

PUBLIC HEARING
KEWEENAW COUNTY BOARD OF COMMISSIONERS
June 21, 2017

The Keweenaw County Board of Commissioners held a public hearing on the proposed increase of .0554 mills in the operating tax millage rate to be levied in 2017. Proposed additional millage will increase operating revenues from ad valorem property taxes by \$7,855 over such revenues generated by levies permitted without holding a public hearing. Piche opened the public hearing at 6:00 p.m. beginning with the pledge of allegiance. DeMarois, Gayk, Vivian, Rajala and Piche were present. Motion by Rajala supported by DeMarois and unanimously carried to close the public hearing at 6:07 p.m.

OFFICIAL PROCEEDINGS
KEWEENAW COUNTY BOARD OF COMMISSIONERS
June 21, 2017

The regular monthly meeting of the Keweenaw County Board of Commissioners was held on June 21, 2017 beginning at 7:00 p.m. following the Keweenaw Mountain Lodge meeting, at the Courthouse, Eagle River, MI.

Commissioners present: Bob DeMarois, Sandy Gayk, Don Piche, Jim Vivian, Del Rajala.

The meeting was posted in the Courthouse on the bulletin board and the agenda for the meeting was posted on the door of the Courthouse.

Motion by Rajala supported by Gayk and unanimously carried to approve the agenda as presented.

Motion by DeMarois supported by Gayk and unanimously carried to accept the minutes from the May 17, 2017 regular monthly board meeting as presented.

The Treasurer, Sheriff and Mine Inspector reports were received.

Sheriff Luokkanen gave a brief report on UPSET West activity. There is a lot of activity and the money that the County has invested is being well spent.

Time was allowed for public comment.

Motion by Gayk supported by Rajala to pay the approved and audited bills in the following amounts; General Fund=\$161,307.32 Construction Codes Fund=\$842.17 911 Fund=\$6,709.21 Law Library=\$920.43 Child Care Fund/Basic Grant=\$0 County Veterans Trust Fund=\$0 Medical Care Fund=\$2,034.96 Courthouse Improvement Fund=\$25,532.59, General Fund Transfer to Keweenaw Mountain Lodge=\$50,000.00. Board polled. Ayes: DeMarois, Gayk, Vivian, Rajala, Piche. Nays: None. Motion carried.

Motion by DeMarois supported by Rajala and unanimously carried to table the SVN/Northco contract until July as things are still being worked out with Rural Development and Economic Development.

Motion by DeMarois supported by Rajala and unanimously carried to adopt the levies as presented in the public hearing, therefore increasing the tax millage rate by .0554 for 2017, providing additional operating revenue from ad valorem property taxes by \$7,855.

Motion by Vivian supported by Gayk and unanimously carried to appoint Barry Koljonen and Dan Steck to the Planning Commission with terms expiring on 12/31/2020 as requested by the Planning Commission who approved these appointments at their May meeting unanimously.

Motion by Gayk supported by Rajala and unanimously carried to approve the ECHO (Elder Cottage Housing Opportunity) ordinance change as follows with the effective date of 7/1/2017 along with the changes that were made at the February meeting also being effective on 7/1/17:

ECHO Housing Proposed Changes

Approved by the Planning Commission Public Hearing May 30, 2017

Page 2-11 Definitions

ECHO Housing or ECHO Unit: An Elder Cottage Housing Opportunity which is a temporary accessory use that permits residents or caregivers to occupy two dwelling units on a single-family residential zoned lot. See Article X.

Page 4-16 No Change

An ECHO unit (also known as mother-in-law flat) approved pursuant to Section 10.12.11 does not redefine a single-family dwelling as a two-family dwelling for the purposes of this Ordinance

“RC” in RR, R-1, R-2, RS-1, RS-2, CE and AG

Table 4-2 REMOVE THE Special use and replace with Right with Conditions

Accessory Uses, Buildings & Structures	AG	TR	ED	CEP	CE	R-1	R-2	RR	RS-1 RS-2	B-1	M-1	M-2	PDD	Special Standards Section #
ECHO Unit	RC				RC	RC	RC	RC	RC					10.12.11

Section 7.7 TWO DWELLING UNITS ON A LOT –no change

Except as provided in Section 10.12.11 for ECHO housing or Section 7.15 for temporary buildings, no lot on which a dwelling unit is permitted may have a second dwelling unit erected on the lot unless the size of the parcel is large enough and the dwelling unit is located such that the lot could be divided in a manner that fully conforms with this Ordinance, if the structure were ever occupied on a permanent basis. Second dwellings on lots at the time of the adoption of this Ordinance are nonconforming and shall only be occupied seasonably, temporarily or as an ECHO housing unit unless the lot is large enough to permit splitting in conformance with this Ordinance

10.12.11 ECHO Housing: ECHO housing dwelling units are permitted as a **conditional Use** in the RR, R-1, R-2, RS-1, RS-2, CE, and AG Districts when in conformance with the following requirements:

A. An ECHO Unit must be an accessory use on a lot containing one, and only one, single-family residential structure, and there may be a maximum of one (1) ECHO dwelling unit per lot.

B. The ECHO Unit may be an expansion or alteration of the principal dwelling unit, garage, or a new separate building. If a separate building, the ECHO Unit shall comply with all setback requirements and lot coverage requirements as a principal building, and shall be located not less than ten (10) feet from the existing single-family residential structure.

C. The property owner may reside in either the accessory (ECHO) Dwelling Unit or the principal dwelling unit.

D. Potable water and wastewater disposal shall be provided, as required by the District Health Department.

E. Dwellings modified in conjunction with an ECHO Dwelling Unit shall, on sides adjacent to streets, retain the appearance of a single-family dwelling.

F. The ECHO Dwelling Unit shall provide adequate access for emergency vehicles.

G. The ECHO Dwelling Unit shall meet all applicable construction codes for a dwelling.

H. One (1) additional off-street parking space shall be provided.

I. Separate sale or ownership of the ECHO Dwelling Unit from the primary dwelling on a lot or parcel is prohibited. No person who is not a relative of the property owner shall be permitted to reside in the ECHO Unit, except for a caregiver.

J. If the ECHO Unit is a separate removable structure like a manufactured home, the ECHO Unit must be removed from the property within six (6) months of the ECHO Use ceasing. If the ECHO Unit is an expansion or alteration of a single-family structure, upon cessation of the ECHO use, the ECHO Unit shall no longer be considered a separate living unit and shall be considered to be incorporated into the single-family structure.

Motion by Vivan supported by Rajala and unanimously carried to not accept the Amendment to Option and Land Lease from SBA Towers, IX, LLC. The Board will look for more information on other sites.

Motion by Gayk supported by DeMarois and unanimously carried to appoint Piche as the Board of Commissioners representative for Keweenaw to the work group that will develop an appropriate and viable plan for indigent defendants. This plan will be submitted to the Michigan Indigent Defense Commission.

Motion by Gayk supported by Vivian and unanimously carried to appoint Joe Finch as the Keweenaw County representative on the Houghton Keweenaw Veterans Board for a three year term ending 12/31/2020.

Motion by Rajala supported by DeMarois and unanimously carried to appoint Undersheriff Pennala as the U.P. 911 Authority Administrative Policy Board representative for Keweenaw County.

Motion by Gayk supported by DeMarois and unanimously carried to adopt the following resolution:

WHEREAS, Michigan’s public mental health system provides one of the broadest array of cutting edge, community-based mental health services and supports throughout our Upper Peninsula region; and

WHEREAS, Community Mental Health Service Programs (CMHSPs) were created by County Boards of Commissioners as duly authorized under 330.1205 of the Michigan Mental Health Code; and

WHEREAS, Five CMHSPs representing fifteen counties in the Upper Peninsula created a regional entity, NorthCare Network, to manage Medicaid specialty services as duly authorized under 330.1204b of the Michigan Mental Health Code; and

WHEREAS, County Boards of Commissioners across the Upper Peninsula region support the preservation of the current public mental health system delivery and management; and

WHEREAS, All five CMHSPs in the Upper Peninsula region (Copper Country CMH, Gogebic CMH, Hiawatha Behavioral Health, Northpointe Behavioral Health and Pathways CMH) support the preservation of the current public mental health system delivery and management; and

WHEREAS, Senate and House 298/234 of the Executive Budget recommendation for 2018 effectively nullifies the duly authorized actions taken by Community Mental Health Service Programs to create a regional entity under section 330.204b of the Michigan Mental Health Code; and

WHEREAS, Section 298/234 of the Executive Budget recommendations for 2018 have no accountability to the Upper Peninsula’s fifteen County Boards of Commissioners; and

WHEREAS, County Boards of Commissioners across the Upper Peninsula oppose Section 298/234 of the Executive Budget recommendation for 2018 to implement health plan led pilots; and

WHEREAS, County Boards of Commissioners across the Upper Peninsula oppose any involvement in a pilot program in the Upper Peninsula region; and

WHEREAS, Section 298/234 of the Executive Budget recommendation for 2018 will result in the elimination of public specialty mental health services that are accountable to the communities of persons residing in the fifteen counties of the Upper Peninsula;

THEREFORE BE IT RESOLVED, that the Keweenaw County Board Commissioners opposes Section 298/234 of the Executive Budget recommendation for 2018 and encourages the Governor, State Senate, and State House of Representatives to prevent it from becoming law. **(#17-5)**

Motion by Gayk supported by Rajala and unanimously carried to adopt the following resolution regarding protection of the MI Choice Program:

WHEREAS, the Senate recently passed SB 135 which contains the following boilerplate language under Section 1852 (Long-Term Service and Support Pilot-Senate requires DHHS to implement a pilot in Wayne, Macomb, Barry, Berrien, Calhoun, Cass, Kalamazoo, St. Joseph, Van Buren Counties and the Upper Peninsula to transition home and community based services waiver recipients into a long-term services and support program administered by an integrated care organization)

WHEREAS, the MI Choice Program is a long term care, in home services program for U.P. residents seeking long term care at home;

WHEREAS, the MI Choice Program, administered by UPCAP, uses a local network of service providers including Community Action Agencies, Commissions on Aging, County Agencies and private Services Agencies;

WHEREAS, enacting this provision would have the following negative effects on Upper Peninsula residents:

Closing down the popular MI Choice Program which has been operating since 1988 and has a 98% satisfaction rating;

Creating a pilot program which would mandate that all existing MI Choice participants receive their in home care from a for profit insurance company;

Making the U.P. the only region in the State that doesn't give residents a choice of where they receive their in-home care and care management;

Requiring U.P. residents to have their care provided by a for-profit insurance company that has little or no experience in providing in-home care to the nursing home eligible population

WHEREAS, one reason why Section 1852 is being proposed is because, under an existing demonstration pilot (MI Health Link) involving the for profit health insurance company (Upper Peninsula Health Plan) and the MI Choice Program, when provided a choice, 95% of the clients opted NOT to have their care provided by the insurance company, but instead by MI Choice. The new pilot would make it mandatory for residents to be enrolled with the for profit health care organization eliminating choice.

WHEREAS, should the pilot demonstration be allowed to move forward and not be successful, the comprehensive network of services developed over the past 29 years for the MI Choice Program will no longer be available nor unable to fully meet the future community-based long-term supports and services needs of the Upper Peninsula residents.

THEREFORE, BE IT RESOLVED, that the Keweenaw County Board of Commissioners opposes Senate Bill 135; Section 1852 and requests that the Upper Peninsula of Michigan be removed from the pilot, allowing MI Choice to continue providing U.P. County residents a choice of options like the rest of the State. **(#17-6)**

Motion by Vivian supported by Gayk and unanimously carried to approve the Payment Request #1 of the Sheriff Office renovation.

The Board discussed the access to Mt Horace Greeley and the only people that should be up there are people that need to be up there for the towers, contractors, etc. Any other locks besides the one that the Road Commission put on the gate will be cut off. The key to the main lock is at the Sheriff's Office and can be signed out there. Anyone else will need prior approval from the Board to access Mt Horace Greeley.

DeMarois will keep an eye on the prices of timber and if the prices go back up, he will inform the Board and they can consider harvesting the timber at Mt Horace Greeley.

Motion by Vivian supported by DeMarois and unanimously carried to set up a better system for dumping sewage at the Mt Horace Greeley ponds. Perhaps two checks should be written by the landowner, one to the hauler, one to Keweenaw County with a dual receipt given to the property owner. Vivian will sit down with the Treasurer to come up with a plan.

A letter was received by the County from the Michigan Department of Natural Resources (DNR) that referred to a land swap between a private landowner and the State. The landowner would give up 80 acres in Grant Township for 320 acres owned by the State in Houghton Township. Many people spoke up on this issue. A DNR representative was present and stated that the State property in question was brought up in a 2005 land review and was put up as a surplus property. It was brought up at the meeting that there would also be a money exchange in this land swap. People were concerned that this property would be closed to hunting and trapping and atv's where the property is wide open now to the public. Also, the private owner is a 501c3 and the property could be tax exempt which is more of a loss to the county and township revenues. After much public comment, motion by Vivian supported by DeMarois to approve the following resolution;

WHEREAS, Keweenaw County received a letter from the State of Michigan Department of Natural Resources stating that there is a potential land transaction involving state owned land in Keweenaw County in which a private individual approached the DNR to propose a transaction where they offered 80 acres in Grant Township to the DNR in exchange for 320 acres of state owned land that was declared surplus and approved for disposal in Houghton Township.

WHEREAS, the land offered to the DNR in Grant Township is adjacent to state-owned land but the 320 acres that would be exchanged is surrounded by land owned by GMO in Houghton Township.

WHEREAS, Keweenaw County has a small population of 2,156 and the county taxable value is \$141,785,241 which is very small and there is no guarantee that the 320 acres in Houghton Township will be on the tax roll as the private owner is a 501c3 and some of the land owned by this company is tax exempt.

WHEREAS, Keweenaw County has 348,468 total acres that are broken out as follows: CFR-143,354 or 41.13%, State-11,276 or 3.24%, Federal-134,000 or 38.45%, Village/Township/County-3,660 or 1.05%, Church/School/Historical-905 or .26%, Conservancy-12,238 or 3.51% with the total land on the ad valorem tax roll being 42,092 acres or 12.36%.

WHEREAS, the amount of land going into conservancy hands has increased in the last three years by large amounts and Keweenaw County and it's townships cannot afford to continuously have more land coming off of the tax rolls and essential services being jeopardized.

WHEREAS, the State of Michigan currently pays PILT money on the land that's near the 80 acres that is proposed in the swap in Grant Township and if this 80 acres were to be treated as the same, this would generate about \$332 which is a loss to the County and Grant Township as the current owner, the Keweenaw Community Forest Company which is a 501c3, is paying \$738.36 right now.

WHEREAS, the State of Michigan who now owns the 320 acres in Houghton Township is paying State PILT and the amount shared between the County and the Township is \$1,291.52. If this proposed land swap goes through, the new owner could put these 320 acres into tax exempt status which would create a loss for the County and Houghton Township. If the new owner decided to put the 320 acres on the tax roll, it would definitely be a large increase in taxes generating \$5,665 which is highly doubtful.

WHEREAS, the Calumet Keweenaw Sportsmen's Club also has interest in this 320 acres in Houghton Township and would like it to remain in State of Michigan hands allowing it to be open to the public for hunting habitat.

ALSO, WHEREAS, the Keweenaw County Board of Commissioners feels that it is not in the best interest of its people to swap 80 acres in private hands in Grant Township for 320 acres of public land in Houghton Township as the swap is very lopsided.

THEREFORE, BE IT RESOLVED that the Keweenaw County Board of Commissioners at their regular meeting on June 21, 2017, opposes the land swap and feels that there is potential for the county, and townships to suffer a tax revenue loss, more land possibly going into tax exempt status and restrictions being put on that land that is currently open to the public. The Board urges the State of Michigan DNR to reconsider this land swap and to allow the taxpayers of Keweenaw County to stop bearing the burden of land coming off of the tax rolls.

Board polled. Ayes: DeMarois, Vivian, Rajala, Piche. Nays: Gayk. Motion carried. **(#17-7)**

Motion by Gayk supported by DeMarois and unanimously carried to allow the Clerk to attend the County Clerks Annual Conference in Bay City from August 20-23rd.

Time was allowed for public comment.

There being no further business motion by DeMarois to adjourn at 8:27 p.m. Meeting adjourned sine die.

Donald Piche, Chairman

Julie A. Carlson, Clerk