



# MINUTES

## Board of Commissioners

### Meeting

8:02 AM - Thursday, March 31, 2022

H.H. Purdy Building Board Room, 125 W. Lincoln St., Caro, MI 48723

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Commissioner Bardwell called the regular meeting of the Board of Commissioners of the County of Tuscola, Michigan, held at the H.H. Purdy Building Board Room, 125 W. Lincoln St., Caro, MI 48723, on Thursday, March 31, 2022, to order at 8:02 AM local time.

Prayer - Commissioner Bardwell

Pledge of Allegiance - Commissioner Young

Roll Call - Clerk Fetting

Commissioners Present In-Person: Thomas Young, Thomas Bardwell, Kim Vaughan, Doug DuRussel, Dan Grimshaw

Commissioners Absent: None

Others Present In-Person: Clerk Jodi Fetting, Clayette Zechmeister, Eean Lee, Mike Miller, Steve Anderson, Brian Harris, Ryan Robinson, Sandy Nielsen, Dan Nielsen, Shelly Lutz, Renee Francisco, Debbie Babich, Angie House, Bryan Hemerline, Shannon Beach, Nate Licht, Debbie Mika, Joel Angle, Chris Whetstone, Skylar Thurlow, Joe Greene, Josh Herman, Ryan Herford, Tim Zube

Also Present Virtual: Tracy Violet, K. Free, Dan Ettinger, Carrie Tabar, Mary Drier, Mark Haney, Cody Horton, Kyle Bischer, Steve Root, Kate Curtis, Debbie Babich, Renee Francisco, Alecia Little, Rory Osentoski, Pam Shook, Matt Brown, Marie H., Heather Malloy, Treasurer Ashley Bennett, Nick Sakon, Barry Lapp, Crystal Knoblock, Josh Herman, Ryan LaFlure, Jamie Nisidis, Thomas Peterson, Daniel Bovarnick, Kyle Nordstrom, William Webster, James Hook, David Sernick, Jon Ramirez

At 8:04 a.m., there were a total of 22 participants attending the meeting virtually.

#### Adoption of Agenda

1. Adoption of Agenda -

2022-M-060

Motion by Thomas Young, seconded by Doug DuRussel to adopt the agenda as presented. Motion Carried.

## **Action on Previous Meeting Minutes**

1. Action on Previous Meeting Minutes -

2022-M-061

Motion by Doug DuRussel, seconded by Kim Vaughan to adopt the meeting minutes from the March 17, 2022 Regular meeting and the March 17, 2022 Public Hearing. Motion Carried.

## **Brief Public Comment Period for Agenda Items Only**

-Lieutenant Brian Harris addressed the Board regarding premium pay being awarded to employees that worked during the COVID pandemic from the ARPA Funds.

## **Consent Agenda**

2022-M-062

Motion by Thomas Young, seconded by Kim Vaughan that the Consent Agenda Minutes and Consent Agenda Items from the March 28, 2022 Committee of the Whole be adopted. Motion Carried.

## **CONSENT AGENDA**

1. Annual Aging Services Programmatic Report FY 2021 -

Move to receive and place on file the Annual Aging Services Programmatic Report for Fiscal Year 2021.

2. Sheriff's Department New Hires to Fill Vacant Positions -

Move that per the request from Undersheriff Baxter to refill the following vacant positions:

A. Jacob Preston as a Road Patrol Officer pending a physical, psychological & drug test. He will be considered part-time (\$18.00 per hour) while attending the police academy. Upon successful completion (on or about May 6, 2022), he will begin at full-time status.

B. Tiffany Gunlock as a Road Patrol Officer pending a physical, psychological & drug test. She will be considered part-time (\$18.00 per hour) while attending the police academy. Upon successful completion (on or about May 6, 2022), she will begin at full-time status.

C. Christy Poulos for the Sheriff's Confidential Secretary position (due to the resignation of Heidi Chicilli) pending a physical & drug test. Her anticipated start date is April 2, 2022. Due to her 29 years of experience, it is recommended that she start at Step-2 (\$19.57 per hour) of the wage scale. Additionally, Heidi Chicilli has offered to work, with limited part-time hours, for the first few weeks of Christy's training to ensure a smooth transition within the Sheriff's Department.

D. Samuel Gaiser will vacate a Corrections position and move to the Road Patrol. Upon successful completion of the police academy (on or about May 6, 2022), he will begin at full-time status.

3. Bids for the Purchase of a New Vulcan Range and Griddle at the County Sheriff's Department -

Move to reject all bids and have Mike Miller, Director of Buildings and Grounds, rebid and research MiDEAL for potential lower costs for Vulcan dealers located in Michigan.

## **New Business**

1. Resolution Presentation to Sandy Nielsen -

2022-M-063

Motion by Thomas Young, seconded by Kim Vaughan that County Resolution 2022-04 honoring Sandra Nielsen, Tuscola County Dispatch Director, for 32 years of dedicated public service to the citizens of Tuscola County be approved and placed on file.

Roll Call Vote:

Yes: Thomas Young, Thomas Bardwell, Kim Vaughan, Doug DuRussel,  
and Dan Grimshaw

Motion Carried.

-Chairman Bardwell presented the Resolution to Sandy Nielsen. The Board thanked Sandy for her years of dedicated service to Tuscola County.

2. Sandy Nielsen -

Sandy took a moment to read a statement thanking everyone for their support over the years. She shared the impact the Dispatch Center has had on her, her family and the community.

3. Conflict of Interest Policy -

Board reviewed the proposed Conflict of Interest Policy. Commissioner Grimshaw suggested adding to #8 - Gifts to be only if over \$50.00. Commissioner Grimshaw questioned # 13 - Reporting Familial Relationships as to how it would be tracked. Board discussed the matters.

2022-M-064

Motion by Thomas Young, seconded by Kim Vaughan that the Conflict-of-Interest Policy be adopted and a copy of this policy be distributed to all county departments.

2022-M-065

Motion by Dan Grimshaw, seconded by Doug DuRussel to amend #8 of the Conflict-of-Interest Policy to state a value over \$50.00.

Yes: Thomas Young, Kim Vaughan, Doug DuRussel, and Dan Grimshaw  
No: Thomas Bardwell

Motion Carried.

2022-M-066

Motion by Dan Grimshaw, no second, to strike the first sentence of #13 in the Conflict-of-Interest Policy, "The County will track familial relationships among employees, Commissioners and appointed officials." Motion died for lack of support.

2022-M-064 as amended

Motion by Thomas Young, seconded by Kim Vaughan that the Conflict-of-Interest Policy be adopted and a copy of this policy be distributed to all county departments with #8 - Gifts to be amended to state a value over \$50.00 per motion 2022-M-065.

Yes: Thomas Young, Thomas Bardwell, Kim Vaughan, and Doug DuRussel  
No: Dan Grimshaw

Motion Carried.

4. Quotes for Richville Generator Project R3-2020-80-0033/79-20-01 through Homeland Security Funds -  
Steve Anderson has reviewed the bids received for the project. The various bids were included in the agenda packet. Steve is recommending accepting the bid from Browning Power Systems.

2022-M-067

Motion by Thomas Young, seconded by Kim Vaughan to approve the quote for the Richville Fire Department Generator to Browning Power Systems in the amount of \$11,527.55. All funds will be reimbursed through Homeland Security. Motion Carried.

5. Closed Session for Legal Opinion -

2022-M-068

Motion by Kim Vaughan, seconded by Thomas Young that the Board meet in Closed Session under MCL 15.268(h) to consider a written legal opinion exempt from disclosure by the Freedom of Information Act and under MCL 15.268(e) to consult with

its attorney regarding trial or settlement strategy in connection with the pending litigation in *Pegasus Wind, LLC v Tuscola County*, Tuscola County Circuit Court Case No. 20-31066-AA and Michigan Court of Appeals Case No. 355715, as an open meeting would have a detrimental financial effect on the litigation and settlement position of the County, with Jamie Nisidis, Clayette Zechmeister, Jodi Fetting, and Eean Lee to be allowed to attend the closed session at 9:01 a.m.

Yes: Thomas Young, Thomas Bardwell, Kim Vaughan, Doug DuRussel,  
and Dan Grimshaw

Motion Carried.

Reconvened from Closed Session at 9:34 a.m.

At 9:34 a.m., there were a total of 39 participants attending the meeting virtually.

6. 2022 Decision of the Court of Appeals Regarding Pegasus Wind, LLC -
  - Commissioner Vaughan stated in the 8 wind turbine project the Airport Zoning Board of Appeals (AZBA) and the Circuit Court Judge Amy Grace Gierhart denied the requests for the variances requested. Commissioner Vaughan wants to support how Judge Gierhart ruled and how the AZBA voted.
  - Commissioner Grimshaw stated that since the Court of Appeals Order has been published it is considered a policy change statewide. He feels it is a property rights issue.
  - Commissioner DuRussel stated he is not a fan of wind turbines but does not feel spending more of county taxpayers money is wise.
  - Commissioner Young stated enough money has been spent on the appeal already.
  - Commissioner Bardwell stated the 8 wind turbines are close to the inner circle of the airport which raises his concern for safety. If those turbines were erected, he is concerned of the future safety of pilots.

2022-M-071

Motion by Dan Grimshaw, seconded by Doug DuRussel that Tuscola County take no further legal action to appeal from the February 24, 2022 decision of the Michigan Court of Appeals in *Pegasus Wind, LLC v Tuscola County*, Court of Appeals Case No. 355715 and Tuscola County Circuit Court Case No. 20-31066-AA.

Yes: Thomas Young, Doug DuRussel, and Dan Grimshaw  
No: Thomas Bardwell and Kim Vaughan

Motion Carried.

Recessed at 9:50 a.m.

Reconvened at 9:58 a.m.

At 9:58 a.m., there were a total of 43 participants attending the meeting virtually.

7. Tuscola County American Rescue Plan Act (ARPA) Services -

David Sernick reviewed his presentation that was included in the agenda packet. The premium pay for employees of Tuscola County was discussed. There were two tiers established for employees that were in a high-risk category (\$5.00 per hour) and employees that were in a low-risk category (\$2.00 per hour). The employees of the Health Department would be considered in the high-risk category (\$5.00 per hour). The Non-Entitlement Units (NEUs) that are interested in collaboration opportunities were discussed. The various County ARPA project ideas were reviewed and discussed. Board discussed the timing of the premium pay being issued if it is approved as well as if taxes would be deducted. Clayette stated it would be issued as a separate payroll check with FICA taken out of it.

2022-M-072

Motion by Thomas Young, seconded by Kim Vaughan to approve the Premium Pay as outlined in the American Rescue Plan Act (ARPA), to include 228 eligible Tuscola County employees who were performing in-person essential work during the COVID-19 public health emergency from January 27, 2020 through December 31, 2020 in the approximate amount of \$942,358.00. Per hour pay ranges from \$2.00 - \$5.00 per hour. Also, approve the Premium Pay in the approximate amount of \$493,463.00 to include 36 eligible employees at the Tuscola County Health Department as outlined in the American Rescue Plan Act (ARPA) for the hours worked from January 27, 2020 through September 30, 2021. The per hour pay is \$5.00.

Yes: Thomas Young, Thomas Bardwell, and Kim Vaughan

No: Doug DuRussel and Dan Grimshaw

Motion Carried.

### Old Business

1. Putman Project Water Update (matter added) -

Commissioner Vaughan stated that once he thinks he has the parties discussing the project and making progress, it regresses as soon as he steps back. He is trying to keep the lines of communication open.

### Correspondence/Resolutions

1. Notice of Intent to Prepare a Master Plan Amendment - Juniata Township

2. Grand Traverse County Auto Insurance Reform Act Resolution 20-2022

Commissioner DuRussel stated that more counties are adopting a resolution in support. Representative Green is working on getting a bill introduced.

3. Grand Travers County Resolution of Solidarity of Ukrainian Descent

## **Commissioner Liaison Committee Reports**

### ***Vaughan***

Board of Health -

The Board of Health is looking at ideas of how to attract nurses and staff.

County Planning Commission

Economic Development Corp/Brownfield Redevelopment

MAC Environmental Regulatory

Mid-Michigan Mosquito Control Advisory Committee

NACO-Energy, Environment & Land Use

Parks and Recreation Commission

Tuscola County Fair Board Liaison

Local Units of Government Activity Report

### ***Grimshaw***

Behavioral Health Systems Board -

The need for a psychiatrist is still a concern.

Recycling Advisory

Jail Planning Committee

MI Renewable Energy Coalition (MREC)

Local Units of Government

### ***DuRussel***

Board of Health -

Commissioner DuRussel stated the pay of the nurses at the Health Department needs to be reviewed.

Community Corrections Advisory Board

Department of Human Services/Medical Care Facility Liaison -

Commissioner DuRussel is waiting for the Executive Director to find a possible solution to allow him to participate virtually as he is unable to wear a mask for an extended period of time.

Genesee Shiawassee Thumb Works

Local Emergency Planning Committee (LEPC)

MAC Judiciary Committee

MEMS All Hazard

## Local Units of Government Activity Report

### ***Bardwell***

No Updates

Behavioral Health Systems Board

Caro DDA/TIFA

Economic Development Corp/Brownfield Redevelopment

MAC 7th District

MAC Workers Comp Board

MAC Finance Committee

TRIAD

Local Units of Government Activity Report -

Commissioner Vaughan questioned why the Road Commission cut down the road trees in Novesta Township. Commissioner Bardwell stated that the residents are very unhappy with that. Board discussed.

### ***Young***

Board of Public Works

County Road Commission Liaison

Dispatch Authority Board

Genesee Shiawassee Thumb Works

Great Start Collaborative

Human Services Collaborative Council (HSCC)

Jail Planning Committee

MAC Agricultural/Tourism Committee

Region VII Economic Development Planning

Saginaw Bay Coastal Initiative

Senior Services Advisory Council

Tuscola 2020

Local Units of Government Activity Report

### **Other Business as Necessary**

-Board discussed Vanderbilt Park. Commissioner DuRussel stated that he feels some improvements need to be made. The condition of the road was discussed. Clayette reported



that over \$8,000.00 was collected in January, February and March in just parking fees at Vanderbilt Park and the budgeted amount was \$7,500.00. Vanderbilt Park matter to be placed on the next Committee of the Whole meeting.

At 11:31 a.m., there were a total of 24 participants attending the meeting virtually.

**Extended Public Comment**

None

**Adjournment**

2022-M-073

Motion by Thomas Young, seconded by Kim Vaughan to adjourn the meeting at 11:41 a.m. Motion Carried.

Jodi Fetting  
Tuscola County Clerk