

**CHEBOYGAN COUNTY BOARD OF COMMISSIONERS  
COMMITTEE OF THE WHOLE MEETING  
March 26, 2013**

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 Linda Socha, Bruce Gauthier, Pete Redmond, Cal Gouine, Tony Matelski, John Wallace, and Sue Allor

**Absent:** None

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

**Motion** by Commissioner Allor, seconded by Commissioner Gauthier, to approve the agenda as presented. Motion carried with 7 yes, 0 no and 0 absent.

**CITIZENS COMMENTS** – None

**SCHEDULED VISITORS/DEPARTMENT HEAD REPORTS**

Cheboygan County Sheriff Dale Clarmont presented a Sheriff's Department Award of Appreciation to Dr. Heidi Dirkse, for offering her services free of charge through her clinic (Indian River Veterinary Clinic) to the Cheboygan County Sheriff's Department K-9 unit, specifically Taser. Dr. Dirkse thanked the Sheriff's Department and the Board of Commissioners for the award and for supporting the K-9 unit.

Sheriff Dale Clarmont also presented a Sheriff's Department Award of Appreciation to Tony and Roberta Matelski for their generous financial donations to the K-9 unit. The donations made by Tony and Roberta have completely funded the Cheboygan County K-9 unit since its origin in 2006. The Board of Commissioner's also recognized the commitment and efforts of Deputy Matthew LaCross. Deputy LaCross has been with the K-9 unit in Cheboygan County since its origin and he receives full credit for the training, housing and care for Taser, the Cheboygan County K-9.

Honorable Judge Maria Barton presented the 2012 Annual Report for the 89<sup>th</sup> District Court. In 2012, the Judge and Court Personnel did not change significantly. although, job duties between existing personnel have shifted to accommodate for the creation of the Sobriety Court within the 89<sup>th</sup> District. One of the significant accomplishments achieved by the 89<sup>th</sup> District Court personnel in 2012 was their continued commitment to efficient use of public resources. In 2012, the District Court's budget was \$522,668.00 which was reduced by \$583.79 from the 2011 budget. In 2012, the 89<sup>th</sup> District Court total expenditures were \$9051.10 less than budgeted. District Court has come in under budget in 2009, 2010, 2011 and 2012 for a total savings of \$130,411.96 to the County. There have also been operational and procedural improvements by way of collecting fines and costs at the time of sentencing, and enforcing newly implemented jury selection procedures. In 2012, the District Court, along with the 53<sup>rd</sup> Circuit Court and the Probate Court, were the recipients of the Polycom video system installations. It was estimated that the Polycom video courtroom system has already saved the 89<sup>th</sup> District Court \$940.25 in prisoner transportation and visiting judge costs since its installation in late 2012. The Sobriety Court, starting in August of 2012, was created to help substance abusers achieve sobriety by providing a structural framework within which to be successful and to help facilitate permanent change in addictive behaviors. The Sobriety Court team is comprised of Honorable Judge Maria Barton, Jodi Barrette (DWI Coordinator), Kim Godi (Probation Officer), Dale Selin (Research Expert),

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Aaron Gauthier (Assistant Prosecuting Attorney), Ronald Varga (Defense Counsel), Matt Riley (Treatment Provider – Harbor Hall), Tim Cook (Lieutenant – Cheboygan County Sheriff Department). Judge Barton stated that this team provides well-balanced insight into sobriety. The Sobriety Court budget is comprised of funds that the 89<sup>th</sup> District Court receives annually from the State of Michigan for Drunk Driving and Drug cases filed. The Court will receive an average of \$9,000 - \$12,000 annually for this program. In 2012, the Sobriety Court accepted a total of eight participants into the program. Due to the non-compliance of one individual, they were discharged from the program in 2012. There is an estimated \$19,900 worth of savings in jail costs for Cheboygan County based on the enrollment of the previously mentioned participants, based on reserved sentences which have postponed their jail time requirements. The Sobriety Court came in under budget, as it had only been in operation for four months of 2012. The District Court does not pay for testing or counseling costs; those costs are incurred by the participants. There is a \$20/mo participation fee due from every participant. This has produced approximately \$700 thus far. At this time, there has been no added cost onto the citizenry from the implementation of the Sobriety Court. Another significant achievement reported for the 89<sup>th</sup> District Court is their timely case disposition, as they have exceeded standards set forth by the Michigan Supreme Court for court case process timelines. Judge Barton also reported on the Court Revenues and Distributions. In 2012, the 89<sup>th</sup> District Court's revenue was \$770,973.87, down \$95,002.12 from 2011. Judge Barton stated that she thought this decrease was in part due to the reduction in civil infraction and misdemeanor cases in the Traffic Division of the court which is partly attributed to the closing of the Michigan State Police Post Cheboygan Branch. The reduction is also attributed to the increase in individuals paying for fines/costs via community service efforts. Of the \$770,973.87 collected, \$412,473.10 was given to the Cheboygan County general fund. In 2012, the District Court expenses were \$512,668.00, under budget by 1.77%.

Commissioner Matelski questioned Judge Barton about the plea taking/jury trial process, and how the Prosecuting Attorney's office affects that process through the District Court. Judge Barton affirmed that the criminal case process is affected by many diverse factors all at different times, so determination for whether a case moves to a plea versus a jury is driven mostly by the Prosecuting Attorney's office and what the Prosecuting Attorney has determined is the strength or weakness of a case. Sentencing guidelines also play a huge part in the determination of the use of a plea bargain versus an expensive jury trial, and often times they would produce the same jail/prison sentence length outcome. Judge Barton also commented on how she supports the work the Prosecuting Attorney's office is doing, especially based on her previous experiences as a Prosecutor, and she commended the whole Prosecuting Attorney's office for the work that they do in her court. Judge Barton also commended Jodi Barrette for preparing the 89<sup>th</sup> District Court Annual Report for 2012.

Commissioner Socha commended the staff of the 89<sup>th</sup> District Court and Judge Barton for the efficiencies and effectiveness of the court.

Andrea Sullivan, Senior Geologist for the State of Michigan Department of Environmental Quality, did a presentation per request on Hydraulic Fracking for Natural Gas in Michigan. Ms. Sullivan disclosed that her department is highly specialized and very technical, and works primarily with the oil and gas industry. Ms. Sullivan personally oversees 1,500 wells in Michigan. Natural gas production is very new in Northern Michigan. Hydraulic fracturing (or fracking) is the process of pumping into a closed wellbore with powerful hydraulic pumps to create enough down hole pressure to crack or fracture the formation. This allows injection of proppant into the formation, thereby creating a plane of high permeability sand through which fluids can flow. The proppant remains in place once the hydraulic pressure is removed and therefore props open the fracture and enhances flow into the wellbore. Ms. Sullivan stated that there are several common concerns that she addresses which include the migration of gas or fracture fluids, the identification of chemical additives, water usage/consumption, the management of produced water and surface spills. Ms. Sullivan showed a video, developed by an oil and gas company, which visually displayed the fracking process. Following the video, Ms. Sullivan addressed concern over the ingredients of fracking fluid, which she identified are found in commonly used household items.

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The combination or recipe of fracking fluid is what remains disclosed as it is protected through trademarks and patents. Ms. Sullivan also addressed the review and evaluation of the potential for Adverse Resource Impacts (ARI) related to large volume water withdrawals. Ms. Sullivan stated that under no circumstances would a water withdrawal that would create an actual ARI be approved for operation. The amount of water used for an individual Hydraulic Fracturing operation (approximately 5 million gallons) is attempted to be reduced by utilizing a horizontal well drilling design, as was highlighted in the previously mentioned video. The produced water, or water that has been soiled with additives during the Hydraulic Fracturing process, is hauled away from the wells and contained in steel tanks (also known as frack tanks). There is no use of “in ground pits” for produced water in Michigan, for protection against seepage into the surrounding ground and surface water streams. In going forward, Ms. Sullivan stated that some of the goals of her department is to minimize the risks of drilling through casing and sealing the operational wells, to respect public concerns, to communicate the facts, to allow and encourage open and honest discussion, to review current practices and enact changes if necessary and to separate “apples from oranges” which she stated is essential to remain focused. Ms. Sullivan concluded by stating that the University of Michigan is conducting a study about the cumulative impacts of Hydraulic Fracking in Michigan, which will be useful in the highly politicized and bias debate that currently surrounds the Hydraulic Fracking process.

Commissioner Wallace questioned the status of the Kendall 1-27 Horizontal Drill Collingwood Shale well located in the Koehler Township, Cheboygan County area. Ms. Sullivan stated that the well is sealed in. Ms. Sullivan stated that Encana, a natural gas extraction company that has been operating in Northern Michigan, has taken out 4-5 more permits from the state for wells in the area, but they have no intention of drilling at this time in the Kendall well specifically because there is no profitable economic opportunity at this point in time as compared to the cost to harvest and transport the gas.

Commissioner Gouine questioned whether or not natural gas extraction causes earthquakes. Ms. Sullivan stated that any previous quakes are the direct result of over sizing the amount of replacement fluids in injection wells, and that is strictly prohibited in Michigan. Commissioner Gouine also questioned whether local planning and zoning administration have input into local natural gas hydraulic fracturing processes. Ms. Sullivan verified that oil and gas wells are exempt from working with local municipal administration.

Commissioner Gauthier questioned how many people are available to enforce the hydraulic fracturing regulations in Michigan. Ms. Sullivan stated that there are 55 people in the field available to monitor the wells active in Michigan, and the Gaylord area has 50% of total production. Commissioner Gauthier also questioned an incident regarding the use of flow back fluid being used for dust control on roads. Ms. Sullivan explained that the Road Commission uses brine, or produced water (which is produced from oil and gas during exploration and production) to control dust on the road ways because it's cheap and it works. The State of Michigan attempted to eliminate its use by the Road Commission at one point in time, but the Road Commission won the suit. The one incident referred to by Commissioner Gauthier where a permit had been signed in Lansing to authorize the use of Natural Gas produced water was in error and once it was discovered what was in the well they were pulling the produced water from, the permit authorizing the use of that specific produced water was revoked the same day it was issued.

Commissioner Wallace questioned what types of substances come up out of the ground naturally. Ms. Sullivan stating that the hydraulic fracturing process is just creating a pathway for what would naturally come up out of the ground on its own right.

Commissioner Socha commented regarding the sophisticated and stringent regulations that Michigan has for this industry, that are unfortunately incomparable to the way other states manage this industry.

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An unidentified individual from the public commented regarding what came of the proposed catastrophic occurrences that took place in Pennsylvania due to Hydraulic Fracturing for Natural Gas. Ms. Sullivan verified that the reports of a similar process occurring in Pennsylvania were falsifiable. The processes for fracking in Pennsylvania are comparable to the processes occurring in Michigan, but that the wells in Pennsylvania were not properly cased, sealed, tested or maintained. Pennsylvania does not operate their Hydraulic Fracturing process under such strict regulations as are in effect in Michigan. Ms. Sullivan also stated that Michigan contains a wide array of geological rock and land formations. This creates the potential for the State of Michigan to be the top natural gas storage state in the country.

**ADMINISTRATOR'S REPORT** – Administrator Jeff Lawson reported on the status of the animal shelter, the bids received for the boiler replacement project and information regarding the rodeo event proposed for the Cheboygan County fair.

Administrator Lawson reported that the Humane Society staff is currently in the process of moving into the building. The Building Safety Department has completed the framing inspection process. County staff will be placing insulation in the existing kennel attic area, although in the future it would be beneficial to update the existing kennel attic area completely. A temporary occupancy permit will be issued until the parking lot project can be completed this summer.

Administrator Lawson reported that seven bids were received for the Boiler Replacement Project. The architect on the project is verifying bid components and developing the AIA Contract Agreement. The Agreement will be provided for Commission consideration at the April 9<sup>th</sup>, 2013 meeting. The apparent low bid for the project was received by John E. Green Company out of Petoskey in the amount of \$127,125 without payment and performance bond cost included.

Asbestos bids will be opened on March 27<sup>th</sup>, 2013. A recommendation of award will be presented to the Board of Commissioners for consideration at the April 9<sup>th</sup>, 2013 meeting. Preceding the replacement of Asbestos, there will need to be an air quality test performed.

Commissioner Socha questioned whether or not the County would be receiving any state or federal grant money for the boiler project. Administrator Lawson verified that the County would be receiving some supplementary funding, but that it would be very limited.

The RFP for architectural services for the Fairgrounds Midway Restroom project will be reviewed on April 1, 2013 with a recommendation of award presented to the Board of Commissioners for award at the April 9<sup>th</sup>, 2013 meeting.

The RFP for Web Site Development are currently out for proposals. Proposals will be reviewed on April 17<sup>th</sup>, 2013 with a recommendation of award presented to the Board of Commissioners at the May 14<sup>th</sup>, 2013 meeting.

Commissioner Socha commented regarding the fact that there is no picture of the current Board of Commissioners on the County website and she would like to see that updated.

Administrator Lawson also reported that staff is currently working with the Fair Board Treasurer to analyze the financial viability of the rodeo event. No application for the sale of alcohol has been received.

**OLD BUSINESS** – None

**NEW BUSINESS** – None

**CITIZENS COMMENTS** – None

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**BOARD MEMBER COMMENTS** – Commissioner Wallace reported that the 9-1-1 dispatchers have settled on a contract. It was settled that there will be an increase in compensation at 1.5% for the first year, 2% the remaining two years. The new contract will include dental and vision insurance in the cap, a benefit financially to the dispatchers. Additionally, the 9-1-1 dispatch surcharge for Cheboygan County was reviewed. In Cheboygan County, currently the surcharge is fifty cents. In Charlevoix County, the surcharge is fifty one cents. In Emmet County, the surcharge is currently fifty eight cents. It was reported that the 9-1-1 dispatchers from around the State of Michigan have won a suit against the Public Service commission, this will allow for an increase in the surcharge, which will be changed to sixty one cents per unit. All three counties within the 9-1-1 dispatcher unit area will be voting on that new surcharge implementation. All three counties would be bumped up to a sixty one cent surcharge increase per unit. Commissioner Socha questioned whether negotiations took place regarding the contract for the dispatchers. Commissioner Wallace responded by stating that there were concessions, but that there are financial benefits with the new implementation of dental and vision insurance for the dispatchers.

Commissioner Matelski commented regarding the Department of Human Services document download received by the Commissioners, and how he would like to see that come up for discussion. Commissioner Socha affirmed that it would be on the April 9<sup>th</sup>, 2013 agenda.

Commissioner Wallace reminded everyone that there will be a Michigan Works job fair at the Armory in Cheboygan on Cuyler Street on April 17<sup>th</sup>.

Commissioner Socha thanked Commissioner Allor for the information she provided regarding the Road Commission transportation and road funding meeting. Commissioner Socha added that township officials reported to her that it was well attended. Commissioner Allor commented that she thought all of the different options being considered by the state to increase revenue for transportation and road funding are interesting, as a significant amount of revenue is needed. One of the options, which is a sales tax increase state wide, would need to go before the state legislature for a constitutional amendment, requiring two-thirds vote approval, and then presented to the voters for approval. Commissioner Socha commented regarding concern brought up at the Road Commission meeting over a local distribution of funds which would be collected from a potential increase in the state sales tax.

**Motion** by Commissioner Matelski, seconded by Commissioner Allor, to adjourn to the call of the Chair. Meeting adjourned at 11:41 a.m.

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Amber Libby  
Cheboygan County Chief Deputy Clerk/Register

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Linda Socha  
Chairperson