

**CHEBOYGAN COUNTY BOARD OF COMMISSIONERS
ORGANIZATIONAL/FINANCE BUSINESS MEETING
January 14, 2020**

The Organizational/Finance Business meeting of the Cheboygan County Board of Commissioners was called to order in the Commissioners Room by Chairperson John Wallace at 9:30 a.m.

Roll called and a quorum present.

Present: Commissioners Mary Ellen Tryban, Richard Sangster, Michael Newman, Cal Gouine, Roberta Matelski, John Wallace, and Steve Warfield

Absent: None

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

Commissioner Wallace opened the floor for nominations for the Cheboygan County Board of Commissioner Vice-Chair. Commissioner Newman nominated Richard Sangster for Vice-Chair, Commissioner Gouine seconded the nomination.

Motion by Commissioner Newman, seconded by Commissioner Gouine, to close nominations and cast a unanimous ballot for Richard Sangster for Board Vice-Chair. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

County Clerk Karen L. Brewster administered the Oath of Office to Commissioner Richard Sangster as Vice-Chair for the year 2020 of the Cheboygan County Board of Commissioners.

Chairman Wallace presented the current Cheboygan County Mission and Vision Statement.

Motion by Commissioner Sangster, seconded by Commissioner Matelski, to reaffirm the Cheboygan County Mission and Vision Statement. Motion carried with 7 yes, 0 no and 0 absent.

Commissioner Wallace stated that the 2020 Committee Appointments were the same assigned as last year. If anyone would like any changes, please let him know and the changes will be made as necessary. He stated that he appreciated the Commissioners who attended these meetings. The new mileage rate reimbursement for 2020 is .575 cents. Commissioner Newman commented on the committees that they were appointed too. It is important for the public to be aware that on many of these committees they act as board members for the entity itself and financial decisions were made. It was not just the matter of attending these monthly meetings and ascertaining information.

Motion by Commissioner Newman, seconded by Commissioner Warfield to confirm the 2020 Committee Appointments as presented. Motion carried with 7 yes, 0 no and 0 absent.

Commissioner Wallace addressed the Cheboygan County Board of Commissioners meeting calendar for 2020. The two regular meetings will continue to be held on the second and fourth Tuesday of every month, with the Finance/Business meetings held on the second Tuesday and the Committee of the Whole meetings to be held on the fourth Tuesday.

Organizational/Finance Business Meeting – January 14, 2020

Motion by Commissioner Sangster, seconded by Commissioner Tryban to adopt the Board of Commissioners meeting calendar for 2020 as presented. Motion carried with 7 yes, 0 no and 0 absent.

Motion by Commissioner Warfield, seconded by Commissioner Sangster, to adopt the 2020 Rules of Order of the Cheboygan County Board of Commissioners as presented. Motion carried with 7 yes, 0 no and 0 absent.

Motion by Commissioner Matelski, seconded by Commissioner Tryban, to appoint Honorable Judge Aaron Gauthier, Honorable Judge Daryl Vizina and reappoint Honorable Judge Maria Barton for a one year term to the Community Corrections Advisory Board effective January 1st, 2020. Motion carried with 7 yes, 0 no and 0 absent.

Commissioner Wallace closed the Organizational Meeting at 9:40 a.m.

Motion by Commissioner Sangster, seconded by Commissioner Gouine, to approve the agenda as presented. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Motion by Commissioner Tryban, seconded by Commissioner Matelski, to approve the consent agenda as follows:

- A. Approve Monthly Finance Claim (Finance total = \$0; Prepays total = \$852,831.43)
- B. Budget Adjustments as follows:
 - 1. Fund 201 Total Budget Increase of \$2,075,424
 - 2. Fund 217 Total Budget Increase of \$604.72
 - 3. Fund 260 Total Budget Increase of \$4652019 Inter-budget Transfers:
 - 1. From 101-148 to 101-148 Totaling \$347
 - 2. From 101-265 to 101-265 Totaling \$23
 - 3. From 101-332/101-331 to 101-331 Totaling \$5,680
 - 4. From 101-351 to 101-351 Totaling \$12,698
 - 5. From 249-371 to 249-371 Totaling \$678
 - 6. From 260-351 to 260-351 Totaling \$956
 - 7. From 101-351/101-301 to 101-301/101-351 Totaling \$17,063
- C. MDOT Contract 2017-0032/P12/R1-FY 2020 Specialized Services Operating Assistance Program
- D. MDOT Contract 2017-0032/P6/R1-2018 Section 5311 Capital
- E. Correspondence:
 - 1. Bay County Resolution Requesting Declaration of the Great Lakes Shoreline as a Disaster and Seeking Assistance
 - 2. Bay County Resolution Supporting HB 4937-38 and SB 504-505 to Enact Four-year Terms for County Commissioners
 - 3. Kalkaska County Resolution in Support of Line 5 Tunnel
 - 4. Kalkaska County Resolution Supporting HB 4937-38 and SB 504-505 to Enact Four-year Terms for County Commissioners
 - 5. State of Michigan – DNR Land Transaction #20190181 & Notice of Estimated PILT
 - 6. City of Cheboygan – Public Hearing Notice on Establishment of a Commercial Rehabilitation District No. 2
- F. Minutes:
 - 1. Finance/Business Meeting of December 10, 2019
 - 2. Health Board - 11/19/19

Organizational/Finance Business Meeting – January 14, 2020

3. NEMCOG – 10/17/19
4. Cheboygan County Fair Board –12/2/19
5. Cheboygan County Road Commission – 11/20/19,11/21/19 & 12/5/19
6. Cheboygan County Road Commission Public Hearing – 11/21/19
7. City Council – 11/12/19, 11/26/19 & 12/10/19
8. Planning Commission – 11/20/19
9. NCCMH – 11/21/19
10. ZBA – 9/25/19

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

CITIZENS COMMENTS

Joe Klein citizen of Benton Township commented that as of January thirteen (13) states were pushing for gun control and confiscations, most of which was without due process, most using what's called red flag laws. He requested the Board of Commissioner to approve a resolution to declare Cheboygan County a second amendment county. Sheriff Clarmont commented that he had not seen the wording of the resolution prior to being given a copy at the meeting. Civil Counsel Bryan Graham suggested that the Board of Commissioners postpone any formal action pending his review and then bring it back to the board at the next meeting for approval.

SCHEDULED VISITORS - None

Finance Director's Report

Finance Director James Manko presented the Revenue and Expenditure Report for the General Fund for the month ending November 30, 2019. He reported total year-to-date revenue of \$11,069,552.57, or 79.94% of the budget, compared to \$10,988,420.52, or 69.38% of the budget last year at this same time. He reviewed each line item number that had significant changes. Mr. Manko reported expenditures year-to-date of \$10,675,447.19 or 77.10% of the budget, compared to \$10,305,804.02 or 65.07%, last year as of the end of November 30, 2019. He reviewed each department that had significant changes. Mr. Manko reported on the Cash Summary by Fund Cash for November 2019, which totaled \$21,608,799.94. An explanation of the deficit balance accounts was given.

Motion by Commissioner Tryban, seconded by Commissioner Matelski, to receive and file the Finance Reports as presented. Motion carried with 7 yes, 0 no and 0 absent.

Administrator's Report

Administrator Jeff Lawson gave an update of the Marina. The County has received permit approval from EGLE for the marina fuel dock project. The project also needs to receive final approval from the Army Corps of Engineers and final approval from the MI Waterways Staff prior to bidding.

Administrator Jeff Lawson gave an update on the County Building Repairs. MacMillan Associates the structural engineer that prepared the preliminary inspection report to repair the vault walls in the Treasurer's Office has provided a service agreement in the amount of \$19,295.00 to provide plans, specifications, bid coordination and project inspection for the project. Staff will be signing the agreement after legal review. Once plans and specifications are completed, bids will be requested from contractors.

Organizational/Finance Business Meeting – January 14, 2020

Administrator Jeff Lawson presented on the City of Cheboygan Commercial Rehabilitation District. The City of Cheboygan has provided notice to the County of a Public Hearing to review the establishment of a Commercial Rehabilitation District at 807 and 811 E. State Street within the City of Cheboygan. The Act does not require the County to approve the district, but does permit the County to reject the district within 28 days of receiving a copy of the resolution from the City establishing the district.

Administrator Jeff Lawson gave an update on the phone system replacement. The contractor has completed the installation of the majority of phones in the County Building and will be back on site next week to complete installation at Straits Regional Ride, MSU Extension and address any remaining installation issues.

Administrator Jeff Lawson presented on vehicle purchases. A request for bids from local dealers for the purchase of three (3) SUV's for the Building Safety Department will be posted next week to compare to vehicle pricing under the State's MiDEAL Purchasing Program.

COMMITTEE REPORTS

Commissioner Sangster commented that he had nothing to add because everyone was just getting back after the holiday season starting this week and all the meetings are firing back up again.

Commissioner Newman attended an informational meeting on Line 5 last Friday and found it very educational. The Board should be aware that the Line 5 opponents will be attending the next board meeting to give a presentation. One of the things discussed was the anchor strike on Line 5, which was an oil and gas line running the bottom of the Straits of Mackinac. He was also concerned about the oil and gas line passing beneath the Indian River and other environmentally sensitive locations. He stated that there seems to be more and more things that are coming to the forefront from these meetings.

OLD BUSINESS - None

NEW BUSINESS

Administrator Lawson presented the Annual Remonumentation Agreements including 2020 Surveyor Agreements, individual Peer Group Agreements and Administrative Staff Services Agreement. The amount of the 2020 Remonumentation Grant was \$51,430.

Motion by Commissioner Warfield, seconded by Commissioner Sangster, to approve all five agreements of the Professional Service Agreement between Cheboygan County and Granger and Associates; Fullford Surveying & Mapping and Ecker Surveying Incorporated for Remonumentation beginning January 1, 2020; to approve the individual Remonumentation Peer Group Services Agreement between Cheboygan County and Ronald Brand, Carl Kiiskila, Brian Fullford, Alan Granger and Jeff Ecker for the period beginning January 1, 2020 and ending December 31, 2020, and to approve the Administrative Staff Services Agreement between Cheboygan County and Granger & Associates, Inc. for the period beginning January 1, 2020 and ending December 31, 2020 and authorize the Chair to sign. A roll call was taken. Motion carried with 7 yes, 0 no and 0 absent.

Sheriff Dale Clarmont presented the Cheboygan County Sheriff Department 2020 Vehicle Proposal. The Cheboygan County Sheriff Department is requesting the Cheboygan County

Organizational/Finance Business Meeting – January 14, 2020

Board of Commissioners approve the purchase of two (2) of the three (3) budgeted patrol vehicles for 2020.

Motion by Commissioner Newman, seconded by Commissioner Matelski, to approve the purchase of two (2) Ford Police Interceptor vehicles from Fernelius Auto Group of Cheboygan for the approved 2020 Budget line item #101-301-977.60 and authorize the necessary budget adjustments. A roll vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Administrator Jeff Lawson presented the three (3) year Contract for Referee Services – 53rd Circuit Court, Friend of the Court. The Contract for Referee Services covers a three (3) year period to lock in a rate for the Referee during that time and ensure consistency of services. The Referee conducts domestic relations evidentiary hearings involving child custody, parenting time and child support. In addition, the Referee conducts Show Cause Hearings scheduled by the Friend of the Court for individuals who are delinquent in child support payments. Discussion was held on how expensive it is to run the county courts and how many days the referee was scheduled per month.

Motion by Commissioner Sangster, seconded by Commissioner Gouine, to approve the Friend of the Court, with the approval of the Chief Judge, Aaron J. Gauthier for a three (3) year Referee Service contract. A roll call vote was taken. Motion carried with 6 yes, 1 no (Commissioner Warfield) and 0 absent.

CITIZENS COMMENTS

Louis Vallance citizen of Grant Township questioned the vehicle purchases of the Sheriff Department and wondered why the Sheriff was purchasing V6 engines instead of V8 engines. He was still wondering why Cheboygan County was not adopting a resolution requesting a declaration of the Great Lakes Shoreline as disaster. He also commented on a nuclear waste site being proposed in Canada and he would like the Board of Commissioners to adopt an opposing resolution. Mr. Vallance questioned the Sheriff on the status of the breathalyzer testing devices known as Datamasters for Cheboygan County with the find of the recent state irregularities. Sheriff Clarmont stated that the state has put all counties on notice that have Datamasters and they are all out of service at this time and believes that Cheboygan County's was not compromised.

Vice-Chair of Straits of Mackinaw Allegiance Leonard Page advised the Board on two recent developments. The Board may have heard about the broken rod that was recovered from the straits from the Enbridge boring attempts. It was stated that the 45 foot rod, which weighed 250 pounds moved approximately 150 feet and laid up against Line 5. His experts calculated and common sense suggests that a 45 foot steel rod is not 250 pounds, but more like 1,100 pounds. Again his expert estimates in order for a thousand pound rod to move 150 feet with a current of around 4 miles per hour, which gets back to the original design defect. Nobody anticipated the strong currents at the bottom of the straits. The other recent development was yesterday the DNR sent Enbridge 20 questions requesting information about Line 5. The DNR is doing a review of possible violations of the 1953 Easement. In his opinion, the DNR might be attempting to make a case to terminate the 1953 Easement for past or continuing violations of the original easement. If so, this means that Enbridge loses their right to use the lake bed for Line 5. The Ingham County lawsuit brought by Attorney General Dana Nessel seeking to terminate the easement under the public trust theory and public nuisance and violation under the environmental protection act is holding a status conference on January 31st.

Organizational/Finance Business Meeting – January 14, 2020

Mike Swanson Editor of the Straitsland Resorter questioned the status of the Black Lake water levels and also if there has been any lawsuits filed on this. Commissioner Wallace stated that there was no litigation.

BOARD MEMBERS COMMENTS

Commissioner Wallace commented on directing the Planning Commission to relax the requirements for sign language in the ordinance. He attended the Zoning Board of Appeals meeting the other night and the ZBA Commission made the proper ruling based on what the ordinance says. He stated he thinks that Cheboygan County is now spending taxpayer dollars on trying to promote economic development and the Planning Commission should relax some of the sign ordinance restrictions for new companies and businesses coming into the county.

Motion Commissioner Wallace, seconded by Commissioner Warfield to have the Planning Commission review the sign ordinance. Motion carried with 7 yes, 0 no and 0 absent.

Motion by Commissioner Newman, seconded by Commissioner Tryban, to go into closed session pursuant to Section 8(h) of the Open Meetings Act, being MCL 15.268(h), to consider the written emails to and from and letter written by civil counsel in connection with the Carl Muscott FOIA Appeal, which is exempt from disclosure by Section 13(1)(g) of the Michigan Freedom of Information Act, being MCL 15.243(1)(g), since these documents are subject to the attorney-client privilege. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Entered into Closed Session at 10:32 a.m.

Returned to Open Session at 10:43 a.m.

Motion by Commissioner Gouine, seconded by Commissioner Warfield, to waive and release the documents from Civil Counsel Bryan Graham for Open Public Disclosure. A roll call vote was taken. Motion carried with 7 yes, 0 no and 0 absent.

Motion by Commissioner Tryban, seconded by Commissioner Matelski, to adjourn to the call of the Chair. Meeting adjourned at 10:47 a.m.

Karen L. Brewster
Cheboygan County Clerk/Register

John B. Wallace
Chairperson Board of Commissioners