

September 9, 2014

The regular meeting of the Mason County Board of Commissioners was held at 9:00 a.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 C. VanderWall. Pledge to the flag followed.

Motion by J. Lenius and seconded by C. VanderWall to approve the agenda. Motion carried.

Motion by C. VanderWall and seconded by J. Lenius to approve the minutes of the August 12, 2014 regular meeting. Motion carried.

Chairman Lange announced that a letter of correspondence from Michigan State University Extension (MSUE) had been received after the agenda packets were ready inviting new and returning county commissioners to participate in the upcoming "New County Commissioner Workshops 2014" offered by MSUE.

Public Comment:

- Evelyn Bergaila of Riverton Township spoke in support of Cary Shineldecker being appointed to the Mason County Planning Commission.
- Aldon Maleckas of Custer Township voiced concerns about the growing number of industrial wind turbines in Michigan which he felt would cause local residents to pay as much 40 cents per kilowatt hour. Mr. Maleckas felt the increased costs of electricity to the residents would far exceed the tax dollars generated to local government.
- Jordan DeVries, Mason-Lake Conservation District Manager, provided information on the fall farm tour that was held on September 4, 2014, the MAEAP program and other recent activities of his office.

Motion by Public Safety and Courts Committee Chairman J. Lenius and seconded by M. Nichols 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 the attached goods and services; and

WHEREAS, the County of Mason needs to adopt the attached Transfer of Ownership Agreement/Equipment receipt and acceptance for purchases under Federal Award Number 97.067.

THEREFORE BE IT RESOLVED, that the Board of Commissioners of the County of Mason approves the attached Transfer of Ownership Agreement/Equipment receipt and acceptance for purchases under Federal Award Number 97.067 between West Michigan Shoreline Regional Development Commission and Mason County and authorizes the Board Chair to sign these documents and all related forms on behalf of the County.

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, 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 the attached goods and services; and

September 9, 2014

WHEREAS, the County of Mason needs to adopt the attached Transfer of Ownership Agreement/Equipment receipt and acceptance for purchases under Federal Award Number 97.067.

THEREFORE BE IT RESOLVED, that the Board of Commissioners of the County of Mason approves the attached Transfer of Ownership Agreement/Equipment receipt and acceptance for purchases under Federal Award Number 97.067 between West Michigan Shoreline Regional Development Commission and Mason County and authorizes the Board Chair to sign these documents and all related forms on behalf of the County.

Moved for your approval.

Motion carried. (Signed) B. Carpenter

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

HONORABLE COMMISSIONERS

WHEREAS, there is one vacancy on the Mason County Planning Commission with a term expiring on December 31, 2016; and

WHEREAS, there were seven responses to the advertisement that was published in the Ludington Daily News from Mr. Stephen Bieniek, Mr. Arnold Burke, Mr. Wallace Cain, Mr. Al DeMeester, Mr. Bill Hastings, Mr. Robert Kesling, and Mr. Cary Shineldecker.

THEREFORE BE IT RESOLVED, that Mr. Stephen Bieniek, Mr. Arnold Burke, Mr. Wallace Cain, Mr. Al DeMeester, Mr. Bill Hastings, Mr. Robert Kesling, and Mr. Cary Shineldecker be considered for the one position on the Mason County Planning Commission with a term that expires December 31, 2016.

Moved for your approval.

A roll call vote was taken with Commissioners voting for one candidate. Stephen Bieniek - Lenius, Lange, and Posma; Arnold Burke - no votes; Wallace Cain - no votes; Al DeMeester - no votes; Bill Hastings - no votes; Robert Kesling - no votes; and Cary Shineldecker - Carpenter, VanderWall, Nichols, and Andersen.

Motion carried. (Signed) C. VanderWall

Motion by M. Nichols 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 Emergency Management Programs.

THEREFORE BE IT RESOLVED, that the Board of Commissioners of the County of Mason approves the Emergency Management FY2015 Work Agreement/Report between the State of Michigan and the County of Mason for the fiscal year of October 1, 2014 to September 30, 2015 and further directs the County Chair to sign said agreement.

Moved for your approval.

Motion carried. (Signed) M. Nichols

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

HONORABLE COMMISSIONERS

The Finance, Personnel, and Rules Committee has audited the County's claims dated August 14, 2014 totaling \$423,139.46, and August 28, 2014 totaling \$252,063.64; 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.

Commissioner Lange noted a possible conflict of interest.

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

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

HONORABLE COMMISSIONERS

WHEREAS, Oakview Medical Care Facility received the support from the citizens of the County of Mason for millage of up to 0.9715 mill; and

WHEREAS, the Mason County Department of Human Services Board has the responsibility for the operation of Oakview Medical Care Facility; and

WHEREAS, the County of Mason requires notification each year of the amount of millage needed to be levied for the continued operation of Oakview Medical Care Facility; and

September 9, 2014

WHEREAS, the Mason County Department of Human Services Board has indicated a need for the 0.9715 mill to be levied.

THEREFORE BE IT RESOLVED, that the Mason County Department of Human Services Board requests the Board of Commissioners of the County of Mason to levy 0.9715 mill for 2014 for the operation of Oakview Medical Care Facility and the County Clerk to certify the same.

Moved for your approval.

Commissioner Nichols noted a possible conflict of interest.

Motion carried. (Signed) J. Andersen

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

HONORABLE COMMISSIONERS

Community A: Meade Township

Community/Entity B: County of Mason

WHEREAS, Community A (check the 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 dated _____, 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

September 9, 2014

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 (insert position title), 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:
 - 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. 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:	Meade Township	Date Passed: August 11, 2014
Officer Name:	Lois Krepps	Title: Supervisor
Signature:	/S/ Lois Krepps	Date: 8/11/14
Witness Name:	Sue Hasenbank	Title: Clerk of Township
Signature:	/S/Sue Hasenbank	Date: 8/11/14

September 9, 2014

Community Entity B: County of Mason:

Date Passed: 9/9/14

Officer Name: Charles Lange

Title: Board Chairman

Signature: _____

Date: 9/9/14

Witness Name: Fabian Knizacky

Title: County Administrator

Signature: _____

Date: 9/9/14

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

HONORABLE COMMISSIONERS

WHEREAS, it is necessary to set the date for the annual Budget Work Session Meeting.

THEREFORE BE IT RESOLVED, that the Board of Commissioners of the County of Mason establishes, October 2, 2014 at 7:00 PM, as the date and the time for the annual Budget Work Session Meeting.

Moved for your approval.

Motion carried. (Signed) T. Posma

Motion by T. Posma and seconded by M. Nichols to approve the following resolution:

HONORABLE COMMISSIONERS

WHEREAS, Act 2 of 1968 (State Convention Facility Development Act), may have necessitated a public hearing in order to comply with Act 5 of 1982 (Truth in Taxation).

NOW THEREFORE BE IT RESOLVED, that the Clerk of the County of Mason is hereby authorized and directed to publish notice of such public hearing, and said notice be substantially in the form of the attached Exhibit A, in a newspaper of general circulation within the county district. The notice shall be published not less than six days before the public hearing and shall comply with all requirements of said Act 5 and shall post notice of said public hearing in compliance with the Michigan Open Meetings Acts.

Moved for your approval.

Motion carried. (Signed) T. Posma

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

HONORABLE COMMISSIONERS

WHEREAS, the Mason County Jail received the support from the citizens of the County of Mason for a millage of up to 0.58 mill; and

WHEREAS, the Finance, Personnel, & Rules Committee is recommending that the Board of Commissioners levy 0.58 mill.

THEREFORE BE IT RESOLVED, that the Board of Commissioners of the County of Mason instructs the County Clerk to certify the levy of 0.58 mill for the 2014 levy.

Moved for your approval.

Motion carried. (Signed) T. Posma

Motion by T. Posma and seconded by B. Carpenter to approve the following resolution:

HONORABLE COMMISSIONERS

WHEREAS, the County of Mason and the State of Michigan has installed a Weather Observation and Data System at the Mason County Airport; and

WHEREAS, this system includes the Pilot Information System and the Automated Weather Observation System (AWOS).

THEREFORE BE IT RESOLVED, that the Board of Commissioners of the County of Mason approves the contract with the State of Michigan for the purpose of fixing the obligations and intent of MDOT and the County as they pertain to the installation, operations and maintenance of a Weather Observation and Data System at the Mason County Airport and directs the Board Chair Charles Lange to sign said contract.

Moved for your approval.

Motion carried. (Signed) T. Posma

September 9, 2014

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

HONORABLE COMMISSIONERS

WHEREAS, the Finance, Personnel, & Rules Committee is recommending a levy of 0.003 mill for 2014 for the Soldiers & Sailors Relief Commission.

THEREFORE BE IT RESOLVED, that the Board of Commissioners of the County of Mason requests the levy of 0.003 mill for 2014 for the Soldiers & Sailors Relief Commission and authorizes the County Clerk to certify the same.

Moved for your approval.

Motion carried. (Signed) C. Lange

Motion by Chairman Lange and seconded by M. Nichols to approve the following resolution:

HONORABLE COMMISSIONERS

WHEREAS, the Mason-Oceana 911 Center received the support from the citizens of the County of Mason for a millage of up to 0.14 mill; and

WHEREAS, the Finance, Personnel, & Rules Committee is recommending that the Board of Commissioners levy 0.14 mill.

THEREFORE BE IT RESOLVED, that the Board of Commissioners of the County of Mason instructs the County Clerk to certify the levy of 0.14 mill for the 2014 levy.

Moved for your approval.

Motion carried. (Signed) C. Lange

Motion by Chairman Lange and seconded by C. VanderWall to approve the following resolution:

HONORABLE COMMISSIONERS

WHEREAS, the Finance, Personnel, and Rules Committee has reviewed the transfers for September 9, 2014.

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

Jail Operations	\$116,000.00
Airport Operations	\$ 34,750.00
Emergency Management Grant	\$ 1,000.00

Moved for your approval.

Motion carried. (Signed) J. Lenius

Treasurer Shirley Smith reviewed the August 2014 Treasurer’s report and answered questions.

Clerk Jim Riffle reviewed the August 2014 Clerk’s Report and answered questions.

Administrator's report: Administrator Knizacky informed the County Board that the t-hanger project at the Mason County Airport is scheduled to begin the week of September 15th, the Johnson Control building renovation projects are moving forward and he also reminded commissioners to provide Finance, Personnel and Rules Committee members any input regarding the 2015 Final Budget prior to September 23rd.

Public comment:

- Aldon Maleckas of Custer Township expressed his concern over Planning Commissioner Ralph Lundberg being involved in the upcoming discussion and possible updates to the Mason County Zoning Ordinance regarding wind turbines due to the fact that Mr. Lundberg is part of a family trust that receives payments from 5 turbines located on property owned by the trust.

Any Unfinished Business: None.

With no other business, the meeting was adjourned at 9:40 a.m.

JIM RIFFLE, COUNTY CLERK

CHARLES LANGE, BOARD CHAIRMAN