

**CHEBOYGAN COUNTY BOARD OF COMMISSIONERS
FINANCE/BUSINESS MEETING
July 8, 2008**

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, Mushlock, Page, Wallace and Bolinger

ABSENT: None

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

Chairperson Socha advised that Commissioner Bolinger requested removal from the Consent Agenda of Item 5-C4(a&b), Letters or Resolutions of Support for Ambulance Millage Proposal a) Benton Township, Inverness Township, Koehler Township, and Waverly Township and b) Cheboygan County Chapter of Michigan Townships Association, and Item 5-C5, Letter from Nunda Township Regarding Road Commission Millage be placed under New Business, Item H for acknowledgment of receipt. Chairperson Socha also requested the addition of two items under Item 10,

Motion by Commissioner Mushlock, seconded by Commissioner Bolinger, to approve the agenda with the addition of Item H under New Business, Letters or Resolutions of Support for Ambulance Millage Proposal a) Benton Township, Inverness Township, Koehler Township, and Waverly Township and b) Cheboygan County Chapter of Michigan Townships Association, and Letter from Nunda Township Regarding Road Commission Millage, and addition of two items under Item 10, Prosecutor informational letter from Chief Deputy Attorney General Carol L. Isaacs regarding recycling and revision of County Policy 100-5 Allowable Travel Expense. Motion carried with 7 yes, 0 no and 0 absent.

Motion by Commissioner Mushlock, seconded by Commissioner Redmond, to approve the consent agenda consisting of the following items:

- A. Approve Monthly Finance Claims – Finance = \$14,496.70; Prepaids = \$693,500.92
- B. Budget Adjustments – Inter-budget transfer in the amount of \$2,300 from 101-700-955.01 to 101-731-977.00 to cover expenses for MSUE office relocation; Raise Revenues and Expenditures in the amount of \$157 in line items 101-400-630.00 and 101-139-744.00 for victim's rights awareness supplies
- C. Correspondence:
 1. Bay County Resolution Regarding Prioritizing Health Insurance for Uninsured Americans
 2. Lake County and Livingston County Resolutions Opposing Compulsory Arbitration for County Correction Officers
 3. Thank You from Attorney James L. Gilbert
 - ~~4. Letters or Resolutions of Support for Ambulance Millage Proposal~~
 - ~~a) Benton Township, Inverness Township, Koehler Township, and Waverly Township~~
 - ~~b) Cheboygan County Chapter of Michigan Townships Association~~
 5. Letter from Nunda Township Regarding Road Commission Millage
 6. Open House & Compartment Review Pigeon River Country Forest Management Unit
- D. Minutes:
 1. Commissioners Finance/Business Meeting of June 10, 2008 and Committee of the Whole Meeting of June 24, 2008
 2. Health Board – May 20, 2008
 3. North Country Community Mental Health Board – May 15, 2008

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4. Michigan Northern Counties Association – May 19, 2008
5. Cheboygan City Council – May 27, 2008 (2 sets), June 10, 2008 and June 16, 2008
6. ZBA – May 28, 2008

A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

CITIZENS COMMENTS – Anna Marie Barnes introduced herself as a member of Operation CBOC but wish to address the Board as a citizen and taxpayer of this county. She said she feels the Veterans Affairs Committee and the County has not made enough of an effort to find the best qualified person for the Veterans Director position. Many feel the current director was hired without enough checking. She voiced concern that the applications did not get a fair review, and gave an example of a qualified and certified person, with six years experience, who submitted a resume and received an email reply that there were no openings at this time. She also voiced concern with the veterans committee having too much control and the county, who is fiscally responsible, should have final say as to hiring and firing. She said all parties need to put the veterans' needs before their own.

Assistant Prosecutor Tony Damiano addressed the board regarding a letter dated July 1, 2008 from the Chief Deputy Attorney General Carol Isaacs regarding the surcharge for recycling and reviewed the activities leading up to the letter. He said the prosecuting attorney's office concern was with placing the surcharge on tax bills, collecting as any other tax, and enforcing collection through tax liens and property foreclosures; and assisting the county treasurer on the tax foreclosure process as dictated by statute. Mr. Damiano said copies of the letter were immediately forwarded to the County Administrator and County Treasurer upon receipt. The July 1, 2008 letter agreed the county has the power to impose a recycling surcharge on households, but the collection of delinquent fees charged under MCL 124.508a(1) cannot be enforced under the provisions of the General Property Tax Act. Chairperson Socha said this could be addressed now instead of later on in the agenda. She said she had asked the Prosecutor to wait two weeks to allow sufficient time for the board and civil counsel to review this information. Chairperson Socha said Civil Counsel Bryan Graham did draft a letter addressing this issue dated July 7, 2008. Mr. Graham said he would like to have an opportunity to speak with Russell Prins, Chief of the Revenue and Collections Division, who is on vacation.

Motion by Commissioner Wallace, seconded by Commissioner Makima, to release the attorney/client privilege memo received from Civil Counsel Bryan Graham dated July 7, 2008 regarding the information letter dated July 1, 2008 from Carol L. Isaacs, Chief Deputy Attorney General. Chairperson Socha read the July 7, 2008 memo from Civil Counsel (Copy on filed in County Clerk's office). Mr. Graham said again he would like the board to pass a motion authorizing him to contact Mr. Prins when he returns from vacation. Discussion held, Commissioner Page asked for clarification that the surcharge itself is not an issue, but has to do when the fee is returned delinquent. Mr. Graham said yes, if the attorney general's opinion is correct the county would have to look at other means to collect the delinquent surcharge. Mr. Damiano said the question from the PA office was how to the collect fee, not that the county could not impose the fee. He said the feeling was to get a answer as to whether the collection process was legal so as to be able to ethically continue to represent the county treasurer in the tax foreclosure process. Civil Counsel will further review this matter and talk with Mr. Prins. Motion carried with 7 yes, 0 no and 0 absent.

Administrator Overton addressed questions posed by Ms. Barnes regarding the Veterans' office. He said state law says the county commissioners do not have control over the Veterans' Affairs Committee. He explained that recommendations for appointment to that committee come from the various veterans' organizations in the county through the Veterans' Affairs committee to the Board of Commissioners. Ms. Barnes said its mind boggling that a committee, such as the Veterans' Committee, has power over the board of commissioners in these matters. Commissioner Makima said the committee received responses from all of the various veterans' organizations in support of this candidate for director. Chairperson Socha told Ms. Barnes if she has a problem with hiring of the VA Director it would have to be addressed to the Veterans Committee, not this Board. Bryan Graham said there is a specific statute that deals with veterans' affairs. Commissioner Makima said the meeting was properly posted. Administrator Overton said the HR Director spent time on this matter at his direction.

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SCHEDULED VISITORS – Undersheriff Michael Newman presented retiring Deputy Edward St. Pierre a certificate of retirement from the Sheriffs Department. Undersheriff Newman said that Deputy St. Pierre has been the spirit of the department for over 31 years; and reported Deputy Kelsey Kennedy will be taking over the DARE program. Chairperson Socha presented Deputy St. Pierre a Certificate of Appreciation on behalf of the Board and the citizens of Cheboygan County. Commissioner Mushlock gave Deputy St. Pierre a packet of tickets for the Fair/Junior Chiefs raffles. Deputy St. Pierre thanked the Board for the certificate and for supporting the DARE program over the years.

FINANCE DIRECTOR'S REPORT - Finance Director Kari Kortz presented the revenue and expenditures report for the General Fund for the month ended May 31, 2008. She reported total year-to-date revenue of \$2,210,411.32 versus \$3,470,852.30 last year at that time, the difference mainly due to timing issues of county tax levy. Ms. Kortz reported expenditures year-to-date of \$4,213,412.97, or 38.12% of budget, compared to \$3,937,676.28 last year as of the end of May.

COMMITTEE REPORTS

Commissioner Redmond presented two recommendations from the Board Appointments & Procedures Committee.

Motion by Commissioner Makima, seconded by Commissioner Mushlock, to accept the recommendation of the Veterans Affairs Committee and the Board Appointments & Procedures Committee to appoint Carl Wiertalla to the Cheboygan County Veterans Affairs Committee for a term beginning May 22, 2008 through March 31, 2011. Motion carried with 7 yes, 0 no and 0 absent.

Motion by Commissioner Makima, seconded by Commissioner Bolinger, to accept the recommendation of the Cheboygan County Agricultural Society and the Board Appointments & Procedures Committee to appoint Chuck Robiadek, Sr. to the Cheboygan County Fair Board for a term beginning July 8, 2008 through November 30, 2008. Motion carried with 7 yes, 0 no and 0 absent.

Commissioner Makima said minutes were in the packets for the City Council, Fair Board, Road Commission, and Veterans Affairs Committee, all of which he attended. He reported that Emily Parker has been hired for the County Fair office.

Commissioner Mushlock attended a North Country Community Mental Health meeting, the Fair Board meeting and the Inverness and Mullett Township Board meetings. She said she will be reporting in the future on the money that comes back to the county through Community Mental Health.

Commissioner Page said the broadband committee meets next week with plans to prepare articles of incorporation.

Chairperson Socha reported attending a NEMCOG meeting at the UAW Center, where she picked up information on a broadband committee, which she passed on to Commissioner Page, a Burt Township meeting at which Kathy Bricker reported on recycling, and a meeting of the DNR Trust Fund Board. She passed around two articles pertaining to Cheboygan County which were printed in the Burt Lake Preservation Association newsletter. She also distributed brochures on Emmet County

BUSINESS

Chairperson Socha led discussion on possible revision of policy 100-05 Allowable Travel Expense Policy dated January 10, 2006 and revised April 25, 2008. She said the policy does not have an appeal process for requests to deviate from this policy that are denied. She said she recently denied a request from an elected official and at that time noticed the policy does not include an appeals process. Discussion was held. Commissioner Page said he feels the appeal process is implied to be to the entire Board. Civil Counsel Bryan Graham said he is uncomfortable with any implied provision. He said it could be stated in the Board Rules that all policies can be appealed to the entire Board of

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Commissioners. It was the consensus of the board to leave the policy as is, and could be addressed with next year's Board Rules.

NEW BUSINESS

Probate Court Judge Robert Butts presented a proposal to purchase a storage system for court files. Judge Butts said bids were taken in 2007 EBCO was the lowest bidder at that time. Since the bids were submitted the court has improved storage in the sheriff's department using shelving discarded by the Friend of the Court and intends to maintain the juvenile office storage as is for now. He said due to weight limits the upstairs vault will be reorganized without new storage after the downstairs system is installed. Judge Butts said the cost of the system would be \$11,355 and there are sufficient funds in the budget to cover this purchase.

Motion by Commissioner Redmond, seconded by Commissioner Wallace, to approve the purchase of the Probate Court Storage System from EBCO in the amount of \$11,355 and make all necessary budget adjustments. Motion carried with 7 yes, 0 no and 0 absent.

Top of Michigan Trails Council Trail Coordinator Emily Meyerson requested adoption of Resolution 08-014 in Support of Alpena to Cheboygan Rail-Trail Surfacing Project. Ms. Meyerson had addressed the board regarding this project at the June 24, 2008 Committee of the Whole Meeting.

Motion by Commissioner Makima, seconded by Commissioner Bolinger, to adopt and authorize the Chair to sign the following resolution supporting the improvements to the Cheboygan to Alpena rail-trail and pledge \$20,000 for the overall matching funds, payable upon start of construction:

Resolution 08-014 in Support of Alpena to Cheboygan Rail-Trail Surfacing Project

WHEREAS, the Alpena to Cheboygan Multi-Use Rail-Trail, owned by the Michigan Department of Natural Resources (DNR), traverses almost 70 miles through Alpena, Presque Isle, and Cheboygan Counties, and is open to all non-motorized use, as well as snowmobiles from December 1 through March 31, and;

WHEREAS, the trail links major communities in the northeast portion of the Lower Peninsula, including Alpena, Millersburg, Onaway, and Cheboygan with links to Rogers City, Gaylord, and Petoskey, as well as smaller communities such as Cathro, Bolton, Metz, Hawks, Tower and Aloha, and;

WHEREAS, the trail is primarily used in the winter for snowmobiling, with very limited use of the rest of the year due to its inconsistent and soft surface, including large amounts of ballast stone, sand, and soft dirt, and;

WHEREAS, recreational trails have been found to increase economic opportunities for local communities and businesses, and;

WHEREAS, a regional trail such as this links rural communities and school districts that span large areas with a safe-transportation alternative to the high-speed local roads and highways, and;

WHEREAS, the Mackinaw to Hawks Rail-Trail Master Plan created by a 60-member, multi-jurisdictional committee concluded that the top priority is to construct a consistent, hard surface on the former railroad grade to increase use, the plan stating specifically that *"the trail surface needs to be a hard, consistent surface that people can equally enjoy walking, bicycling, and snowmobiling. It is recommended that the trail surface be a crushed limestone that compacts to create a hard surface that is good for snowmobiles, bicycles, and pedestrians,"* and;

WHEREAS, creating a consistent, hard-surfaced trail along the former railroad grade would be desirable to attract year-round trail users;

NOW THEREFORE BE IT RESOLVED, that the Cheboygan Board of Commissioners supports the efforts by the DNR to pursue funding to construct a consistent, hard surface on the nearly 70-mile Rail-Trail extending from Alpena to Cheboygan.

AND FURTHER BE IT RESOLVED, that the Cheboygan Board of Commissioners will pledge \$20,000 to go toward the over all match funds needed to construct such a surface. This pledge will be paid when construction begins.

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A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Administrator Overton presented an amendment to the Recycling Hauling Agreement. He said with the addition of bins in Waverly and Burt Townships, and the increase in size of two additional bids, this amendment is necessary. This will result in an additional hauling cost of approximately \$8,696. Discussion held, a report on recycling for the first two quarters will be coming soon. Chairperson Socha asked that townships be sent any reports on recycling.

Motion by Commissioner Wallace, seconded by Commissioner Redmond, to approve the First Amendment to the Contract with Republic Services of Upper Michigan and authorize the Chairperson to sign. Motion carried with 7 yes, 0 no and 0 absent.

MSUE Director Ben Bartlett advised that the Cheboygan MSUE CYF/4-H Educator position is currently vacant as of June 30, 2008. He said the position would be filled as promptly as possible to continue the success of the Cheboygan youth development programs offered through 4-H. Mr. Bartlett said the Memorandum of Agreement request seeks to continue MSUE's strong partnership with the County of Cheboygan through financial and office support. The request is for Cheboygan County to provide 50% of salary and fringe benefits for the position, totaling \$26,600. Finance Director Kari Kortz said if the position is open for four months a budget adjustment would not be necessary.

Motion by Commissioner Redmond, seconded by Commissioner Bolinger, to approve and authorize the Chair to sign the Cheboygan County MSU Extension Children, Youth and Family/4H Educator Memorandum of Agreement and authorize any necessary budget adjustments. Motion carried with 7 yes, 0 no and 0 absent.

Mr. Bartlett said the new office space is working out and requested and was granted permission to hold an open house.

Administrator Overton said the contract with North Central Security LTD, for security at the fair grounds during fair week, is basically the same as last year, with the exception of \$1.00 per hour wage increase.

Motion by Commissioner Mushlock, seconded Commissioner Makima, to accept the contract with North Central Security LTD, as presented, for fair week from August 2, 2008 through August 10, 2008, and authorize the Chair to sign. Motion carried with 7 yes, 0 no and 0 absent.

Administrator Overton said the Region 9 Area Agency on Aging Annual Implementation Plan Fiscal Year 2009 was received for review. Review by each County Board of Commissioners and approval must be documented either by a resolution or by motion by July 31, 2008. Discussion held. MSUE Director Ben Bartlett offered to coordinate a presentation for the board by the Crawford County Extension Director who is very involved in aging in place and services for the aging. In order to allow for more time for review, action was tabled until the Committee of the Whole Meeting.

Administrator Overton presented the last sublease renewal before the debt is retired in four years and the County assumes ownership of the Doris Reid building. The sublease calls for \$703.49 per month rent for the County occupied space in 2008, which represents about a 1.5% increase over last year, and an annual 1.5% increase the next four years. Civil Counsel has reviewed the sublease and finds it acceptable as to form and function.

Motion by Commissioner Redmond, seconded by Commissioner Bolinger, to approve and authorize the Chair to sign the Doris Reid Center Sublease, and make the necessary budget adjustments. Motion carried with 7 yes, 0 no and 0 absent.

Commissioner Bolinger said the letters or resolutions received from Benton, Inverness, Koehler and Waverly Townships and the Cheboygan County Chapter of MTA in support of the ambulance millage proposal, and the letter from Nunda Township regarding the Road Commission millage should be

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acknowledged, if not reviewed, by this board. Chairperson requested that all of these letters or resolutions be presented when the board votes on these issues. Discussion held on whether the Road Commission still plans to pursue the millage proposal as additional contact has not been made with the County Administrator, the MTA or townships. Civil Counsel said if the ambulance millage proposal were to pass, the county would have individual contracts with the ambulance services. The deadline for ballot proposal to be included on the November ballot is August 26, 2008.

CITIZENS COMMENTS – Waverly Township Supervisor Tony Matelski asked what justification Republic gave for the hauling increase. Administrator Overton said it was due to the weight and size of the containers.

County Treasurer Linda Cronan said the Prosecutor's office does assist her in foreclosure process. She said they do go into court with her and she appreciates that, but was told if a property were foreclosed on with delinquent recycling fee they would not be able to represent her. She said she figured that was because of the difference of opinion between the county's civil counsel and the prosecuting attorney's office. She said her main concern is to handle her statutory responsibilities correctly. She said she is not against recycling, but questioned inter-local agreement and had believed an agreement was met. She said she did not have knowledge of the prosecutor's request for an AG's opinion until last week. She said she is in full support of this issue being put to rest correctly.

Mr. Matelski said that according to the minutes of the last MTA meeting, Marcia Rocheleau was going to look into who owns Cheboygan Life Support. Administrator Overton said they are a 501C(3) and have control of the assets, if it were to disband assets would go to the hospital with approval of the Board of Commissioners; and Cheboygan Life Support has Articles of Incorporation.

Mullett Township Supervisor Bill Morgan said the Mullett Township Board approved the amendment to the interlocal agreement for recycling. Commissioner Mushlock said Inverness Township did also.

Mr. Matelski said he attended the DNR public hearing regarding the west Mullett Lake trail. He said there were only about 4 against the trail and approximately 150 that want it to remain open. Mr. Matelski said Waverly Township could not take glass because of the size of bins, so he bought cans to put glass in and he takes it to Indian River.

Mr. Morgan said construction for restroom facilities in Mullett Township will be starting this week. He said he still sees a lot of bicycle traffic on the highway next to the trail. Discussion held on signage along the highway regarding the trail. He said loggers have been destroying parts of the trail from Alpena to Cheboygan, since the DNR allowed use of the trail by loggers.

BOARD MEMBER COMMENTS - Commissioner Wallace said he gave Commissioner Socha a DVD promoting the Indian River area which was produced by Jane & Patrick McGinnis.

Motion by Commissioner Mushlock, seconded by Commissioner Makima, to adjourn. Meeting adjourned at 11:52 a.m.

Mary Ellen Tryban
Cheboygan County Clerk/Register

Linda Socha
Chairperson