

# COUNTY OF OSCODA

Board of Commissioners  
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Oscoda County Courthouse 105 S. Court Street P.O. Box 399 Mio, MI 48647

## OFFICIAL MINUTES

MARCH 24, 2009

A REGULAR MEETING OF THE OSCODA COUNTY BOARD OF COMMISSIONERS WAS HELD ON **TUESDAY MARCH 24, 2009** AT 10:00 A.M. IN THE COMMISSIONER'S ROOM, COURTHOUSE ANNEX MIO, MICHIGAN

Members Present: Commissioner Stone, Hunt, Kauffman, Marsh, and Trimmer.

Members Excused:

Others Present: 19 members of the public were in attendance.

Chairman Stone called the meeting to order at 10:00 a.m.

Roll Call, followed by the Pledge to the Flag.

\*\*The Board reviewed the agenda for today's meeting **March 24, 2009** and accepted as presented, with the following addition.

New Business: Mr. Ron Bruner, Road Commission- Support Letter and Tri-Town Fire Department-Title III Request.

**Kauffman/Hunt** a motion to accept the agenda for **March 24, 2009** with one addition.  
**2009-094** 5 ayes: 0 nays: **Motion Carried.**

\*\*The Minutes of **March 10, 2009** were reviewed and approved as presented.

**Hunt/Marsh** a motion to approve the Official Minutes of the **March 10, 2009** B.O.C.  
**2009-095** Meeting, as presented.  
5 ayes: 0 nays: **Motion Carried.**

### Public Comments:

\*\*Sheriff Kevin Grace introduced two new Deputies, Deputy Ryan Frost and Deputy Adam David. Ms. Cesalee Kuffel, MSU Extension, announced a Youth Technology Project Forum coming to Gaylord soon and a Grant Writing Class being held on March 25, 2009 at the Community Center still has openings.

### Appointments:

\*\*Mr. Tom Quinn, from Kirtland Community College, gave the Board an overview. Kirtland offers a unique two-year college in the woods with careers in Health, Science, Theatre Arts, Criminal Justice, Cosmetology, Administration, Automotive/Engineering/Manufacturing Technology, and Welding. Kirtland host the Warbler Festival and is the home of the KCC

Firebirds that host home games here in Mio. Mr. Quinn invited the Board to attend one of the many culture attractions held at the Performing Arts Center.

\*\*Mr. Rick Dewell, NEMCOG, updated the Board on the Recycling Education Program. The Alpena, Montmorency and Oscoda Authority is interest in surveying residents to determine their interest in recycling. A survey insert will be placed in area newspapers and on the web page for residents of the three counties to fill out. Residents of Northern Michigan share a vested interest in recycling. Recycling prevents pollution, saves energy, conserves natural resources, and is good for the local and state economy which creates jobs. Mr. Dewell will share the results of the survey once they are received and tallied.

\*\*Mr. Mark Granter, Director of Oscoda County Council on Aging had to cancel and will reschedule.

\*\*Ms. Kay Cosgray, EDA Board Member, shared with the Board the Economic Development Alliance for Oscoda County Vision & Mission Statements, Accomplishments, and Goals. Ms. Cosgray, on behalf of the EDA Board, asked the B.O.C to appoint a Commissioner to sit on their Board. Commissioner Stone stated that with a County Commissioner sitting on the EDA Board it would establish a cooperative and collaborative relationship with our Board and the Oscoda County EDC Director and Board. Commissioner Hunt stated that he wasn't against appointing an Commissioner but with EDA being non-profit and private how could a County Commissioner sit on that Board, receive a per-diem and not be able to report back to the public. Ms. Cosgray stated the EDA is a 501c3 private non-profit corporation and not subject to the Freedom of Information Act, however a County Board member can sit on our Board and report back (verbally) on topics that are public information; Ms Cosgray stated that she would e-mail Commissioner Stone an Attorney General Opinion. Commissioner asked to table until the next meeting to allow him to obtain our Attorneys opinion, however no one else agreed. After some further discussion, the following motion was made.

**Kauffman/Stone** a motion to appoint Commissioner Marsh to the Economic Development Alliance Board,  
**2009-103** for Oscoda County (EDA), as a voting member representing the Board of Commissioners.

**Roll Call Vote:** Marsh, yes; Trimmer, Abstain; Hunt, no;  
Kauffman; yes, Stone, yes. **Motion Carried.**

### **Old Business:**

### **New Business:**

\*\*The Board received two resolution to consider. **Resolution 2009-003** "Request State, County, and Municipal Road Infrastructure" suggest investments in our road infrastructure is needed to improve our roads and provide good paying jobs which will assist our economy. **Resolution 2009-004** "Intent requiring municipal courts bearing the responsibility for funding lawsuits against Counties or other local units" suggest that counties desire the same level of fiscal responsibility for courts vis-à-vis the funding of litigation that counties or other local units of government are expected to pay in the course of lawsuits.

**RESOLUTION 2009-003**

“Request State, County, and Municipal Road Infrastructure”

**WHEREAS**, State, County, and Municipal roads are deteriorating at a record pace; and

**WHEREAS**, the longer quality maintenance is deferred due to lack of funding, the more it will cost to bring our county and state road network back into quality condition; and

**WHEREAS**, our state and county are in the single worst economic downturn since the Great Depression and business development is less likely to occur if our road and highway infrastructure is failing; and

**WHEREAS**, investment in our road infrastructure will provide needed improvement and provide good paying jobs in our state and these wages will be spent in Oscoda County and Michigan to further assist our economy; and

**WHEREAS**, the state and other road commissions in the state have either laid people off, reduced employment by attrition or reduced maintenance schedules, such as snow removal, to weekdays; and

**WHEREAS**, since the 1960s, Michigan has ranked among the lowest of all states, on a per Capita basis, of investing in our infrastructure; and

**WHEREAS**, the State of Michigan may see additional federal dollars through a national stimulus plan that is specified for ready-to-go projects, however many communities are not likely to see any new road projects with this money, and in addition, stimulus money cannot be used for patching potholes or snowplowing roads, and furthermore, the stimulus plan is designed as a one-time shot-in-the-arm and not a solution to fix Michigan’s chronically underfunded and failing transportation system; and

**WHEREAS**, the Director of the Michigan Department of Transportation has testified before the House and Senate Transportation Committees of the Michigan Legislature that the propose stimulus package is not an answer to the highway and road funding of Michigan, and in addition, numerous other voices across the state, major newspapers, road industry trade associations, municipal and county associations, labor organizations and chambers of commerce, have expressed that Michigan must invest more dollars into road maintenance, and one such organization is the Michigan Transportation Team, a partnership of business, associations and citizens linked with the common goal of improving Michigan’s Transportation infrastructure;

**THEREFORE BE IT RESOLVED**, that the Oscoda County Board of Commissioners request that the Governor and the Michigan legislature implement a plan to improve Michigan roads and highways;

**NOW, THEREFORE BE IT FURTHER RESOLVED**, that this resolution be forward to the Governor, members of the legislature, each county commission and road commission in Michigan.

**Motion #2009-096** Moved by Commissioner Hunt and supported by Commissioner Kauffman to adopt the above Resolution at a Regular meeting of the Oscoda County Board of Commissioners held on **March 24, 2009**.

**Roll Call Vote: Commissioner Marsh, yes.  
Commissioner Trimmer, yes.  
Commissioner Hunt, yes.  
Commissioner Kauffman, yes.  
Commissioner Stone, yes.**

**RESOLUTION #2009-003 DECLARED ADOPTED**

“Request State, County, and Municipal Road Infrastructure”

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**Joseph L. Stone, Chairman  
Oscoda County Board of Commissioners**

STATE OF MICHIGAN }  
COUNTY OF OSCODA }

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted at a regular meeting of the Oscoda County Board of Commissioners held on **Tuesday, March 24, 2009**, and that the said minutes are on file in the office of the Oscoda County Clerk and are available for public inspection.

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**Jeri Winton, Oscoda County  
Clerk/Register of Deeds**

**RESOLUTION 2009-004**

“Intent requiring municipal courts bearing the responsibility  
for funding lawsuits against Counties or other local units”

**WHEREAS**, counties and local units of government across the great State of Michigan find themselves facing increasingly difficult challenges balancing general fund budgets; and

**WHEREAS**, counties find themselves beleaguered with burdensome and unnecessary legal challenges in the form of costly and time-consuming lawsuits and their related defense. In the course of serving its constituents and taxpayers, it has become apparent that courts have also brought lawsuits against counties; and,

**WHEREAS**, there exists within the Constitution of the State of Michigan, Article III, Section 2, “The Separation of Powers of Government”, which sets forth the Executive, Judiciary, and Legislative branches shall co-exist yet stand alone in the performance of their respective duties; and,

**WHEREAS**, courts have the benefit of bringing lawsuits against the funding units (counties) that finance their department and operations while not incurring any of the related costs of litigation; and

**BE IT RESOLVED**, that counties desire the same level of fiscal responsibility for courts vis-à-vis the funding of litigation that counties or other local units of government would be expected to pay in the course of lawsuits; and,

**NOW, THEREFORE BE IT FURTHER RESOLVED**, this board of county commissioners requests legislative assistance in the remedy of this apparent injustice. This board humbly requests counties all across this great state to join in this effort to bring a measure of parity to an untenable situation.

**Motion #2009-097** Moved by Commissioner Kauffman and supported by Commissioner Hunt to adopt the above Resolution at a Regular meeting of the Oscoda County Board of Commissioners held on **March 24, 2009**.

**Roll Call Vote:** Commissioner Trimmer, yes.  
Commissioner Hunt, yes.  
Commissioner Kauffman, yes.  
Commissioner Stone, yes.  
Commissioner Marsh, yes.

**RESOLUTION #2009-004 DECLARED ADOPTED**

“Intent requiring municipal courts bearing the responsibility for funding lawsuits against Counties or other local units”

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**Joseph L. Stone, Chairman**  
**Oscoda County Board of Commissioners**

STATE OF MICHIGAN }  
COUNTY OF OSCODA }

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**Jeri Winton, Oscoda County**  
**Clerk/Register of Deeds**

\*\*Commissioner Stone met with County Clerk & Register of Deeds, Jeri Winton and the Executive Secretary to the Board of Commissioners, Brenda Moore, to review and update the B.O.C Bylaws and Rules of Procedures.

**Hunt/Marsh** a motion to approve the updated Oscoda County Board of Commissioners  
**2009-098** Bylaws and Rules of Procedures, effective March 24, 2009- December 31, 2010.

**Roll Call Vote:** Trimmer, yes; Hunt, yes; Kauffman, yes;  
Stone, yes; Marsh, yes. **Motion Carried.**

\*\*Commissioners Marsh presented documentation from the Oscoda County Planning Commission to increase the number of Planning Board Members from five- (5) to seven- (7), to change the B.O.C Liaison to a voting Board member, approve the appointment of a new Board Member and to either

exempt the Planning Commission from the responsibility of the Counties Capital Improvement Plan or authorize the Planning Commission to take on that responsibility. The following motions were made.

**Marsh/Trimmer  
2009-099** a motion to supersede motion 2008-322 and take the Planning Commission Board up to a 7-seven members Board and appoint a County Commissioner as a voting member.

5 ayes: 0 nays: **Motion Carried.**

**Marsh/Hunt  
2009-100** a motion to approve the Planning Commission By-laws as presented, and to appoint Mr. Robert Hegel to the Planning Commission Board, as approved and recommend by the Planning Commission Board.

5 ayes: 0 nays: **Motion Carried.**

**Hunt/Kauffman  
2009-101** a motion to have the Board of Commissioners, be the responsible party, take on the responsibility of the Counties Capital Improvement Plan and **exempt the Planning Commission Board.**

4 ayes: 1 nays (Trimmer): **Motion Carried.**

\*\*Commissioner Stone asked Casey Pullum, Ambulance Director, to give a brief update on his accomplishment in the last 90 days. Mr. Pullum announced that Oscoda County is officially ALS as of March 16, 2009 however the County has an agreement with Tri-Town therefore they will be working with Tri-Town to staff until the end of April. In April the Ambulance Department will staff two- (2) two-person crews during the day and one two-person crew during the evening shifts rather than three-person crews to provide better service without additional cost. Also, the Ambulance Department has started to take on their own County Transfer Service, by Ambulance, for residents who need to go to doctor visits, with a required physician statement, rather than having our residents call and depend on other agencies. The Ambulance Department has also housed an Ambulance in Greenwood Township and we have four-(4) EMT's from that area that are willing to service it. Commissioner Stone stated that a meeting has been scheduled with the union to discuss the hiring of Paramedics in the April. Commissioner Marsh, myself, Casey Pullum, and the current Full-Time EMTS will sit on a committee to review and interview applicants. Commissioner Stone requested the Board change Mr. Pullums employee status to full-time as of April 6, 2009 with a wage to be negotiated. Commissioner Kauffman stated he would like to establish a wage before making a motion. Commissioner Stone and Hunt both stated that we are currently doing a wage survey and have not received all the information back but Mr. Pullums 90-days is coming up and feels he deserves to be granted full-time. Commissioner Hunt asked if there was a need for Ms. Susan Avery, EMT, who has been assisting Mr. Pullum, to continue working the extra 10 hours the Board approved. Commissioner Stone ask the Board to allow her to continue with the extra 10 hours per week, until a decision whether to hire an Assistance Director was made.

**Hunt/Kauffman  
2009-102** a motion to change the employment status of Mr. Casey Pullum, Ambulance Director, from a Regular Part-time status to a Full-Time status with County Benefits, salary to be negotiated, effective April 6, 2009.

**Roll Call Vote:** Stone, yes; Marsh, yes; Trimmer, yes; Hunt, yes; Kauffman, yes. **Motion Carried.**

\*\*The Board received an official letter from the Steelworkers Union releasing the County Clerk's Chief Deputy, Diane Gusler, from the Bargaining Agreement, that expires December 31, 2009, as of April 1, 2009. Commissioner Marsh asked why she asked to be removed, it was due to her Supervisory status; Commissioner Hunt did not agree.

**Trimmer/Marsh  
2009-104**

a motion to acknowledge the removal of Diane Gusler, Chief Deputy Circuit Court Clerk, for the Steelworkers, LU 14540-01, Collective Bargaining Unit, per the letter dated March 9, 2009, and change her employment status to a Non-Union County Employee, as of April 1, 2009.

**Roll Call Vote:** Trimmer, yes; Hunt, no; Kauffman, yes; Stone, yes; Marsh, yes. **Motion Carried.**

\*\*The Tri-Town Fire Department, submitted a request for Title III Funds, in the amount of \$3,276.00, to replace the Class A Foam used on USFS lands fighting wildfires. Mr. Bruner, Tri-Town Fire Chief, stated that Tri-Town has documented 384 firefighter hours fighting wild land fire, 148 fire truck hours, and used 36-5 gallon pails of Class A Foam on USFS property over the last three years. Commissioner Hunt stated that the Tri-Town Fire Department meets the Title III requirements, therefore recommends the Board approve Mr. Bruner request. Also, the Board received a letter from Mr. Ron Bruner, as Road Commission Manager, requesting a letter of support to apply for a Federal Local Safety Program Grant to fix two culverts.

**Hunt/Trimmer  
2009-105**

a motion to award \$3,276.00 of Title III Funds to the Tri-Town Fire Department and to authorize the County Treasurer to appropriate the \$3,276.00 at the end of the advertised 45-days, as required by Title III.

**Roll Call Vote:** Hunt, yes; Kauffman, yes; Stone, yes; Marsh, yes; Trimmer, yes. **Motion Carried.**

**Hunt/Trimmer  
2009-106**

a motion to send a letter of support to the Oscoda County Road Commission to apply for a Federal Local Safety Program Grant to replace two culverts.

**Roll Call Vote:** Marsh, yes; Trimmer, yes; Hunt, yes; Kauffman, yes; Stone, yes. **Motion Carried.**

**Financial:**

\*\*Commissioner Hunt up-dated the Board on the Perry Lake Project. It is required to place funds (Good Faith Offer) in escrow, upon filing the condemnation process; the defendants will have up to 28 days to file a written answer with the court. Also, to move forward the Board will need to approve the contract and authorize payment to Lapham Associates on the engineering services related to the Lake Level Control Structure and authorize the payment for a permit for the dam. The following motions were made.

**Hunt/Marsh  
2009-107**

a motion to authorize the County Treasurer to create a Perry Lake Trust line item (701-000-267.04) in Trust & Agency and place \$22,500.00 in line immediately, transferred from the General, Fund Drain Commission Expense Line, to be used for the purchase of the easement for the Perry Lake Project, as required in condemnation process, and so amend Contingency in the amount of \$22,500.00.

**Roll Call Vote:** Trimmer, yes; Hunt, yes; Kauffman, yes; Stone, yes; Marsh, yes. **Motion Carried.**

**Hunt/Marsh  
2009-108**

a motion to authorize the payment of \$4,200.00 out of the General Fund, expense line 101-115-806.00 (Drain Commission), to Lapham Associates, for Engineering Services related to the Lake Level Control Structure for Perry Lake and approve the Contract with Lapham Associates as presented.

**Roll Call Vote:** Hunt, yes; Kauffman, yes; Stone, yes; Marsh, yes; Trimmer, yes. **Motion Carried.**

**Hunt/Marsh  
2009-109** a motion to authorize the payment of \$500.00 out of the General Fund, expense line 101-115-806.00 (Drain Commission), to the MDEQ, for a permit for the Perry Lake Dam (File#08-68-0004P).

**Roll Call Vote:** Kauffman, yes; Stone, yes; Marsh, yes; Trimmer, yes; Hunt, yes. **Motion Carried.**

\*\*A balance of \$10,071.63 was left from the 2008 Budget. The funds are needed in the 2009 Budget, in order for Mr. Mike Warren, to complete the Oscoda County Mapping Project.

**Hunt/Trimmer  
2009-110** a motion to amend Special Fund 239 (Gypsy Moth) to reflect the estimated expenses, in the amount of \$10,071.63, and so amend the 2009 Budget.

**Roll Call Vote:** Hunt, yes; Kauffman, yes; Stone, yes; Marsh, yes; Trimmer, yes. **Motion Carried.**

\*\*The Board received a request from the County Treasurer, William Kendall, to redistribute Bankhead Jones Federal Forest Funds.

**Hunt/Trimmer  
2009-111** a motion to direct the County Treasurer to redistribute Bankhead Jones Federal Forest Funds received per PA182 of 1990 (MCL 141.1302) in ration of 75% to local school districts for school purposes and 25% to townships for improvement to county roads within those townships in which National Forests are situated; apportioned in the following amounts.

Schools 75%	Mio AuSable 94.1%
	Fairview 5.9%
Townships 25%	Big Creek 47.05%
	Mentor 47.05%
	Comins 5.09%

**Roll Call Vote:** Kauffman, yes; Stone, yes; Marsh, yes; Trimmer, yes; Hunt, yes. **Motion Carried.**

\*\*The Claims & Audit Docket, presented by the Clerk's Office, dated for **March 24, 2009** was approved, in the amount of **\$68,984.28**.

**Kauffman/Hunt  
2009-112** a motion to accept Claims & Audit Docket, for **March 24, 2009** presented by the Clerk's Office, in the amount of **\$68,984.28**.

**Roll Call Vote:** Stone, yes; Marsh, yes; Trimmer, yes; Hunt, yes; Kauffman, yes. **Motion Carried.**

**Correspondence, Reports, Resolutions (acknowledge receipt):**

\*\*Letter of resignation received from Deputy David Suhy.

**Committee Reports:**

**Commissioner Stone:**

\*\*Flew to South Carolina with the Ambulance Director, Casey Pullum, with travel expenses paid by the Factory, to tour their Factor and inspect a new Ambulance Rig.

\*\*Attended Landfill Meeting- Substituted for Commissioner Kauffman.

\*\*Attended a meeting with County Clerk, Jeri Winton, and Executive Secretary, Brenda Moore- Reviewed bylaws.

\*\*Attended a meeting with Steven Goldman, Forest Service. – Reviewed applicants for the RAC (Title II) Committee.

- \*\*Attended a meeting with Ron Bruner, Drain Commission, along with Commissioner Hunt, to discuss the Perry Lake Project.
- \*\*Attended District Health Department#2 Board Meeting.
- \*\*Attended the Mentor Township Meeting- Public Hearing for ORV's, they passed suggested links.
- \*\*Attended a meeting with the Ambulance Director, Casey Pullum, along with Commissioner Hunt to discuss his 90-day review and employment status.
- \*\*Held a meeting with Joe Breaugh, Maintenance Supervisor, regarding the replacement of the Annex Building front entrance and door.

**Commissioner Hunt:**

- \*\*Attended Board of Health's Annual Wells & Water Advisory Board.
- \*\*Attended Gasification Committee Meeting- Gasification Project.
- \*\*Attended Landfill Meeting- Hired pt-time laborer. Several maintenance and equipment repairs taking place.
- \*\*Attended a Engineering Conference for the Landfill in Lansing- Discussed methane gas and gasification. Also, DEQ held a workshop.
- \*\*Attended a meeting with the Ambulance Director, Casey Pullum, along with Commissioner Stone to discuss his 90-day review and employment status.
- \*\*Attended a meeting with Ron Bruner, Drain Commission, along with Commissioner Stone, to discuss the Perry Lake Project.
- \*\*District Health Department#2 Board Meeting- Union Language approved with restriction, sent back to Union for final approval before it can officially go into effect. Also, Motion 2009-048 requesting each County pay their own per-diems has been suspended for now, all four Counties had to agree and they do not.

**Commissioner Kauffman:**

- \*\*Attended Landfill Meeting-
- \*\*Attended MI Northern Counties- Discussion on open election seats for Road Commission Board Members to be elected by Districts.
- \*\*Attended the NEMCOG Meeting- Recycling & Brownfield Development discussed.
- \*\*READAC Meeting Scheduled. Commissioner Trimmer will start attending also.

**Commissioner Marsh:**

- \*\*Attended Library Board Meeting- Conducted interviews and discussed future projects.
- \*\*Attended Planning Commission Board Meeting-Approved the increase in Board Members, Commissioner as a voting member, bylaws and appointed a new Board member.
- \*\*Attended the Mentor Township Meeting- Public Hearing for ORV's.
- \*\*Attended EDC Board Meeting- Presentation on a possible new business and the garage sale for Memorial Weekend discussed.
- \*\*Attended a Gas Pipe Safety Seminar in Grayling.- All County Fire Departments we represented.

**Commissioner Trimmer:**

- \*\*Housing Commission Board Meeting-Cancelled.
- \*\*MSUE Advisory Board Meeting-Cancelled.
- \*\*DHS Board Meeting- Computer Systems are being upgraded.
- \*\*Council on Aging Board Meeting- Budget cuts discussed.
- \*\*Human Service Council- Fight against poverty discussed.

**Public Comments:**

\*\*A County resident asked why the Landfill did not hire an Oscoda County employee? Commissioner Hunt stated the person who was hired had the qualifications and was the best candidate. A Perry Lake resident thanked the Board for moving forward on the Perry Lake Project.

Chairman Stone adjourned the meeting. [12:15 p.m.]

**Next Meeting Scheduled for  
Tuesday April 14, 2009  
At 10:00 a.m.**

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**Joseph L. Stone, Chairman**

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**Jeri Winton, County Clerk**