Project metrics will include percent completed of the project objectives. It is confusing to us if they are not required, why are they mentioned, if we are not going to meet those objectives what kind of place would we be in as outlined in our promise in the grant. DeFors understands his concerns, that section as he recalls it, was a requirement by the grant to relate our project to the Governors clean energy plan. That section was intended to speak more on a Broadway that are absolutely taking place within the Task Force but are not a part of this Grant Application. Rexroat stated it seems odd the wording – “Project Objectives” and he gets worried when we sign a document that says you’re going to give us this money and this is what we are going to do if we’re not going to do it. DeFors said we could do two things – he is comfortable and he didn’t bring his laptop. Rexroat stated part of it is explanation where these concerns are coming from because the clear and simple reading of this looks like we are promising to do this stuff. DeFors responded to remind them all that even if we are awarded this grant, you have a 45-day period to decide whether or not you want to accept the money, period. It’s a complete 100% out for you. We also have a 6-month period between tomorrow, the deadline, and when the awards will be made. For instance, someone else has brought up the lack of legal review. Absolutely true. DeFors would suggest there should be two legal reviews. We are going to need two major contracts – one with the MPSC and the fine print is on the MPSC website. These last eight weeks have included Christmas and New Years and didn’t think we would mobilize. We have six months to take a leisurely review of that contract and no one has mentioned that we should review the contract we would have with the Solar contractor. He has no fear of that because they have done 1,000 projects. Nevertheless, it is the right due diligence and the right thing to do. So having said those two things, Commissioner if you would like to make a friendly amendment to the motion to delete that language, he (DeFors) is perfectly comfortable with that as it is not a part of the core of what we are presenting here tonight. Commissioner Ross asked for clarification on the 100% ICE fleet and he (DeFors) thinks we could easily amend that. Rexroat just wanted to help understand why there are these concerns. DeFors requested they highlight the language they are in question of and he has no fear in eliminating that language.

Commissioner Allgaier said that she believes that is a case of division of our Governor and our country right now but this grant is about solar panels. We submit the grant and then do a legal review if we receive it. We are not committing anywhere in this program to be buying EV’s or anything, this is only solar panels. DeFors reiterated he has no objection to removing that language if it seems to imply that it is part of this project.

Chairman Wessell said he doesn’t think we need a separate amendment for that to the current motion.

Commissioner Allgaier said what if she just added that this grant solely is about the solar project.

Commissioner Rexroat is not convinced that makes him more comfortable with this. We need to say section such and such is removed. Commissioners just making a motion for what we think it says, doesn’t make it legally say that.

Commissioner O’Rourke agrees with Commissioner Rexroat.

Discussion on the grant application; Commissioners Lautner and Rexroat agree if it isn't talking about solar panels why is it in there. You could leave the section starting with residential benefits from jobs on page 12 C.

Commissioner Ross stated its just saying that everyone will benefit from the savings from the solar panels because the tax dollars will be used on other things.

Chairman Wessell stated he heard concern was about delivering something that we aren't going to deliver.

Commissioner Allgaier is willing to say that we are not committing to anything beyond solar panels. This motion would not agree to anything beyond solar panels. We have 45 days and we do not need to edit.

Commissioner Kramer asked is Commissioner Rexroat's question about the language in the application, this is language we inserted into the application.

DeFors says that this section of the application was relating to the Michigan Health Climate Plan. The intention of the section was to speak more broadly to the tax force – he has no problem eliminating because it does not apply to what we are asking for. He has no objection.

Commissioner Ross stated to reduce B to advancing sustainably to try and be more energy efficient and she thinks that is what was driving it and – DeFors just put some specific goals and numbers in there but maybe that's not necessary.

Commissioner Lautner stated someone read this who works for the MDA and they said there is a lot of "fluff" and she understands why because you're trying to get this grant. This is a grant application that will go to the State. If you back up it talks about the plan, the plan goes with the application. She continued to read from page 11 and asked the name of the solar company from Canada and DeFors replied Canadian Solar. Lautner informed that company is manufactured in China. DeFors asked Lautner if she did that for the audience.

Chairman Wessell stepped in and said Mr. DeFors I don't think we need to go there, we need to hear from everyone and we're not going to please everyone.

Commissioner Lautner continued and stated let's look into Canadian Solar because everything she has found is Canadian Solar Chinese. She wanted to clarify it because it was something he said. The contractor was selected, you have an RFP. DeFors said for the quoting process we have our contractor. Lautner continued that earlier you said "we" would choose; but we won't choose, we won't use our competitive bid process here. This is something that has already been done. Does anyone know if there is a separate audit that has to be done? Separate from our audit or included in our audit. Wessell stated he would assume it would be like any of our other grants. DeFors said the audit application asks for audits of the county because they're trusting us with a large sum of money and we have provided that with the assistance of the finance office, he guesses it would be the Boards policy if there were some further audit required, it's not required by the grant. Lautner continued that Commissioner Rexroat mentioned any other unseen expenses, she couldn't find it in the packet, but you (DeFors) mentioned they set aside 5 or 10% aside for overages, etc. DeFors replied we are allowed to include 10% for contingency for

unforeseen events. Lautner stated that doesn't cover the remediation for the solar field in the future, who covers that in the future. DeFors stated the County would own the solar field so that would be the counties concern. Lautner continued it would be the Counties expense. DeFors asks who covers the remediation of the cell towers, of your barn out there, of various other infrastructures. It's interesting to DeFors that people come up with questions like these at these unique moments but it's not something that is generally applied. Commissioner Lautner asked Mr. Chairman to step in again. You (DeFors) don't know what questions that are asked when it comes to those things, we do ask those questions and that is what I am telling you and that is our (Commissioner's) job. The remediation of a solar field is very, very serious and if that is going to be a cost of the County in the future, the County needs to know that. Chairman Wessell says we need to bring it back to respectful conversation, Lautner replies "thank you", and he (Wessell) asks Lautner if they can come back to her, she has had her five minutes. Lautner replied she hasn't even had her five minutes, she keeps getting interrupted. Wessell stated he would like to go to Commissioner O'Rourke and then we will come back to her.

Commissioner O'Rourke says he learns a lot by sitting here and listening, we are going to remove this and remove that and change this and agree to that and whatever we send in on the grant is what we have to live with. He just doesn't see how everybody can get this together, remove part a and b and make this make everybody happy without running it through legal and you getting it in the mail tomorrow. DeFors replied to clarify, it absolutely requires a legal review, no doubt about it, there are two contracts here – we have six months to review and the worst thing to do would be to rush this. O'Rourke agrees, but tonight, we just can't get this done, everyone wants to take a little piece out of this, what we send in tomorrow. What DeFors is saying now is we have it in and then we review it with legal. Wessell stated he only heard one request for removal and that request was making sure we're not asking beyond the solar. O'Rourke likes Commissioner Allgaier's thinking and it needs to be reviewed before it is sent in, before tomorrow it needs to be reviewed by this board. If you're going to make a motion or send something in on this parts going to be done or this part, no sir, it's not going to happen.

Chairman Wessell asked if we can go to Commissioner Kramer than back to you. Commissioner Ross stated she hasn't spoken yet.

Commissioner Ross stated she would like to remind everyone in this room we have an opportunity to say no to this grant. This is just an application to submit our grant. In September, if we get a letter that says we're awarded it, we will have 45 days and we have 6 months before that to work on all these details at our leisure not at 9:00 p.m. when we have a full agenda yet to go. This is absolutely ridiculous in her point of view. We are not committing anything other than submitting an application to receive a grant to help "us" move forward in finances and environmental concerns and just doing the right thing. She wants to call the question.

Chairman Wessell stated she promised Administrator Allen a statement.

Administrator Allen reached out to legal counsel and they confirmed we would have time for them to review the grant application if approved. To protect the county and everything she did clarify that.

#053-02202024 Regular Session

MOTION BY ROSS TO CALL THE QUESTION. SECONDED BY ALLGAIER.

AYES – 3 (Ross, Kramer, Allgaier)

NO – 4 (Lautner, O'Rourke, Rexroat, Wessell)

MOTION FAILS.

Commissioner Kramer thanked Commissioner Lautner for being Melinda. She questions all of these things, it is important, it's discourse, it's ugly, it doesn't feel good all of the time and we are doing it. Second, Lautner talked about the tours, her daughter was in the boy scouts, we planted trees by the Sheriff's Department a number of years ago. Those things happen on this campus and we should promote them as it is important for kids to see that all of this functions together. She appreciates that. She appreciates all of the questions and thinks hard questions should come, but she thinks that this is an opportunity for all of us to save money. If there was a giant oil rig out front, you would hear all of us liberals freaking out just like you guys are freaking out right now – we can all come together on the fact that we could save \$1,000,000. That's where she is.

Chairman Wessell asked if everyone would be ok with Commissioner Lautner to speak one more time.

Commissioner Lautner said thank you to Commissioner Kramer for being Jamie. Lautner is absolutely opposed to sending something forward. It reminds her of we have to pass it before we can read it, and is very concerned about these things that are just written in stone in an application to go for money. She did have at least three people come to her and say they couldn't find this document online, she's got concerns about fencing and who is going to pay for fencing. DeFors interjected the County does not have to pay for fencing and that was a concern of the Sheriff and he assured him that would not qualify for needing to be fenced. She supported the first community solar field in Michigan, we have learned a lot within ten years of that solar field. That brings me to one of my other concerns, we have already replaced the invertors on that solar field \$4,000-5,000 an inverter. So the maintenance will be the County's. Looking at the numbers I got from the back of this document because the public would like to know \$1.5 million total, and it looks like \$8,100.00 to be paid to DeFors for salary for overseeing this project. DeFors wants to answer Lautners questions carefully and one at a time. The invertors have a 10-year warranty. He continued that Rexroat asked about that being he has a deep background in electronics and in the new budget they have inserted a twenty-year warranty for the six invertors in this project.

Chairman Wessell interjected he thinks we're ready to vote.

Commissioner Lautner said for her last comment she would like to make so she can finish up is she would like to see a solar application go to help, actually help, those who could truly use this. Northport for example. Northport is struggling with the septic plant. She hears it from people up there all the time and its going up another \$200.00 every so often and they are really struggling. One young family is moving out for that reason and will probably be renting their home. DeFors stated he struggles to see how a septic system relates and Commissioner Ross agrees. Lautner continued and had to call on the Chairman for more interruptions. Lautner then continued as she was telling you, she would prefer us go for a grant that would perhaps help Northport that would help those people who are being directly injured with the costs every single month on. We've got a windmill we don't even know what to do with, it's not supplying you with any energy anymore.

Direct solar panels on the homes of our ALICE people perhaps. Something other than this grant and that is where she would rather see it go direct.

Chairman Wessell has a bunch of grandkids, a couple scientists and a published author in the field of the economics of solar electricity. He takes it seriously and is very thankful of Joe's (DeFors) work and trusts our attorney is right when he said we have plenty of review and we've got plenty of time to work with the details and he is going to support this and is ready to vote on it.

Commissioner O'Rourke asked is this grant going in or is there a modified grant going in.

Chairman Wessell called for a motion and Commissioner Allgaier modified the motion on the floor.

#052-02202024 Regular Session

MOTION BY ALLGAIER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE THE SUBMISSION OF THE MPSC RENEWABLE ENERGY AND ELECTRIFICATION INFRASTRUCTURE ENHANCEMENT AND DEVELOPMENT GRANT WITH ONE CHANGE IN SECTION B, PAGE 12, ENDING THAT PARAGRAPH "AFTER REDUCING ENERGY WASTE IN OUR FACILITIES". AND AUTHORIZE THE BOARD CHAIRMAN TY WESSELL TO SIGN THE GRANT APPLICATION. SECONDED BY ROSS.

Discussion – Chairman Wessell offered comments/clarification on what to keep and take out. Further discussion on what was being eliminated and what was being kept. Wessell commented on compromise to get more support, but he doesn't think that there is anything more that can be done to get more support from some people and he would like to stick with substantive changes. Discussion ensued as to what will remain and what will be removed. Wessell reminded Commissioners that there is plenty of time for a legal review.

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

AYES – 4 NO – 3

MOTION CARRIED.

Chairman Wessell called for a five-minute recess at 9:04 p.m. and called the back meeting to order at 9:13 p.m.

Senior Services – 2024 Senior Citizens Millage Resolution:

Administrator Allen offered comments on the topic.

#054-02202024 Regular Session

MOTION BY KRAMER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE RESOLUTION #2024-003, THE RESOLUTION AUTHORIZING MILLAGE ELECTION FOR LEELANAU COUNTY SENIOR CITIZENS SERVICES MILLAGE, RENEWAL AND RESTORATION PROPOSAL, AND CERTIFYING BALLOT LANGUAGE FROM COHL, STOKER & TOSKEY. THIS IS TO APPEAR ON THE AUGUST 6, 2024 BALLOT. SECONDED BY O'ROURKE.

Discussion. – none.

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

AYES – 7 NO – 0

MOTION CARRIED.

**Leelanau County
Resolution No. 2024-#003**

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

WHEREAS, Act 39 of the Public Acts of 1976 expressly authorizes the Board of Commissioners for the County of Leelanau to appropriate funds to organizations for the purpose of providing activities and services to the older persons, being individuals sixty (60) years of age or older; and

WHEREAS, the Board of Commissioners for the County of Leelanau has appropriated funds to the Leelanau County Commission on Aging as the organization eligible to receive funds appropriated for the purposes of planning, coordinating, evaluating and providing activities and services to the older persons; and

WHEREAS, the voters of Leelanau County supported a 0.3200 mill special tax in 2020 to fund senior services within Leelanau County, which has been rolled down to 0.3134 mills due to reductions under the Headlee Amendment, which millage provided authorization through the 2023 tax levy, and continued levy of this tax in 2024, and thereafter, requires voter re-authorization; and

WHEREAS, the Board of Commissioners for the County of Leelanau seeks to have the voters of said County determine whether or not they desire to continue to raise funds for the purpose of supportive activities directed toward the provision and improvement of senior citizen services by renewal and restoration of an ad valorem property tax levy of 0.3200 of one (1) mill for a period of two (2) years, 2024 through 2025, inclusive.

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

**SENIOR CITIZENS SERVICES
MILLAGE RENEWAL AND RESTORATION PROPOSAL**

For the sole purpose of continuing an operating millage for the funding of Senior Citizen Services within Leelanau County, at the same millage level previously approved by the voters in 2020, 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 0.3134 of one (1) mill, and shall the previously authorized reduced millage of 0.0066 of one (1) mill be restored, for a return to the previously voted total limitation increase of up to 0.3200 mill (\$0.32 per \$1,000 of Taxable Value) for a period of two (2) years, 2024 through 2025, inclusive?

If approved and levied in full, this millage will raise an estimated \$1,154,945.00 for the county-wide Senior Citizen Services in the first calendar year of the levy based on taxable value. As required by State law, a 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 State Primary Election to be held in the County on Tuesday, August 6, 2024.

Emergency Management – Leelanau County Hazard Mitigation Resolution:

Administrator Allen wanted to clarify that this is a five-year plan.

#055-02202024 Regular Session

MOTION BY REXROAT THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE LEELANAU COUNTY RESOLUTION #2024-004, LEELANAU COUNTY NATURAL HAZARD MITIGATION PLAN ADOPTION AS PRESENTED. SECONDED BY ROSS.

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. 2024-004
Natural Hazard Mitigation Plan Adoption Resolution**

WHEREAS, Leelanau County, Michigan, has experienced risks that may damage commercial, residential and public properties, displace citizens and businesses, close streets and impair infrastructure, and present general public health and safety concerns; and

WHEREAS, Leelanau County has participated in the development of the County Natural Hazard Mitigation Plan that outlines the community's options to reduce damages and impacts from natural and technological hazards; and

WHEREAS, the Natural Hazard Mitigation Plan has been reviewed by community residents, business owners, and federal, state and local agencies, and has been revised where

appropriate to reflect their concerns.

NOW, THEREFORE, BE IT RESOLVED, that the Leelanau County Board of Commissioners hereby adopts the Natural Hazard Mitigation Plan as presented.

FOIA Appeal Request:

Before you is the FOIA response from the Prosecutor that was distributed today. Commissioner Lautner does not have a written appeal but is prepared to make the appeal. Lautner said this is an altered request and per the attorney it doesn't have to cost that much and that it should be a quick search engine, it should not cost that money. She said it needs a motion to waive the fee.

Motion by Lautner that the Leelanau County Board of Commissioners waive the costs and do a search engine. No support.

Administration – 2024 Rules of Order – Proposed Amendments:

#056-02202024 Regular Session

MOTION BY ROSS THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS AMEND THE 2024 RULES OF ORDER AND PROCEDURE OF THE LEELANAU COUNTY BOARD OF COMMISSIONERS REGARDING PUBLIC COMMENT AS PRESENTED:

- **SPEAKERS SHALL ADDRESS ALL COMMENTS TO THE BOARD OR COMMITTEE AND NOT TO INDIVIDUAL BOARD OR COMMITTEE MEMBERS, COUNTY EMPLOYEES, ELECTED OFFICIALS OR THE AUDIENCE.**
- **NO SPEAKER MAY "ASSIGN" HIS OR HER TIME TO ANOTHER PERSON.**
- **EACH COMMISSIONER REPRESENTS A DISTRICT WITHIN THE COUNTY, AND HE/SHE MAY BE INDIVIDUALLY CONTACTED SHOULD GREATER DEPTH OR UNDERSTANDING OF AN ISSUE BE SOUGHT. PERSONAL CONTACT IS ENCOURAGED AND HELPFUL TO BOTH RESIDENTS AND THE BOARD.**
- **THE FIRST PUBLIC COMMENT AT EVERY MEETING WILL BE AGENDA SPECIFIC FOR THREE MINUTES.**

SECONDED BY REXROAT.

Discussion – Chairman Wessell clarified the agenda specific public comment is the first public comment and the last is five minutes on any topic. Clerk Crocker stated you cannot limit public speech at both public comments. Commissioner Lautner thinks that public comment is working right now and changing it is a terrible move to make to our public and it speaks volumes when you say we don't want to hear from you and you need to contact your own Commissioner. Lautner said this is our public's chance and they take time out of their day, they should be allowed to speak. But to tell them you have a Commissioner representing you – that goes without saying. She will not support the change. It is working now. Commissioner Kramer agrees with Lautner. Wessell stated that he is confused, we are wanting to stay the same but are also saying you also have a Commissioner that you can contact if you want something on the agenda. Lautner stated that it doesn't say that. Kramer said the timing is off, this came right about the time of the highly disputed public comment and it is important that everyone gets their time and that is what we are here for. Commissioner Allgaier said this is just saying we have agenda specific public comment at the Executive Meeting, we are just saying we are going to do this at all the meetings but at the end it is five minutes and you can say what you want. Commissioners Ross and Rexroat had no comments when called on. Commissioner Lautner said she will take theirs. Commissioner Ross said "no you cannot take mine." Lautner stated that this is us saying we don't want to hear from you unless you want to sit here for hours through a meeting and she

objects to it, she continued that for 30 years she has heard a lot of Public Comment and there is nothing wrong with that. This is our duty for listening to the public.

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

NO – 2 (Lautner & Kramer)

MOTION CARRIED.

Code of Ethics:

#057-02202024 Regular Session

MOTION BY ROSS THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO ADOPT THE BOARD OF COMMISSION COMMITMENT TO RESPECT AS PRESENTED.

Commissioners agree to the following Commissioner commitments:

- 1. Recognize the worth of individual members and appreciate their individual talents, perspectives, and contributions;**
- 2. Help create an atmosphere of respect and civility where individual members, County staff, and the public are free to express their ideas and work to their full potential;**
- 3. Respect the dignity and privacy of individuals and organizations;**
- 4. Respect and maintain the nature of confidential and privileged information and opinions acquired as a result of my position;**
- 5. Conduct public affairs with honesty, integrity, fairness, and respect for others;**
- 6. Avoid and discourage conduct that is divisive or harmful to the best interest of Leelanau County; and**
- 7. Keep the common good as the highest purpose, and focus on achieving constructive solutions for the public benefit.**

SECONDED BY ALLGAIER.

Discussion - Commissioner Lautner commented that it goes without saying, it is all well and good. There was a whole lot of this last year and it is very interesting this falls on this table right now – especially when you talk about the nature of confidential information – it goes without saying, this is nothing that anybody on this board can be held too. Perception is everything, so you can have the perception you're debating an issue, but what happens when someone doesn't like it or you don't get that respect, you get "call the question." That is disrespectful in itself so she won't be supporting it. Commissioner Kramer is going to support and is hoping that it can be leaned into more as a Board. She doesn't pass to pass and thinks they need to lean in to those aspects that are in here and not think that all of us have all of the answers all of the time.

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

NO – 1 (Lautner)

MOTION CARRIED.

Administration – Grand Traverse Band 2% Grant Allocation Awards:

#058-02202024 Regular Session

MOTION BY ALLGAIER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS ACCEPT THE 2% ALLOCATION AWARDS FROM THE GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS, AS FOLLOWS:

- Family Court/Child & Family Services (Safe Haven), \$5,000.00**
- Senior Services, LCN Neighborhood Assistance Ministry, \$34,000.00**
- Peninsula Housing, \$12,900.00**
- Solid Waste Council, Mattress Recycling, \$5,000.00**
- Solid Waste Council, Tire Recycling, \$10,000.00**

SECONDED BY ROSS.

Discussion – none.

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

NO – 0

MOTION CARRIED.

Administration – Grand Traverse Band 2% Grant Allocation Agreements:

#059-02202024 Regular Session

MOTION BY ROSS THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS ENTER INTO CONTRACTUAL AGREEMENTS WITH SAFE HAVEN, LEELANAU CHRISTIAN NEIGHBORS, AND PENINSULA HOUSING REGARDING THE ALLOCATIONS AWARDED BY THE GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS DURING THEIR RECENT 2% GRANT ALLOCATION CYCLE. SECONDED BY ALLGAIER.

Discussion – none.

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

NO – 0

MOTION CARRIED.

MLI/Chet Janik – Search for Administrator/CFO:

#060-02202024 Regular Session

MOTION BY REXROAT THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS ACCEPT THE AGREEMENT WITH MICHIGAN LEADERSHIP INSTITUTE AND CHET JANIK FOR A FEE OF \$4,500.00 PLUS TRAVEL EXPENSES TO ASSIST IN THE SEARCH FOR AN ADMINISTRATOR/CFO POSITION. SECONDED BY O'ROURKE.

Discussion – Commissioner Ross stated she did not vote for it last week and will not vote for it this week. Ross continued that she had a long talk with Janik and asked him for more information to make her feel more comfortable to say he is the right person to lead this search in a position that the County has struggled with since 2021. He did a good job of talking to her and explaining the process. Ross said that she has heard from her constituents and County staff that there is some hesitation that he is the right person going forward, so she did her due diligence and contacted Networks Northwest and the City of Traverse City and has a list of ten businesses that do not include MLI, that do talent searches of this type. Ross said that she instructed Administrator Allen to reach out to Amy Cell and “we” did get a proposal on Sunday, she respectfully will go along with the majority here that are more comfortable choosing Chet Janik, but wants to be on record that this is huge. This is what we have been working on for three years and warrants more time, but now we don't need time and she would like this list that she forwarded to Administrator Allen to be in someone's file and next time when we are in a position looking for an employee and could possibly do a search for us. She has nothing against Chet Janik and he did convince her on the phone and the list will be in the Administrator's office for the next time because there will be a next time.

Commissioner Kramer said Janik is uniquely positioned as our former Administrator and was with the County for a long time and addressing our needs and knowing what they are. However, she is going to keep harping on this organizational structure review because we need to understand how all of these departments function together and find out the crux and the reason that we are having the issues we have had in the past and that continue to happen. She doesn't think it's just a leadership and finding that one person – if you go through five different people for the Finance Director and we are having these issues and they keep reoccurring, it is obviously an organizational structure issue. It needs to be addressed even before we bring on someone else – it will depend on this Board and attempt to fix the issues, they are systemic. It is not one individual person, it is a systems problem.

Commissioner O'Rourke said that he trusts Chet Janik completely, the bottom line is that we are looking for an Administrator/CFO and it will be a unicorn. You can only do one job well and he will go along with the Board and you are not going to find the person and if you do, you better open your wallet; however he will go along with this.

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

NO – 1 (Ross)

MOTION CARRIED.

Chairman Wessell said that he had spoken with Janik and if approved, he would request that he appear at the March meeting to review the timeline. This will be placed on the March Executive Agenda.

Late Addition – South Bar Lake Drain Pre-Payment Authorization:

Interim Finance Director Cathy Hartesvelt and Drain Commissioner Steve Christensen were present before Commissioners to present and answer any questions. Administrator Allen offered brief comments as to when the documents were delivered to Commissioners.

#061-02202024 Regular Session

MOTION BY REXROAT THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS WILL BE PRE-PAYING YOUR TOTAL ASSESSMENT OF \$72,639.36 BY THURSDAY, FEBRUARY 29, 2024, WITH FUNDS TO COME FROM THE GENERAL FUND. SECONDED BY O'ROURKE.

Discussion, brief.

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

NO – 0

MOTION CARRIED.

#062-02202024 Regular Session

MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE LEELANAU COUNTY RESOLUTION #2024 – 005 A RESOLUTION TO REQUEST THAT A PORTION OF COUNTY AT-LARGE DRAIN ASSESSMENTS BE PAID BY THE LEELANAU COUNTY ROAD COMMISSION. SECONDED BY O'ROURKE.

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.

Leelanau County Resolution #2024-005

A Resolution to Request that a Portion of County At-Large Drain Assessments be Paid by the Leelanau County Road Commission

WHEREAS, Section 151 of the Michigan Drain Code, Public Act 40 of 1956, as amended ("Drain Code") authorizes the Leelanau County Drain Commissioner to apportion the cost of construction of a drain to the county at large by reason of the improvement of the county roads within the drainage district; and

WHEREAS, Section 14a of the State Trunk Line Highway System Act, Public Act 51 of 1951 ("Act 51") provides certain limitations to the Department of Transportation or a county road commission's authority to expend of Act 51 funds to pay the cost of drain assessments levied pursuant to the Drain Code; and

WHEREAS, Section 14a of Act 51 further provides that when drain assessments against the county at large are determined by the calculations set forth in Michigan Administrative Rule 280.1 *et seq.*, “fifty percent of the cost of a drain assessment against the county for the drainage of county roads shall be paid by the county road commission from county road funds”;

NOW, THEREFORE, BE IT RESOLVED, that Leelanau County hereby requests the Leelanau County Road Commission pay fifty percent of the cost of any drain assessment levied against Leelanau County determined by the calculations set forth in Michigan Administrative Rule 280.1 *et seq.* for the drainage of county roads, pursuant to Section 14a of Act 51; and

FURTHER, BE IT RESOLVED, that the County Clerk shall send a copy of this Resolution to the Leelanau County Road Commission.

Information Technology – Audio Upgrade for BOC Meeting Room:

Administrator Allen gave a brief update that this item was moved forward. There was a request for demo equipment and that has been denied. They have requested two speakers for the back of the room and will bring that forward in March and see if there are additional recommendations.

Brief discussion/comments by Commissioners.

Information Technology – Safety Net Contract Review:

Administrator Allen said that this item was moved forward. Commissioner Rexroat thought it was going to be reviewed by legal to see if this extended out and he thought it was moved forward for that purpose. Allen had reached out to legal previously and it is through 2027 and the contract has a 5% per year, this certainly exceeds that, so that is what she knows. This will be on the March agenda and she will reach out to legal.

Parks and Recreation (P & R) – Sole Source Contract Request:

Chairman Wessell introduced the topic and stated that both Commissioners Ross and Lautner sit on the P & R Commission and are present. Wessell also noted that the Chairman of P & R Charles Godbout was here, but Wessell said Commissioner Lautner will speak for the Commission.

Commissioner Lautner commented that there was thought about doing a sole source contract with Gosling Czubak to rewrite our Parks plan. In the meantime, it was found out that the cost would be triple of what we thought. We need a 2025-2029 Park Plan, but this needs to be put out for bid and she does suggest that Commissioners work with Planning Director Myer to write an RFP and place it out for bid per County bid policy.

Godbout offered comment and he believes that to go out for an RFP will put their schedule in jeopardy and the plan was to have it done by the end of the year. It will take two months to get the information back and he suspects that Gosling will be the low bid. He continued, and after talking to Planning Director Gail Myer, they do not need to do the full-blown public survey when it's only an update of the existing plan. When “we” looked at conceptional designs for Veronica Valley and for Old Settlers, the goals and objectives for the last plan there are still a number of them outstanding due to lack of funding which need to get done in the next five years so it is not going to change the whole plan. The only one that is getting a new conceptional design is Myles

Kimmerly and that is to rearrange some of the assets in the park to make them more efficient – to add the pickle ball courts and space for eight, that is the most significant change for 2025-2029 plan, which would have to be placed in the CIP. Godbout is recommending to Sole Source to Gosling.

Chairman Wessell commented he had Commissioners come to him with concerns so we are not ready.

#063-02202024 Regular Session (tabled)

MOTION BY ROSS TO RECOMMEND THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS TO APPROVE THE PARKS AND RECREATION COMMISSIONER WAIVER OF THE BID REQUIREMENT BOARD POLICY TO CONTRACT WITH GOSLING CZUBAK ENGINEERING TO UPDATE AND CREATE AN EDITABLE NON-PROPRIETY VERSION OF THE 2025-2029 PARKS AND RECREATION PLAN. SECONDED BY ALLGAIER.

Discussion – Commissioner Ross stated within that is that we are getting out of the cycle. We keep updating the plan, but we never apply for grants. Ross thinks we need to bite the bullet this time and go with Gosling but then insist that this plan would be ours and we can do modifications as we go forward. As she has said before, Leland Township is doing this and it is doable. It would be nice to have someone in Planning that could help us with this. She believes it was an agreement with the Parks and Recreation Commission that we really don't want to pay for this every five years. Godbout stated the end product will be an editable version that the County owns because right now Gosling owns the plan.

Commissioner Lautner stated this is \$17,920.00. Godbout stated that's too high and he continued that if he (Godbout) can get your (Commissioners) approval to go ahead and then negotiate with them what a real price should be and said we need to take the \$4,600 public survey out of it and reduce the first item because he is asking for things that don't need to be revised. Commissioner Lautner replied no, we don't work like that. We can't do that it has got to go out for bid. The County needs to own our plan, we can't approve to go into negotiations with this company.

Commissioner Ross said any other company taking over the work that Gosling Czubak has done has to start from scratch so that bid is going to be more.

Commissioner Lautner stated we don't know that.

Commissioner O'Rourke stated we don't require to keep a plan. Godbout stated Gosling Czubak has the proprietary rights to the document and produced the document for us and we don't have an editable version that we can do anything with– Godbout – he has been able to extract, but cannot edit the document. Godbout stated he can inspect all the verbiage on it, but cannot edit the document.

Commissioner Kramer asked how we ended up in this space. Godbout stated the last plan was 2019.

Commissioner Lautner commented that she asked retired Planning and Community Development Director Trudy Galla about that and she does not know how either and Lautner asked if it has been to legal. Godbout said it was \$10,700.00 initially for the plan for 2020-2025.

Commissioner Kramer said we paid that for a plan we cannot have?

Commissioner Allgaier asked if they indicated they are willing to negotiate towards Godbout's end, your stated goal? Commissioner Ross commented we're just going to remove stuff. Godbout stated Don (Frerichs) had a conversation with the engineer who is working on Myles Kimmerly. He initially gave Don (Frerichs) a really low-ball number then went back and said no we can't do it for that and itemized the document he sent to Don (Frerichs) so that's got a bunch of items but it's not being negotiated. No discussion has been made with Gosling about what's in there. That's a whole different topic of discussion with Gosling to come up with what they're going to do.

Commissioner Rexroat asked Godbout the ramifications of the timeline, the whole point of not going out for a bid process, it would be reasonable to assume based on the conversations that Gosling might be the low bidder anyways, what road block does it present if we go out for bids? Godbout replied if Gosling has to wait until they are getting the award, we are talking 2-3 months down the road. Commissioner Rexroat asked what are the ramifications of not hitting the deadline, what is the problem? Godbout commented the State law that talks about plans that need to be presented and you can accept an update to a plan up to the last day of the existing plan – December 31, 2024, after that, the DNR cannot accept the plan.

Administrator Allen stated having served on the Parks and Recs Plan Committee for Elmwood Township, if you don't get your plan in on time you are not eligible for any State funding so the Township would not be eligible for any grant applications.

Commissioner Allgaier asked if this is what the Parks and Rec agreed to, is this the resolution that came out of your meeting? Godbout said it is what they agreed to, to apply for a waiver of your bid policy. Allgaier will support it because they know what their goals are and what they have been dealing with and she isn't confident to do a three-minute review to change their mind. Commissioner Lautner said it is not what Parks and Rec agreed to. Parks and Rec agreed to use them and it was going to be \$4,500.00 with Gosling Czubak and they were going to update the Grant, etc. and this is way, way, way outside. This is not how we can conduct business here and go inside negotiations with them and we have so many questions we need to clear up. She spoke with the attorney to see if this is even the case with their understanding. The Park Plan will be from the date you get it done for four or five years. At the very worst, we could miss one year if a company cannot get it done and this is only February and she has great confidence if we were to expedite this.

#064-02202024 Regular Session

**MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS
TABLE THIS UNTIL MARCH TO GET ANSWERS. SECONDED BY O'ROURKE.**

Discussion – Chairman Wessell asked County Clerk Crocker if we need 2/3 to table. Commissioner Lautner spoke to Planning Director Gail Myer and she is very uncomfortable with this as was former/retired Planning & Community Development Director Trudy Galla. Wessell stated we don't have anything to lose to go back to them and see what their price would be and coming back to know what we are voting on. Commissioner Ross said to update the current and add the new plan is \$9,520.00 – removing community survey, draft plan and MDR Plan admission.

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

NO – 2 (Allgaier, Ross)

MOTION CARRIED.

Chairman Wessell commented to Godbout and he replied to questions unanswered yet so someone's going to have to tell me what's important.

Commissioner Ross commented without solid leadership it's going to falter she can tell you that and she does not mean as Charlie. Chairman Wessell stated what he heard is we want real numbers, we want to know what it would cost. We need Godbout to come back with a figure from Gosling and it's supposed to be \$5,000 less than that. Commissioner Ross commented \$9,520.00. Wessell said then we will entertain it or decide if we waive our bid rules.

Commissioner Kramer stated she would love to hear from Trudy and some other people to get a little more background information and feel like I have the whole situation under my belt which I don't right now.

Godbout commented he doesn't know this for certain, in 2019 the Planning Department was not part of the process of coming up with the current plan. We are just now coming into where Planning is our support staff so he doesn't know who actually was involved at that time.

Chairman Wessell stated he was informed that the Rules of Order say they are moving on. Wessell told Godbout to get with Administrator Allen to help him decide next step.

Review of Financials:

Interim Finance Director Hartesvelt present.

Committee Reports, Recommendations, and Resolutions:

Commissioner Ross gave an update from the Energy Task force regarding an educational opportunity on what energy looks like in Leelanau County and will keep Commissioners posted for the next. She gave an update on upcoming dates for educational programs.

Commissioner Lautner offered comments that Frank does an excellent job with education and answering questions and this was the brainchild of Member Tom Van Pelt.

Special Reports by Staff, Commissioners, and Affiliated Agencies:

Clerk gave a brief update.

Public Comment:

Keith Ashley, Renee Wyler, Jim Kobberstad, Steve Mikowski, Bill Wiesner, and Steve Tostige.

The written comments can be found at the following link:

<https://leelanau.gov/meetingdetails.asp?MAId=2667#handouts>

Commissioner Comment:

- Commissioner Kramer commented on the concern about the voting machine and black boxes – there is a lot of time and energy being expended. Coding is a language, you may be able to learn –work with the tech community and you could find out legitimate answers to the questions – start down that path and find cold hard truth, there is a lot of rhetoric – code can be learned – she would like to see someone who is proficient and speaks the language and maybe that is an avenue you should pursue.
- Commissioner O'Rourke said about the Solar Panels tonight, when people found out that he was against this, the people didn't understand and he can appreciate it, he is glad to see that the

panels were moved from the Veteran's area and not pushed on it and made for better friends. Tonight was a cluster and things need to slow down.

- Commissioner Allgaier said that there were 34 letters of support for the MPSC Grant and she thanked those individuals. There are a lot of people that are encouraged by our wanting to step into the future – they had 60 days to submit an application. We can still make small changes. If we had not submitted the application, the opportunity would be absolutely gone. She was glad our County was willing to step up. Green opportunity to bring in \$1 million of infrastructure will bring in \$3,500.00 of savings. Allgaier also commented about our Committees and said she sat in the audience for 10 years and came to Commissioners when they were making Committee appointments. We doesn't make political appointments, people are interested in certain areas. We never ask people to vote a certain way, we ask them to use their judgment and trust our citizen. We want people interested in the goals of the Committee, providing true worth and gifting us our expertise. She hopes that never changes.
- Chairman Wessell commented that he wanted to respond to the Public that no one here, nor the Chairman, nor the Administrator, can guarantee anyone any seats on a Committee. The only thing that can be guaranteed is the ability to apply. Wessell said he understands public comment and will stay as late as necessary to listen to the public.
- Commissioner Lautner said she wishes that she could believe what she just heard as she has seen too much this last year when it comes to appointments.

Approval of Financials —

Amendments & Transfers:

#065-02202024 Regular Session

MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE BUDGET AMENDMENT #24-002. 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:

#066-02202024 Regular Session

MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE CLAIMS AND ACCOUNTS IN THE AMOUNT OF \$556,994.78. SECONDED BY REXROAT.

Discussion – none.

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

NO – 0

MOTION CARRIED.

Post Audit Claims and Accounts:

#067-02202024 Regular Session

MOTION BY LAUTNER THAT THE LEELANAU COUNTY BOARD OF COMMISSIONERS APPROVE POST AUDIT CLAIMS AND ACCOUNTS IN THE AMOUNT OF \$2,498,158.54. SECONDED BY REXROAT.

Discussion – none.

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

NO – 0

MOTION CARRIED.

Adjournment:

Motion by Rexroat to adjourn.

Meeting adjourned at 10:39 p.m. by Chairman Wessell.

Ty Wessell, Chairman
Leelanau County Board of Commissioners

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