

OFFICIAL PROCEEDINGS  
KEWEENAW COUNTY BOARD OF COMMISSIONERS

January 16, 2013

The regular monthly meeting of the Keweenaw County Board of Commissioners held January 16, 2013, 6:30 p.m. at the Courthouse, Eagle River, MI, opened with the pledge of allegiance.

Commissioners present: Ray Chase, Randy Eckloff, Don Piche, Del Rajala, Frank Stubenrauch.

The organizational meeting was called to order by the Clerk. Clerk called for nominations for a temporary chairman. Chase nominated for Piche temporary chairman, seconded by Rajala and with no further nominations, Piche was unanimously elected temporary chairman.

Temporary chairman Piche called for nominations for a permanent chairman for the period of January 2013 through December 2013. Rajala nominated Piche for chairman, seconded by Chase and with no further nominations, Piche was unanimously elected chairman for January 2013 through December 2013.

Chairman Piche called for nominations for vice chairman. Chase nominated Eckloff for vice chair which was seconded by Stubenrauch and there being no further nominations, Eckloff was unanimously elected vice chairman.

Motion by Rajala seconded by Chase and unanimously carried to hold official board meetings on the third Wednesday of each month at 6:30 p.m. at the Courthouse in Eagle River.

Chairman Piche appointed the following committee members:

Economic Development	Piche	Historic Hiway/Byway	Stubenrauch
Building & Grounds	Piche	911 Committee	Rajala
Human Services	Piche	MSU Extension	Piche
Manpower Consortium	Eckloff/Stubenrauch	KEDA	Piche
Health Department	Stubenrauch/Rajala	Head Start	Rajala
UP Resource Conservation	Rajala	Finance/Budget	Piche
US Port Authority	None-Ron Lahti	Road Commission	Piche
UPCAP	Stubenrauch	TriCounty Corrections	Rajala
Planning Commission	Chase	WUPPDR	Stubenrauch/Chase
Substance Abuse	Eckloff	Mental Health	Eckloff
Community Action	Stubenrauch	Recreation Bd-mileage	Rajala
Keweenaw Mountain Lodge	Chase	Resolutions	Full Board
Freedom of Information	Eckloff	UP Fair Authority	Langdon
Veterans Affairs	Rajala	Grounds/Grounds Care	Piche
Building Codes	Eckloff	Equalizaton	Stubenrauch
Liason to Sheirff Dept	Rajala		

Motion by Rajala supported by Eckloff and unanimously carried to accept the committees as appointed by Chairman Piche.

Motion by Eckloff supported by Stubenrauch and unanimously carried to designate the following as depositories for County funds: River Valley, Range, Superior National, Citizens and North Country Banks.

Motion by Rajala supported by Eckloff and unanimously carried to accept the agenda as printed.

Motion by Rajala supported by Chase and unanimously carried to accept the minutes as presented from the December 19, 2012 regular monthly board meeting.

The Treasurer, Sheriff and Mine Inspector reports were received.

Marlin Wingard, chairman of the Brownfield Authority was present to talk about what Brownfield has been doing at various sites throughout Keweenaw County. Mr. Wingard presented the Board with a copy of the Clean Up Plan for the former Calumet Air Force Station and asked the Board to read it over and to call with any questions or comments. The original grant for the Brownfield Authority has been spent and the paperwork filed to close out the grant has been completed. The Authority will continue to meet every other month.

Time was allowed for public comment.

Motion by Stubenrauch supported by Eckloff to pay the approved and audited bills in the following amounts; General Fund=\$158,022.98 Construction Codes Fund=\$571.00 911 Fund=\$689.66 EDC Fund=\$254.80 Law Library=\$211.83 Child Care Fund=\$0 County Veterans Trust Fund=\$0 Register of Deeds Automation Fund=\$0. Board polled. Ayes: Eckloff, Stubenrauch, Chase, Rajala, Piche. Nays: None. Motion carried.

Motion by Chase supported by Eckloff and unanimously carried to table the Pasty.net agreement. Rajala talked with Charlie Hopper and agreed on the terms but it needs to be put into writing. This item will go under unfinished business for February.

Motion by Chase supported by Eckloff and unanimously carried to appoint Gina Nicholas to the EDC Committee. Her term will expire 12/31/2014.

Motion by Eckloff supported by Chase and unanimously carried to reappoint the following EDC members with the expiration of terms as follows:

Peggy Kauppi	12/31/2015	Richard Schaefer	12/31/2015
John Sturos	12/31/2015	Ned Huwatschek	12/31/2015
Donald Secor	12/31/2015	Jill Protzel	12/31/2015

Motion by Chase supported by Stubenrauch to adopt the Articles of Incorporation for Houghton Keweenaw Recreation Authority as published in the Daily Mining Gazette and as follows:

These Articles of Incorporation are adopted, signed, and acknowledged by the incorporating units for the purpose of forming a recreation authority under the provisions of Act No. 321, Public Acts of 2000 (the "Recreational Authorities Act").

#### ARTICLE I

##### NAME

This Authority shall be known as the Houghton Keweenaw Recreation Authority, hereinafter referred to as "the Authority."

#### ARTICLE II

##### PARTICIPATING COUNTIES AND TERRITORY

The participating and creating counties of the Authority are Houghton County and Keweenaw County, each a municipal corporation of Michigan. They are hereafter referred to as the "Participating Counties" or the "Houghton County Board of Commissioners" or the "Keweenaw County Board of Commissioners". The "Territory of the Authority" shall include all of the property situated within the corporate boundaries of all of the Participating Counties and any properties situated outside the corporate boundaries, as long as said properties are owned by one of the participating municipalities.

#### ARTICLE III

##### WITHDRAWAL OF PARTICIPATING COUNTIES

Section 1 A participating county shall not withdraw from the Authority during the period for which the Authority has been authorized to levy a tax by the electors of the Authority.

Section 2 A participating county may withdraw from the Authority, subject to the limitation in Section 1 of the Article, by resolution of the participating municipality's legislative body approving the withdrawal, a certified copy of the resolution shall be provided to the Board at least 60 days prior to the effective date of the withdrawal.

#### ARTICLE IV

##### PURPOSES

The purposes for which the Authority is established are as follows:

A. To acquire, construct, operate, maintain or improve a public park for recreational purposes, more specifically a permanent, year-round signed and surfaced trail system, which trail system shall be open to the public for use under such terms, conditions, and limitations as may be established by the Governing Board of the Authority. The trail system can include purchasing, leasing, or accepting donations of land or structures for trails, trailheads, parking areas, riding areas, rest areas, or any other structure, facility, or acquisition or holding that the Board deems necessary to further the interests of the trail system.

B. To provide for a multi-use trail system that connects populated areas, subject to the limitations set forth in Paragraph A. above.

C. To provide amenities along the trail including parking areas, bike racks, directional signage, interpretive signage, kiosks, trailhead facilities, etc., that add to the enjoyment of the trail experience.

D. To encourage tourism development along the trail system.

E. To encourage municipalities or other entities to tie compatible links into the trail system allowing for greater access to businesses, parks and schools.

F. To conduct such other activities as are permitted under the laws of the State of Michigan, particularly the Recreational Authorities Act, Act No. 321, Public Acts of 2000.

#### ARTICLE V

##### POWERS AND DUTIES

The Authority shall possess all the powers specified in Act 321, subject to the limitations of the authority as provided by law and /or limitations as specified in these Articles of Incorporation.

Section 1 The Authority shall have the power to acquire and hold, by purchase, lease, option, grant, gift, devise, land contract, installment purchase contract, bequest, or other legal means, real and personal property inside or outside the territory of the Authority. The property may include franchises, easements, or rights of way on, under, or above any property. The Authority may pay for the property from, or pledge for the payment of the property, revenue of the Authority.

Section 2 The Authority may donate, sell, lease or otherwise transfer its property or any part thereof or interest therein to one or more of the participating municipalities.

Section 3 The Authority may apply for and accept grants and contributions from individuals, the federal government or any of its agencies, the State of Michigan, a municipality, or other public or private agencies to be used for any of the purposes of the Authority.

Section 4 The Authority may borrow money and issue revenue bonds or notes to finance the acquisition, construction, and improvements of its recreational purposes. Bonds or notes issued by the Authority are a debt of the Authority and not of the participating municipalities.

Section 5 Before a proposal for a tax to fund the activities of the Authority is placed before the electors in each of the participating municipalities, the proposal shall be adopted by a resolution of the Authority and approved by the Board of Commissioners of both counties and certified by the Authority not later than 60 days before the election in accordance with the recreational authorities act. The provisions of the ballot proposal shall comply with said act.

Section 6 The Authority may hire full-time or part-time employees and retain professional services.

Section 7 The Authority may provide for the maintenance of all of the real and personal property of the Authority.

Section 8 The Authority may assess and collect user fees for services provided by and expenses incurred by the Authority.

Section 9 The Authority may receive revenue as appropriated by the legislature of the State of Michigan or a participating municipality.

Section 10 The Authority may enter into contracts incidental to or necessary for the accomplishment of the purposes of the Authority.

Section 11 The Authority's operation of public facilities shall be limited to only those public facilities and land that it has acquired, that have been transferred to the Authority by a participating municipality or through contracts, leases, easements, gifts or other means as provided in the Recreation Authority Act, Act 321 of 2000. Nothing in these Articles shall obligate a participating municipality to transfer any park, recreation center, or any land or interest therein to the Authority.

#### ARTICLE VI

##### FISCAL YEAR

The fiscal year of the Authority shall be the calendar year.

#### ARTICLE VII

##### GOVERNING BOARD

Section 1 The business and affairs of the Authority shall be managed by a nine (9) member Board of Directors, which is the governing body of the Authority, hereinafter referred to as "the Board".

The Board shall be made up of:

- a. Two members selected by the legislative bodies to represent summer motorized interests.  
One by Houghton County, one by Keweenaw County.
- b. Two members selected by the legislative bodies to represent summer non-motorized interests.  
One by Houghton County, one by Keweenaw County.
- c. Two members selected by the legislative bodies to represent winter motorized interests.  
One by Houghton County, one by Keweenaw County.
- d. Two members selected by the legislative bodies to represent winter non-motorized interests.  
One by Houghton County, one by Keweenaw County.
- e. One member will be selected by the members of the Board seated at the first meeting of the new board, thereafter, the first meeting of a calendar year.

To be eligible for the Board, an application must be submitted to the respective County Board of Commissioners with a letter of endorsement by the interest group to be represented.

Section 2 All Authority decisions must be approved by a majority of the members of the Board before it can be enacted.

Section 3 Members of the legislative body of the Participating Municipalities are eligible for appointment to the Board. Each appointee to the Houghton Keweenaw Recreation Authority must be a qualified elector residing in either of the appointing jurisdictions.

Section 4 The terms of the initial Board of Directors shall be (3) years except for the member selected as per Section 1.e. After the initial three years, the terms of the Board members shall be staggered so that the terms of approximately one-third (1/3) of the Board members expire each year. The Board shall select a random method to stagger the terms. Board members may be re-appointed

Section 5 The Board shall adopt and amend bylaws including rules of procedure consistent with the provisions of the Recreational Authorities Act. The bylaws shall provide for regular meetings of the Board, not less frequently than quarterly.

Section 6 The Board shall select the following officers: Chairperson, Treasurer, and Secretary. There may also be such assistant officers as the Board of Directors deems appropriate. The duties of each office shall be set forth in the bylaws.

Section 7 No member of the Board shall receive compensation for serving as a member of the Board but members of the Board are entitled to reimbursement for reasonable expenses, including expenses for travel previously authorized by the Board, incurred in the discharge of his or her duties.

Section 8 A member of the Board may be removed from office as provided by and in accordance with the Recreational Authorities Act.

Section 9 In the event a vacancy occurs on the Board because of death, resignation, removal, change of residency, or other reason as set forth in MCL 201.3, the vacancy shall be filled within 30 days of the

vacancy occurring in the same manner as the original appointment, and the member appointed shall serve the remainder of the unexpired term.

Section 10 Officer vacancies shall be filled by a majority vote of the members of the Board of Directors present at any regular or special meeting of the Board which shall elect a successor to serve until the expiration of the normal term of such officer or until his or her successor shall be elected.

#### ARTICLE VIII

##### DISSOLUTION OF AUTHORITY

The Authority may be dissolved by the concurring resolution of the governing body of each then participating municipality of the Authority at the time of such dissolution. Prior to dissolution of the Authority any outstanding indebtedness of the Authority, including any bonds issued under Section 21 and/or Section 23 of Act 321 shall be paid.

#### ARTICLE IX

##### PUBLIC BODY

The Authority is a public body and shall comply with the requirements of the Michigan Open Meetings Act, Act 267 of the Public Acts of 1976, as amended, and the Freedom of Information Act, Act 442 of the Public Acts of 1976, as amended.

#### ARTICLE X

##### PUBLICATION AND ADOPTION

The Board shall obtain an annual audit of the Authority pursuant to Section 27 of the act, being MCL 123.1157. The books and records of the Authority shall be open for inspection by any participating municipality at all reasonable times.

#### ARTICLE XI

##### PUBLICATION AND ADOPTION

Section 1 A copy of these Articles of Incorporation shall be published once in the Daily Mining Gazette (Houghton, MI), being a newspaper generally circulated within the participating municipalities, prior to adoption as set forth in Section 2 below.

Section 2 These Articles of Incorporation shall be adopted by an affirmative vote of a majority of the members serving on the legislative body of each participating municipality.

#### ARTICLE XII

##### AMENDMENT

Amendment to these Articles of Incorporation shall be made only as authorized by the Recreational Authorities Act. Amendments shall be published once in the Houghton Daily Mining Gazette no less than fourteen (14) days before adoption.

#### ARTICLE XIII

##### EFFECTIVE DATE

These Articles of Incorporation shall become effective upon filing with the Secretary of State by the clerk of the last participating municipality to adopt the Articles.

IN WITNESS WHEREOF, the participating municipalities have adopted and authorized to be executed these Articles of Incorporation, on behalf of Houghton and Keweenaw County.

Board polled. Ayes: Eckloff, Stubenrauch, Chase, Rajala, Piche. Nays: None. Motion carried.

Motion by Eckloff supported by Rajala and unanimously carried to approve the contract for providing digital mapping services to Keweenaw County Equalization Dept. by TopComp, Inc.

Motion by Chase supported by Eckloff and unanimously carried to approve the Zoning Administrator's travel to attend the MSU Zoning Administrator Certification Program in St. Ignace on February 19-20, 2013.

Motion by Eckloff supported by Chase and unanimously carried to appoint the following people to the 911 Committee. Gary Bracco-Keweenaw County Fire Depts, Gerald Primeau-Ambulance, Dudley Martin-Citizen at Large, Ginney Schubert-Townships, Del Rajala-County Commissioner, Jack Dueweke-Emergency Services Coordinator, Mike Maninga-Ahmeek Village. The following people round out the committee as agency representatives: Sheriff Ron Lahti or his designee, Lt. Mike Lloyd of the Michigan State Police or a staff representative employed by the MSP of the Calumet Post, and Ann Gasperich as 911 Coordinator. This makes a nine member board as the 911 Coordinator has no voting power.

It was brought to the Board's attention that Richard Powers has left the 911 Committee and he was very instrumental from the beginning in the success of the County's 911 system.

Motion by Chase supported by Eckloff and unanimously carried to table the contract with the Equalization Director until February.

Motion by Eckloff supported by Rajala to approve the additional draw down of \$19,422.52 which is the balance that was available of the Rural Development bond proceeds of \$60,750.00 making the total draw down amount \$60,750.00. In the December 2012 meeting, the County Board approved \$41,327.48 which KML expended during 2012 making improvements. This additional amount will be used as a payment from KML back to Rural Development. Board polled. Ayes: Eckloff, Stubenrauch, Chase, Rajala, Piche. Nays: None. Motion carried.

Motion by Eckloff supported by Chase and unanimously carried to allow Commissioner Rajala to work on the Sheriff's car.

Time was allowed for public comment.

There being no further business motion by Chase to adjourn at 7:10 p.m. Meeting adjourned sine die.

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Donald Piche, Chairman

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Julie A. Carlson, Clerk