

**ALGER COUNTY BOARD OF COMMISSIONERS
REGULAR BOARD MEETING**

September 19, 2016

Minutes are subject to corrections and approval

Pursuant to recess, the Alger County Board of Commissioners convened in the conference room of the county building at 4:02 P.M. on the above date.

The meeting was called to order by Chairman Doucette with the following Commissioners present: Commissioners Mattson, Pullen, Rondeau, VanLandschoot, and Doucette. Absent – none.

The board of commissioners said the Pledge of Allegiance.

Public comment session was open. There was no public comment from the floor; thus, the public comment session was closed.

It was moved by Commissioner Pullen and seconded by Commissioner VanLandschoot to approve the consent agenda which includes the Committee of the Whole meeting minutes of August 8, 2016 and the Regular Board meeting minutes of August 15, 2016. Motion carried by the following vote: Ayes – Commissioners Mattson, Pullen, Rondeau, VanLandschoot, and Doucette. Nays – none. Absent – none.

Diane Groulx was present to discuss an issue they are having with the building department. She said that they purchased trusses through Menards and that the Building Codes Inspector Joe Cilc said that the trusses were wrong and not made to Alger County codes and denied their permit. Mr. and Mrs. Groulx are attending the board meeting to appeal his decision. The board took the Groulx's information and will be in contact with them after they have discussed this matter with Joe Cilc.

Judge Luoma was present to request Drug Court funding for fiscal year 2017. The request is the same as last year, \$33,000. The Drug Court funds are 100% reimbursable. Judge Luoma is also working with Schoolcraft County regarding Mental Health Court funding. It was moved by Commissioner Pullen and seconded by Commissioner VanLandschoot to approve the 2017 Drug Court Grant and authorize the chair to sign the contract. Motion carried by the following vote: Ayes – Commissioners Mattson, Pullen, Rondeau, VanLandschoot, and Doucette. Nays – none. Absent – none.

Sgt. Webber was present to discuss matching funds for purchasing two new vehicles. Vehicles cannot be purchased prior to grant application. The USDA requires submittal of grant applications for needed equipment in advance. Pam Johnson received word of the applications approval of funds more quickly than expected. The Sheriff and undersheriff will be meeting with Commissioner Mattson to determine if the funding plan is viable. Commissioner Doucette expressed the need to replenish the motor pool fleet, rather than putting more money into old vehicles. The sheriff's department has not had a new vehicle in six years, but with this grant and board approval the county will have replenished its fleet. Commissioner Doucette wants to inform the public and explain the situation so everyone understands why the sheriff's department purchased four vehicles in two years. After the state terminated trustee housing in the Alger County jail, inmate meal delivery was eliminated too. Under this plan, the current sheriff's vehicle would be used for inmate meal delivery. AuTrain Township Supervisor, Thomas Balmes was present and stated, depending on the outcome of a millage request for general operating services, AuTrain will further pursue an equipment plan. Commissioner Rondeau questioned the sheriff department's vehicle maintenance plan, to which Sgt. Webber noted that for years the board has asked what vehicles are needed, and never had a fully commissioned fleet to implement a functioning vehicle rotation to allow for proper vehicle servicing. Commissioner Mattson noted that Pam Johnson was happy with the arrangement and the plan makes financial sense. The paperwork has been submitted, but no money has been exchanged. This topic will be discussed at the next law enforcement meeting. It was moved by Commissioner Pullen and seconded by Commissioner VanLandschoot to give the law enforcement committee authority to make the acceptance for the USDA grants, and authorize the purchase of two new vehicles using USDA grant funds. Motion carried by the following vote: Ayes – Commissioners Mattson, Pullen, Rondeau, VanLandschoot, and Doucette. Nays – none. Absent – none.

Payment to Stryker was discussed. Sgt. Webber believes it is in the county's best interest to settle its debts with Stryker and work through the suit against Michigan First Response. Commissioner Pullen questioned whether the county will end up double paying if this settlement is authorized. It was moved by Commissioner Pullen and seconded by Commissioner VanLandschoot to authorize payment to Stryker to settle dispute of equipment in the amount of \$35,000 based on Prosecuting Attorney Karen Bahrman's approval. Motion carried by the following vote: Ayes – Commissioners Mattson, Pullen, Rondeau, VanLandschoot, and Doucette. Nays – none. Absent – none.

It was moved by Commissioner Pullen and seconded by Commissioner Mattson to approve the amended Child Care Budget. Motion carried by the following vote: Ayes – Commissioners Mattson, Pullen, Rondeau, VanLandschoot, and Doucette. Nays – none. Absent – none.

Approval of a GIS system was next. Commissioner Doucette stated that the townships expressed interest in the CUPPAD (Central Upper Peninsula Planning and Development) GIS system. The county will pick up 50% of the townships' parcel mapping costs, and all costs of additional layers. Thomas Balmes and Lori McShane reiterated that AuTrain and Burt Townships appreciate the matching funds. Gary Hoaglund, from Coleman Engineering, questioned whether a pseudo-governmental organization has an unfair advantage in the process. Commissioner Doucette stated that the townships expressed their interests and he is working towards a unified county. Mr. Balmes stated he appreciates the opportunity to be in the bidding process. Coleman Engineering will be mapping Limestone Township and the City of Munising, and Gary will be happy to share information with CUPPAD. Commissioner Pullen questioned the recurring charges and who will pay them. It was discussed that moving forward the townships will pay the maintenance fees. It was moved by Commissioner Mattson and seconded by Commissioner VanLandschoot to approve the GIS proposal from CUPPAD. Motion carried by the following vote: Ayes – Commissioners Mattson, Pullen, VanLandschoot, and Doucette. Nays – Commissioner Rondeau. Absent – none.

It was moved by Commissioner Rondeau and seconded by Commissioner VanLandschoot to approve the Veterans Relief millage authorizing .10 mill. Motion carried by the following vote: Ayes – Commissioners Mattson, Pullen, Rondeau, VanLandschoot, and Doucette. Nays – none. Absent – none.

It was moved by Commissioner Pullen and seconded by Commissioner Mattson to approve the Friend of the Court Cooperative Reimbursement Contract for five (5) years. Motion carried by the following vote: Ayes – Commissioners Mattson, Pullen, Rondeau, VanLandschoot, and Doucette. Nays – none. Absent – none.

It was moved by Commissioner VanLandschoot and seconded by Commissioner Rondeau to approve the Prosecuting Attorney Child Support Cooperative Reimbursement Contract for five (5) years. Motion carried by the following vote: Ayes – Commissioners Mattson, Pullen, Rondeau, VanLandschoot, and Doucette. Nays – none. Absent – none.

The letter of support for the White Pine Power Plant was discussed. Commissioner Rondeau briefly explained why he is against a letter of support. Commissioner Doucette explained that there will be State Representatives and local officials investigating the power issue in the Upper Peninsula. No action was taken on this issue.

Costs for payment of closing and drafting of documents were discussed. Commissioner Pullen explained that deeds need to be drafted, and Robb Ferguson charges \$200 per hour. Escrow instructions are needed for the county's part as the title work usually takes instruction from attorneys. Munising Township cannot give land away, and needs something of equivalent value for a swap. The valuation of the land is based on two different standards, so there may be an agreement needed for future contingencies. Commissioner Pullen noted that Munising City Manager, Devin Olson, said Robb Ferguson may require authorization to recuse himself should he need to, before representing Alger County, as he already represents the City of Munising. Exact figures are impossible at this point, but Commissioner Pullen recommends hiring Robb Ferguson. It was moved by Commissioner Rondeau and seconded by Commissioner VanLandschoot to authorize hiring Robb Ferguson to draft documents for the airport exchange. Motion carried by the following vote: Ayes – Commissioners Mattson, Pullen, Rondeau, VanLandschoot, and Doucette. Nays – none. Absent – none.

It was moved by Commissioner Mattson and seconded by Commissioner Rondeau to approve attorney fees with Robb Ferguson for the airport land swap. Motion carried by the following vote: Ayes – Commissioners Mattson, Pullen, Rondeau, VanLandschoot, and Doucette. Nays – none. Absent – none.

It was moved by Commissioner Rondeau and seconded by Commissioner VanLandschoot to authorize the chair to sign the deeds and easements for the airport exchange. Motion carried by the following vote: Ayes – Commissioners Mattson, Pullen, Rondeau, VanLandschoot, and Doucette. Nays – none. Absent – none.

It was moved by Commissioner Pullen and seconded by Commissioner VanLandschoot to authorize Commissioners Mattson, Rondeau & Doucette to attend the UPACC Fall Conference. Motion carried by the following vote: Ayes – Commissioners Mattson, Pullen, Rondeau, VanLandschoot, and Doucette. Nays – none. Absent – none.

There was no old business.

There were no miscellaneous financial matters.

It was moved by Commissioner Pullen and seconded by Commissioner Mattson to approve resolution #2016-16 as follows:

RESOLUTION #2016-16

At a regular meeting of the Alger County Board of Commissioners held on September 19, 2016 at Munising, Michigan.

Present were: Commissioners Mattson, Pullen, Rondeau, VanLandschoot, and Doucette

Absent were: None

WHEREAS, the Alger County Board of Commissioners is concerned that Michigan counties have experienced long term and costly delays to road construction projects and also to private projects located in the Upper Peninsula due to the EPA and Army Corps definitions for “Waters of the U.S.”

WHEREAS, the U.S. Supreme Court has stated that an applicant spends an average of 788 days of time and \$271,596 to obtain an individual 404 U.S. Corps permit. The Supreme Court chastised these agencies in the 2001 SWANCC case and the 2006 Rapanos case for regulatory overreaching and these agencies have refused to adapt to the pushback they continue to receive from taxpaying landowners.

WHEREAS, the proposed rule, should it become effective, will drain local budgets, hamper business development, increase cost of infrastructure construction and maintenance, and continue an unacceptable level of uncertainty in the permitting processes; and

WHEREAS, these agencies are currently using interpretive guidelines established by the EPA in 2011 and these guidelines do not grant them final authority.

WHEREAS, the EPA now wishes to adopt new regulations which will indeed grant them final authority in matters dealing with waters of the U.S. and will include regulation of man-made ditches, public drains, tributaries, adjacent & neighboring wetlands, ecoregion, significant nexus, surface connection, ground water connection, discharge and possibly much more. Regulation of these latter items had currently resulted in high levels of confusion, delays and increased permitting costs for the applicants. It has also allowed the EPA and Corps to far exceed their applicable regulatory, statutory and constitutional limits. In addition, this regulation is redundant to State wetland regulations that are already in place and mitigate wetland impacts from a prepaid wetland bank of credits for road projects.

NOW, THEREFORE, BE IT RESOLVED That the Alger County Board of Commissioners hereby oppose the new EPA proposed regulations that would replace the 2011 interpretive guidelines they are currently following concerning the Clean Waters Act definition for “Waters of the United States.”

BE IT RESOLVED That the Alger County Board of Commissioners will support EPA and Corps regulation of traditional navigable waters only.

Committee Reports were next. Commissioner Pullen stated that the airport tractor needs to be replaced. She said that the insurance committee meets this week. She discussed Ken McNally wanting to use the airport in the winter for snowmobile races. She said that since the county does not own the land, the board cannot make the decision to allow using land the federal government owns. Commissioner Rondeau noted the mower is at Bergdahl’s and is in poor condition. Commissioner VanLandschoot handed out correspondence from Community Action Alger-Marquette. Commissioner Doucette thanked everyone for their patience while he has served as MAC (Michigan Association of Counties) President. This year he moves into the Past-President position and will have a lighter work load. Commissioner Doucette gave a speech at the MAC conference where he received a standing ovation and a stained-glass mosaic of Michigan and all of the counties. Commissioner Doucette said that he will continue to address the MERS funding issue, but it may receive less attention by the next MAC President. He said that jail funding will also receive attention in the near future. Commissioner Rondeau thanked Sgt. Webber for all his help with so many issues. Commissioner Rondeau also met with the DNR and will be in contact with the board regarding increased funding for road repairs due to snowmobiles and ORVs. Commissioner VanLandschoot thanked Sgt. Webber for the tour of the new jail expansion. Sgt. Webber said the deputies and employees have endured hours and days of constant construction. He also noted Sgt. Peters is doing a great job, and that cells will be inspected daily for damage and contraband. Sgt. Webber further explained that the floors of the jail could use a sealed coat which could not happen until after the completion of USDA funded construction. Commissioner Pullen also noted interest in the public defender position.

Public comment session was open. There was no public comment from the floor; thus, the public comment session was closed.

It was moved by Commissioner Rondeau and seconded by Commissioner VanLandschoot to adjourn this meeting at 6:14 p.m. Motion carried by the following vote: Ayes – Commissioners Mattson, Pullen, Rondeau, VanLandschoot, and Doucette. Nays – none. Absent – none.

Jerry Doucette, Chairman
Alger County Board of Commissioners

Mary Ann Froberg
Alger County Clerk