

Kalkaska County Board of Commissioners  
Special Meeting Minutes  
May 17, 2019  
(UNAPPROVED)

Meeting called to order by Chair Fisher at 5:30 PM, Commissioner Chambers, Administration Building, 605 N Birch Street, Kalkaska, Mi. Present Commissioners David Comai, Patty Cox, Craig Crambell, Kohn Fisher, Leigh Ngirarsaol, James Sweet, John West and County Clerk Deborah Hill. Pledge of Allegiance by all. Invocation by Commissioner Cox.

Chair Fisher called for a recess at 5:31 PM, to reconvene in the Circuit Court Room in the Court Building at 5:40 PM, due to the number of attendees in the audience.

Meeting recessed at 5:31 PM.

Meeting reconvened in Circuit Court room, Court Building, at 5:40 PM.

**Public Input:**

John Bella: Manistee Lake resident; noted his attendance at the Public Hearing in Cadillac; concerned he was not allowed to communicate concerns at that hearing; advised Board of the importance of keeping the Point of Sale to protect our water.

Taryn Francisco: Manistee Lake resident; noted concern there were no solutions to water contamination before and necessity to retain Point of Sale.

Charles Francisco: Manistee Lake resident; deferred time to Fred Vandyke.

Lisa Delaney: Manistee Lake resident; advised Board of bad experience with purchase of property with a 55 gallon drum for septic; concerns for families and lake water quality; noted she will not support Board in future.

Mary Janik: Kettle Lake resident and realtor; noted she too is concerned with safeguarding waters; inspections do not guarantee septic concerns; need to educate buyers and sellers; time consuming with inspections that hinder closings.

Dick Miller: Bear Lake resident; noted concern why the Board requested revisiting the Point of Sale.

Jeff and Sharon Davis: Cub Lake residents; noted the Board should be concerned with the protection of all waters; concern with realtors advocating for selling.

Seth Phillips: Manistee Lake resident and Drain Commissioner: deferred time to Fred Vandyke.

Fred Vandyke: Executive Director Ausable Institute; noted concern with the 'loop holes' in the Point of Sale; noted protection for new home owners; noted POS needs reform, not repeal; requested Board to examine the current program, provide education and noted need for property value and environment.

Seth Phillips: Manistee Lake resident; noted poorly built septic's; noted need for septic and well inspections, requested a work group to review and make recommendations to the Board; request to review all communications.

Carolyn Phillips: Deferred time.

Glen Duncan: Manistee Lake resident; noted concern with quality of community and water contamination; concern realtors interest only in selling homes.

Gerald Gaultier: Excavator; noted importance of inspections; will assist in keeping quality environment; education needs; request Board to continue POS.

Nolan Neuenschwander: Torch Lake resident: noted need for inspections and concerns if they are not required; noted the Torch Lake Alliance, environmentally necessary.

Robert Murray: Bear Lake resident and realtor; noted agreement with protection of water sheds; noted current inspections are not accomplishing concerns with water contamination; separate issues and other measures needed to protect waters; noted concern with threshold of failed inspections and no failures reported in 2018.

Kathy McCullen: Excavator; noted education needed; time to obtain inspections reviewed and modifications may be necessary.

Sam Rahaim: Bear Lake resident; noted his involvement in the Bear Lake Association; as Michigan does not have a State septic regulation Kalkaska needs to be a model and go forward with reform.

Bob Williams: Manistee Lake resident; noted failed septic with a neighbor and concern with Flint water issues. (Health Dept rep Hughes noted a complaint should be filed in order for the Health Dept to address the issues.)

Norm LaCroix: Manistee Lake resident; noted concerns with septic's and water purity; noted need to continue the POS and reminded Board they are elected.

Renee Penny: Conservation District representative; noted concern with protecting the water sheds, noting a number of headwaters that are in Kalkaska County; request to keep POS in place.

Bob Reider: Elk Lake resident; noted need for septic inspections to protect the water quality.

Ann Herron: Manistee Lake resident; noted she bought property due to the inspection requirements, clean lakes and rivers; need to protect the environment.

Gary Salisbury: Manistee Lake resident; advised of appreciation to address the Board; noted efforts to protect water systems; requested modification of current process and willing to support modifications.

Jackie Salisbury: Manistee Lake resident; noted she grew up on Manistee Lake and the need to keep the rules in place. Deferred time to Seth Phillips.

Seth Phillips: noted report of 3 failed systems in 2017-2018 DHD report.

Shug Brandell: Manistee Lake resident; advised he attended hearing in Cadillac but was not allowed to speak; need for continued inspections with changes; effects on home buying and facts are needed to make modification.

Gerald Gancer: Deferred time to Fred Vandyke.

Fred Vandyke: Advised Board the need for a committee to investigate and make recommendations.

Ron Krumlauf: Noted sellers and buyers need to be proactive in looking up the inspection reports; noted the Point of Sale does not protect or accomplish what the concerns are; noted added expense.

Carolyn Phillips: Manistee Lake resident and retired SOM employee; noted concern for protection of health and welfare; requested reform of current POS.

Lou Nemeth: Advised of the onset of the Point of Sale in 208 when he was Commissioner; noted the intent needs to be investigated and to communicate with the townships.

Tim Ashmann: Noted the high population in the lake areas with old systems and exemptions of POS do not require all systems be inspected. Noted property owners that are non-lake or non-river should not be held to the same restrictions.

Cameron Penny: Noted appreciation of the ordinance; noted he chose this area due to the priorities with inspections and he has no issue with paying added costs.

Robert Murray: Recommended modifications be made to the current POS on the local level; noted the POS still does not accomplish what attendees express as their concerns.

Norm LaCroix: Noted appreciation of the Boards attention to the POS issues.

Lou Nemeth: Address sale issues with inspections.

Kathy McCullen: Noted need to maintain inspections.

Lisa Delaney: Noted she chose Kalkaska due to the quality environment of the area; appreciates Board's review and need to educate and reform to assist all.

#### **Purpose of Meeting:**

Chair Fisher called for Board discussion to review, discuss and/or accept the District Health Department #10 Amendment to the Sanitary Code. Ngirarsaol noted agreement with forming a committee to evaluate and look at reforming Point of Sale. Crambell noted increased population around the lakes and rivers has increased the water and septic concerns; all parties need to be responsible; the current Point of Sale does not accomplish the concerns noted by the attendees. Cox noted the exemptions in the current Point of Sale cause it to be ineffective in addressing the concerns of water and septic reform; all environment needs to be protected. Sweet noted local decisions needed; and water and septic's need to be inspected. West noted the critical issues with our water, local issues, responsibilities of sellers and buyers, concern with only 2 of the 10 counties involved in the Point of Sale in District Health Department #10, concern with realtors involvement and local revenues. Comai noted Board's intentions to improve the process, individual township involvement, concern with exemptions that negatively affect current process and need to re-evaluate.

Seth Phillips: Noted POS was a 'good first step', requested formation of a committee to evaluate and review of Benzie Counties. Lou Nemeth: Noted intent was for the buyer to be informed. Discussion including township involvement and county wide necessity due to size of watersheds. Norm LaCroix: Noted need for Board to review all the facts and make decisions; current program needs reform.

Chair Fisher noted review of process from 2008, all 10 counties of DHD #10 reviewed with only Kalkaska and Manistee adopting the Point of Sale; all 10 counties had to vote for approval either way; recently DHD #10 approved to allow Kalkaska to opt out and/or modify their POS as Manistee is currently doing; noted concerns the attendees report are not solved by the Point of Sale primarily due to the exemptions; to truly protect the lake water the residents would need

to develop a sewer system that all lake residents are connected that is then pumped to a sanitary sewage disposal station.

Kevin Hughes: DHD#10 representative; noted process when Kalkaska made the request, the Public Hearing was scheduled in Cadillac; DHD Board approved Kalkaska's request, Manistee's hearing is set for 5-31-2019; the amendment will return to all 10 counties for approval and would take effect in 45 days following the approval. Hughes noted Manistee was proposing 3-4 changes; estimated mid-July before final.

Continued Board discussion. Review of proposed Committee of 1 Board of Commissioner, Drain Commissioner, elected Kalkaska Area Realtor Board member, elected Lake Association Board member, environmental organization member, approved Health Department Contractor and an at-large representative. Discussion. Board noted need to review with all Townships Supervisors for township feedback. Discussion regarding a 7 member committee versus more or less and concern with majority of committee being weighted one way or the other. Noted committee would be informational only; discussion regarding more or less than 7 member. Crambell noted need to communicate with all townships. Noted committee appointments would be advertised.

Hughes noted if the county does not vote it will remain as current; Hughes will commence going to each county in June in follow up to public hearings.

**Motion** by Ngirarsaol to appoint a committee regarding the Point of Sale review upon approval by counsel. Supported by Comai. Discussion; concerns regarding committee appointments, need for review and request for communication with all townships. **(Motion tabled)** **Motion** by Crambell to table Motion appointing a Committee. Supported by Sweet. Discussion, consensus to add to Special meeting to review all and with townships input. Roll call vote: Crambell, yes; Sweet, yes; Comai. Yes; Cox, yes; Ngirarsaol, yes; West, yes; Fisher, yes. 7 yeas. 0 nays. **Carried.**

**Public Input:**

Cameron Penny: Requested Board to keep inspections at the County level.

Discussion, Board noted Point of Sale and issues discussed are separate matters as to what the POS accomplishes.

**Motion** by Comai to adjourn at 9:26 PM. Supported by Sweet. 7 yeas. 0 nays. **Carried.**

Respectfully submitted:

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Deborah Hill, Kalkaska County Clerk and  
Clerk of Board of Commissioners

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Kohn Fisher, Chair of  
Kalkaska County Board of Commissioners

These minutes are not official until they are approved at the next Regular Board of Commissioners meeting.