

CHEBOYGAN COUNTY BOARD OF COMMISSIONERS
FINANCE/BUSINESS MEETING
April 14, 2009

The regular meeting of the Cheboygan County Board of Commissioners was called to order in the Commissioners Room by Chairperson Linda Socha at 9:30 a.m.

Roll called and a quorum present.

PRESENT: Commissioners Socha, Makima, Redmond, Page, Wallace and Bolinger

ABSENT: Commissioner Mushlock (excused)

Commissioner Bolinger gave the invocation and Commissioner Wallace led the Pledge of Allegiance.

Commissioner Bolinger requested the addition of ambulance funding under New Business as tem12L; and Administrator Overton requested the addition of replacement of the well at the Cheboygan County Council on Aging Center on Sand Road as Item 12M. Chairperson Socha said MSU Extension funding would be discussed at the next Committee of the Whole Meeting.

Motion by Commissioner Bolinger, seconded by Commissioner Makima, to approve the agenda with the above items added. Motion carried with 6 yes, 0 no and 1 absent.

Motion by Commissioner Wallace, seconded by Commissioner Redmond, to approve the consent agenda as presented:

- A. Approve Monthly Finance Claims: Finance = \$57,661.45; Prepays = \$699,849.42
- B. Budget Adjustments: Raise Revenues & Expenditures as follows: 101-400-657.00 Drug Forfeitures \$863+, 101-301-744.09 Drug Forfeiture Activities \$863+; 270-400-534.01 Emer Food & Shelter Nat Board Prog \$41+, 270-681-727.07 EF&SP Admin Supplies \$120-, 270-681-836.00 EF&SP Food Assistance \$53+, 270-681-836.01 EF&SP Shelter Assistance \$54+, 270-681-836.01 Utility Assistance \$54+; and Probate Court Inter-budget Transfer in amount of \$1,204 from 101-700-955.01 Carried Forward Fund Equity to 101-148-712.00 Fringe
- C. Correspondence:
 1. Allegan County Resolution in Support of Restoring State Revenue Sharing for All Counties
 2. Antrim, Berrien, Lake Oceana, and Ottawa County Resolutions in Opposition to Reduction of State Funding of MSUE
 3. Antrim, Hillsdale, Oceana, and Oscoda County Resolutions in Support of Economic Stimulus Money for State Remonumentation
 4. Oceana and Ottawa County Resolutions in Opposition to Senate Joint Resolution H (SJR-H)
 5. Ogemaw and Oscoda County Resolutions in Support of Municipal Courts Bearing Responsibility for Funding Lawsuits Against Counties
 6. Oscoda Resolution in Support of Legislative Plan to Improve Michigan Roads
 7. NEMCOG Project Reviews
 - a) Dated 3/9/09 – Notice of Intent by Target Alpena Dev. Corp. to Apply for Federal Assistance from USDA
 - b) Dated 3/24/09 – Notice of Intent of Northeast Michigan Community Partnership, Inc. to Apply for Federal Assistance from HHS
 - c) Dated 4/6/09 – Notice of Intent by Northern Initiatives to Apply for Federal Assistance from USD
 8. Invitation from Cheboygan Farm Bureau for the 28th Annual Rural Urban Dinner
 9. Michigan Northern Counties Association 2009 Meeting Dates and Bylaws
 10. Northern Homes Community Development Corporation Annual Activities Report for 2008
- D. Minutes:
 1. Finance/Business Meeting of March 10, 2009
 2. North Country Community Mental Health Board – February 19, 2009
 3. Michigan Northern Counties Association – March 16, 2009
 4. Northern Lakes Economic Alliance Directors Meeting – January 15, 2009 and NLEA Newsletter

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5. Cheboygan County Economic Development Corporation – Summary of Strategic Planning Session #2 of February 24, 2009
6. C.C.E. 9-1-1 Monthly Financial Reports for January & February 2009; Director's Report of 3/18/09; Board of Directors Meeting of January 21, 2009
7. Cheboygan County Fair Board – March 2, 2009
8. Jail Utilization Committee – January 21, 2009
9. Board Appointments & Procedures Committee – April 1, 2009
10. Cheboygan County Road Commission – February 20, 2009, March 6, 2009, March 19, 2009 & March 30, 2009
11. Cheboygan City Council – February 10, 2009, February 24, 2009 & March 10, 2009
12. Planning Commission Meeting – March 4, 2009
13. ZBA Meeting – February 25, 2009

A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

CITIZENS COMMENTS – Administrator Overton introduced the new Human Resources Director, Tim Gengle. Mr. Gengle resides in Emmet County and was hired to replace Tim Garey who recently left to relocate. Mr. Gengle said he looks forward to this opportunity and was born and raised in Petoskey.

SCHEDULED VISITORS – Chairperson Socha presented a Certificate of Appreciation to Eric Kaiser for his years of service as Assistant Prosecutor. Mr. Kaiser thanked the Board, the citizens of this county, and Mrs. Castagne for the opportunity to serve as Assistant Prosecutor. A Certificate of Appreciation was also presented to Gerald Boardman for service on the Cheboygan County Concealed Weapons Board. Chair Socha also noted Mr. Boardman's service to the City of Cheboygan and the 9-1-1 Board.

Frank Clark, a local veteran, voiced his concerns regarding the county's charges for medical transportation for veterans. Mr. Clark stated Grand Traverse County provides this service free of charge. He said the 30 cents per mile charged by Cheboygan County is exorbitant, and that the county is charging each veteran who is traveling even if there are many in the same vehicle. He asked if veterans were involved in how the program and fee were formulated. Administrator Overton said the program was created by veterans with the intent of being self-funding; and the fee was derived by the Finance Department based on actual costs. He agreed the cost should be addressed if there are multiple vets in the same vehicle.

FINANCE DIRECTOR'S REPORT - Finance Director Kari Kortz presented the revenue and expenditures report for the General Fund for the month ended February 28, 2009. She reported total year-to-date revenue of \$440,906.92 versus \$511,109.23 last year at that time. Ms. Kortz reported expenditures year-to-date of \$1,745,210.28, or 13.04% of budget, compared to \$1,471,827.14 last year as of the end of February. Ms. Kortz said she assumes responsibility as CCE 9-1-1 fiscal overseer this week.

COMMITTEE REPORTS

Commissioner Makima reported attending the meetings of the Road Commission, the Cheboygan City Council and the Fair Board.

Commissioner Wallace reported the possible reestablishment of a women's halfway house in the County.

Commissioner Redmond attended the Benton Township Board meeting and a LEPC meeting. He said the Board Appointments & Procedures Committee would report on the Administrator's Evaluation at the Committee of the Whole Meeting later in the month.

Commissioner Bolinger attended the Michigan Northern Counties meeting, a Health Board meeting, M.A.C. Judicial meeting and M.A.C Board of Directors meeting in Lansing and the Forest Township Board meeting.

Commissioner Page reported the Broadband Cooperative plans a public meeting to be held in Gaylord in May and the cooperative is seeking letters of support from all the counties involved which will be used for grant applications. He said Ottawa County has wireless broadband coverage over 95% of the county. Discussion held. Commissioner Page said the federal stimulus program has designated a good amount

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for home weatherization for households with income under twice the poverty rate. Commissioner Wallace said the Housing department has distributed brochures on that program to area churches.

Commissioner Socha attended the energy analysis of the county building. She said the report on the results of the analysis will be discussed at the Committee of the Whole later this month. She also stated District #4 Health's proposed changes in to the sanitary code will require public hearings. She also attended a LEPC meeting and the Hebron Township Board meeting.

OLD BUSINESS

Administrator Overton presented a Letter of Understanding drafted by Civil Counsel Bryan Graham concerning a conveyance from the County to Mullett Township for the property currently leased to Mullett Township on Boy Scout Road. This matter was discussed in detail at prior meetings. Mullett Township's legal counsel has approved the language as drafted. This property was deeded to the County by the State of Michigan with a revert provision triggered by use of the property for anything but recreation. The conveyance from the County will contain a similar provision and a provision to ensure that all people are treated equally regarding use of the property and future improvements. Discussion held regarding whether the deed from the County to the Township should be a Warranty Deed or a Quit Claim Deed. Since the deed the County received from the State was a Quit Claim, the deed to the Township will be a Quit Claim Deed.

Motion by Commissioner Redmond, seconded by Commissioner Makima to approve the Letter of Understanding between Cheboygan County and Mullett Township conveying property describe as: The E ½ of Lot 1 and the E ½ of the NW ¼ of the SW ¼ of Section 24, T36N, R2W, Township of Mullett, County of Cheboygan, State of Michigan, and authorize the Chair to sign; and authorize Legal Counsel to draft a Quit Claim deed conveying said property and authorize the Chair to sign. A roll call vote was taken. Motion carried with 5 yes, 1 no (Commissioner Page) and 1 absent.

NEW BUSINESS

Administrator Overton presented a request from the Cheboygan Jaycees to use the property located across from the Fairgrounds for the 2009 Wanigan Festival. Mr. Overton said, as was done last year, a sublease would be executed that provides for indemnification, liability insurance, compliance with liquor license requirements, etc. Commissioner Wallace advised that the ministerial association still opposes this event being held at this property. Commissioner Page said he attended the event last year and it was very orderly and well ran.

Motion by Commissioner Page, seconded by Commissioner Makima, to approve the Cheboygan Jaycees Wanigan Festival Sublease Agreement between the County of Cheboygan and the Cheboygan Area Jaycees for the property on Lincoln Avenue across from the Cheboygan County Fairgrounds for the period of June 22, 2009 through June 28, 2009 and authorize the Chair to sign. A roll call vote was taken. Motion carried with 4 yes, 2 no (Commissioners Wallace and Bolinger, and 1 absent).

Fair Manager Dan O'Henley presented a contract with Thumb Tractor Pulling Association, Inc. for tractor pulling on Thursday during fair week. He said this is a new event and there will be different types of machines pulling. Administrator Overton said the agreement was reviewed by civil counsel and modified.

Motion by Commissioner Makima, seconded by Commissioner Bolinger, to approve the contract with Thumb Tractor Pulling Association, Inc. and the Cheboygan County Fair Board pending receipt of liability insurance and authorize the Chair to sign. Motion carried with 6 yes, 0 no and 1 absent.

Fair Manager O'Henley presented a request to reduce the fee for the Cheboygan County Trail Blazers Grooming Club's use of the fairgrounds last February for the vintage snowmobile race, the "Rusty Stud 250". The Trail Blazers had significant challenges with the event and thus the costs escalated. He said the club had proposed a 75/25 split of the proceeds, with the 25% going to offset any costs incurred by the County. The proceeds of the event totaled \$4,369.60, of which 25% would be \$1,092.40. Mr. O'Henley said the he estimated the true cost to the County to be approximately \$250.00.

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Motion by Commissioner Redmond, seconded by Commissioner Bolinger, to approve the fee reduction to \$250, reflecting actual county costs, regarding the agreement of January 13, 2000 between the County of Cheboygan and the Cheboygan County Trail Blazers Grooming Club. Motion carried with 6 yes, 0 no and 1 absent.

Equalization Director Joe Lavender presented the 2009 County Equalization Report. He provided a power point presentation on the history of the State Equalized Value over the last twenty years and the taxable values. The equalized value for the county has decreased 3.65% from the 2008 equalized values; and the taxable value has increased 3.39% from 2008 to 2009. Discussion was held on the number of foreclosures in the county, 2009 Boards of Review, and the percentage of residential values that are non-homestead.

Motion by Commissioner Page, seconded by Commissioner Bolinger to adopt the 2009 Cheboygan County Equalization Report as submitted reflecting a County Equalized Value of Real Property Value of \$2,038,056,974 and Personal Property of \$47,795,117 for a total 2009 County Equalized Value of \$2,085,852,091 (Copy of the 2009 County Equalization Report on file in the office of the Cheboygan County Clerk/Register). Motion carried with 6 yes, 0 no and 1 absent.

Straits Regional Ride Director Mike Couture presented Amendment #2 to the 2009 Salary & Wage Resolution. He explained that the bus aide employed to meet the obligations of the Straits Area Services contract expects to be on medical leave for at least six weeks. In order to abide by the contract, a temporary bus aide will be hired to fill the absence of the person on medical leave.

Motion by Commissioner Redmond, seconded by Commissioner Makima, to approve the hiring of a temporary bus aide, adopt the 2009 Salary & Wage Resolution Amendment #2, approve the necessary budget adjustments and authorize the Chair to sign. Discussion held, Commissioner Page asked if this could have been done through approval of the administrator. Chairperson Socha said this involves wages, which is a main function of the Board. Civil Counsel Bryan Graham said the administrator could be given authority with specific parameters, but he would have to research that. A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

Prosecutor Daryl Vizina explained that the budget provided for the contract with the Michigan Department of Community Health was grossly understated and insufficient funds remain available for the Victim's Rights Advocate position for the year 2009. He said the budget was not reviewed by the County Finance Department prior to be submitted to the state. The original budget for the fiscal year October 1, 2008 through September 30, 2009 was \$41,109. In February 2009 with the assistance of the Finance Director a budget adjustment request in the amount of \$4,378 was submitted to the State of Michigan. The Amendment No. 1 provided by the state was in the amount of \$2,515 leaving a shortfall of \$1,863 of which \$943 would be allocated to travel for training and \$920 allocated to supplies and materials.

Motion by Commissioner Bolinger, seconded by Commissioner Wallace, to approve the Amendment No. 1 to the Michigan Department of Community Health Contract, authorize the Chairperson to sign the Amendment and approve the necessary Budget Adjustment (Raise Revenue and Expenditure) and also approve the additional funds requested from the General Fund and the necessary Budget Adjustment (Inter-budget Transfer). Discussion held. Administrator Overton clarified that this cut was done by the former prosecutor, not finance or this board. Commissioner Page said there should be a way to streamline this function and suggested it be looked into for the future. Chairperson Socha said this is an amendment to an original contract and would be required to be brought before the board. A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

Commissioner Wallace presented Resolution 09-11 to End the Sale of Energy Drinks Premixed with Alcohol. He said NMSAS was alerted to this problem and highlighted points revealed by a study conducted by the Wake Forest University School of Medicine. The resolution, if adopted, should be sent to NMSAS, Michigan Liquor Control Commission, Governor, Attorney General, Senator Allen, and Representatives Eisenheimer and McDowell.

Motion by Commissioner Wallace, seconded by Commissioner Bolinger, to adopt the following resolution:

Resolution 09-11 to End the Sale of Energy Drinks Premixed with Alcohol

Whereas, alcohol is the most frequently used drug by those under age 21;

Whereas, according to the Pacific Institute for Research and Evaluation, underage drinking cost the citizens of Michigan \$2.0 billion in 2005;

Whereas, nearly one quarter of college student current drinkers reported drinking energy drinks (prepackaged beverage containing high levels of caffeine and other stimulants) mixed with alcohol;

Whereas, a 2008 Wake Forest University School of Medicine study concluded:

- Energy drinks premixed with alcohol reduce participants' subjective perception of alcohol intoxication,
- and consumption of energy drinks premixed with alcohol is associated with increased heavy episodic drinking and more episodes of weekly drunkenness,
- and consumption of energy drinks premixed with alcohol had significantly higher prevalence of alcohol-related consequences, even after adjusting for the amount of alcohol consumed, and;

Whereas, energy drinks premixed with alcohol are marketed in containers that look similar to non-alcoholic energy drinks;

Whereas, energy drinks premixed with alcohol are marketed in a way that mimics non-alcoholic energy drinks and emphasizes non-traditional media and "grassroots" one-to-one communications including internet sites, chat rooms, and text messaging;

Whereas, a primary motivation for young people to drink energy drinks premixed with alcohol is to increase binge drinking and partying;

Whereas, Michigan Attorney General, Mike Cox, along with 29 other Attorney Generals are concerned about energy drinks premixed with alcohol; and have urged the United States Alcohol and Tobacco Tax and Trade Bureau (TTB) to expand its efforts to prevent misleading statements from being made in connection with these beverages;

Whereas, in the letter to TTB, the Attorney Generals identify energy drinks premixed with alcohol as a "serious health risk for America's youth",

Whereas, Anheuser-Busch and MillerCoors have signed agreements with several states' Attorney General agreeing to discontinue production of products that combine alcohol and stimulants;

Be it therefore resolved that, the Michigan Prevention Association encourages the Michigan Liquor Control Commission, producers, retailers, distributors, policy makers, and citizens to work cooperatively to end the sale of energy drinks premixed with alcohol in the State of Michigan.

Be it further resolved that, the Cheboygan County Board of Commissioners endorses this resolution and allows its name to be added to those who support this resolution, thereby assisting the Michigan Prevention Association and others to make this change a reality.

A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

Commissioner Page presented Resolution 09-12 in Support of Northern Michigan Broadband Cooperative. He said the resolution should be sent to Mike Webber, the Executive Director of the Cooperative.

Motion by Commissioner Page, seconded by Commissioner Wallace, to adopt the following resolution:

**Resolution 09-12 in Support of
Northern Michigan Broadband Cooperative**

We, the undersigned, support the initiatives of the Northern Michigan Broadband Cooperative (NMBC) to bring fiber-optic broadband telecommunications services to homes, institutions and businesses to the following counties: Alcona, Antrim, Alpena, Benzie, Charlevoix, Cheboygan, Crawford, Emmet, Grand Traverse, Kalkaska, Leelanau, Manistee, Missaukee, Montmorency, Oscoda, Otsego, Presque Isle and Wexford.

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It is the mission of the NMBC to create a next-generation broadband network, creating a strong foundation for the future economic and social development for communities throughout northern lower Michigan.

The small businesses that are typical of our rural area are increasingly reliant on high-speed communications to maintain or improve their competitive position. Educational, medical and emergency services also need high-speed communications to improve the quality and range of services they offer.

Extending high-speed broadband access to all our citizens will enable them to participate fully in the economy of the future, reduce commuting, save resources and enable our elders and those with disabilities to lead more productive and richer lives during our long northern winters.

A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

County Clerk/Register Mary Ellen Tryban said Linda Workman has announced she will be retiring from her position on May 8, 2009. In order to better train the person hired as her replacement, and to insure a smoother transition, she explained she plans to use money from the Register of Deeds Automation Fund to start the new employee prior to Linda's departure. This fund was created by state legislation to be used for improvement of services and access to the general public to the records in the Register of Deeds. Clerk Tryban said she has discussed this with Administrator Overton, as well as the Finance Director. Expenditures from the automation fund do not require Board approval; however, since this is payroll related, the transfer does require approval of the Board, as well as an amendment to the 2009 Salary & Wage Resolution. This would be an inter-budget transfer within the 256 Fund not to exceed \$2,250.00.

Motion by Commissioner Redmond, seconded by Commissioner Bolinger, to adopt the 2009 Salary and Wage Resolution Amendment #3 and approve the necessary and appropriate inter-department budget transfers in the Register of Deeds Automation Fund. A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

Administrator Overton requested scheduling a public hearing at the June 9, 2009 Finance/Business Meeting on the proposed ORV Ordinance. Discussion held on how Civil Counsel would draft an ordinance depending on opening or closing roads in the Pigeon River Area and the necessary signage. Sheriff Clarmont said he would be concerned if 12-15 years were prohibited from operating ORV's it would deter families from coming up here to use recreational areas. He said parental supervision is more restrictive than what has been in place which was adult supervision. Chairperson Socha said need to do what is appropriate for the Pigeon River area and try to be cohesive with the neighboring area, as this is a unique, sensitive area. She said she wants to hear public input on this. Commissioners Wallace, Makima and Redmond all voiced preferences to have connecting roads open. Commissioner Bolinger favored closing all roads in the Pigeon River area. Commissioner Bolinger invited all to attend the next Pigeon River Advisory meeting on Friday, April 17, 2009. The townships in the county want all roads open. Chairperson Socha asked the Administrator to put together more information from the townships and the DNR on this area. More discussion will be held at the next Committee of the Whole meeting.

Motion by Commissioner Makima, seconded by Commissioner Redmond, to schedule the public hearing for the proposed ORV Ordinance on June 9, 2009 at 9:00 a.m. in the County Commissioners Board room. Motion carried with 6 yes, 0 no and 1 absent.

Sheriff Clarmont said it appears Otsego County plans to close Pigeon River area completely. He said the ORV Enforcement Grant is a state grant only for enforcement on the state trails system at this time. The ORV officers employed seasonal now can only enforce on state trails, so enforcement would come from uniform patrol officers in the cars.

IS Director Matt Hellens said the initial maintenance agreement for hardware and software support for the IBM iSeries (AS400) is expiring soon. He pointed out purchasing a multi-year agreement saves money over purchasing the coverage in single year agreements. The 3-year cost of the agreement is \$8,049.05 (\$2,683.02 per year). The cost of a 1-year agreement would be \$2,804.28 (\$8,412.84 for 3-year total), so the total savings of a 3-year agreement is \$363.78.

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Motion by Commissioner Wallace, seconded by Commissioner Redmond, to authorize the IBM i5 System Maintenance Agreement with NVINT, Inc. for three (3) years, May 1, 2009 through April 30, 2012 and authorize the Chairperson to sign. Motion carried with 6 yes, 0 no and 1 absent.

Mr. Hellens also requested that NVINT be added to the sole vendor list for maintenance purposes only.

Motion by Commissioner Redmond, seconded by Commissioner Bolinger, to amend the Cheboygan County Purchasing Policy as of April 14, 2009 to include NVINT to the sole provider list for maintenance purposes only. A roll call vote was taken. Motion carried with 6 yes, 0 no and 1 absent.

Commissioner Bolinger said Forest Township was charged \$500 to release the ambulance money. County Treasurer Linda Cronan said the county has not charged anything yet. She said first a fixed amount each month was to be disbursed; then the ambulance systems wanted money when received. She told them if so an administrative fee would be charged. She calculated the charge based on time and hourly wage – annual administrative cost was about \$500 for Onaway Ambulance and double for Cheboygan Life Support System. She said she has not heard back from anyone on this and does not know if agreements were signed. Administrator Overton said CLSS and Onaway now both want original monthly disbursement. Commissioner Bolinger said he would relate this to Forest Township. Karen LeCureux, Forest Township Trustee, said the \$500 would have been split between Waverly & Forest townships. Treasurer Cronan said there would be no charge if ambulance services were paid monthly. CLSS voted to take monthly payment per Commissioner Wallace and the same administrator runs the Onaway ambulance. Treasurer Cronan said ½% interest would be kept by the county as an administrative fee.

Maintenance Engineer Tim Mason reported that the well at the Cheboygan County Council on Aging property on Sand Road is in poor condition and in need of replacement. The current lease agreement calls for reasonable repairs and maintenance, an estimate cost for replacement of the well would be between \$8,000 to \$12,000; but are currently waiting for three bids to be received. Discussion held on whether this would come from the senior millage fund or the general fund.

Motion by Commissioner Wallace, seconded by Commissioner Page, to authorize the county administrator to award the bid for replacement of the well at the Cheboygan County Council on Aging property. Motion carried with 6 yes, 0 no and 1 absent.

CITIZENS COMMENTS – Mullett Township Supervisor Bill Morgan thanked the Board for approving the transfer of property on Boy Scout Road to Mullett Township.

BOARD MEMBER COMMENTS – Chairperson Socha said she received notice that Commissioner Mushlock's husband, Bill, is doing well and may be released for a while on the weekend.

Commissioner Wallace distributed a flyer with facts about prescription drug abuse and highlighted some of the facts. Sheriff Clarmont advised his department now has a drop box for disposal of unused prescription drugs.

Chairperson Socha reminded the Board of the upcoming NLEA Luncheon at Boyne Mountain on May 11th, and also of the Farm Bureau dinner.

Motion by Commissioner Makima, seconded by Commissioner Redmond, to adjourn to the call of the Chair. Meeting adjourned at 12:40 p.m.

Mary Ellen Tryban
Cheboygan County Clerk/Register

Linda Socha
Chairperson