

June 10, 2014

The regular meeting of the Mason County Board of Commissioners was held at 7:00 p.m. in the Commissioners' Room located in the Mason County Courthouse in the City of Ludington.

The meeting was called to order by Chairman Lange.

Roll call was taken. Present: J. Lenius, B. Carpenter, C. Lange, C. VanderWall,
M. Nichols, J. Andersen, T. Posma

Absent: None.

Invocation was given by J. Andersen. Pledge to the flag followed.

Motion by T. Posma and seconded by M. Nichols to approve the agenda with the addition of a 2014 Marine Safety Grant. Motion carried.

Motion by J. Lenius and seconded by B. Carpenter to approve the minutes of the May 13, 2014 regular meeting. Motion carried.

No correspondence was read.

Public Comment:

Mr. Ken Matteson of Leelanau County expressed his concern about deaths as a result of drug overdose and urged everyone in attendance to support reinstating the D.A.R.E (Drug Abuse Resistance Education) program. Mr. Matteson would like to see a coalition be formed that would supply three specially trained law enforcement officers to cover the counties of Mason, Manistee, Benzie, Grand Traverse, and Leelanau at an estimated cost of \$300,000. Mr. Matteson provided samples of letters to area legislators urging support for the program to all in attendance.

Airport Manager Johnson updated the County Board on the status of the FAA restrictions for night flying at the Mason County Airport due to obstructions. The mitigation plan regarding the tree clearing and trimming for Runway 26 is moving forward and Manager Johnson hopes to have it re-surveyed and flight tested in order to lift the restrictions within 3-4 months. The replacement and relocation of the PAPI lights on Runway 8 will be submitted to the state as part of the 2015 airport plan at an estimated cost of \$75,000. The current project that will demolish two existing hangers and build a new 6 unit t-hanger will be completed in the 2014 construction season.

Animal Control Officer Marion stated that things in his department remained status quo in 2013 with there being no new volunteer based projects as had been the case in 2011 and 2012. Officer Marion also answered questions and explained the rotation being used regarding the annual dog census.

Motion by Public Safety and Courts Committee Chairman J. Lenius and seconded by B. Carpenter to approve the following resolution:

HONORABLE COMMISSIONERS

WHEREAS, Homeland Security Grants are now being given on a regional basis; and

WHEREAS, the County of Mason is a member of the Region 6 Homeland Security Governing Board; and

WHEREAS, the Region 6 Homeland Security Governing Board has designated West Michigan Shoreline Regional Development Commission as the Fiduciary for the 2012 Homeland Security Program; and

WHEREAS, the Region 6 Homeland Security Governing Board has authorized the purchase of a MTR Base Radio and related attachments; and

WHEREAS, the County of Mason needs to approve the attached Certification of Goods Received.

THEREFORE BE IT RESOLVED, that the Board of Commissioners of the County of Mason approves the attached Certification of Goods Received and authorizes the Board Chair to sign this document.

Moved for your approval.

Motion carried. (Signed) J. Lenius, M. Nichols

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Motion by J. Lenius and seconded by M. Nichols to approve the following resolution:

HONORABLE COMMISSIONERS

WHEREAS, Mason County Sheriff Cole has requested authorization to purchase nine in-car cameras from the Equipment Replacement Fund; and

WHEREAS, the Public Safety & Courts Committee is recommending approval of the purchase of nine in-car cameras from the Equipment Replacement Fund and the acceptance of a Risk Avoidance Program Grant from the Michigan Municipal Risk Management Authority to pay for 33% of the cost.

THEREFORE BE IT RESOLVED, that the Board of Commissioners of the County of Mason approves the purchase of nine in-car cameras for the Sheriff's Office; funds to come from the Equipment Replacement Fund; and

BE IT FURTHER RESOLVED, the Board of Commissioners of the County of Mason approves the Risk Avoidance Program Grant from the Michigan Municipal Risk Management Authority to pay for 33% of the cost.

Moved for your approval.

Motion carried. (Signed) J. Lenius

Motion by B. Carpenter and seconded by J. Lenius to approve the following resolution:

HONORABLE COMMISSIONERS

WHEREAS, the Mason County Sheriff's Department is required to provide medical care to inmates at the Mason County Jail; and

WHEREAS, Mason County Sheriff Kim Cole and the Public Safety & Courts Committee are recommending the attached agreement with All Access Care to provide medical care to jail inmates.

THEREFORE BE IT RESOLVED, that the Board of Commissioners of the County of Mason approves the attached agreement between All Access Care and Mason County Sheriff's Office.

Moved for your approval.

Motion carried. (Signed) B. Carpenter

Motion by B. Carpenter and seconded by J. Lenius to approve the following resolution:

HONORABLE COMMISSIONERS

WHEREAS, the State of Michigan has approved a supplemental grant to review, verify, and update up to twenty six (26) SARA Title II Off-Site Plans for the Mason County Local Emergency Planning Committee; and

WHEREAS, Emergency Management Coordinator Reimink and the Public Safety and Courts Committee is recommending the attached agreement with Meredith Filter.

THEREFORE BE IT RESOLVED, that the Board of Commissioners of the County of Mason approves the attached agreement between the County of Mason and Meredith Filter.

Moved for your approval.

Motion carried. (Signed) B. Carpenter

Motion by Building, Planning, Drains, and Airport Committee Chairman C. VanderWall and seconded by B. Carpenter to approve the following resolution:

HONORABLE COMMISSIONERS

WHEREAS, the County of Mason has solicited bids for obstruction mitigation at the Mason County Airport; and

WHEREAS, Airport Manager Dave Johnson and the Buildings, Planning, Drains, & Airport Committee are recommending the approval of the bid from Sunshine Outdoor Services.

THEREFORE BE IT RESOLVED, that the Board of Commissioners of the County of Mason approves the bid from Sunshine Outdoor Services for obstruction mitigation at the Mason County Airport; funds to come from the Airport Improvement Fund.

Moved for your approval.

Motion carried. (Signed) C. VanderWall

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Motion by C. VanderWall and seconded by J. Andersen to approve the following resolution:

HONORABLE COMMISSIONERS

WHEREAS, the Michigan Department of Transportation has offered a contract for the construction a taxiway for hangar access and a 6-unit hangar at the Mason County Airport; and

WHEREAS, under this contract the County of Mason will receive grants from the federal and state governments totaling \$308,085.00 out of a total project cost of \$412,401.00.

THEREFORE BE IT RESOLVED, that the Board of Commissioners of the County of Mason approves Contract No. 2014-0756 for a Federal/State/Local Airport Project for the construction of a taxiway for hangar access and a 6-unit hangar at the Mason County Airport and directs the Board Chair Charles M. Lange to sign said contract; local share funds of \$104,316.00 to come from the Airport Improvement Fund #481.

Moved for your approval.

Motion carried. (Signed) C. VanderWall

Motion by M. Nichols and seconded by J. Andersen to approve the following resolution:

HONORABLE COMMISSIONERS

WHEREAS, Homeland Security Grants are now being given on a regional basis; and

WHEREAS, the County of Mason is a member of the Region 6 Homeland Security Governing Board; and

WHEREAS, the Region 6 Homeland Security Governing Board has designated West Michigan Shoreline Regional Development Commission as the Fiduciary for the 2011 Homeland Security Program; and

WHEREAS, the Region 6 Homeland Security Governing Board has authorized the purchase of 5 gas masks, mask canisters, and clear outset assembly; and

WHEREAS, the County of Mason needs to approve a Certification of Goods Received.

THEREFORE BE IT RESOLVED, that the Board of Commissioners of the County of Mason approves the attached Certification of Goods Received and authorizes the Board Chair to sign this document.

Moved for your approval.

Motion carried. (Signed) M. Nichols, J. Lenius

Motion by M. Nichols and seconded by B. Carpenter to approve the following resolution:

HONORABLE COMMISSIONERS

WHEREAS, the Sheriff is requesting \$850.00 from the Equipment Replacement Fund to purchase a laptop computer; and

WHEREAS, the Public Safety & Courts Committee is recommending the approval of this purchase from the Equipment Replacement Fund 402.

THEREFORE BE IT RESOLVED, that the Board of Commissioners of the County of Mason approves \$850.00 to purchase a laptop computer; funds to come from the Equipment Replacement Fund 402.

Moved for your approval.

Motion carried. (Signed) M. Nichols

Motion by J. Andersen and seconded by T. Pasma to approve the following resolution:

HONORABLE COMMISSIONERS

WHEREAS, the Finance, Personnel, and Rules Committee has reviewed the transfers for June 10, 2014.

THEREFORE, we, your Finance, Personnel, and Rules Committee, request your approval of the following transfers:

Jail Operations	\$116,000.00
Public Improvement	\$367,442.00

Moved for your approval.

Motion carried. (Signed) J. Andersen

Motion by J. Andersen and seconded by C. VanderWall to approve the following resolution:

HONORABLE COMMISSIONERS

WHEREAS, the Buildings, Planning, Drains, and Airport Committee has evaluated the Building Permit Fees and is recommending approval of the attached fee changes.

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THEREFORE BE IT RESOLVED, that the Board of Commissioners of the County of Mason approves the attached Residential Plan Review and Temporary Certificate of Occupancy fees; effective June 16, 2014.

Moved for your approval.

Motion carried. (Signed) J. Andersen

Motion by Finance, Personnel, and Rules Committee Chairman T. Posma and seconded by M. Nichols to approve the following resolution:

HONORABLE COMMISSIONERS

Community A: Branch Township

Community/Entity B: County of Mason

WHEREAS, Community A (check appropriate statement) currently participates desires to participate in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community; and

WHEREAS, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions which also apply for the purposes of this resolution:

1. Flood or Flooding means:
 - a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and
 - b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (a)(1) of this definition.
2. Flood Hazard Boundary Map (FHBM) means an official map of a community, as may have been issued by the FEMA, where the boundaries of the areas of flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E.
3. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).
4. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
5. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.
6. Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

WHEREAS, "the Stille-Derossett-Hale Single State Construction Code Act", Act No. 230 of the Public Acts of 1972, as amended, (construction code act), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code [and its Appendices (specifically Appendix G)] contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3; and

WHEREAS, by the action dates of this document or an existing historical agreement, Community/Entity B affirms/agrees on behalf of Community A to function as the designated enforcing agency to discharge the responsibility of administering, applying, and enforcing the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, to all development with Community A's political boundaries; and

WHEREAS, Community A and Community/Entity B enforce floodplain regulations of the construction code act, and Community A wishes to ensure that the administration of that code complies with requirements of the NFIP; and

NOW THEREFORE, to maintain eligibility and continued participation in the NFIP,

1. Community A and Community/Entity B agree that the Community/Entity B's officially designated enforcing agency for the construction code act, Mason County Building Dept., be directed to administer, apply, and enforce on Community A's behalf the floodplain management regulations as contained in the state construction code (including Appendix G) and to be consistent with those regulations by:

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- a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area, and areas with potential flooding, and
 - b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and
 - c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, Community/Entity B shall implement the following applicable codes according to their terms:
 - i) Appropriate portions and referenced codes and standards of the current Michigan Residential Code.
 - ii) Appropriate portions and referenced codes and standards of the current Michigan Building Code.
 - iii) Appendix G of the current Michigan Building Code.
 - d. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.
 - e. Assisting in the delineation of flood hazard areas; provide information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintain flood proofing and lowest floor construction records, and cooperate with other officials, agencies, and persons for floodplain management.
 - f. Advising FEMA of any changes in community boundaries, including appropriate maps, and
 - g. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevation to which structures have been floodproofed.
2. Community A and Community/Entity B assure the Federal Insurance Administrator (Administrator) that they intend to review, on an ongoing basis, all amended and revised FHBMs and Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to assure Community A's compliant participation in the program.
 3. Community A further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study (FIS), FHBMs, and/or the FIRM's by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.

FURTHER BE RESOLVED, both communities declare their understanding that, until this resolution is rescinded or Community A makes another provision to enforce the construction code act:

1. The Community/Entity B must administer and enforce the construction code act in accordance with the terms and the conditions contained herein, and
2. For Community A to continue its participation in the NFIP, the construction code act must be administered and enforced according to the conditions contained herein.

Community A: Township of Branch

Date Passed: April 10, 2014

Officer Name: Michael Shoup

Title: Supervisor

Signature: /S/ Michael Shoup

Date: May 19, 2014

Witness Name: Donna Cloud

Title: Clerk

Signature: /S/ Donna Cloud

Date: May 19, 2014

Community/Entity B: County of Mason

Date Passed: June 10, 2014

Officer Name: Charles Lange

Title: Board Chairman

Signature: _____

Date: June 10, 2014

Witness Name: Fabian Knizacky

Title: County Administrator

Signature: _____

Date: June 10, 2014

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Motion by T. Posma and seconded by J. Andersen to approve the following resolution:

HONORABLE COMMISSIONERS

The Finance, Personnel, and Rules Committee has audited the County's claims dated May 8, 2014 totaling \$731,436.82, and May 22, 2014 totaling \$266,605.60; and

The Finance, Personnel, and Rules Committee found these claims to be in order and asks the Board to approve these claims.

Moved for your approval.

Motion carried. (Signed) T. Posma, J. Andersen, C. Lange

Motion by Chairman Lange and seconded by J. Lenius to approve the following resolution:

HONORABLE COMMISSIONERS

WHEREAS, the County of Mason has received equipment and services from the Region 6 Homeland Security Planning Board; and

WHEREAS, the West Michigan Shoreline Regional Development Commission and the Region 6 Homeland Security Planning Board owe the Federal Emergency Management Agency (FEMA) a total of \$174,437 due to disallowed costs; and

WHEREAS, the West Michigan Shoreline Regional Development Commission and the Region 6 Homeland Security Planning Board are recommending the attached allocation of the amount due to FEMA.

THEREFORE BE IT RESOLVED, that the Board of Commissioners of the County of Mason approves the attached allocation of the amount due to FEMA; funds to come from the Emergency Management Grant Fund and contingency.

Moved for your approval.

Motion carried. (Signed) C. Lange

Motion by Chairman Lange and seconded by J. Lenius to approve the following resolution:

HONORABLE COMMISSIONERS

WHEREAS, Mason County is authorized under the General Property Tax Act, Public Act 206 of 1893, as amended, to levy and collect County allocated property taxes; and

WHEREAS, the General Property Tax Act has been amended by Public Act 357 of 2004, being MCL 211.44a, to require all Michigan Counties to impose a summer tax levy, with the summer tax levies for 2005 and 2006 to be in the amount of 1/3 and 2/3, respectively, of the total County allocated tax, with the full amount of County allocated tax to be levied and collected as a summer tax levy in 2007 and thereafter.

THEREFORE, BE IT RESOLVED, that pursuant to Public Act 357 of 2004, the Mason County allocated tax shall be levied and collected on July 1, 2014, at the rate of 5.0967 mills; and

BE IT FURTHER RESOLVED, that the Treasurer of each city, village and township in Mason County is directed to account for and deliver the County allocated tax collections for 2014 in accordance with the provisions of Public Act 357 of 2004; and

BE IT FURTHER RESOLVED, that this Resolution constitutes certification of the levy of the County allocated tax and authorized collection of the County allocated tax on July 1, 2014, at the rate of 5.0967 mills; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded by the County Administrator to the Treasurer of each city, village and township in Mason County.

Moved for your approval.

A roll call vote was taken. Ayes: J. Lenius, B. Carpenter, C. Lange, C. VanderWall, M. Nichols, J. Andersen, T. Posma. Nays: None.

Motion carried. (Signed) C. Lange

Motion by Chairman Lange and seconded by J. Andersen to approve the following resolution:

HONORABLE COMMISSIONERS

WHEREAS, the State of Michigan and the County of Mason have historically worked together to provide for Marine Safety Programs.

THEREFORE BE IT RESOLVED, that the Board of Commissioners of the County of Mason approves the attached 2014 Marine Safety Grant Agreement between the State of Michigan and the County of Mason and further directs the County Chair to sign said agreement.

Moved for your approval.

Motion carried. (Signed) C. Lange

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Treasurer Shirley Smith reviewed the May 2014 Treasurer's report, the 2013 Annual Investment Report, and the Tax Foreclosed Lands Summary Report and answered questions.

Clerk Jim Riffle reviewed the May 2014 Clerk's Report and answered questions.

Public comment:

- Evelyn Bergaila of Riverton Township stated she felt that if the sound testing of the wind turbines had not been completed by Sound Consultant HGC that the window of opportunity had closed as this time of year the ambient noise level was too high to provide for accurate testing. Ms. Bergaila also expressed concern regarding a culvert on Anthony Road. She felt that the washout that had been created by rainfall resulting in an orange barrel being placed at the site was a safety hazard.

- Jim Hissong of Branch Township expressed frustration over the inability to get his road brined by the Mason County Road Commission. Mr. Hissong read a statement from his doctor regarding his medical condition and the need for dust control.

Any Unfinished Business: None.

With no other business, the meeting was adjourned at 8:10 p.m.

JIM RIFFLE, COUNTY CLERK

CHARLES LANGE, BOARD CHAIRMAN