

Kalkaska County Board of Commissioners  
Regular Monthly Meeting  
July 13, 2010

Meeting called to order by Chair Alan McCullen at 2:00 PM. Roll call of Commissioners:  
Present- Alan McCullen, Debra Kimball, Lou Nemeth, Carroll Sexton, George Shetler and Craig Wood. Absent-Robert Crambell.

Pledge of Allegiance given by all. Invocation by Pastor Dan Johnson, Kalkaska Church of Christ.  
Chair called for conflict. None.

Chair called for approval of agenda. **Motion** by Shetler to approve agenda. Supported by Kimball. 6 yeas. 0 nays. 1 absent. **Carried.**

**Approval of Minutes:** **Motion** by Shetler to approve minutes of June 15, 2010 with correction of spelling of "as" to "has" under Public Input, Jackie Boland.....page 1. Supported by Kimball. 6 yeas. 0 nays. 1 absent. **Carried.** Discussion regarding note from Clerk as to Precinct Training date of 7-22-2010 should read 7-27-2010 at Civic Center. **Motion** by Nemeth to approve minutes of June 30, 2010. Supported by Sexton. 6 yeas. 0 nays. 1 absent. **Carried.**

**Public Input:**

Darwin Booher-addressed Board regarding candidacy for State Senate.

Louis Walter-addressed Board regarding county broadband and involvement with Gary John.

Robert Dryden-addressed Board regarding Commissioner mileage, concern with IRS and possible audit issues.

**Appointments:**

Sheriff David Israel: Reviewed July report (copy filed with Clerk). Sheriff advised camera installation in jail is complete.

Kaliseum Director Alan James: Reviewed July report (copy filed with Clerk). **Motion** by Wood to approve purchase of dasher board kicker plate for ice rink (\$819.00) at Kaliseum. Supported by Nemeth. Roll call vote: Wood, yes; Nemeth, yes; Kimball, yes; Sexton, yes; Shetler, yes; McCullen, yes. 6 yeas. 0 nays. 1 absent. **Carried.** **Motion** by Nemeth to approve purchase of 6 (six) stair masters for fitness center (\$1800.00) at Kaliseum. Supported by Kimball. Roll call vote: Nemeth, yes; Kimball, yes; Sexton, yes; Shetler, yes; Wood, yes; McCullen, yes. 6 yeas. 0 nays. 1 absent. **Carried.** James requested Tenurgy (review of energy efficiency audit for all county offices) to be invited to August Finance or Public Works. Wood mentioned Public Works met with Northwest Michigan Counsel of Governments hoping to meet with James, audit pending regarding potential grants, to be discussed in August. Discussion regarding MMA Cage fighting and rental fees. Kimball inquired of \$350.00 rather than \$750.00 rental fee, gate fees, alcohol fees, concern regarding reduced potential for Kaliseum income and possible conflicts of interest. Discussion.

Chair called for recess at 3:07 PM.

Chair resumed meeting at 3:20 PM.

Gary John-Boardman Communications: Addressed Broadband status, his past convictions/personal record of concern. Discussion. Requests for letters John previously reported to be provided from Merit and Judge and requested by Commissioner Kimball. Nemeth addressed Board supporting John and Boardman Communications. Franzo addressed board regarding support of John and status of broadband. Prosecutor addressed Board with his concern regarding John's criminal history. Chair advised County has invested no money.

Register of Deeds JoAnn DeGraaf: Addressed Board regarding continued loss of film/records. **Motion** by Kimball to approve purchase and installation of security cameras for Register of Deeds at estimated costs of \$2169.00. Supported by Nemeth. Discussion. Money to come from General Fund. Roll call vote: Kimball, yes; Nemeth, yes; Sexton, yes; Shetler, yes; Wood, yes; McCullen, yes. 6 yeas. 0 nays. 1 absent. **Carried.**

#### **Committee Appointments:**

Chair called for appointment of Jordan Gunderson as student representative to Kalkaska County EDC. **Motion** by Kimball to accept Chair's appointment of Jordan Gunderson as student representative for Kalkaska County Economic Development Corporation. Supported by Nemeth. 6 yeas. 0 nays. 1 absent. **Carried.**

#### **Approval of Bills:**

**Motion** by Wood to approve Post Approved Bills of \$311,808.88, General Fund Bills of \$190,310.36, Kaliseum Fund Bills of \$7,343.30, Payroll #12 of \$158,615.19, Payroll #13 of \$169,933.70 and Commissioners Per-Diem of \$675.00 and Salary of \$3,200.00 (\$3,875.00). Supported by Kimball. Roll call vote: Wood, yes; Kimball, yes; Nemeth, yes; Sexton, yes; Shetler, yes; McCullen, yes. 6 yeas. 0 nays. 1 absent. **Carried.**

#### **Unfinished Business:**

\*\* Chair called for matter of County lawsuit with County attorney. **Motion** by Kimball to go into closed session to consult with county attorney regarding trial strategy in connection with the case of Flory v Kalkaska County, file #1:10-cv-170 pending in the United States District Court for the Western District of Michigan pursuant to Section 8(e) of the Open Meetings Act since discussion in an open meeting will have a detrimental financial effect on the litigating position of the County. Supported by Sexton. Roll call vote: Kimball, yes; Sexton, yes; Nemeth, yes; Shetler, yes; Wood, yes; McCullen, yes. 6 yeas. 0 nays. 1 absent. **Carried.** Meeting entered closed session. **Motion** by Wood for meeting to come out of closed session. Supported by Kimball. 6 yeas. 0 nays. 1 absent. **Carried.**

**Motion** by Wood to adopt Ordinance 2010-01 to Repeal Dangerous Building Ordinance. Supported by Shetler. Discussion. Roll call vote. Wood, yes; Shetler, yes; Kimball, yes; Nemeth, yes; Sexton, yes; McCullen, yes. 6 yeas. 0 nays. 1 absent. **Carried.** **Motion** by Nemeth for County Attorney Kazim to prepare model ordinance for Dangerous Buildings to be presented to townships for adoption. Supported by Kimball. Discussion. Shetler addressed concerns. Roll call vote. Nemeth, yes; Kimball, yes; Sexton, yes; Shetler, yes; Wood, yes; McCullen, yes. 6 yeas. 0 nays. 1 absent. **Carried.**

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**STATE OF MICHIGAN  
COUNTY OF KALKASKA  
AN ORDINANCE TO REPEAL DANGEROUS BUILDING ORDINANCE**

**ORDINANCE NO. 2010-01**

THE COUNTY OF KALKASKA, MICHIGAN, ORDAINS:

Section 1. Repeal of Dangerous Building Ordinance. The Kalkaska County Dangerous Building Ordinance, is hereby repealed.

Section 2. Effective Date. This Ordinance shall become effective sixty (60) days after publication of a Notice of Adoption in The Leader.

State of Michigan)  
County of Kalkaska)

I, Diane Swaney, Deputy Clerk of the County of Kalkaska and of the Kalkaska County Board of Commissioners, do hereby certify that the foregoing ordinance was adopted by a majority vote of the Board on July 13<sup>th</sup>, 2010.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County of Kalkaska this 13th day of July, 2010, at Kalkaska, Michigan.

\_\_\_\_\_, Diane Swaney, Deputy Clerk

\_\_\_\_\_, Alan G. McCullen  
Chairperson, Kalkaska County Board of Commissioners

Motion by Craig Wood, Supported by George Shetler.  
Roll Call vote: All yeas, one absent (Crambell Jr.)

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**Unfinished Business Con't:**

Chair called for discussion regarding Hagerman case as presented by County Attorney Kazim.  
**\*\* Motion** by Wood to go into closed session to consult with County Attorney regarding trial strategy in connection with the case of Kalkaska County Housing Commission v Campbell, Case #10-10498-CH pending in the Kalkaska County Circuit Court pursuant to Section 8(e) of the Open Meetings Act since discussion in an open meeting will have a detrimental financial effect on the litigating position of the County. Supported by Kimball. Roll call vote: Kimball, yes; Shetler, yes; Nemeth, yes; Sexton, yes; Wood, yes; McCullen, yes. 6 yeas. 0 nays. 1 absent.

**Carried.** Motion by Kimball to come out of closed session. Supported by Sexton 6 yeas. 0 nays. 1 absent. **Carried.**

**Committee Reports:**

**Budget and Finance:** Wood reported. **Motion** by Wood to waive electrical fees for work being done at county building. Supported by Sexton. Roll call vote: Wood, yes; Sexton, yes; Kimball, yes; Nemeth, yes; Shetler, yes; McCullen, yes. 6 yeas. 0 nays. 1 absent. **Carried.** **Motion** by Wood to accept Court Appointed Attorney Contract as submitted by Court Administrator. Supported by Shetler. Roll call vote: Wood, yes; Shetler, yes; Kimball, yes; Nemeth, yes; Sexton, yes; McCullen, yes. 6 yeas. 0 nays. 1 absent. **Carried.** Wood also advised that as a result of budget amendments, Jury Board has met limit on travel and other committees or boards may soon be affected.

**Personnel/Interview:** Sexton reported on resignation of caretaker at Log Lake and advised of candidate Joel Wiggins. **Motion** by Sexton to allow Chair to accept and sign contract with Joel Wiggins pending acceptable background check of Wiggins as caretaker at Log Lake Campground. Supported by Kimball. 6 yeas. 0 nays. 1 absent. **Carried.** Sexton requested review of salary for Construction Codes Inspector Hiller and status of position. To be reviewed at Personnel. Discussion regarding resignation of Commissioner Crambell on 8-15-2010. Chair advised Primary will determine position and Board can appoint following election.

**County Affairs:** Shetler reported. **Motion** by Shetler to approve Resolution 2010-15, to Approve Fiscal Year 2011 Annual Implementation Plan of the Area Agency on Aging of Northwest Michigan. Supported by Kimball. Roll call vote: Shetler, yes; Kimball, yes; Nemeth, yes; Sexton, yes; Wood, yes; McCullen, yes. 6 yeas. 0 nays. 1 absent. **Carried.**

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**A RESOLUTION TO APPROVE THE FISCAL YEAR 2011 ANNUAL IMPLEMENTATION PLAN OF THE AREA AGENCY ON AGING OF NORTHWEST MICHIGAN**

**RESOLUTION NUMBER: 2010-15  
KALKASKA COUNTY BOARD OF COMMISSIONERS  
JULY 13<sup>TH</sup>, 2010**

At a regular meeting of the Kalkaska County Board of Commissioners for Kalkaska County, Kalkaska, Michigan, held in the County Governmental Building located at 605 N Birch Street, Kalkaska, Michigan on the 13<sup>TH</sup> day of July, 2010.

Present: Debra Kimball, Craig Wood, George Shetler, Louis Nemeth, Carroll Sexton, Alan McCullen  
Absent: Robert Crambell Jr.

The following resolution was offered by George Shetler and supported by Debra Kimball.

**WHEREAS**, the Kalkaska County Board of Commissioners have reviewed the Fiscal Year 2011 Annual Implementation Plan of the Area Agency on Aging of Northwest Michigan and believe that the plan addresses the needs of the aging population in Region 10;

**NOW, THEREFORE BE IT RESOLVED**, that the Kalkaska County Board of Commissioners approves the Fiscal Year 2011 Annual Implementation Plan of the Area Agency on Aging of Northwest Michigan.

**A ROLL CALL VOTE WAS TAKEN AS FOLLOWS:**

Yes: Shetler, Kimball, Wood, Sexton, Nemeth, McCullen  
Nays: None  
Abstain: None  
Absent: Crambell Jr.

**RESOLUTION DECLARED ADOPTED**

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Alan G. McCullen, Chairperson  
Kalkaska County Board of Commissioners

\_\_\_\_\_  
Diane Swaney, Deputy County Clerk

STATE OF MICHIGAN        )  
  )ss.  
COUNTY OF KALKASKA     )

The undersigned, being the duly qualified and acting Deputy Clerk of the County of Kalkaska, hereby certifies that the foregoing is a true and complete copy of a resolution duly adopted by the Kalkaska County Board of Commissioners at it's regular meeting held on the 13<sup>th</sup> day of July, 2010, at which meeting a quorum was present and remained throughout and that an original thereof is on file in the records of the County. I further certify that the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the minutes of such meeting were kept and will be or have been made available as required thereby.

July 13<sup>th</sup>, 2010

\_\_\_\_\_  
Diane Swaney, Deputy County Clerk

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**Motion** by Shetler to approve Resolution 2010-16, to Oppose HB 5882 that Contains an Increase for Juvenile Residential Programs. Supported by Wood. Roll call vote: Shetler, yes; Wood, yes; Kimball, yes; Nemeth, yes; Sexton, yes; McCullen, yes. 6 yeas. 0 nays. 1 absent. **Carried.**

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**A RESOLUTION TO OPPOSE HB 5882 THAT CONTAINS AN INCREASE FOR JUVENILE RESIDENTIAL PROGRAMS**

**RESOLUTION NUMBER: 2010-16  
KALKASKA COUNTY BOARD OF COMMISSIONERS  
JULY 13<sup>TH</sup>, 2010**

At a regular meeting of the Kalkaska County Board of Commissioners for Kalkaska County, Kalkaska, Michigan, held in the County Governmental Building located at 605 N Birch Street, Kalkaska, Michigan on the 13<sup>TH</sup> day of July, 2010.

Present: Louis Nemeth, Craig Wood, Carroll Sexton, Debra Kimball, George Shetler, Alan McCullen  
Absent: Robert Crambell Jr.

The following resolution was offered by George Shetler and supported by Craig Wood.

**WHEREAS**, HB 5882 contains an increase for Juvenile Justice Residential Programs (detention facilities) of \$7.00 per child per day; and

**WHEREAS**, counties would be required to pay half of that increase; and

**WHEREAS**, the total cost of this funding increase is \$2.7 million or \$1.3 million each to the state and the counties; and

**WHEREAS**, eliminating this funding increase would reduce the state budget by \$1.3 million and save counties the same amount; and

**WHEREAS**, there has been no reason given for the increase; and

**WHEREAS**, juvenile justice was not included in the lawsuit settlement of the Children's Rights, so that cannot be the issue;

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**NOW, THEREFORE BE IT RESOLVED**, that the Kalkaska County Board of Commissioners hereby opposes this increase for residential facilities as it is nothing more than yet another unfunded mandate and urges the state to eliminate this funding increase; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution be sent to Governor Jennifer M. Granholm, Senator Michelle McManus, Representative Wayne Schmidt and the Michigan Association of Counties.

Yes: Shetler, Wood, Sexton, Kimball, Nemeth, McCullen  
Nays: None  
Abstain: None  
Absent: Crambell Jr.

**RESOLUTION DECLARED ADOPTED**

\_\_\_\_\_  
Alan G. McCullen, Chairperson

Kalkaska County Board of Commissioners

STATE OF MICHIGAN     )  
  )ss.  
COUNTY OF KALKASKA )

The undersigned, being the duly qualified and acting Deputy Clerk of the County of Kalkaska, hereby certifies that the foregoing is a true and complete copy of a resolution duly adopted by the Kalkaska County Board of Commissioners at its regular meeting held on the 13<sup>th</sup> day of July, 2010, at which meeting a quorum was present and remained throughout and that an original thereof is on file in the records of the County. I further certify that the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the minutes of such meeting were kept and will be or have been made available as required thereby.

July 13<sup>th</sup>, 2010

\_\_\_\_\_  
Diane Swaney, Deputy County Clerk

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Nemeth reminded Board of status/involvement with Grand Vision.

**Health and Welfare:** Kimball reported on status of new Library and new director interviews.

**Public Works:** Wood reported met with group SEEDS and Northwest Michigan Council of Governments regarding grant of \$40,000.00, DPW (truck for Soil Conservation/bids for new DPW truck). Need for more storage for county files/records from Clerks office.

**Judiciary and Public Safety:** Nemeth reported on Animal Control fund raising for new shelter and need for advisory board for this project. Wood to discuss with County Controller regarding handling of donations.

**Recycling/Solid Waste:** Nemeth reported entrance/driveway to Recycling was repaired by DPW employees, gravel purchased, and flyers regarding election proposals needed.

**Computer:** Nemeth reported did not meet, Mitten Communication/Franzo report to be drafted regarding county computer needs and meet with Department Heads this month.

**Sub-Committees:**

No reports.

**Correspondence and Resolutions:**

Letter from EDC/James Jesse dated 7-6-2010 reviewed. (Copy filed with Clerk)

**New Business:**

Register of Deeds JoAnn DeGraaf requested Board address motion previous in this meeting for purchase of security tapes rather than cameras following discussion with Prosecutor. Discussion. **Motion** by Nemeth to allow Chair to authorize the purchase of and installation of security tapes in ROD office up to \$3,000.00. Supported by Kimball. Roll call vote: Nemeth, yes; Kimball, yes; Sexton, yes; Shetler, yes; Wood, yes; McCullen, yes. 6 yeas. 0 nays. 1 absent.

**Carried.**

Discussion regarding oil and gas mineral lease requests to Kalkaska County. (2 Letters filed with Clerk). Discussion. Money may be put toward digitization of ROD and Clerks offices. Chair advised lease requests to be reviewed by Board for further consideration.

**Other Business:**

Discussion regarding Election Precinct Training is 7-27-2010 rather than 7-22-2010, mentioned in June minutes. Discussion regarding hiring of temporary employees, no need for Personnel clarification.

**Public Input:**

None.

**Motion** by Sexton for adjournment to call of the Chair. Supported by Shetler, 6 yeas. 0 nays. 1 absent. **Carried.**

Respectfully submitted:

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Diane Swaney, Deputy County Clerk /  
Clerk of Board of Commissioners

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Alan McCullen, Chair  
Kalkaska County Board of Commissioners

These minutes are not official until they are approved at the next regular Board of Commissioners meeting.