

**CHIPPEWA COUNTY
BOARD OF COMMISSIONERS**

Regular Session
October 13, 2014

The Chippewa County Board of Commissioners met in regular session on Monday, October 13, 2014 at 4:00 p.m. in the 91st District Courtroom of the Chippewa County Building.

Present: Commissioners Kinsella, Postula and Chairman Shackleton

Absent: Commissioners Cooper and McLean

Also Present: Jim Traynor, Scott Brand, Marjorie Hank, Treasurer, Deputy Administrator Kelly Church, Administrator Jim German and Cathy Maleport, Clerk.

ADDITIONS AND DELETIONS TO THE AGENDA

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

CORRESPONDENCE RECEIVED IN THE CLERK'S OFFICE

It was moved by Commissioner Kinsella, seconded by Commissioner Postula, 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.

APPROVAL OF COUNTY BOARD MINUTES

It was moved by Commissioner Postula, seconded by Commissioner Kinsella, to approve the regular Board meeting minutes of September 8, 2014, as presented. On a voice vote, the motion carried.

PUBLIC COMMENTS

- None

Administrator's Report - Given for informational purposes only ~ No action items.

Standing Committee Reports:

Building Grounds and Jail, Legislative & Natural Resources and Information Technology
Commissioner McLean – October 1, 2014

Given for informational purposes only; there were no action items.

It was moved by Commissioner Postula, seconded by Commissioner Kinsella, to accept the Building Grounds and Jail, Legislative & Natural Resources and Information Technology meeting minutes of October 1, 2014, as presented. On a voice vote, the motion carried.

**FINANCE, CLAIMS AND ACCOUNTS COMMITTEE
MEETING MINUTES**

October 9, 2014 – Commissioner Cooper

AGENDA ITEMS

Policy 314 – OPEB Health Care Annual Transfer to MERS

Following Policy 314 – OPEB Health Care Policy, the Committee reviewed the delinquent tax revolving analysis, which indicates that a total of \$572,297.23 will be added to the DTRF, per the policy \$515,067.51 will be sent to the County’s MERS Retiree Health Care Fund.

It was moved by Commissioner Kinsella, seconded by Commissioner Postula, to approve the transfer from the 2014 DTRF fund of \$515,067.51 to the established MERS – OPEB Retiree Health Care Fund. A discussion followed, which included tabling the motion to a date certain as two commissioners were absent. It was also noted that this transfer is for 2014; it does not have anything to do with 2015.

On a voice vote, the motion carried.

Blue Cross Blue Shield Renewal 1/1/2015

The Committee was updated on the County’s renewal for Blue Cross and Blue Shield, effective 1/1/2015, our rates are increasing approximately 7.42%, included in the renewal was a quote for returning back to the self-funded medical insurance, as well as, a quote from Consumers Mutual, which neither showed better rates nor savings. The renewal will make one change to the base medical plan, and the participants will not experience a change in out of pocket expense; there will only be a savings to the County.

It was moved by Commissioner Kinsella, seconded by Commissioner Postula, to approve the Blue Cross Blue Shield renewal for Group 007003433, effective January 1, 2015, with one change to the base plan which will not affect the participants. On a voice vote, the motion carried.

VOIP Telephone Communications Bid Summary

David Pietrangelo addressed the Committee, regarding the VOIP Telephone Communications bid summary, which a total of eight bids were received, three were late and not considered, and two were disqualified as the conditions of addendum A were not followed. It was verified that they did receive the addendum before they were disqualified. This left three viable bids, of which DSTech had the low bid of \$52,460.00.

It was moved by Commissioner Kinsella, seconded by Commissioner Postula, to approve the low bid from DSTech, in the amount of \$52,460.00, for a VOIP Telephone Communications System, to be installed in the first quarter of 2015, and to be paid for out of fund balance. On a voice vote, the motion carried.

RFP – Update and Re-bid Electrical with additional work in tunnel

The Committee reviewed the updated RFP for Courthouse Electrical Updates #2, as recommended from the Building and Grounds Committee. Building and Grounds Chairman McLean, noted that the original bid was not opened, due to the additional work needed, in the tunnel.

It was moved by Commissioner Kinsella, seconded by Commissioner Postula, to release the updated RFP ‘Courthouse Electrical Updates #2’ as presented. 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 Kinsella, seconded by Commissioner Postula, to recommend the approval of the general claims totaling \$190,680.05, other fund claims of \$927,299.79, payroll of \$444,044.16 and Health Department claims of \$534,120.44 and total claims of \$2,096,144.44 and vouchers H-1 through H-287. On a voice vote, the motion carried.

Budget Amendments

It was moved by Commissioner Kinsella, seconded by Commissioner Postula, to approve the budget amendments as presented. On a voice vote, the motion carried.

Revenue	Original	Amended	Change	
273-000-675.000 - Trident Task Force	\$0.00	\$ 2,500.00	\$ 2,500.00	Walmart Grant
Expenditures				
101-132-805.000 - Juvenile Court Jury Fees	\$0.00	\$ 3,500.00	\$ 3,500.00	Jury Trials
101-147-729.000 - Jury postage	\$2,500.00	\$ 3,100.00	\$ 600.00	More Jurors
101-265-937.000 - B&G maintenance	\$ 17,179.17	\$ 32,179.17	\$ 15,000.00	Radiator Project
101-351-932.000 - Jail maintenance	\$ 4,000.00	\$ 9,000.00	\$ 5,000.00	Maint.
101-885-701.000 - Computer	\$ 41,630.00	\$ 46,630.00	\$ 5,000.00	Sonic wall
256-000-970.000 - ROD capital outlay	\$ 3,000.00	\$ 4,500.00	\$ 1,500.00	NAS Devise
273-000-727.000 - Trident - supplies	\$0.00	\$ 2,500.00	\$ 2,500.00	Walmart Grant

It was moved by Commissioner Kinsella, seconded by Commissioner Postula, to accept the Finance Claims and Accounts minutes of October 9, 2014, as presented. On a voice vote, the motion carried.

New Business

(a) Vacancies for Board/Committee/Agency/Authority Announcement

Chippewa County Building Authority
Expires 12/31/14 (1 year appointment)
2 appointments
Ron L. Meister, James Traynor

Building Code Board of Appeals
Expires 12/31/14
3 appointments (2 year appointment)
Kathy Cairns, Randy Rogers, Samuel White

Concealed Weapons Licensing Board
Expires 12/31/14
1 appointment (2 year appointment)
Jim Moore

Department of Human Services
Expires 12/31/14
1 appointment (3 year appointment)
Floyd Rabineau

Economic Development Corporation
Expires 12/31/14
1 appointment (6 year appointment)
Dick Timmer

E 9-1-1 Central Dispatch
Expires 12/31/14
1 appointment (2 year appointment)
David Pietrangelo

Hiawatha Behavioral Health
Expires 3/31/15
2 appointments (4 year appointment)
Jim Moore, George Kinsella

Jury Commission
Expires 4/30/2015
1 appointment (6 year appointment)
Jay Porcaro

Road Commission

Expires 12/31/14

1 appointment (6 year appointment)

Bernie LaJoie

Transportation Authority

Expires 12/31/14

1 appointment (3 year appointment)

John Kibble

War Memorial Hospita, Inc.

Expires 12/31/14

1 appointment (4 year appointment)

Scot Shackleton

(b) County of Chippewa ORV Ordinance –updated ordinance

It was moved by Commissioner Postula, seconded by Commissioner Kinsella, to approve the ORV Ordinance No. 14-01 as follows:

**STATE OF MICHIGAN
COUNTY OF CHIPPEWA
ORV ORDINANCE
14-01**

An ordinance adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORVs) on roads in Chippewa County, for the purpose of providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties pursuant to 2008 PA 240, MCL 324.81131.

THE COUNTY OF CHIPPEWA ORDAINS:

Section I

As used in this ordinance, the following definitions shall apply:

- a) "County" means the County of Chippewa
- b) "Driver license" means an operator's or chauffeur's license or permit issued to an individual by the secretary of state under chapter III of the Michigan vehicle code, 1949 PA 300, MCL 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
- c) "Operate" means to ride in or on, and be in actual physical control of the operation of an ORV.
- d) "Operator" means a person who operates or is in actual physical control of the operation of an ORV.
- e) "ORV" means a motor driven off road recreation vehicle capable of cross-country travel without

benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV or vehicle includes, but is not limited to, a multitrack or multi-wheel drive vehicle, an ATV, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation deriving motive power from a source other than muscle or wind. "ORV" or vehicle does not include a snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a construction or logging vehicle use in performance of its common function. This includes but is not limited to, ORV's commonly known as 3-wheelers and 4-wheelers.

- f) "Road" means a county primary road or county local road as described in section 5 of 1951 PA 51, MCL 247.655.
- g) "Road Commission" means the Board of County Road Commissioners for the County of Chippewa.
- h) "Safety certificate" means a certificate issued pursuant to 1994 PA 451 as amended, MCL 324.81129, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada."
- i) "Township" means an individual township within the County of Chippewa.
- j) "Township Board" means a board of trustees for any township within the County of Chippewa.
- k) "Visual supervision" means the direct observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.
- l) "Highway" means a state trunk line highway or a segment of a state trunk line highway.

Section 2

An ORV may be operated on the far right of the maintained portion of a road within the County.

Section 3

A township board of a township in the county may adopt an ordinance to close any roads within the boundaries of the township to the operation of ORVs permitted to by the county.

Beginning July 17, 2009, the township board of a township in the county may adopt an ordinance authorizing the operation of ORVs: on the maintained portion of 1 or more roads located within the township," pursuant to MCL 324.81 131 (3).

Section 4

The county road commission may close no more than 30% of the total linear miles of roads in the county to protect the environment or if the operation of ORVs pose a particular and demonstrable threat to public safety. The road commission may not close a municipal street to ORVs opened under Section 5 of this ordinance.

Section 5

A person shall not operate an ORV on the roadway, shoulder or right-of-way of any highway, except on specific segments of highway that are posted open, and have been authorized by the Michigan Department of Transportation pursuant to 1994 PA 451, as amended, being MCL 324.81101 and 324.81131

Section 6

Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a road or street in the county:

- a) at a speed of no more than 25 miles per hour or lower posted ORV speed limit.
- b) by a person not less than 12 years of age.
- c) with the flow of traffic.
- d) in a manner which does not interfere with traffic on the road or street.
- e) traveling single file except when overtaking and passing another ORV.
- f) when visibility is not substantially reduced due to weather conditions unless displaying a lighted headlight and lighted taillight.
- g) ½ hour before sunrise until ½ after sunset unless displaying a lighted headlight and lighted taillight.
- h) while displaying a lighted headlight and lighted taillight at all hours beginning January 1, 2010.
- i) while the operator and each passenger is wearing a crash helmet and protective eyewear approved by the United States department of transportation unless the vehicle is equipped with a roof that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened seat belt.
- j) with a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.
- k) while the ORV is equipped with a spark arrester type United States forest service approved muffler in good working order and in constant operation.
- l) pursuant to noise mission standards defined by law.

Section 7

A child less than 16 years of age shall not operate an ORV on a road in the county unless the child is under the direct visual supervision of an adult and the child has in his or her immediate possession a Michigan issued ORV safety certificate or a comparable ORV safety certificate issued under the authority of another rstate or a province of Canada.

Section 8

Unless a person possesses a valid driver’s license, a person shall not operate an ORV on a road or street in the county if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels.

Section 9

Any person who violates this ordinance is guilty of a municipal civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

Section 10

A court may order a person who causes damage to the environment, a road or other property as a result of the operation of an ORV to pay full restitution for that damage above and beyond the penalties paid for civil fines.

Section 11

The County Treasurer shall deposit all fines and damages collected under this ordinance into a fund to be designated as the ORV Fund. The County Board of Commissioners shall appropriate revenue in the ORV Fund as follows:

- a) Fifty percent to the County Road Commission for repairing damage to roads and the environment that may have been caused by ORVs, and for posting signs indicating ORV speed limits, or indicating whether roads are open or closed to the operation of ORVs.
- b) Fifty percent to the County Sheriff for ORV enforcement and training.

Section 12

This ordinance becomes effective 10/14/2014.

This Ordinance is adopted by action of the Chippewa County Board of Commissioners this 13th day of October 2014.

A roll call vote was taken as follows:

Ayes: Commissioners Kinsella, Postula and Shackleton

Nays: None

Commissioners Absent: Cooper and McLean

THE ORDINANCE WAS DECLARED ADOPTED

c) Resolution No. 14-20~ Support of EUPRPDC/UP Prosperity Region

It was moved by Commissioner Kinsella, seconded by Commissioner Postula, to approve Resolution 14-20 as follows:

Resolution No: 14-20
Resolution In Support of Eastern Upper Peninsula
Regional Planning & Development Commission (EUPRPDC)
Application on behalf of the Eastern UP Prosperity Region

WHEREAS, Governor Snyder and the Michigan Legislature have created the Regional Prosperity Initiative; and,

WHEREAS, in 2012 the State of Michigan formed a Regional Reinvention Initiative Committee to plan for improving collaboration between Michigan’s Regional Planning Agencies, Workforce Development Agencies, Adult Education Providers, Economic Development Agencies, and other

agencies; and

WHEREAS, in August 2013 the Regional Reinvention Initiative Committee introduced the Regional Prosperity Initiative that includes ten new Prosperity Regions, and various levels of funding to enhance collaboration and to develop a Five Year Regional Prosperity Plan for each of Michigan's ten Prosperity Regions; and

WHEREAS, the Regional Prosperity Initiative is intended to foster greater communication and collaboration among organizations involved in economic development , education, workforce development, regional planning and transportation agencies, local and state government, and private business; and,

WHEREAS, the Eastern U.P. Regional Planning & Development Commission will serve a 3 county area which includes over 39 local governments, 2 higher education institutions, 1 Work Force Board, 1 Regional Planning Agency, 1 Rural Transportation Task Force, 1 Intermediate School District and many Economic Development, business and non-profit organizations; and,

WHEREAS, the Eastern U.P. Regional Planning & Development Commission is the only eligible entity to receive funding under the Regional Prosperity Initiative;

NOW THEREFORE BE IT RESOLVED that the Eastern U.P. Regional Planning & Development Commission hereby supports the Commission as the 2015 RPI grant applicant on behalf of the Eastern Upper Peninsula Michigan Prosperity Region.

A roll call vote was taken as follows:

Ayes: Commissioners Kinsella, Postula and Shackleton

Nays: None

THE RESOLUTION WAS DECLARED ADOPTED.

d) Resolution 14-21 Apportionment of 2014 Millages

It was moved by Commissioner Kinsella, seconded by Commissioner Postula, to approve Resolution 14-21 as follows:

**CHIPPEWA COUNTY BOARD OF COMMISSIONERS
RESOLUTION
NO. 14-21
APPORTIONMENT OF 2014 MILLAGES**

At a meeting of the CHIPPEWA COUNTY BOARD OF COMMISSIONERS held on October 13, 2014,

WHEREAS, the County Board has reviewed all of the millages requested by the various taxing entities operating within the County, and has considered the allocated and extra voted millages to which each entity is entitled, and determined that the levy of the millage rates listed on the 2014 MILLAGE REPORT presented to the Board by the Equalization Director and make a part of the minutes, (*exhibit A*) will be necessary for the sound management and operation of the taxing jurisdictions, and

WHEREAS, the County Equalization Director has informed the County Board that pursuant to MCL 211.34D, each requested millage on said report has been reduced, if necessary, in compliance with section 31 of article 9 of the state constitution of 1963, and

NOW, THEREFORE, BE IT RESOLVED THAT:

1. THE 2014 MILLAGE REPORT BE APPROVED AS PRESENTED
2. THE CLERK AND EQUALIZATION DIRECTOR ARE HEREBY AUTHORIZED AND DIRECTED TO COMPLETE AND FILE ANY REPORT REQUIRED BY THE STATE OF MICHIGAN, RELATIVE TO THE MILLAGES AUTHORIZED BY THIS BOARD, INCLUDING THE 2014 APPORTIONMENT REPORT.
3. THE MILLAGES SO APPROVED SHALL BE SPREAD AGAINST THE APPROPRIATE TAXABLE VALUES IN THE VARIOUS TAXING UNITS WITHIN THE COUNTY TO PRODUCE THE 2014 TAX ROLLS AND THOSE RESPONSIBLE FOR THE SPREADING AND COLLECTING ON THOSE TAXES SHALL BE CHARGED WITH THE PROCESSING AND COLLECTING OF THOSE TAXES ACCORDING TO STATUTE.

A roll call vote was taken as follows:

Yeas: Commissioners Kinsella, Postula and Shackleton

Nays: None

THE RESOLUTION WAS DECLARED ADOPTED.

e) Resolution 14-22 ~ State Disaster Contingency Fund Grant Resolution

It was moved by Commissioner Postula, seconded by Commissioner Kinsella, to accept Resolution 14-22 as follows:

**STATE DISASTER CONTINGENCY FUND GRANT
RESOLUTION**

BE IT RESOLVED BY The County Board of Commissioners of Chippewa County,

WHEREAS, Chippewa County, Michigan, is a political subdivision within the State of Michigan with an official Emergency Operations plan in compliance with Section 19 of the Emergency Management Act, Act 390, Public Acts of 1976, as amended.

WHEREAS, Chippewa County, sustained severe losses of major proportions brought on by the extreme winter weather resulting in the following conditions: Frozen drainage structures within roadside ditches and underneath existing roadways caused severe damage to road surface infrastructure and road grade sub-soils.

WHEREAS, the County Board of Commissioners certifies that the county/municipals Emergency Operations Plan was implemented at the onset of the disaster at 3:00 p.m. on February 18, 2014 and all applicable disaster relief forces identified therein were exhausted.

WHEREAS, as a direct result of the disaster, public damage and expenditures were extraordinary and place an unreasonable great financial burden on Chippewa County totaling \$27,923.00.

NOW, THEREFORE BE RESOLVED THAT the County Board of Commissioners requests the Governor authorize a grant to the County of Chippewa from the State Disaster Contingency Fund pursuant to Section 19, Act 390, Public Acts of 1976, as amended.

FURTHERMORE, Robert Laitinen – Superintendent/Manager is authorized to execute for and in behalf of Chippewa County the application for financial assistance and to provide to the State any information required for that purpose.

Action taken and incorporated in the minutes of a meeting of the Board of Commissioners of Chippewa County on October 13, 2014

A roll call vote was taken as follows:

Yeas: Commissioners, Kinsella, Postula and Shackleton

Nays: None

THE RESOLUTION WAS DECLARED ADOPTED.

f) Michigan Community Resolution and Intergovernmental Agreements for Floodplain

It was moved by Commissioner Kinsella, seconded by Commissioner Postula, to approve the resolutions of Intergovernmental Agreements for Floodplain.

This includes intergovernmental agreements for: Bay Mills Township; Bruce Township; DeTour Township; Drummond Island Township; Raber Township; Soo Township; Superior Township and Whitefish Township

A roll call vote was taken as follows:

Ayes: Commissioners Kinsella, Postula and Chairman Shackleton

Nays: None

THE RESOLUTIONS WERE DECLARED ADOPTED.

COMMISSIONERS COMMENTS

- Chairman Shackleton noted that discussion and attention on the Cloverland Electric rates and the Presque Isle situation have increased greatly. He went on to say that this Commission passed a resolution at their September meeting calling on our legislatures and governor to somehow find a solution to this, so that our residence are not passed on this burdensome increase in electric rates. This was created legislatively and hopefully, there will be a solution legislatively.
- Commissioner Kinsella noted that he read that the average home owners may be increased an additional \$350.00 a year, and commented on electrical rates on the Canadian side, being much lower because they have a lot of natural generation.

Having completed the agenda items, It was moved by Commissioner Postula, seconded by Commissioner Kinsella, to adjourn. The Board adjourned at 4:40 p.m.

Respectfully submitted,

Catherine C. Maleport, Clerk

Scott Shackleton, Chairman