

**COUNTY OF OSCEOLA  
BOARD OF COMMISSIONERS'  
COMMITTEE OF THE WHOLE  
AGENDA**

**Tuesday, May 1, 2018  
301 West Upton Ave., Reed City, Michigan  
2<sup>nd</sup> Floor, Board of Commissioners' Room, 10:30 a.m.**

***NOTE: Claims will be available for review from 10:00 – 10:30 a.m.***

- 1. Meeting Called to Order by Chairperson.**
- 2. Additions or Deletions to the Agenda – Approval of the Agenda.**
- 3. Brief Public Comments (Three Minute Limit).**
- 4. Employee/Board Comments.**
- 5. Consider Approval of the Minutes of April 17, 2018.**
- 6. Consider Payment of Claims.**
- 7. Old Business:**
  - A. Consider Other Budget Amendments, Cash Transfers, and Journal Register Reports from Treasurer.**
- 8. New Business:**
  - A. Discuss Items – Susan Vander Pol:**
    - 1. MAC: Dark Stores Litigation – Menard v. City of Escanaba**
    - 2. Veterans' Services – MVAA Technology Grant**
- 9. Other Business:**
- 10. Employee/Board Comments.**
- 11. Extended Public Comments (Six Minute Limit).**
- 12. Adjournment.**

**Note: A quorum of the Board of Commissioners may be present at the Committee meetings.**

**PUBLIC COMMENT**

The Committee welcomes public comment. We appreciate your attendance and look forward to hearing any concerns you may have. We request that the following rules of procedure be followed: At the beginning and at the end of each Committee meeting, there is time to receive public comment from the audience. If you wish to address the Committee, we ask that you stand, give your name and present your concern. If you wish to speak while the Committee is addressing a specific issue, you are asked to make arrangements ahead of time with the Committee Chairperson. No comments or questions will be taken at any other time.

If you should require special assistance in order to attend the meeting, please notify the County Coordinator at (231) 832-6196, twenty-four (24) hours before the posted meeting time, for arrangements to be made.

**OSCEOLA COUNTY  
COMMITTEE OF THE WHOLE  
MINUTES  
APRIL 17, 2018**

The Committee meeting was called to order at 9:38 a.m. by Chairman Emig.

Present: Commissioners Pam Wayne, Jill Halladay, Larry Emig, Roger Elkins, Alan Tiedt and Mark Gregory.

Also present: Dan Massy-Community Developer, Scott Schryer-C.O.A. Director, Susan Vander Pol-County Coordinator and Karen Bluhm-County Clerk.

**Motion by Commissioner Elkins, seconded by Commissioner Tiedt, to approve the agenda as presented. Motion carried.**

Brief Public Comment: None.

Employee/Board Comment: None.

Moved by Commissioner Tiedt, seconded by Commissioner Wayne, to approve the minutes of April 3, 2018 as presented. Motion carried.

**Recommended by Commissioner Tiedt, seconded by Commissioner Wayne, to approve the claims of the County in the amount of \$55,991.03. Recommendation was unanimously supported.**

**Brownfield Grant Applications**

Dan Massy, Community Developer, explained the proposed Brownfield Grant Applications. He reported there are four (4) properties with possible contamination and how the grant money would work to fund the determination in possible contamination. Discussion was held.

**Recommended by Commissioner Gregory, seconded by Commissioner Tiedt, to approve the Brownfield Grant Applications and authorize the Chairman's signatures. Recommendation was unanimously supported.**

**Bark in the Park/C.O.A.**

Scott Schryer, C.O.A. Director, reported back to Board members that MMRMA has reviewed the proposed activity with 9&10 News and found no concerns regarding this special event. Discussion was held.

**Recommended by Commissioner Gregory, seconded by Commissioner Wayne, to approve the Bark in the Park event for June 2, 2018 in Marion and authorize the Chairman to sign the contract. Recommendation was unanimously supported.**

**Tustin Handicap Entrance/C.O.A.**

Scott Schryer, C.O.A. Director, spoke with Board members about adding a handicap deck entrance on the West side of the Tustin Facility. He explained that in case of emergency this would offer a second exit route. Discussion was held.

**Recommended by Commissioner Gregory, seconded by Commissioner Halladay, to approve moving forward with a project to add a deck and ramp to the west side of the C.O.A. building in Tustin. Recommendation was unanimously supported.**

**Tustin Kitchen/C.O.A.**

Scott Schryer, C.O.A. Director, spoke to Board members about possible ways to expand the kitchen within the Tustin facility. He asked direction on how to proceed so he can plan ahead for the 2019 budget. Scott advised Board members he is also looking at possible grant opportunities available to help with the expense. Discussion was held and Scott was directed to continue to explore this project.

**E.M.S. Bad Debt Report 2018 Qtr. 1**

Susan Vander Pol, County Coordinator, asked Board members to approve the quarterly write-offs from E.M.S. as presented.

**Recommended by Commissioner Elkins, seconded by Commissioner Gregory, to approve the quarterly write-offs for the E.M.S. Department in the amount of \$36,828.70. Recommendation was unanimously supported.**

**Resignation of Morris Langworthy**

Susan Vander Pol, County Coordinator, shared the email received from Morris Langworthy, Jr. resigning from Parks Commission, West Michigan Regional Planning Commission and the Comprehensive Economic Development Strategy. A brief discussion was held.

**Recommended by Commissioner Wayne, seconded by Commissioner Tiedt, to accept the resignation of Morris Langworthy, Jr. from various committees and boards representing the County and thank him for his long-dedicated service. Recommendation was unanimously supported.**

**Appointments to Mecosta Osceola Transit Authority**

Susan Vander Pol, County Coordinator, explained that the appointments to the Mecosta Osceola Transit Authority will be expiring soon, so an appointment needs to be made.

**Recommended by Commissioner Tiedt, seconded by Commissioner Wayne, to appoint Commissioner Halladay as the representative and Commissioner Emig as the alternate to Mecosta Osceola Transit Authority. Recommendation was unanimously supported.**

**County Coordinator Employment Agreement**

Susan Vander Pol, County Coordinator, spoke about her proposed employment agreement with the County. She advised it remains the same as the past contract with no changes. Discussion was held.

**Recommended by Commissioner Gregory, seconded by Commissioner Tiedt, to approve the County Coordinator Employment Agreement for three years, September 15, 2018 through September 15, 2021 and authorize the Chairman to sign. Recommendation was unanimously supported.**

**Bid Results for Sale of 2.16 Acres of Land (Dighton)**

Susan Vander Pol, County Coordinator, shared the one bid received on the sale of the Dighton Land. Discussion was held.

**Recommended by Commissioner Wayne, seconded by Commissioner Tiedt, to approve the sale of the 2.16 acres to the Osceola County Road Commission for \$6,500. Recommendation was unanimously supported.**

**Budget Amendments, Cash Transfers & Journal Register Report**

Commissioner Tiedt reported no budget amendments or cash transfers were received, however he did ask for approval of the Treasurer's Journal Register Report for March 2018.

**Recommended by Commissioner Tiedt, seconded by Commissioner Wayne, to approve the Journal Register Report for March from the County Treasurer. Recommendation was unanimously supported.**

Board liaison reports were given.

Employee/Board Comments: None.

Extended Public Comments: None.

Moved by Commissioner Wayne, seconded by Commissioner Gregory to adjourn at 11:12 a.m.

---

Karen J. Bluhm, County Clerk

---

Larry Emig, Chairman

# County of Osceola

## BUDGET AMENDMENT

TO: County Treasurer and County Clerk

As provided in the Uniform Budgeting and Accounting Act of 1978, as amended, and as approved by the direction of the Board of Commissioners or as established by policy, it is hereby authorized to record the following adjustments to the budget:

FUND: General ( )                      245 Capital ( )                      Special Revenue ( )  
Debt Service ( )                      Other COA (X)

### REVENUE:

<u>ACCT. NAME</u>	<u>ACCOUNT NUMBER</u>	<u>DECREASE</u>	<u>INCREASE</u>
Current Reap/Pro.	280.120.402.000	\$( )	\$( 5,500 )
_____	_____	\$( )	\$( )
_____	_____	\$( )	\$( )

### EXPENSES:

<u>ACCT. NAME</u>	<u>ACCOUNT NUMBER</u>	<u>INCREASE</u>	<u>DECREASE</u>
Dis. Insur.	280.120.724.002	\$( 1,200 )	\$( )
Mis. Supplies	280.120.722.001	\$( 1,000 )	\$( )
Van Maint.	280.120.934.001	\$( 2,300 )	\$( )
Office Supplies	280.140.127.000	\$( 1,000 )	\$( )
_____	_____	\$( )	\$( )
_____	_____	\$( )	\$( )
_____	_____	\$( )	\$( )
_____	_____	\$( )	\$( )
_____	_____	\$( )	\$( )
_____	_____	\$( )	\$( )
_____	_____	\$( )	\$( )
	<b>TOTAL</b>	\$( 5,500 )	\$( 5,500 )

Commission on Aging  
Department

\_\_\_\_\_  
Board of Commissioners/Representative

Scott Schroyer  
Department Head Signature

Recorded ( ) Motion/Resolution No. \_\_\_\_\_  
Budget Amendment No. \_\_\_\_\_

4/12/18 Date



110 W. Michigan Ave., Suite 200  
Lansing, MI 48933  
517-372-5374 Fax 517-482-4599  
www.micounties.org  
**Stephan W. Currie, Executive Director**

To: Michigan County Board Chairs and County Administrators  
From: Stephan Currie, Executive Director  
Re: Dark Stores litigation – Menard, Inc. v. City of Escanaba (#154062)  
Date: April 23, 2018

A critical juncture has been reached in litigation with far-reaching implications for all of us working to properly fund county services in our state.

The City of Escanaba has long been engaged in litigation with Big Box retailer Menard over property valuations and tax amounts. In 2017, Escanaba won a major victory for itself, and other local governments, at the Michigan Court of Appeals, which heavily criticized the “Dark Stores” valuation approach now favored by the State Tax Tribunal. After the Michigan Supreme Court turned aside an appeal to take the case, the matter is back before the tribunal, which, unfortunately, could wreck what was gained in the Court of Appeals.

Both the Tax Tribunal and Menard have stated that this case will be precedent-setting and will determine how Big Box stores should be assessed.

The City of Escanaba, with a population of 12,616 and a taxable value of \$299,460,000, has expended about \$190,000 on the Menard appeal; and other Delta County taxing entities have added approximately \$40,000 to the city’s defense. We understand, however, that they have reached their financial limits.

Because the Legislature is unlikely to act on Dark Stores reforms before the tribunal hears this case, it is imperative that Escanaba prevails, thereby establishing a standard for valuation that is clear and fair. The Michigan Department of Treasury has been asked to contribute toward technical appraisal experts, but the state aid question is unresolved. The burden is squarely on local governments to see this case through.

For those communities that don’t currently have, and don’t expect to have, the sort of store at issue in this case, please note the following quote from a recent article by S&P Global Market Intelligence (“‘Dark Store’ Tactic by Big-Box Retailers Could Pressure U.S. Municipal Budgets and Credit Quality”):

*“We have also observed the use of dark store arguments by pharmacies, auto parts stores, and, in a few instances, fast food chains, and believe there’s some potential for these arguments to be employed more widely than they have been. The basic argument regarding functional obsolescence seems to apply equally well to other types of properties, giving rise to the potential for a domino effect of property tax appeals across the commercial and industrial portions of the tax base, which, were it to occur, could have a much more profound effect on some governments’ ability to levy ad valorem property taxes on a significant cross-section of taxpayers.”*

Thus, the Escanaba case may have a significant impact on all Michigan local governments.



If your county can offer financial assistance at this critical juncture, this is your opportunity. Checks can be made payable to the City of Escanaba, P.O. Box 948, Escanaba, MI 49829-0948. Please enclose a notation that the check is intended for the Menard Tax Tribunal appeal, as the city has established a segregated account for this purpose.

For more information regarding a community's authority to contribute, have your attorney review *Hess v. Cannon and Grattan Townships*, (265 Mich. App. 582, 696 N.W.2d 742) regarding pertinent authority and the court's deference to legislative determinations of public purpose.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Currie", with a horizontal line underneath.

Stephan W. Currie  
Executive Director

SWC/drm



STATE OF MICHIGAN  
MICHIGAN VETERANS AFFAIRS AGENCY  
LANSING

RICK SNYDER  
GOVERNOR

JAMES ROBERT REDFORD  
DIRECTOR

January 29, 2018

Susan Vander Pol  
County Administrator  
301 West Upton Ave.  
Reed City, MI 49677

**RE: County Incentive Grant Award**

Dear Ms. Vander Pol,

Congratulations! Osceola County has been selected to receive a financial award from the Michigan Veterans Affairs Agency, based on your proposal to enhance its veteran service provision.

The total amount of the award is a one-time payment of up to \$2,850 which will be electronically transferred once our agency receives the following information which needs to be submitted by Friday, June 1, 2018:

- A signed letter from the Chairman of Osceola County's Board of Commissioners or the County Administrator stating the county is accepting the grant funds for up to \$2,850 for technology upgrades/investments. This letter must also include: Name of County Treasurer (individual responsible to receive the funds), Federal Tax ID, Transmittal routing and account numbers, and the County's billing address
- Signed letter from the Director of the County's Department of Veterans Affairs stating which Michigan Public Act the CDVA is formed under and if the county is levying a mileage for the Veterans' Relief Fund (PA 214 of 1899) and if so, how many mills?
- Itemized receipts of technology upgrades/investments

If you have questions or need additional information please contact your local regional coordinator Brandy Walkington, (616) 514-9908 or by email at [walkington@micounties.org](mailto:walkington@micounties.org).

Sincerely,

James Robert Redford  
Director

