

**CHIPPEWA COUNTY
BOARD OF COMMISSIONERS**

Regular Session
September 27, 2016

The Chippewa County Board of Commissioners met in regular session on Tuesday, September 27, 2016 in the 91st District Courtroom of the Chippewa County Building.

Chairman Shackleton called the meeting to order at 5:30 p.m. The Pledge of Allegiance to the Flag of the United States of America was recited.

Present: Commissioners Egan, Johnson, Martin, and Chairman Shackleton

Absent: Commissioner McLean

Also Present: Scott Brand, Evening News, Under Sheriff Mike Bitnar, City Manager Oliver Turner, Greg Postma, Jim Traynor, Kristina Denison, Karen Senkus, Ellen and Terry Benoit, Chippewa County Treasurer Marjorie Hank, Maria Brown, Deputy Administrator Kelly Church, Administrator Jim German, and Cathy Maleport, Clerk.

ADDITIONS AND DELETIONS TO THE AGENDA

It was moved by Commissioner Martin, seconded by Commissioner Johnson, to approve the agenda as presented. On a voice vote, the motion carried.

APPROVAL OF COUNTY BOARD MINUTES

It was moved by Commissioner Egan, seconded by Commissioner Martin, to approve the regular Board and Workshop Meeting minutes of August 11, 2016, as presented. On a voice vote, the motion carried.

CORRESPONDENCE RECEIVED IN THE CLERK'S OFFICE

It was moved by Commissioner Egan, seconded by Commissioner Johnson, to acknowledge the correspondence received in the clerk's office and, if necessary, forward to the appropriate committee. On a voice vote, the motion carried.

PUBLIC COMMENTS

- Ellen and Terry Benoit appeared before the Commission asking the Board to adopt some local policies regarding sewage septage drop off sites, as one has been placed in Raber Township adjacent to their property. She explained that they would like to see some policies in place at the county level, such as a local review of the permit. They asked that the Board authorize the local planning agencies to do some studies and research as to alternatives, open

up some discussion with the municipalities that have the waste facilities and find out what would it take to open their doors up.

- City Manager Oliver Turner appeared before the Board to thank the Commission for their consideration of the Tax Tribunal and Appeal Joint Defense Agreement. He noted that this agreement would be particular to the tax tribunal case that involves Walmart and represents our best efforts to collectively promote equity and taxation.
- Due to a Commissioner inquiring about the Sheriff's Office Forfeiture Fund, Undersheriff Mike Bitnar appeared before the Board and provided information as to how this process works. He asked that, in the future, if anyone has a question, to please come to the Sheriff or him as they would be happy to answer any questions they may have.

Administrator's Report – Jim German, given for informational purposes only – *no action items*.

NEW BUSINESS

- A) Letter of Support to Three Shores Cooperative Invasive Species Management Area (CISMA)

It was moved by Commissioner Egan, seconded by Commissioner Johnson, to approve the letter of support for Three Shores Cooperative Invasive Species Management as follows:

Nick Cassel, Invasive Species Program Coordinator
Three Shores CISMA
2847 Ashmun Street
Sault Ste. Marie, MI 49783

Dear Mr. Cassel:

Chippewa County supports Three Shores Cooperative Invasive Species Management Area (CISMA) on the Three Shores Cooperative Invasive Species Management Program. Chippewa County is committed to maintaining and managing our natural resources and feels strongly that the eradication, detection, prevention, and control of invasive species are an integral focus to keeping our counties natural resources intact.

Chippewa County recognizes the threat invasive species can have on an ecosystem and we plan to continue our support of programs provided Three Shores CISMA to treat, monitor, and manage European Frogbit, Phragmites, garlic mustard and Japanese and giant knotweed as well as other invasive species found in Chippewa County such as Himalayan Balsam. The Three Shores Cooperative Invasive Species Management Program would allow Chippewa County to continue collaborative efforts to meet our natural resource goals.

Chippewa County feels this project closely aligns with our natural resource goals and is pleased

to provide this letter of support and show our willingness to continue to cooperate and provide support as available to the proposed project and continued efforts for detection, prevention, eradication, and control of invasive species in our county.

Sincerely,

Scott Shackleton, Board Chair
Chippewa County Board of Commissioners

On a voice vote, the motion carried.

B) Resolution 16-20 Opting Out of PA 152 Health Care Requirements.

It was moved by Commissioner Martin, seconded by Commissioner Egan, to approve Resolution 16-20 as follows:

RESOLUTION NO. 16-20
Resolution Opting Out of the Requirements of PA 152 of 2011

Whereas, bargaining is strictly the responsibility of the county commission on behalf of the good citizens it serves; and

Whereas, PA 152 of 2011 erodes the responsibilities of duly elected local county commissioners and the trust held between those commissioners and their constituents; and

Whereas, PA 152 of 2011 constitutes an attempt by the legislature to dictate the terms on which counties bargain with their employees; and

Whereas, PA 152 of 2011 is a new foray by the state into dictating the terms of healthcare at the local level; and

NOW THEREFORE BE IT RESOLVED that pursuant to the provisions of PA 152 of 2011, Section 8(1), Chippewa County exercises its right to opt out of the requirements of the Act for the plan year beginning January 1, 2017 by two-thirds majority vote of this Board in support of this resolution.

A VOTE WAS TAKEN AS FOLLOWS:

AYES: Commissioners Egan, Johnson, Martin, and Chairman Shackleton

NAYS: None

THE RESOLUTION WAS DECLARED ADOPTED.

C) Letter of Support to DNR Multi use trail

It was moved by Commissioner Johnson, seconded by Commissioner Martin, to approve the letter of support for the DNR multi use trail as follows:

September 27, 2016

Ron Yesney
Michigan Department of Natural Resources
1990 South US-41
Marquette, MI 49855

Deary Mr. Yesney:

Chippewa County supports the Michigan Department of Natural Resources (DNR) effort to acquire multi use trail throughout the State of Michigan. Chippewa County is committed to the maintaining and expanding natural resource based recreation and feels strongly that increased multi use trail connecting communities is very important to outdoor recreation.

Chippewa County recognizes the economic impact of outdoor recreation as well as the impact of multi-use trails. Community connected, multi-use trails give county residents opportunities to recreate in many ways and are important to the local economy. Due to the recreational and economic importance of trails, Chippewa County supports the Michigan Department of Natural Resources efforts to purchase permanent easements for a multi-use trail in Rudyard Township. This trail would connect the communities of Rudyard and Trout Lake for year round, recreational use.

Community connected trails are very important to Chippewa County and we support the efforts of the Michigan Department of Natural Resources to acquire this easement.

Sincerely,

Scott Shackleton, Board Chair
Chippewa County Board of Commissioners

On a voice vote, the motion carried.

D) Tax Tribunal and Appeal Joint Defense Agreement

This is an agreement to work together cooperatively with the city to promote tax equity.

Chairman Shackleton communicated that the city has asked that we would join them in a cooperative venture of this lawsuit, noting that our share of the lawsuit would be somewhere between 30 and 39 percent.

It was moved by Commissioner Egan, seconded by Commissioner Johnson It was moved by Commissioner Egan, seconded by Commissioner Johnson, that they authorize the administrator to negotiate a rate within that range and to proceed with the agreement.

(see attached Exhibit A)

A discussion followed.

On a voice vote, the motion carried.

AGENDA ITEMS

Judge Services Agreement continue through October 31, 2016

The Committee reviewed the official notice of continuing services with Judge Harold Johnson with support of the State of Michigan to fill the Probate Court Judgeship through October 31, 2016. The County's portion being \$100.00 per day that Judge Johnson sits on the bench. A probable continuation of services through the winter months was also briefly discussed.

It was moved by Commissioner Martin, seconded by Commissioner Johnson, to approve the extension of Judgeship services to Judge Harold Johnson through October 31, 2016 at the County's cost of \$100.00 per day the Judge takes the bench. On a voice vote, the motion carried.

Administrator Travel Escanaba & Lansing

The Committee reviewed Administrator German's travel to Escanaba and Lansing, with Administrator German advising of the Committee of travel changes which saved the County money.

It was moved by Commissioner Martin, seconded by Commissioner Egan, to approve the Administrator's travel to Escanaba and Lansing with the noted changes that saved the County money. On a voice vote, the motion carried.

MMRMA – Self Retention below 50% - \$36,000.00 (approve w/budget amendment)

The Committee reviewed a letter from MMRMA regarding the County Member's Retention Fund Balance, with needs to be equal, at a minimum of 50% of the reported reserves at all times. As of August 1st, Chippewa County is not in compliance with the Member Retention Fund Balance by the amount of \$35,398.98, to correct the compliance with regards to MMRMA's policy, a payment of \$36,000.00 is needed, as will a, budget amendment to the Insurance line item in the same amount. Discussion followed regarding the number of outstanding proceedings and their current standings.

It was moved by Commissioner Martin, seconded by Commissioner Johnson, to approve the invoice provided by MMRMA in the amount of \$36,000.00, to correct the County's compliance with the Member Financial Responsibilities Policy established by MMRMA, and to approve a budget amendment for this payment. On a voice vote, the motion carried.

Re-new Lease with EDC for Sheriff Storage increased to \$300 per month

Re-new Lease with EDC for Central Dispatch Center – 3% increase to \$28,132.12/year

The Committee reviewed the leases for storage and the Central Dispatch Center provided by Chippewa County EDC, discussing the proposed increases for the storage of sheriff equipment from \$250 per month to \$300 per month, and the annual rental agreement increasing by 3% for the Central Dispatch Center, from \$27,304 per year to \$28,123.12 per year. The Committee discussed reviewing rental rates, wanting to make sure, the rates are comparable with other

locally and checking options for the future. A discussion of general fund dollar expenditures to Chippewa County EDC and other ancillary boards was reviewed, with it being noted that some Boards/Agencies, in the past, did not receive any general fund monies.

It was moved by Commissioner Martin, seconded by Commissioner Johnson, to approve the Letter of Understanding between the Chippewa County Sheriff Department and the Chippewa County Economic Development Corporation, for the rental of Building #234, for equipment storage, in the amount of \$300 per month for the period of December 1, 2016 through November 30, 2017 and to approve the Lease Extension between Chippewa County Central Dispatch Center and Chippewa County Economic Development Corporation, for the lease of 3,413 square feet of Building #432, five-year extension running from January 1, 2017 through December 31, 2021 for an annual rental payment of \$28,123.12, total lease amount. On a voice vote, the motion carried.

Authorize Supplemental Animal Control Services with City of SSM

The Committee was asked to authorize Administration to negotiate and finalize the Supplemental Animal Control Services contract with the City of SSM. The proposal is going to eliminate the hourly rate, mileage, and individual charges for services, in hopes of seeking a monthly flat fee for the supplemental hours and services provided to the City of SSM. The changes will help limit the amount of current paperwork and limit the necessity for the Animal Control Officer checking in as ACO of the City or the County, with hopes of more time for response to calls. The revenue from this contract is vital to the CCACS to maintain the additional hours of Animal Control Services, as a majority of the County's population is in the City of Sault Ste. Marie.

It was moved by Commissioner Martin, seconded by Commissioner Egan, to authorize Administration to negotiate and finalize the Contract for Supplemental Animal Control Services with the City of Sault Ste. Marie and Chippewa County. On a voice vote, the motion carried.

Purchase Body Cameras to go with current system – Digital-Ally \$6,500 (line item transfer)

The Committee received and reviewed information on a product that has been tried and tested for durability and ease of downloading by the Sheriff's Department for the past year and a half, the purchase will be for 8 (eight) FirstVu Chest Camera's and 8 (eight) HD DVR's with standard battery kits in the amount of \$6,440. The Committee was asked to waive the County's purchasing policy, as the County's current systems handle the proposed Digital-Ally equipment. A RAP grant from MMRMA will be sought, and a line item transfer will be completed, from 301-742 gas/oil/maintenance are available due to lower gas prices and the Department running short staffed to do various leave time. These body camera's will help eliminate potential lawsuits, as the arrests will be captured and prevent the 'your word against mine'. The Sheriff's Department will be developing Policy and Protocol for the use of the body cameras.

It was moved by Commissioner Martin, seconded by Commissioner Egan, to approve the purchase from Digital-Ally, in the amount of \$6,440 for 8 (eight) FirstVu HD Chest Camera's 11" kit and 8 (eight) FirstVu HD DVR w/Standard Battery Kits, and to waive the County's Purchasing policy. On a voice vote, the motion carried.

Scanning Project Register of Deeds/Technology Fund 256 (approve budget amendment)

Register of Deeds Sharon Kennedy reviewed a scanning project of older documents, so that the

County has a secure archive of all documents recorded and to make searching and viewing easier for the public. The County has indexed 1957 (books 191 to 1236) to current date. This project would cover the books 1 – 190 along with some supplemental books containing essential information. The proposal is split between two projects the first being Investment to Scan Bound Deeds 1 – 118 estimated at \$43,406.00 and Investment to Scan Mechanical Deeds Books 119-190 is estimated at \$13,491.80. The proposed quantities are estimated, invoiced quantities will be actual, and invoices will be issued at three different stages of the project. It was noted that Administrator German was able to negotiate better pricing for the County. The project will be paid for from Special Fund 256 ROD's Technology Fund, and a budget amendment for the project will be necessary. The books are currently being stored off-site due to an agreement with the County's prior ROD, it was suggested that the agreement be reviewed as the books are property of the County. The estimated total project cost is \$56,897.80.

It was moved by Commissioner Martin, seconded by Commissioner Egan, to approve the Scan Deed Books 1 – 190, Scan 52 Index Books and Scan 2 Patent Book, at an estimated cost of \$56,897.80 to be paid to US Imaging, Inc., to waive the County's Purchasing Policy, schedule the project and approve the necessary budget amendment in Fund 256 – ROD's Technology Fund from which the project will be paid from. On a voice vote, the motion carried.

EUP Regional Planning request for the County to be Applicant (pass-through) for MEDC's EUP Transportation Logistics Strategy” grant application

EUP Regional Chief Executive Officer Jeff Hagan sought the County's partnership for the MEDC's CDBG EDA Local Technical Assistance Program, as the grant program requires a local unit of government as the official recipient of the award – even if it is just for a pass-through. The end goal of this project is to attract logistics firms to the region to create jobs and diversify the regional economy. Much of the anticipated development would occur in Kincheloe at the airport, the project would also shed light on market conditions facing the region. Previously the pass-through was handled through the Chippewa County EDC, which is not allowable based on the current grant application.

It was moved by Commissioner Martin, seconded by Commissioner Johnson, to approve the request for the county to be the applicant (pass through) for MEDC's EUP Transportation Logistics Strategy grant application. It was noted that there is no liability financially or otherwise. On a voice vote, the motion carried.

Bid Summary for Audit Services

The Committee reviewed the Audit Services bid summary, three bids were received timely and appeared to meet the bid criteria. The audit services are currently handled by Anderson Tackman & Company. It was noted that work papers will need to be obtained if the County changes firms for these professional services. The apparent low bidder, Gabridge & Co from Grand Rapids, Michigan bid included a 25% discount based on the County's 12/31 fiscal year end. Concerns regarding the intangibles of professional services, as well as, additional services which are currently at no charge from Anderson, Tackman & Company were discussed, as well as, the potential additional hours and services that could be necessary from County staff, should a new firm be approved. Discussion in keeping County monies in the County was addressed, as well as, having a fresh eyes for these services.

It was moved by Commissioner Martin, seconded by Commissioner Egan, to approve the low bid of \$77,980 from Gabridge & Co. for Audit Services for FY2016, FY2017 and FY2018. A discussion followed with commissioners explaining their vote.

Chairman Shackleton explained that he believes there is value in staying with the one that we have as they have been very cooperative throughout the year answering our questions with no further costs.

Commissioner Martin explained that he is not in support of the low bid because he wants to keep county tax payer dollars within the county if at all possible.

Commissioner Egan communicated that auditing is not supposed to be easy or fun and it's important to have a fresh set of eyes go over these things. He indicated that we don't know that this company from Grand Rapids won't give us those ancillary services for free as Anderson Tackman does.

On a voice vote, the motion **failed**. (Johnson – yes; Egan- yes; Shackleton – nay; Martin - nay)

Release RFQ's

- Snow Plowing and Removal (Courthouse, County, Animal Control & 9-1-1)
- Retiree Health Care Actuarial(for Fy2017)(includes HD & EDC)
- Copier following replacement schedule

It was moved by Commissioner Martin, seconded by Commissioner Johnson, to release the RFQ's for Snow Plowing and Removal, Retiree Health Care Actuarial and a Copier following replacement schedule. On a voice vote, the motion carried.

FINANCE - Claims and Accounts

The Committee reviewed the bills and payroll presented for approval.

It was moved by Commissioner Martin, seconded by Commissioner Egan, to recommend the approval of July bills and payroll as follows: the general claims totaling \$224,969.96, other fund claims \$310,889.35, payroll \$451,044.40, Health Department claims \$451,641.22; total claims \$1,438,544.93 and vouchers H-1 through H-269. On a voice vote, the motion carried.

It was moved by Commissioner Martin, seconded by Commissioner Johnson to accept the Finance Claims and Accounts committee meeting minutes of September 22, 2016 as presented. On a voice vote, the motion carried.

COMMISSIONERS REPORT ON MEETINGS AS BOARD REPRESENTATIVE AND GENERAL COMMENTS

- Commissioner Egan announced that the Michigan Department of Corrections Liaison meeting was cancelled due to the riot and it was very disappointing to him because they didn't allow us from the community to go in and find out what was happening.

He also addressed Mr. and Mrs. Benoit's public comments and indicated that he understood their frustration completely and that there is not a lot of recourse with this, and there should be. The parties that were responsible for the land sale and the purchase of the land could have been more responsible in picking their field to start this new business. He asked them to stay and that he would talk with them afterwards in hopes of getting something done.

- Referencing the Benoit's public comments, Commissioner Martin communicated that he found it terribly difficult to believe that the Board can make them remove the septage. He stated that he does not know where they go with this; it is a horrible wrong what has been done and if there's any way to fix it, that we can afford to do, I'd say we absolutely have to.
- Commissioner Johnson was happy to announce a new committee's first meeting to be October 4, 2016 and explained that this committee will be able to help out the Veterans that fall through the cracks.
- Chairman Shackleton also addressed the Benoit's situation and indicated that he would like to see a meeting with the Planning Department, the Health Department and the County Administrator to talk about actions that we need to take as far as adopting additional ordinances or policies that are enforceable. He believes that Commissioner Martin is right; he doubts that anything the Board does will make it go away. We need to explore some of the information you brought forth as if this happened once, it could happen again.
- Commissioner Johnson explained that he used to have a septic system and was restricted to where and how many gallons you could dump.

Having completed the agenda items, it was moved by Commissioner Egan, seconded by Commissioner Martin, to adjourn. The Board adjourned at 6:32 p.m.

Respectfully submitted,

Catherine C. Maleport, Clerk

Scott Shackleton, Chairman