

OFFICIAL PROCEEDINGS
KEWEENAW COUNTY BOARD OF COMMISSIONERS
October 17, 2018

The regular monthly meeting of the Keweenaw County Board of Commissioners was held on October 17, 2018, 6:30 p.m. at the Courthouse, Eagle River, MI and began with the pledge of allegiance. This meeting is now the combination of the Keweenaw Mountain Lodge meeting and the regular Board meeting. The November meeting has been moved to Tuesday, November 13, 2018 at 6:30 p.m.

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

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

Motion by Gayk supported by DeMarois and unanimously carried to approve the minutes from the September 19, 2018 regular monthly meeting as written.

The Treasurer, Sheriff, and Mine Inspector reports were received.

Kate Beer from the Western UP Health Department made a presentation regarding a Community Health Needs Assessment that was completed based on surveys mailed out throughout the Upper Peninsula. This assessment was made possible by the region's 6 health departments in collaboration with 26 partners including hospitals, clinics, behavioral health agencies and other funders. 23,800 surveys were mailed out and 4,800 were returned. This project brings together primary and secondary health data for the first time from all 15 U.P. counties and provides a baseline to measure progress toward community health goals. Some of the key findings for Keweenaw County were very interesting. The information produced from this assessment is available at <http://www.wupdhd.org/upchna/>.

Time was allowed for public comment.

Motion by Vivian supported by Gayk to pay the approved and audited bills in the following amounts: General Fund=\$191,526.48-\$4,688.82 to Keweenaw County Road Commission (being held for further clarification) Construction Codes=\$3,534.67 911 Fund=\$1,704.08 Child Care Fund=\$4,602.97 Courthouse Improvement Fund=\$785.70 Houghton County Medical Care Facility Fund=\$2,460.30 Veterans Affairs=\$13,770.01 Indigent Defense Fund=\$4,175.50 Automation Fund=\$5,209.00 K-9 Fund=\$879.94 Loan to Keweenaw Mountain Lodge=\$0 Keweenaw Mountain Lodge Payroll=\$29,598.61 Correction from last month on Keweenaw Mountain Lodge Vendors-was listed as \$124,255.37 and should have been \$88,321.57 Board polled. Ayes: DeMarois, Gayk, Vivian, Rajala, Piche. Nays: None. Motion carried.

Motion by Gayk supported by DeMarois and unanimously carried to table the security system for the buildings as Rajala is waiting on more information.

Motion by DeMarois supported by Rajala and unanimously carried to set a public hearing for the Keweenaw County Recreation Plan adoption on November 13, 2018 at 6:00 p.m. which will be prior to the regular monthly Board meeting.

Motion by Gayk supported by DeMarois and unanimously carried to set a budget meeting for Wednesday, November 28, 2018 at 6:30 p.m.

Motion by DeMarois supported by Gayk and unanimously carried to accept the 2018 Apportionment Report as presented.

Motion by Rajala supported by Gayk and unanimously carried to continue with the Employee Assistance Program for 2018-2019 from the Great Lakes Recovery Center.

Motion by Rajala supported by DeMarois and unanimously carried to have the County Attorney rewrite the contract from Shorewaves with the following: rate of \$150 per month, per antenna, per location with a renewable 3-year lease and a 30 day out clause.

Motion by Gayk supported by Vivian and unanimously carried to award the Pumphouse at Mount Horace Greeley bid to John Coponen Construction Inc in the amount of \$12,000.

Motion by Gayk supported by DeMarois and unanimously carried to approve the Professional Services Proposal for the Keweenaw County Electrical Service Upgrades at the Courthouse and Sheriff's Office from OHM. This project proposal is in the amount of \$7,500.

Motion by Rajala supported by Vivian and unanimously carried to put the new communication tower at the Sheriff's Department out for bids this coming winter with construction to begin in the spring. The tower was put out for bids this fall, but no bids were received. Rajala will check with Charlie Hopper on the status of the temporary fixes.

Motion by Gayk supported by DeMarois to adopt the Ordinance Prohibiting Camping in the Gratiot River Park, Ordinance No. 18-001. Board polled. Ayes: DeMarois, Gayk, Vivian, Rajala, Piche. Nays: None. Motion carried.

KEWEENAW COUNTY, MICHIGAN

ORDINANCE NO. 18-001

ORDINANCE PROHIBITING CAMPING IN THE GRATIOT RIVER PARK

Keweenaw County Michigan, by its Board of Commissioners, ordains:

ARTICLE 1

AUTHORITY AND PURPOSE

Under MCL 46.11(j), the Keweenaw County Board of Commissioners has the authority to pass ordinances that relate to county affairs and do not contravene the general laws of the State of Michigan or interfere with the local affairs of a township or village within the limits of the County, and pursuant to MCL 46.10(b), the Keweenaw County Board of Commissioners also has the authority to provide suitable sanctions for the violation of those ordinances.

Under MCL 46.11(l) and (m), the Keweenaw County Board of Commissioners further has the authority and responsibility to engage in the care and management of County property and to establish rules and regulations with respect to the interests of the County.

Pursuant to these authorities and responsibilities, the Keweenaw County Board of Commissioners has determined that camping must be prohibited in Gratiot River Park to protect the general health, safety and welfare of the public and that municipal civil infraction penalties must be available for violations of the prohibition. The purpose of this Ordinance is to enforce these determinations.

ARTICLE 2

DESCRIPTION OF GRATIOT RIVER PARK

Gratiot River Park is comprised of the following lands in Township 57 North (T57N), Range 33 West (R33W), Allouez Township, Keweenaw County, Michigan:

- (a) Section Eleven (11);
- (b) The following parcels located in Section Twelve (12):
PARCEL A: The fractional West half (W 1/2) of Section Twelve (12) EXCEPT the South Half of the Southwest Quarter (S1/2 of SW ¼) thereof; and
PARCEL B: The West 300 feet of the fractional Northeast Quarter (NE 1/4) of Section Twelve (12); and
PARCEL C: The West 300 feet of the North Half of the Southeast Quarter (N 1/2 of SE 1/4) of Section Twelve (12); and
- (c) Government Lot 1, Section Fourteen (14)

ARTICLE 3

PROHIBITION OF CAMPING IN THE GRATIOT RIVER PARK

Camping in the Gratiot River Park is prohibited on and after the effective date of this Ordinance. "Camping in the Gratiot River Park" means any of the following:

- (a) Erecting a tent within the park;
- (b) Erecting a lean to or other form of shelter within the park;
- (c) Bringing a camper trailer, travel trailer, recreational vehicle, motor home, or any other temporary sleeping quarters of any kind into the park;
- (d) Sleeping within the park in any type of motor vehicle or sleeping bag or on any type of bedding at any time of day; or
- (e) Sleeping within the park in any other manner between 11 p.m. and 7 a.m. EST.

ARTICLE 4

NOTICES

It is the responsibility of a user of the Gratiot River Park to inform himself or herself of all current laws, ordinances, rules and regulations relevant to their use and activities in the Gratiot River Park; however, as a convenience to users, a copy or summary of this Ordinance may be posted at the park. Information presented in such notice need not be a complete list of prohibited activity. Posting of notice, lack of posting of notice, or destruction or defacing of a posted notice shall not affect the enforceability of this Ordinance.

ARTICLE 5

LIABILITY FOR VIOLATION

A person who violates this Ordinance is subject to a municipal civil infraction citation enforceable in accordance with the Keweenaw County Municipal Civil Infraction Ordinance, Ordinance No. 2007-3, and violators of this Ordinance shall be subject to the municipal civil infraction penalties set forth in Section 9 of the Keweenaw County Municipal Civil Infraction Ordinance.

ARTICLE 6

COORDINATION WITH STATE LAW AND SAVINGS CLAUSE

Nothing in this Ordinance shall be interpreted so as to conflict with any laws of the State of Michigan, and nothing in this Ordinance shall prohibit or limit prosecution under State Law when an activity may violate both this Ordinance as well as State Law. The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void or unenforceable, for any reason, by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in force.

ARTICLE 7

EFFECTIVE DATE

This Ordinance shall take effect upon publication of notice of adoption. If within 50 days after the County Board of Commissioners has adopted an Ordinance, a petition, signed by not less than 20% of the electors residing in the county, is filed with the County Clerk asking that the Ordinance be submitted to the electors of the county for approval or rejection, then the Ordinance shall not take effect until it has been approved by a majority of the electors of the county voting on that issue at a regular scheduled election date.

For an official copy of the Ordinance Prohibiting Camping in Gratiot River Park, contact the Keweenaw County Clerk's Office.

KEWEENAW COUNTY BOARD OF COMMISSIONERS

By: Donald Piche, Chairman

The undersigned, being the duly-elected Clerk of Keweenaw County, certifies that the Ordinance Prohibiting Camping in Gratiot River Park was adopted by the Keweenaw County Board of Commissioners on October 17, 2018 and was published in the Daily Mining Gazette, a newspaper of general circulation in Keweenaw County, on _____.

Julie A. Carlson, Keweenaw County Clerk

Motion by DeMarois supported by Vivian to adopt the Ordinance Prohibiting Trespassing at Mount Horace Greeley, Ordinance No. 18-002. Board polled. Ayes: DeMarois, Gayk, Vivian, Rajala, Piche. Nayes: None. Motion carried.

KEWEENAW COUNTY, MICHIGAN

ORDINANCE NO. 18-002

ORDINANCE PROHIBITING TRESPASSING AT MOUNT HORACE GREELEY

Keweenaw County Michigan, by its Board of Commissioners, ordains:

ARTICLE 1

AUTHORITY AND PURPOSE

Under MCL 46.11(j), the Keweenaw County Board of Commissioners has the authority to pass ordinances that relate to county affairs and do not contravene the general laws of the State of Michigan or interfere with the local affairs of a township or village within the limits of the County, and pursuant to MCL 46.10(b), the Keweenaw County Board of Commissioners also has the authority to provide suitable sanctions for the violation of those ordinances.

Under MCL 46.11(l) and (m), the Keweenaw County Board of Commissioners further has the authority and responsibility to engage in the care and management of County property and to establish rules and regulations with respect to the interests of the County.

Pursuant to these authorities and responsibilities, the Keweenaw County Board of Commissioners has determined that trespassing must be prohibited at Mount Horace Greeley to protect the general health, safety and welfare of the public and that municipal civil infraction penalties must be available for violations of the prohibition. The purpose of this Ordinance is to enforce these determinations.

ARTICLE 2

DESCRIPTION OF MOUNT HORACE GREELEY

Mount Horace Greeley is comprised of the following lands in Keweenaw County, Michigan:

The N1/2 of the NW1/4, S6, T57N, R30W (Eagle Harbor Township)

Part of the NE1/4 of the SE1/4, S36, T58, R31W (Houghton Township)

Part of the NW1/4 of the NW1/4, S31, T58, R30W (Houghton Township)

Said Parts of said Sections being described in a deed from Lake Superior Land Co. to Keweenaw County recorded July 29, 1997 at Liber 15 of Deeds, Pages 205-207 of the records of the Keweenaw County Register of Deeds.

Tract A-100-1: Part of S1, T57N, R31W (Houghton Township)

Tract A-100-2: Part of S31, T58N, R30W (Houghton Township)

Tract A-100-3: Part of S31, T58N, R30W (Houghton Township)

Said Tracts being described on Exhibit A to a deed from the United States of America to Keweenaw County recorded May 7, 2002 at Liber 18 of Deeds, Pages 292-308 of the records of the Keweenaw County Register of Deeds.

ARTICLE 3

PROHIBITION OF TRESPASSING AT MOUNT HORACE GREELEY

“Trespassing at Mount Horace Greeley” means being present on the premises of Mount Horace Greeley without obtaining the prior permission of the Keweenaw County Sheriff’s Office.

Trespassing at Mount Horace Greeley is prohibited on and after the effective date of this Ordinance. This prohibition applies to all persons, including but not limited to persons who have contracts with Keweenaw County or who are acting on behalf of persons having contracts with Keweenaw County, except for those persons described in Article 4.

ARTICLE 4

EXCEPTIONS

Elected officials and employees of Keweenaw County, the Keweenaw County Road Commission, and the Keweenaw County Sheriff’s Office shall not be deemed to be trespassing at Mount Horace Greeley if they are on the premises of Mount Horace Greeley for the purpose of carrying out responsibilities arising from or related to their positions with Keweenaw County.

ARTICLE 5

NOTICES

It is the responsibility of each individual citizen to inform himself or herself of all current laws, ordinances, rules and regulations of Keweenaw County; however, as a convenience to users, a copy or summary of this Ordinance may be posted at the entrances to Mount Horace Greeley. Posting of notice, lack of posting of notice, or destruction or defacing of a posted notice shall not affect the enforceability of this Ordinance.

ARTICLE 6

LIABILITY FOR VIOLATION

A person who violates this Ordinance is subject to a municipal civil infraction citation enforceable in accordance with the Keweenaw County Municipal Civil Infraction Ordinance, Ordinance No. 2007-3, and violators of this Ordinance shall be subject to the municipal civil infraction penalties set forth in Section 9 of the Keweenaw County Municipal Civil Infraction Ordinance.

ARTICLE 7

COORDINATION WITH STATE LAW AND SAVINGS CLAUSE

Nothing in this Ordinance shall be interpreted so as to conflict with any laws of the State of Michigan, and nothing in this Ordinance shall prohibit or limit prosecution under State Law when an activity may violate both this Ordinance as well as State Law. The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void or unenforceable, for any reason, by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in force.

ARTICLE 8

EFFECTIVE DATE

This Ordinance shall take effect upon publication of notice of adoption. If within 50 days after the County Board of Commissioners has adopted an Ordinance, a petition, signed by not less than 20% of the electors residing in the county, is filed with the County Clerk asking that the Ordinance be submitted to the electors of the county for approval or rejection, then the Ordinance shall not take effect until it has been approved by a majority of the electors of the county voting on that issue at a regular scheduled election date.

For an official copy of the Ordinance Prohibiting Trespassing at Mount Horace Greeley, contact the Keweenaw County Clerk's Office.

KEWEENAW COUNTY BOARD OF COMMISSIONERS

By: Donald Piche, Chairman

The undersigned, being the duly-elected Clerk of Keweenaw County, certifies that the Ordinance Prohibiting Trespassing at Mount Horace Greeley was adopted by the Keweenaw County Board of Commissioners on October 17, 2018 and was published in the Daily Mining Gazette, a newspaper of general circulation in Keweenaw County, on _____, 2018.

Julie A. Carlson, Keweenaw County Clerk

Motion by Gayk supported by Vivian and unanimously carried to approve the Indigent Criminal Defense Contract between Houghton, Baraga and Keweenaw Counties and the Tri-County Public Defender's, a Michigan Non-Profit Corporation contingent on Houghton and Baraga County approval of the contract as written.

Motion by Rajala supported by Vivian and unanimously carried to table the snowblower attachment for the Kubota tractor until the pickup and skid steer from the Keweenaw Mountain Lodge sell.

Motion by Vivian supported by Gayk and unanimously carried to table the county seal until more information is available.

Motion by Gayk supported by DeMarois and unanimously carried to assist the Keweenaw Adventure Company to attend Canoecopia in Madison, WI from March 8-10, 2019 in the amount of \$700 unless Vivian can get a fourth party to sponsor, then the amount would be \$525.

Public comment was allowed.

There being no further business, motion by Rajala to adjourn at 8:05 p.m. Meeting adjourned.

Donald Piche, Chairman

Julie A. Carlson, Clerk