



Wexford County

EXECUTIVE COMMITTEE

Gary Taylor, Chair

NOTICE OF MEETING

The Executive Committee of the Wexford County Board of Commissioners will hold a regular meeting on Tuesday, October 13, 2020, beginning at 4:00 p.m. in the Historic Courthouse, 437 E. Division, Commissioners' Room, third floor, Cadillac, Michigan.

TENTATIVE AGENDA

- A. CALL TO ORDER
- B. ROLL CALL
- C. ADDITIONS / DELETIONS TO THE AGENDA
- D. APPROVAL OF THE AGENDA
- E. APPROVAL OF THE SEPTEMBER 8, 2020 REGULAR MEETING MINUTES 1
- F. PUBLIC COMMENTS
The Committee welcomes all public input.
- G. AGENDA ITEMS
 - 1. Discussion on Current Litigation Matters
 - 2. Cedar Creek
 - a. Infrastructure Alternatives Monthly Report (*Bob Polanic, Project Manager*) 4
 - b. Pescador LLC Remaining 2020 Budget – Landfill 5
 - 3. CDBG Authorizing Resolution-COVID-19 Grant 8
 - 4. PFAS Disposal Request 12
 - 5. Discussion of BOC Response to Recent Threat to the Governor
- H. CORRESPONDENCE
 - 1. EGLE – Sampling Requirements for Per and Polyfluoroalkyl Substances (PFAS) 13
- I. ADMINISTRATOR'S COMMENTS
- J. PUBLIC COMMENTS
- K. COMMITTEE COMMENTS
- L. CHAIR COMMENTS
- M. ADJOURN

COUNTY OF WEXFORD
EXECUTIVE COMMITTEE MEETING
MEETING MINUTES
September 8, 2020

E.

The meeting was called to order by Chairman Taylor at 4:00 p.m., in the Commissioners' Room of the Courthouse, 437 E. Division, Cadillac, Michigan, 49601.

Members Present: Gary Taylor, Chair; Mike Bengelink; Mike Musta and Julie Theobald
Members Absent: None

Also Present: Norma Kijorski, Senior Executive Assistant; Janet Koch, County Administrator; Kristi Nottingham, Treasurer; Bob Polanic, Infrastructure Alternatives Inc.; Members of the Public

ADDITIONS OR DELETIONS TO THE AGENDA

None.

APPROVAL OF THE AGENDA

A motion was made by Theobald and supported by Musta to approve the Agenda. A vote was requested. Motion passed unanimously.

APPROVAL OF THE MINUTES

A motion was made by Bengelink and supported by Musta to approve the August 11, 2020, Regular Meeting Minutes. A vote was requested. Motion passed unanimously.

PUBLIC COMMENTS

None.

AGENDA ITEMS

G.1. Discussion on Current Litigation Matters

Ms. Janet Koch reported the following:

Zettel v County of Leelanau, et al

- On August 18 there was a motion filed by the plaintiff to add 50 counties—including Wexford—to the 20 counties already named in the Zettel litigation.
- August 19 there was a hearing in the 33rd Circuit Court, Charlevoix with Judge Hayes. The attorney held arguments and scheduled an August 31 decision.
- August 31 Judge Hayes “denied Plaintiff’s Motion to Add the Non-Charlevoix Counties and/or their Treasurers as Defendants” to Zettel.
- The court certified a class of all property owners in Charlevoix County impacted by foreclosure auctions.
- It is likely that the Court will rule that the statute of limitations is six years.
- It is possible that plaintiff’s counsel will go County by County and ask for a class action lawsuit. Alternatively, he may pursue a nearly state-wide class action suit.

Rafaeli (also Maynard & Grainger)

- The County is still waiting to see if the federal courts will involve themselves in a state tax case. It will be the Sixth Circuit Court *Freed* decision.

McKay Case

- Roger Wotila has filed responses to the suit.
- Mr. Wotila will contact the plaintiff's attorney regarding a possible settlement.
- The Judge will set a scheduling conference within three months.

Opioid Litigation

- The attorneys are approaching the Attorney General about creating a structured allocation like several other states.

Discrimination Complaint

- There is still no response from the State.

G.2. a. Cedar Creek Water System

Infrastructure Alternatives Inc. (IAI) Monthly O&M Report for August 2020. Mr. Bob Polanic reported the following:

- There were no past events to report.
- All chorine levels are good.
- The fall flush will be done in mid-October.

G.3. Fair Board MOU – End Loader

A motion was made by Theobald and supported by Bengelink to forward to the full board for approval the Memorandum of Understanding with the Northern District Fair Association changing the End Loader second and final payment due date to September 15, 2021 in the amount of \$6,000.

Commissioner Theobald questioned the amount due. Ms. Koch reported that the first payment was only \$5,000 not \$5,500 as stated in the original MOU. It was stated that the fair was cancelled this year due to COVID. The smaller events held by the Fair Board do not generate ample revenue. Comm. Theobald also stated the difficulty in the Fair Board holding a meeting at its building which is too small for all members to be present at this time due to social distancing.

A vote was called. All in favor.

CORRESPONDENCE

None.

ADMINISTRATOR'S COMMENTS

Ms. Janet Koch reported the following:

The morning, she listened to the Treasurer's webinar and the hazard pay should be fully funded. The payroll reimbursement will be funded at 50%. The second 50% will be received when a review is completed by the State.

CRLGG is the revenue sharing replacement. Information on how to apply has not yet been made available.

Chairman Taylor questioned the status on the Warren Street abandonment. Ms. Koch stated that it will need action from the City. She will again contact the City Manager and City Planner to get feedback on the request.

PUBLIC COMMENTS

None.

COMMITTEE COMMENTS

None.

CHAIR COMMENTS

Chairman Taylor thanked all for attending the meeting.

ADJOURN

A motion was made by Musta and supported by Bengelink to adjourn at 4:10 p.m. A vote was called. All in favor.

Gary Taylor, Chair

Norma Kijorski, Recording Secretary

DRAFT



**INFRASTRUCTURE
ALTERNATIVES, INC.**

G.2.a.

Monthly Operations & Maintenance Report

October 13, 2020

Report for Month: September, 2020
Location: Wexford County
Facilities: Cedar Creek Water Plant & Distribution System
Operator in Charge: Bob Polanic, Project Manager

Emergency Call-outs/Customer Complaints

- ❑ 9-14-20 – Customer complaint @ 1480 N Mackinaw Trail about poor water quality. Went to customers home, water had cleared up on its own.

Significant Events:

- ❑ 9-2-20 – Collected VOC and SOC Samples for 2020 Monitoring Period.

Preventive Maintenance:

- ❑ IAI staff continues to regularly check chlorine residuals throughout the water system.

Facilities Data for the Month

Production at Well House	419,600 gallons
Metered Usage (Includes Flushing Hydrants)	416,879 gallons
Metered Reversal Flow at Well House	900 gallons
Metered Flushing	0 gallons
Difference (% Loss)	1,121 gallons (0.29%)





August 13, 2019

Wexford County Board of Commissioners
437 East Division Street
Cadillac, Michigan 49601

RE: 2020 Budget for the Remedial Action Plan - Wexford County Landfill

Dear Wexford County Board of Commissioners:

Pescador, LLC (Pescador) is pleased to provide the following budget for implementing the remainder of the Wexford County Landfill Remedial Action Plan (RAP). The RAP originally included a number of objectives which required completion under the 2002 Consent Order (ORDER No. WMD 115-18-02).

In general accordance with the requirements of the Consent Order, Pescador performs the following tasks to implement the remainder of the RAP:

- Complete the Annual Long Term Groundwater Monitoring in accordance with the revised Long Term Monitoring Plan (LTMP) dated June 20, 2016;
- Prepare an Annual Long Term Groundwater Monitoring Report detailing the findings of the LTMP sampling;
- Reply to any correspondence from the Michigan Department of Environmental Quality (MDEQ);
- Deliver an annual update to the Wexford County Board of Commissioners; and
- Provide engineering, hydrogeology, and/or geology services to Wexford County, as appropriate.

Additional tasks may be defined after reviewing the RAP and/or discussions with the MDEQ.

Pescador, LLC
P.O. Box 5947
Traverse City, MI 49696

Estimated Annual Budget

The estimated annual budget for providing oversight of the RAP obligations, are detailed in the following list of tasks:

Complete the Annual Long Term Groundwater Monitoring	\$14,600.00
Invoice No. B433.....	(\$11,886.78)
Invoice No. B444.....	(\$600.00)
Complete the Annual Long Term Groundwater Monitoring Report	\$4,800.00
Invoice No. B430.....	(\$414.75)
Invoice No. B444.....	(\$911.35)
Well abandonment **	\$0.00
Update Annual Financial Assurance Plan (*up to 40 hours)	\$3,000.00
Invoice No. B428.....	(\$900.00)
Invoice No. B430.....	(\$487.50)
Invoice No. B444.....	(\$300.00)
Estimated RAP Budget (**see note below).....	\$25,000.00
Invoice No. B412.....	(\$691.15)
Invoice No. B425.....	(\$1,487.50)
Invoice No. B428.....	(\$677.50)
Invoice No. B430.....	(\$487.50)
Invoice No. B433.....	(\$82.50)
Invoice No. B444.....	(\$600.00)
Estimated Annual Analytical Budget (****see note below)	\$10,000.00
Brighton Analytical Laboratory Invoice No. 0820-114354	(\$1,950.00)
Brighton Analytical Laboratory Invoice No. 0820-114355	(\$4,315.00)
Brighton Analytical Laboratory Invoice No. 0820-114682	(\$70.00)
Total Estimated 2020 Annual Budget	\$57,400.00
Total Remaining 2020 Annual Budget	\$31,538.47

*Note – Pescador will spend up to 40 hours working with Wexford County and MDEQ to revise the annual Financial Assurance Plan. In the event that additional time is needed to revise the plan, Pescador will notify Wexford County prior to spending additional funds.

**Note – Proper well abandonment requires cement grouting from the bottom of the well screen to the top of the well casing using tremie pipe method. Abandonment is billed per foot for grouting plus labor costs. Therefore, well abandonment charges depend on the accessibility to each well and the total depth of the well.

***Note – The estimated RAP budget includes property access agreements, working with the Wexford County Attorney for access to properties, communications with Wexford County Board Members, and attending a limited number of Board Meetings. In the event that additional time is needed to complete these tasks, Pescador will notify Wexford County prior to spending additional funds.

****Note – The estimated annual analytical budget includes the costs for the annual long term groundwater monitoring plan. These costs are billed directly to Wexford County by the laboratory to reduce markup.

It is Pescador's goal to continue to pursue amendments to the RAP and to continue to reduce groundwater monitoring costs and completion of the additional components of the RAP.

If you have any questions regarding the scope of our proposed services or the cost estimate, please contact me at 231-468-9182. Pescador appreciates the opportunity to provide these services to you.

Sincerely,
PESCADOR, LLC



Daniel M. Staub
Project Manager

DMS\mma

BOARD OF COMMISSIONERS COMMITTEE AGENDA ITEM

TO: Executive Committee
FROM: Janet Koch, Administrator
FOR MEETING DATE: October 13, 2020
SUBJECT: CDBG Authorizing Resolution

SUMMARY OF ITEM TO BE PRESENTED:

On September 2, the Board of Commissioners approved a motion to “proceed with the process” of obtaining Community Development Block Grant Program (CDBG) funding through the Michigan Economic Development Commission for expenses related to COVID-19. At the time, we had little information regarding what expenses would be eligible.

We have now been assigned a grant specialist and have had numerous conversations about possible expenses and eligible entities. Following are the projects that have been submitted, but we have not yet received confirmation that the proposed expenses will be allowed.

The largest item by far is an HVAC project at the jail. Our original information was that eligible purchases and projects must be completed by the end of 2020. Our grant specialist recognizes that such a large project cannot possibly be completed by the end of December. He is working to get confirmation that a signed contract for the project would be considered an eligible expense; we anticipate receiving that information within a week.

CDBG funding is Federal money and has numerous eligibility and reporting requirements. The next steps to obtain the funding are to hold a public hearing and approve an Authorizing Resolution. The public hearing is typically held the same date the Resolution is considered. Quoting the MEDC, the purpose of the public hearing is for “obtaining residents’ views and responding to proposals and questions.” To meet MEDC public hearing requirements, the notice of public hearing must be published no later than Thursday, October 15. The public hearing notice and proposed Authoring Resolution follow.

All grant-funded purchases will be required to follow the County’s purchasing policy or the purchasing policy of the entities for which we could serve as fiduciary.

RECOMMENDATION:

Administration recommends the Executive Committee forward to the full board for approval the Authorizing Resolution for the CDBG grant.

**WEXFORD COUNTY
NOTICE OF PUBLIC HEARING FOR
MICHIGAN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING
FOR CDBG CARES Funding**

Wexford County will conduct a public hearing on October 21, 2020 at 4:00 pm in the Board of Commissioners Room in the Wexford County Building at 437 E. Division St., Cadillac, MI 49601 for the purpose of affording citizens an opportunity to examine and submit comments on the proposed application for a CDBG grant.

Wexford County proposes to use up to \$355,659.11 in CDBG funds to prevent, prepare for, and respond to Coronavirus (COVID-19) that funds will be available to assist the community at large however a special emphasis will be made to assist those household under 80% of median income. No persons will be displaced as a result of the proposed activities.

Further information is available for review. To inspect the documents, please contact County Administrator Janet Koch at 231-779-9453 or administration@wexfordcounty.org. The documents may also be reviewed at the Wexford County Administration Office. Comments may be submitted in writing through October 21 or made in person at the public hearing.

Citizen views and comments on the proposed application are welcome.

Wexford County
Janet Koch, County Administrator
231-779-9453

AUTHORIZING RESOLUTION

The Coronavirus Aid, Relief and Economic Security Act (CARES Act), Public Law 116-136, makes available supplemental Community Development Block Grant (CDBG) and Emergency Solutions Grant ESG-CV funding for grants to prevent, prepare for, and respond to Coronavirus (COVID-19). The CDBG grant will provide flexibilities for grantees to expedite the use of grant funds to help address the challenges facing our nation during this historic public health crisis.

WHEREAS, the Michigan Strategic Fund has invited Counties to accept Community Development Block Grant Program funds to support **CDBG CARES Funding**; and

WHEREAS, the County of Wexford will seek to receive up to \$355,659.11 in CDBG funds to reimburse for unexpected costs associated with COVID-19; and

WHEREAS, the proposed project will benefit all residents of the project area and 45.65 percent of the residents of the County of Wexford are low and moderate income persons as determined by census data provided by the U.S. Department of Housing and Urban Development.

NOW, THEREFORE, BE IT RESOLVED that the County of Wexford hereby designates the County Administrator as the Certifying Officer, the person authorized to certify the Michigan CDBG pre-agreement documents, the person authorized to sign the Grant Agreement and payment requests, and the person authorized to execute any additional documents required to carry out and complete the grant.

2020 MEDC - CDBG Allocation to Wexford County

\$355,659.11

Proposed Expenses to Be Considered for Eligibility:

Entity	Description	Summary of Need	Est. Cost
County of Wexford: Jail	Postive/Negative Air flow system	A positive/negative air flow system would allow for a high level of flexibility in the jail under current pandemic conditions. This would also increase prisoner/staff safety regarding other transmittable/communicable diseases.	\$226,000.00
County of Wexford: Emergency Management	Portable 800 MHz radios	An increased communications capacity between emergency personnel would add significant interoperability. This is critical for safe and effective responses to interagency events, which are more likely to occur during a state of emergency.	\$27,000.00
County of Wexford: Central Dispatch	Dispatch Console	An expansion console would allow for increased dispatching capacity, which is critical at many times, but especially during a state of emergency.	\$20,000.00
County of Wexford: Emergency Management	PPE	Purchase of CDC-recommended face coverings, gloves, etc., allows for increased safety.	\$5,000.00
County of Wexford: Courthouse Facilities	Sanitizing	Public areas of the county building must be sanitized to a high standard; during the time of pandemic, this has been an increased & unbudgeted cost.	\$5,000.00
County of Wexford: Courthouse Facilities	Screening personnel	Additional staff is needed to comply with executive orders regarding COVID screening and the associated recordkeeping.	\$7,000.00
District Health Department #10	Portable 800 MHz radios	Cadillac is incident command for DHD #10. An increased communications capacity between personnel would add significant interoperability. This is critical for safe and effective responses to interagency events, which are more likely to occur during a state of emergency.	\$27,000.00
Wexford County Council on Aging	Computers	Additional laptop computers and monitors would allow the COA to reduce social isolation for participating clients.	\$8,000.00
Wexford County Council on Aging	Telecommunications	This funding would allow purchase of a telephone system that would allow staff to remotely access voice mail messages. Such a purchase would allow staff to telework, thus the COA could operate and serve the older adults in the county effectively, efficiently, and safely.	\$30,000.00
			\$355,000.00

BOARD OF COMMISSIONERS COMMITTEE AGENDA ITEM

TO: Executive Committee
FROM: Janet Koch, Administrator
FOR MEETING DATE: October 13, 2020
SUBJECT: PFAS Disposal Request

SUMMARY OF ITEM TO BE PRESENTED:

The County has been approached by AKT Peerless Environmental of Saginaw. They are requesting that the Board of Commissioners allow them to dispose of an estimated 250-300 tons of contaminated soil from a Bay City fire station at the Wexford County Landfill. GFL Environmental, owner of the Wexford County Landfill, would pay the County a fee of \$0.65/ton and Cedar Creek Township a fee of \$0.60/ton.

Board approval is needed for this request as Bay County is not listed in the Wexford County Solid Waste Management Plan as an approved Importing County. The Solid Waste Management Plan is a requirement of Public Act 451, the Natural Resources and Environmental Protection Act.

Sean Robinson from AKT Peerless and Vicki Garon of GFL Environmental (formerly American Waste) are expected to attend the meeting to discuss the request and answer any questions. Dan Staub of Pescador was contacted, but is not able to attend the meeting.

I have contacted Michigan's Environment, Great Lakes & Energy Department (EGLE) regarding this matter and asked if there were options for the Board outside of denial or approval of the request. Though I have not yet received a response to that request, I hope to before the meeting.

RECOMMENDATION:

Discuss the options available regarding the request of AKT Peerless and, when a consensus is reached, forward a motion to the full Board.



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING

H.1.



LIESL EICHLER CLARK
DIRECTOR

September 21, 2020

Received by Wexford County

Ms. Janet Koch
Wexford County
437 East Division
Cadillac, Michigan 49601

SEP 28 2020

WSSN: 01258
County: Wexford
Supply: Cedar Creek Township

Administration Office

Dear Ms. Koch:

SUBJECT: Initial Sampling Requirements for Per- and Polyfluoroalkyl Substances (PFAS)

This notification is regarding new PFAS sampling requirements pursuant to the Michigan Safe Drinking Water Act, 1976 PA 399, as amended; specifically, R 325.10717d, *Collection and analysis of samples for per- and polyfluoroalkyl substances*.

R 325.10717d(6)(b) requires all water supplies sampled during the State of Michigan's Statewide PFAS Survey with no detections of a regulated PFAS compound, or a detection less than or equal to 50 percent of a PFAS Maximum Contaminant Level (MCL), to collect samples from each sampling point within 6 months following the effective date of the new rules.

Your water supply was sampled during the Statewide Survey and either had no detections of a regulated PFAS compound or had detections less than or equal to 50 percent of an MCL. Therefore, your water supply must conduct initial PFAS compliance sampling at each entry point to the distribution system **no later than February 3, 2021**. See the enclosed schedule for your specific sampling requirements. Future monitoring requirements will be determined based on the results of this initial monitoring.

Samples must be analyzed by a laboratory certified for PFAS analysis. Please visit Michigan.gov/PFASDrinkingWaterRules for a list of certified laboratories and sample collection guidance.

If you have questions, contact your Michigan Department of Environment, Great Lakes, and Energy district engineer or analyst.

Sincerely,

Kris Dorcy, Supervisor
Technical Support Unit
Community Water Supply Section
Drinking Water and Environmental Health Division

Enclosure

cc/enc: Ms. Valerie Johnson, Cedar Creek Township
Mr. Bob Polanic, Infrastructure Alternatives

Initial PFAS Monitoring Schedule

CEDAR CREEK TOWNSHIP

WSSN: 01258

This schedule reflects your water supply's initial PFAS sampling requirements only and does not replace the 2020 Monitoring Schedule previously mailed to your water supply. Send all sample results to your Department of Environment, Great Lakes, and Energy (EGLE) district office unless you use the EGLE laboratory. To receive credit for sampling, be sure to include the WSSN, Site Code, and County when completing your Request for Analysis form. Collect samples early in the monitoring period. Carefully follow sampling and packing instructions provided by the laboratory. PFAS samples are subject to thermal preservation requirements. Collect samples close to the shipping time and send overnight delivery, or arrange in-person delivery to the laboratory on the same day samples are collected.

Site Code	Location	PFAS Sample Due Date
TP001	Plant Tap (Well No. 1 and 2)	by 2/3/2021