

May 28, 2019

Minutes of a meeting of the Arenac County Board of Commissioners:

Chair Adam Kroczaleski called the scheduled meeting of the Arenac County Board of County Commissioners to order at 1:35 P.M. pursuant to Public Notice and the Michigan Open Meetings Act with the Board reciting the Pledge of Allegiance to the U. S. Flag.

Present: Commissioners: Bobbe Burke, Lisa Salgat, Adam Kroczaleski, Sally Mrozinski, & Harold Woolhiser.

Approval of an Agenda:

Moved by Ms. Burke & Ms. Salgat to approve the proposed agenda with the addition of Motion 7: Iron Belle Trail DNR Challenge Grant project to acquire a parcel of land owned by the Straits Corporation on the proposed Iron Belle Trail Route in Arenac County. Motion carried.

Public Comments:

Theresa Irving, Arenac County Building Department: Appeared before the Board asking for direction regarding a “request for information” on the base of a FOIA, regarding a ramp that was denied for occupancy by the Building Inspector and she received direction from the Board.

Mrs. Nancy Selle, Drain Office Clerk: Presented a signed GIS Agreement Letter to the Chair from Whitney Township & a short discussion by Commissioners regarding other local unit participation in such authority as well as County of Arenac participation in an Authority occurred at that point.

There were no further public comments.

Approval of Various Minutes:

Committee of the Whole of May 14, 2019: Moved by Ms. Salgat & 2nd by Mr. Woolhiser to approve the minutes as presented. Motion carried.

Board Session Minutes of May 14, 2019: Moved by Ms. Burke & 2nd by Mr. Woolhiser to approve the proposed minutes as presented. Motion carried.

Order of the Day:

Mr. Jeff Trombley, Arenac County Drain Commissioner: Mr. Trombley appeared and requested that the Board sign a memorandum/performance agreement with the Michigan Department of Transportation on behalf of the County of Arenac, noting that issues with recent work have been ironed out and should not be an issue in the future. Issue arose because of some work done in highway right of way by farmer in a drain.

Mr. Jeff Trombley, Chair Arenac County Parks Commission: Discussed certain complaints relating to County Parks and specific issues including perceived campground complaint and noted Parks Commission will address same when they meet in the second week of June. He felt that most issues are being addressed at this time. Commissioners discussed certain maintenance issues with him regarding a couple of items needing addressing at parks.

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Claims & Accounts: Book of Bills:

Moved by Ms. Salgat & 2nd by Mr. Woolhiser to approve payment of the Book of Bills as presented in the aggregate amount of \$30,478.05 as presented. Motion carried.

Review of Correspondence:

Commissioners reviewed the Correspondence listing. Chair directed the items be placed on file.

Motions to be acted upon:

Motion 1: Arenac County Data Transmission Restriction Agreement & Authorizer:

Moved by Ms. Mrozinski & 2nd by Mr. Woolhiser to approve a proposed "Arenac County Data Transmission Restriction Agreement" (copy to be furnished) designating the Office of the County Treasurer as the manager of such, specifically, County Treasurer, Dennis Stawowy. Motion carried.

**Motion 2: Northern Michigan Mutual Aid Reciprocal Law Enforcement Agreement
& Authorized Signatures:**

Moved by Ms. Salgat & 2nd by Ms. Mrozinski to authorize the Arenac County Sheriff, James E. Mosciski & Board Chair, Adam Kroczaleski to sign and enter into the Northern Michigan Mutual Aid Reciprocal Law Enforcement Agreement as presented to the Board. Copy on file with County Clerk. Motion carried.

Motion 3: Resolution 2019-04: Arenac County Home Improvement MSHDA MOD Program:

Per direction of Board Chair, discussion regarding any action will occur later in the meeting.

Motion 4: MDOT Performance Resolution for Government Agencies: Drain Office:

Moved by Ms. Mrozinski & 2nd by Ms. Salgat to adopt the following resolution:

**PERFORMANCE RESOLUTION
FOR GOVERNMENT AGENCIES**

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way", or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".

RESOLVED WHEREAS, the County of Arenac, herein after referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permit, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits.

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law.

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2. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
3. If any of the work performed for the GOVERNMENTAL AGENCY, is performed by a contractor, the GOVERNMENTAL AGENCY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, as set forth above, shall be considered a breach of duties to the DEPARTMENT.
4. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of THE PERMIT, thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
5. The GOVERNMENTAL AGENCY will, by its own volition and/or request by the DEPARTMENT promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation, construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.
6. With respect to any activities authorized by a PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof, pursuant to a maintenance contract.
7. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
8. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

Title and/or Name: Arenac County Drain Commissioner, Jeff Trombley.

Roll Call Vote: Yes: Mrozinski, Salgat, Burke, Woolhiser, Kroczaleski. No: None. Motion carried 5 yes to 0 no.

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Motion 5: Arenac County Membership in GIS Authority:

Chair directed that said item be held for any action/discuss until later in the meeting.

**Motion 6: 2018 Stonegarden Grant for FY 2018:
(Funding Period of September 1, 2018 through July 31, 2021)**

Moved by Mr. Woolhiser & 2nd by Ms. Salgat to authorize the Chair and the Sheriff to sign and Ed Rohn, Emergency Management Coordinator, apply for the proposed grant request referencing Homeland Security Projects in the aggregate amount of \$64,000. Motion carried.

Motion 7: Iron Belle Trail Challenge Grant & Related:

Chair explained the issue of the need to have the County act as agent for the EDC to allow for the requesting of a \$20,000 Grant from the MI DNR for property acquisition. This parcel, which is owned by the Straits Corporation, and is essential for the future construction of the Arenac County segment of the Iron Belle Trail on and along certain properties owned by the above. Moved by Ms. Salgat & 2nd by Mr. Woolhiser to approve the application on behalf of Arenac County and authorize the Board Chair to sign said grant request on behalf of Arenac County, Michigan. Motion carried.

Motion 3: Arenac County Home Improvement Resolution 2019-04:

After Discussion, no motion was offered for approval as Commissioners felt that the proposed project needed more clarification and further felt that the proposal was not economically feasible with the dollar amounts projected in the paperwork and any further discussion will be held until another meeting.

Motion 5: Authorization for Arenac County to join the Arenac County GIS Authority:

After additional discussion, moved by Ms. Burke & 2nd by Ms. Salgat to enter into an Inter-Local GIS Agreement with all local units interested and to become a member of the Group and authorize the Board Chair to sign said document on behalf of the County of Arenac. Roll Call Vote: Yes: Mrozinski, Salgat, Burke, Woolhiser, & Kroczaleski. Motion carried by a 5 yes to 0 no vote. Copy of agreement to be placed on file in the County Clerk's Office.

Unfinished Business/Commissioner Reports:

Ms. Salgat reported on need for Michigan Indigent Defense Council Committee to meet and it was agreed that such will happen either Monday, June 3 @ 10 or Thursday, June 6th @ 10 in the Board Room.

Mr. Kroczaleski reported that the Board will act upon the Behavioral Health Resolution for BABH and the Mobile Medical Response Contract at the next meeting.

The Board discussed several items relating to the Parks and Ms. Klabis reported that the County of Arenac received a Grant from the Arenac Community Fund of the Bay Area Community Foundation for swing replacement at Oasis Lake Park.

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Order of the Day: Motion regarding Equalization Department Fee

After discussion, including a verbal report of conversation with Equalization Director, it was agreed that a motion would be offered regarding fees charged in the Equalization Department for copies of the Tax Rolls and certain assessment information. Moved by Mr. Woolhiser & 2nd by Ms. Salgat to charge the rate of \$500 per request for copies of the Arenac County Assessment Rolls. Motion carried.

Adjournment:

There being no further business, Chair declared the meeting adjourned at 3:21 P.M.

Sincerely,

Attest: _____
Adam Kroczaleski, Chair of the Board of Commissioners

Ricky R. Rockwell
Arenac County Clerk