

**CHIPPEWA COUNTY  
BOARD OF COMMISSIONERS**

Regular Session  
May 9, 2016

The Chippewa County Board of Commissioners met in regular session on Monday, May 9, 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, McLean and Chairman Shackleton

Absent: None

Also Present: Scott Brand, D. Richard Lewis, Adel Easterday, Jim and Michelle Traynor, Jeff Erickson, David Martin, Deputy Administrator Kelly Church, Administrator Jim German and Cathy Maleport, Clerk.

ADDITIONS AND DELETIONS TO THE AGENDA

It was moved by Commissioner McLean, 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 Johnson, seconded by Commissioner McLean, to approve the regular Board Meeting minutes of April 11, 2016 as presented. On a voice vote, the motion carried.

CORRESPONDENCE RECEIVED IN THE CLERK'S OFFICE

It was moved by Commissioner McLean, seconded by Commissioner Martin, 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

- Adelle Easterday appeared before the Board and expressed her concerns regarding the pipeline (*Line 5*) pumping light crude oil and natural gas under the Straits of Mackinac. She requested that the Chippewa County Board of Commissioners' rescind their prior resolution and choose one with stronger wording, reflecting that the oil pipeline beneath the Mackinac Bridge be removed forever from the Great Lakes, and that resolution be sent to the Governor and all state representatives.

**Administrator's Report** – Given for informational purposes only – *no action items*.

OLD BUSINESS

- A) Board Appointment – Department of Veterans' Affairs Election.  
Candidates: Don Cooper, Nicholas Huyck, Robert John Leigh and Travis Rondeau  
Expires: 3/31/2017

A roll call vote was taken as follows:

|                       |                   |
|-----------------------|-------------------|
| Commissioner Egan:    | Nicholas Huyck    |
| Commissioner Johnson: | Nicholas Huyck    |
| Commissioner McLean:  | Robert John Leigh |
| Commissioner Martin:  | Don Cooper        |
| Chairman Shackleton:  | Don Cooper        |

Commissioner McLean noted part of the law that states in order for a person to be considered for this position they must have recommendations from various Veterans Groups. He noted that Mr. Leigh was the only one that met those requirements.

Chairman Shackleton indicated that the law states that the Board was to solicit agencies in the county to seek recommendations and applicants, that it does not state that a candidate must have a recommendation.

Commissioner Egan suggested they get legal consultation on this matter.

It was moved by Commissioner McLean, seconded by Commissioner Egan, to table the appointment to the Department of Veterans Affairs.

A roll call vote was taken as follows:

Yeas: Commissioner Egan, Martin, and McLean

Nays: Commissioner Johnson and Chairman Shackleton

Having three yeas and two nays, Chairman Shackleton declared that the appointment to the Department of Veterans Affairs be tabled until the June meeting.

## NEW BUSINESS

### **A) Resolution 16-09 Special Recognition Gary McLeaod**

It was moved by Commissioner McLean, seconded by Commissioner Egan, to adopt Resolution 16-09 as follows:



### **RESOLUTION 16-09 SPECIAL RECOGNITION**

#### ***GARY McLEOD***

**LET IT BE KNOWN**, that it is with great pride that the Chippewa County Board of Commissioners join together with the residents of Chippewa County, to express their wish of good health and happiness to GARY McLEOD upon the retirement as Chippewa County Probation Officer.

**GARY McLEOD** started with Chippewa County in October 1986 and ended his career on April 29, 2016, after completing almost 30 years of services to the residents of Chippewa County.

**GARY McLEOD** has provided outstanding service to Chippewa County and its juveniles along with their families spending many countless hours providing safety and integrity, in helping to monitor his charges as a positive role model in their lives.

**GARY McLEOD** has served the citizens of Chippewa County, in a manner above reproach, and for this we extend our thanks.

**GARY McLEOD** performed his duties throughout his tenure with professionalism; selflessness; his care and concern for others; a man of integrity who saw a need and followed through for the citizens of the County and the Eastern Upper Peninsula.

**IN SPECIAL TRIBUTE**, therefore, upon his retirement this document is signed and dedicated to honor GARY McLEOD for his professionalism, his services and his contributions to Chippewa County; the Chippewa County Board of Commissioner's along with the citizens of Chippewa County offer a gracious thank you for a job well done.

A ROLL CALL VOTE WAS TAKEN AS FOLLOWS:

Ayes: Commissioners Egan, Johnson, Martin, McLean and Chairman Shackleton

Nays: None.

THE RESOLUTION WAS DECLARED ADOPTED.

**B) Resolution 16-10 EPA and Army Corp Engineers Implementation for Regulation for Defined Waters of the US Under the Clean Water Act.**

It was moved by Commissioner Johnson, seconded by Commissioner Martin, to adopt Resolution 16-10 as follows:

**16-10**

**EPA AND ARMY CORP OF ENGINEERS IMPLEMENTATION FOR REGULATION FOR DEFINED WATERS OF THE US UNDER THE CLEAN WATER ACT**

**WHEREAS**, in August 2015, the U.S. Environmental Protection Agency (EPA) and the Army Corp of Engineers (Corps) implemented a regulation for the Definition of Waters of the U.S. under the Clean Water Act, which has since been temporarily halted by the 6<sup>th</sup> Circuit Court of Appeals; and

**WHEREAS**, both agencies are seeking a rule change to give the federal government more authority by expanding the definition of "navigable waters" in the Clean Water Act; and

**WHEREAS**, the rule change would subject almost all physical areas with a connection to downstream navigable waters, including features such as ditches, natural or man-made ponds and flood plains, to the jurisdiction of the Clean Water Act; and

**WHEREAS**, that under the rule change, Michigan's Wetlands Law will be in violation of the Clean Water Act; and

**WHEREAS**, if Michigan loses delegated authority and must work directly with the Corps, the agency can take months or years to answer a permit application, and can even deny permits with impunity; and

**WHEREAS**, the change will cause significant harm to local farmers, stall the development of businesses, take control of land used for sustainable food production out of our local

providers' hands and negatively impact county-owned and maintained infrastructure such as roadside ditches and county drains; and

**WHEREAS,** Michigan has robust programs to protect water quality in our state; and

**WHEREAS,** the rule change would bring enormous costs to our farms, municipalities and taxpayers.

**THEREFORE,** in consideration of the foregoing, **BE IT RESOLVED** that the Chippewa County Board of Commissioners wholly support preventing the furtherance of the U.S. Environmental Protection Agency and the Army Corp of Engineers proposed rule expanding the definition of "Waters of the United States" and requiring these agencies to work with state and local governments on rule development; and

**BE IT FURTHER RESOLVED** that copies of this Resolution be provided to all Michigan counties, Governor Rick Snyder, the Michigan Association of Counties and representative members of the Michigan congressional delegation.

A ROLL CALL VOTE WAS TAKEN AS FOLLOWS:

Ayes: Commissioners Johnson, Martin, McLean, Shackleton

Nays: Commissioner Egan

THE RESOLUTION WAS DECLARED ADOPTED

**C) Resolution 16-11 Opposing HB 5016 Regulation of Public Right-Of-Ways**

It was moved by Commissioner McLean, seconded by Commissioner Martin, to adopt Resolution 16-11 as follows:

16-11

**OPPOSING HB 5016 REGULATION OF PUBLIC RIGHT-OF-WAYS REQUIRING ONE YEAR NOTICE FROM LOCAL GOVERNMENT/MDOT TO LICENSEES UNDER MICHIGAN TELECOMMUNICATIONS ACT**

**WHEREAS,** HB 5016 would amend Section 13 of Public Act 368 of 1925, which regulates the use of public right of ways along roads by requiring local governments and the Michigan Department of Transportation (MDOT) to give a one year notice to entities licensed under the Michigan Telecommunications Act (MTA) of any plan to relocate any in ground or above ground utilities or transmission lines; and

**WHEREAS,** these licensed entities already benefit from the free use of public right of ways that would cost them significant amounts of money if they were required to purchase use of said public right of ways; and

WHEREAS, requiring local governments and MDOT to notify the entities one year in advance of any relocation of utilities or transmission lines is unnecessary, burdensome potentially costly, and punitive to the extent that it levies a fine in the form of paying for relocation costs for failure to timely notify the entities; now

THEREFORE, BE IT RESOLVED that the Chippewa County Board of Commissioners firmly opposes HB 5016 and respectfully asks the support of Senator Schmidt and Representative Chatfield in our opposition; and

BE IT FURTHER RESOLVED that copies of this Resolution be provided to all Michigan counties, Governor Rick Snyder, the Michigan Association of Counties and representative members of the Michigan Congressional delegation.

A ROLL CALL VOTE WAS TAKEN AS FOLLOWS:

Ayes: Commissioners Egan, Johnson, Martin, McLean, Shackleton

Nays: None

THE RESOLUTION WAS DECLARED ADOPTED.

#### **D) Resolution 16-12 Urging State Transparency**

It was moved by Commissioner Martin, seconded by Commissioner Egan, to adopt Resolution 16-12 as follows:

#### 16-12 RESOLUTION URGING STATE TRANSPARENCY

**WHEREAS**, in 2015, the Center of Public Integrity and Global Integrity conducted a national study of state ethics and transparency laws and safeguards, in which the State of Michigan was ranked last; and

**WHEREAS**, some of the reasons cited for the State's poor ranking was weak public records laws and the absence of laws requiring personal financial disclosures by lawmakers and top state officials; and

**WHEREAS**, another glaring issue cited was the exemption of the governor and the legislature from state open records laws; and

**WHEREAS**, the State had required transparency from local municipalities through EVIP and CIP, yet the State has chosen to not take the opportunity to lead by example; and

**WHEREAS**, this Board, along with its fellow Boards feels it is time that the State lawmakers and top officials stop exempting themselves from the laws that they expect others to follow; now

**THEREFORE, BE IT RESOLVED** that the Chippewa County Board of Commissioners urges State lawmakers and top officials to stop the hypocrisy of exempting themselves from the laws that they enact for the governance of the State of Michigan, of which they are included; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to all Michigan counties, Senator Schmidt, Representative Chatfield, Governor Snyder and the Michigan Association of Counties.

A ROLL CALL VOTE WAS TAKEN AS FOLLOWS:

Ayes: Commissioners Egan, Johnson, Martin, McLean and Chairman Shackleton

Nays: None.

THE RESOLUTION WAS DECLARED ADOPTED.

It was moved by Commissioner Johnson, seconded by Commissioner McLean, to adopt Resolution 16-13 as follows:

**E) Resolution 16-13 Supporting City of SS Application to the MDEQ “Island Trail Project”  
Installation of ADA Compliant Dock Systems at Island #2 and Rotary Park.**

**RESOLUTION NO. 16-13**

**Resolution To Support “Island Trail Project”**

The City of Sault Ste. Marie’s Application for Permit to the Michigan Department of Environmental Quality, Water Resource Division for Installation of ADA Compliant Dock Systems at Island No. 2 and at Rotary Park, Chippewa County Michigan

**WHEREAS**, the City of Sault Ste. Marie, has applied for a permit under authority of Part 301, Inland Lakes and Streams, Part 303, Wetlands Protection and Part 31, Water Resources Protection of the natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). The “Island Trail Project” which includes installing two ADA compliant dock systems: one at Island No. 2 and one at Rotary Park; and;

**WHEREAS**, the purpose of the project is to offer paddlers of all ages and skill levels an outdoor adventure on waters protected from wind, waves and currents within the City Limits; and

**NOW THEREFORE BE IT RESOLVED** that the Chippewa County Board of Commissioners supports the City of Sault Ste. Marie’s Application for Permit to the Michigan Department of Environmental Quality, Water Resource Division the “Island Trail Project” for Installation of ADA Compliant Dock

Systems at Island No. 2 and at Rotary Park, Chippewa County Michigan, offering paddlers of all ages and skill levels an outdoor adventure on waters protected from wind, waves and currents with the City limits of Sault Ste. Marie.

A ROLL CALL VOTE WAS TAKEN AS FOLLOWS:

Ayes: Commissioners Egan, Johnson, Martin, McLean and Chairman Shackleton

Nays: None.

THE RESOLUTION WAS DECLARED ADOPTED.

**F) Fee Schedule for Household Hazardous Waste Collections**

Chairman Shackleton explained that Chippewa County Recycling Center wants to have a special day where you can drive through and drop off hazardous waste at the recycling center concerning items that are hard and expensive to get rid of. He further noted that their contract with the Commission requires them to approve the below referenced fee schedule.

It was moved by Commissioner Egan, seconded by Commissioner Martin, to accept the below referenced fee schedule for the year 2016. A discussion followed. Commissioner McLean raised concerns questioning if this was an increase in fees or a new fee.

|                                                     |        |                                                                       |
|-----------------------------------------------------|--------|-----------------------------------------------------------------------|
| HOUSEHOLD HAZARDOUS WASTE:<br>(INCLUDING BATTERIES) | \$1.10 | PER/POUND                                                             |
| ELECTRONICS:                                        | .25    | PER/POUND<br>NOT CRT                                                  |
|                                                     | .40    | PER/POUND<br>CRT, TV'S<br>CRT MONITORS<br>PROJECTION<br>MONITORS/TV'S |

Discussion included that the recycling world has changed dramatically, things that the Chippewa County Recycling Center use to get money for, now they get none, or very little. Things they use to get hundreds of thousands of dollars for they're giving away. Commissioner McLean indicated that he would be in support of this, but would like to review it in one year relative to expenses and revenues. Chairman Shackleton explained that this schedule is for the Chippewa County Recycling Center to have a couple of special events during the year; they plan on having one in June and one in the fall; it is not an ongoing daily thing. The world of recycling has changed and they have to make changes in order to stay current in their financial model.



On a voice vote, the motion carried.

## STANDING COMMITTEE REPORTS

### FINANCE CLAIMS AND ACCOUNTS

Commissioner Martin Chairman – May 5, 2016

### AGENDA ITEMS

#### **Approve Millage Renewal Language for Chippewa County Road Commission**

The Committee received and reviewed the Chippewa County Road Commission's Resolution 2016-06 seeking approval to place a millage renewal request for one (1) mill, which was reduced to .9879 mill by the required millage rollbacks, for five (5) years on the August 2016 ballot, and in the event that it is not approved in August, be then placed on the November ballot as follows:

#### **ROAD MAINTENANCE AND REPAIR PROPOSITION MILLAGE RENEWAL AUGUST 2016**

Shall the previous voted increase in the 15 mill limitation imposed under Article IX, Section 6 of the Michigan Constitution on general ad valorem taxes within CHIPPEWA COUNTY, MICHIGAN of 1.000 mill (\$1.00 per \$1,000 of taxable value) which was reduced to .9879 mill by the required millage rollbacks, be renewed at .9879 mill (\$0.9879 per \$1,000 of taxable value) for 5 years, being 2017, 2018, 2019, 2020 and 2021, inclusive, for the purpose of providing funds for Repair and Maintenance of Roads within Chippewa County and streets within the City of Sault Ste. Marie, a portion of which will be disbursed to the City of Sault Ste. Marie Downtown Development Authority pursuant to statute, and Village of Detour, and shall the County levy such renewed millage for said purpose? The estimate of revenue the County will collect if this millage is approved and levied in 2017 is \$1,100,000.

YES \_\_\_\_\_

NO \_\_\_\_\_

It was moved by Commissioner Martin, seconded by Commissioner McLean, to approve the Road Maintenance and Repair Proposition Millage Renewal August 2016 language, as presented, including approval for the November ballot, if necessary. On a voice vote, the motion was carried.

#### **Approve Quotations from Positive Energy and waive the County Purchasing Policy**

The Committee reviewed a quote for both the County Jail and the Courthouse (4) flood lights, in a continued effort to upgrade the County's lighting to LED not only as a cost savings but to also seek the Energy Optimization Rebates. The lights will all have a five year warranty, to be replaced by Positive Energy saving our maintenance staff.

- Chippewa County Jail summary: a cost of \$29,948.14, with an estimated rebate of \$9,068.00 and an estimated \$1,820.38 in savings per month once installed.
- Courthouse (4) flood lights: a cost of \$2,422.24, with an estimated rebate of \$471.60 and estimated \$74.96 in savings per month once installed.

Quotations are still being completed for the County Building and the Animal Shelter; Commissioner Shackleton noted to verify the number items for the utility rebates/incentives.

It was moved by Commissioner Martin, seconded by Commissioner Johnson, to approve the quotes from Positive Energy to upgrade the Chippewa County Jail and the Courthouse (4) flood lights to LED lighting at a cost of \$29,948.14 for the jail project and \$2,422.24 for the flood lights; with projected total rebates of \$9,539.60 with additional monthly savings of approximately \$1,895.34 and to waive the County's Purchasing Policy. On a voice vote, the motion was carried.

#### **Request for Quotations Bid Summaries – Panic Button & Intel-based Server Class Machine**

The Committee reviewed the bid summary for the Panic Button/Silent Instant Notification System, four bids were received. Information Systems consulted with David Pietrangelo and advised after reviewing the Secure Tech Systems, Inc. quote of \$9,500 including 10 alarms, would be their recommendation. It was noted that two additional alarms would need to be added to the project for a total of 12 alarms.

It was moved by Commissioner Martin, seconded by Commissioner Egan, to approve the bid from Secure Tech Systems Inc., at a cost not to exceed \$10,000 as two additional alarms need to be included in the project. On a voice vote, the motion was carried.

The Committee next reviewed the bid summary for the two intel-based Server Class Machines & Vmware CPU License Upgrades, three bids were received and all met bid specifications. ITC Inc. was the low bidder at \$23,799.76 with Fujitsu servers, installation and setup are included in the bid price.

It was moved by Commissioner Martin, supported by Commissioner Egan, to approve the low bid from ITC Inc., at a cost not to exceed \$23,799.76 for the two Intel-based Server Class Machine's & Vmware CPU License upgrades. On a voice vote, the motion was carried.

#### **FINANCE**

##### **Claims and Accounts**

The Committee reviewed the bills and payroll presented for approval.

It was moved by Commissioner Martin, seconded by Commissioner Johnson, to recommend the approval of April bills and payroll as follows: the general claims totaling \$247,037.14, other fund claims \$4,005,822.52, payroll \$682,119.90, Health Department claims of \$524,095.10; total claims \$5,459,074.66 and vouchers H-1 through H-296. On a voice vote, the motion carried.

It was moved by Commissioner Martin, seconded by Commissioner McLean, to approve the Finance Claims and Accounts Committee Meeting Minutes of May 5, 2016 with one correction under Adjourn to state as follows:

- It was moved by Commissioner Johnson, seconded by Commissioner Shackleton to adjourn.

On a voice vote, the motion carried.

#### COMMISSIONERS REPORT ON MEETINGS AS BOARD REPRESENTATIVE AND GENERAL COMMENTS

Commissioner McLean reported on the following:

- He referenced the Resolution for Gary McLeod the Board passed and stated that he worked with Gary when he was a principal and an assistant principal and that Gary did an outstanding job.
- He also referenced the Island 2 project, Dennis Dorrity, former teacher at the middle school, has spear headed; indicating that, that's a tremendous project.
- He reported on the upcoming UPCAP *Upper Peninsula Association of County Commissioners* meeting to be held on May 19<sup>th</sup> and 20<sup>th</sup> at the Island Resort near Escanaba and encouraged everyone to go.
- He also encouraged the Commission to look at the new information reported on Line 5 pursuant to Adel Easterday's update.
- Lastly, he requested that the Administrator Jim German contact the VFW, the American Legion and all the Veteran's groups, to solicit their input, so they can move forward with the Department of Veteran's Affairs appointment.

Commissioner Johnson congratulated Jim and Kelly for all their research concerning 44North and BC/BS; indicating it was a job well done.

Commissioner Egan commented on Ms. Easteday's wonderful presentation during public comments. He stated that Line 5 is a serious issue; it's something that they need to look at, and know that there are millions and millions of dollars and people's livelihoods in Chippewa County alone, that relies solely on that waterway.

Commissioner Martin echoed Commissioner Egan's comments on Ms. Easterday's presentation and asked for more information, questioning the route.

Chairman Shackleton reported the following:

His concern was that we're always getting one side of the story concerning the pipeline 5 information; we're getting the environmentalist side of the story about the dangers of it, and there's nobody in this room, including himself that wants to jeopardize the Great Lakes nor the health and safety of anyone. He indicated his belief is that they need to take a scientific and balanced approach and that the State of Michigan has received bids to conduct independent research and establish the integrity of the line. Our Resolution has talked about the State and Federal Government's need to ensure that, that line is in good shape, and address the problem quickly, if not.

He also noted the Medicare Advantage, and stated "If I were one of the retirees that was affected by it, my question would be how quickly can you get it in place, because it is better coverage and you cannot under estimate the value of going down to one explanation of benefits, instead of two." In addition they're real financial benefits.

Having completed the agenda items, it was moved by Commissioner Johnson, seconded by Commissioner McLean, to adjourn. On a voice vote, the motion carried and the Board adjourned at 6:25 p.m.

Respectfully submitted,

Catherine C. Maleport, Clerk

Scott Shackleton, Chairman