

DICKINSON COUNTY BOARD OF COMMISSIONERS
REGULAR BOARD MEETING
Monday, September 12, 2016 - 6:00 p.m.
Courthouse - Circuit Courtroom

Tape 235

1. The meeting was called to order by Chairman Wender at 6:00 P.M.
2. Pledge of Allegiance to the Flag was said by all.
A moment of Silence in memory for Frank Smith, a long time Commissioner, who passed away a few weeks ago.
3. Roll Call was taken by County Clerk Dolly Cook and a quorum was present.
Present: Chairman Wender, Vice Chairman Stevens and Commissioners Degenaer, Kramer and Martin. (5)
Absent: None
Also Present: County Clerk Dolly Cook, Prosecutor Lisa Richards, Sheriff Scott Ceello and Admin Asst Dianah Fayas.
4. Motion by Commissioner Martin, supported by Commissioner Kramer to accept the agenda as written. All Ayes, Motion Carried.
5. Motion by Commissioner Kramer, supported by Commissioner Martin to approve the following meeting minutes with one correction to the Finance meeting of August 18th. Under 4. Finance Chair Items, second sentence read: "Commissioner Wender stated Commissioner Stevens is at his Grandsons Wedding.....**It should of read: Commissioner Wender stated Commissioner Stevens is at his Granddaughters Wedding.....**"
Airport Committee – Aug. 12th
Special Meeting – Aug. 15th
Finance Committee - Aug. 18th
Regular Meeting – Aug. 22nd
Degenaer Jr., Kramer, Martin and Wender Ayes, Stevens abstained from approving Finance, August 18 and Regular August 22, 2016 but voted Aye on COW of August 12, and Special of August 15, 2016. Motion Carried.
6. **COMMUNICATIONS AND LEGISLATION:**
 - A. Citizens' Time: (Limited to five minutes per person)
Chairman Wender opened the floor to Citizens' Time. Dan Carlson, Quinnesec, addressed the Board. He stated he and many others are opposed to the amendments made by the Solid Waste Planning Commission. (He turned in 653 signatures of citizens opposed to the landfill changes which are on file in the County Clerk's Office.) He gave some history on the roads involved. He stated most landfills have been built away from homes and have roads directly to them with no homes, parks or rivers close by. He wants the amendments returned to the Solid Waste Planning Commission.
Mary Dixon, Quinnesec, addressed the Board. She stated she was concerned about the Sports Complex and all the kids who go there. She stated it would be very dangerous. She stated someone told her on a foggy day there is a residue that forms on outside furniture.
Eric Spirtas, owner of Niagara Development, addressed the Board. He stated there is no smell coming from the landfill. He stated his employees want to maintain their employment. He stated they will be in compliance. He stated the State of Michigan says this is the cleanest and neatest landfill of its type in Michigan.
Ron Milan, Quinnesec, addressed the Board. He stated now we are on the up and up. He stated we do not want to be the dump for the U.P. He stated they should find a different route for the trucks. He stated we don't want it any bigger and we especially don't want garbage!
There was no other participation.
 - B. Resolutions and Legislation –Commissioner Degenaer
Motion by Commissioner Degenaer Jr., supported by Commissioner Stevens to approve Resolution 2016-10 Opposition to New EPA Regulations All Ayes, Motion Carried.
See also 10-A below.
Chairman Wender stated he was glad this Board was opposing this legislation.

DICKINSON COUNTY
RESOLUTION 2016-10

OPPOSITION TO NEW EPA REGULATIONS

WHEREAS, the Dickinson 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 Dickinson 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 Dickinson County Board of Commissioners will support EPA and Corps regulation of traditional navigable waters only.

DICKINSON COUNTY BOARD OF COMMISSIONERS

Henry Wender, Chairman

Joe Stevens, Commissioner

John Degenaer, Jr., Commissioner

Ann Martin, Commissioner

Barbara Kramer, Commissioner

I, Dolly Cook, the duly appointed, qualified and Acting Clerk of the County of Dickinson, Michigan, do hereby certify that the above extract from the minutes of a Regular meeting of the County Board of Commissioners of Dickinson County, Michigan held on Sept. 12, 2016 is a true and correct excerpt of original minutes related to the matters set forth.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the County of Dickinson, Michigan, Sept. 12, 2016.

Dolly Cook, Clerk

- C. Presentation and synopsis by Mr. Tony Edlebeck, Secretary of the Solid Waste Planning Committee, of the Committee’s proposed amendments to the Dickinson County Solid Waste Plan. Tony Edlebeck, Chairman of the SWPC addressed the Board. He handed out a map that

shows where the landfill is located which is on file in the County Clerk's Office. He went through the landfill history since 2015. He stated there is type three waste going to this site. He further stated they may want a type 2 landfill in the future. He talked about the truck traffic and there would be no other route to be taken. He stated after the 90 day review period, there were no comments and they held a public hearing on August 9, 2016 after publishing the meeting to be held in the Daily News on July 7, 2016. He stated 15 truckloads from 15 counties would be the limit and an unlimited amount from Dickinson County was the decision of the SWPC. He stated the amendments were unanimously approved by the SWPC. (They are listed under 10A in their entirety.)
 He stated the SWPC would have 30 days to respond to the Counties concerns. The Board thanked Tony Edlebeck and Tony thanked the Board.

7. **REPORTS OF STANDING COMMITTEES:**

- A. **Finance Committee** – Finance Chairperson Martin
 - 1. Motion by Commissioner Martin, supported by Commissioner Kramer to approve the monthly bills for August in the amount of \$216,775.44. Roll Call Vote:
 Commissioners:
 Degenauer Jr Aye
 Kramer Aye
 Martin Aye
 Stevens Aye
 Wender Aye Motion Carried.
 - 2. Motion by Commissioner Martin, supported by Commissioner Stevens to accept the Trial Balance & Budget Status Report from the Treasurer for period ending Aug. 31, 2016.
 All Ayes, Motion Carried.
 - 3. Motion by Commissioner Martin, supported by Commissioner, Kramer to amend the FY2017 Dickinson County Budget Calendar, to reschedule Sept. 27th's meeting with Department Heads to a later, to be determined date. All Ayes, Motion Carried.
- B. **A-95 Review** – Commissioner Kramer
 - 1. Motion by Commissioner Kramer, supported by Commissioner Stevens to recommend favorable approval for the A-95 Review of Iron Mountain/Kingsford Joint Sewage Authority's Wastewater Treatment Plant Improvements. All Ayes, Motion Carried.
 Commissioner Stevens also wanted a letter of support for the project above.
 Commissioner Kramer wanted information on the grant but has not been able to get any.
- C. **Crystal Lake Center/YMCA** – Commissioner Kramer-None
- D. **Six County Employment Alliance** – Commissioner Stevens-None
- E. **Planning and Zoning Committee** – Commissioner Kramer-None
- F. **DHHS / Community Services Agencies** – Commissioner Kramer
 - 1. Department of Health and Human Services meeting minutes of July 25th.
 - 2. DICSA meeting minutes of Aug. 11th.
- G. **Dickinson-Iron Health Department** – Commissioner Stevens
 - 1. Board of Health meeting minutes of Aug. 31st.
- H. **Northpointe** – Commissioner Martin-None
- I. **Pinecrest** – Commissioner Degenauer
 - 1. Pinecrest meeting minutes of July 28th.
- J. **Equalization Committee** – Commissioner Degenauer-None
 Equalization Director Sid Bray stated Felch Township is in the middle of a re-appraisal project. He stated this is a check on the accessors work.
- K. **Building & Supply/Real Estate-Remodeling** – Commissioner Degenauer-None
- L. **Public Safety and Judiciary** – Commissioner Wender
 - 1. Motion by Commissioner Martin, supported by Commissioner Kramer to approve

Dickinson County's Solid Waste Planning Commission's five proposed amendments to the Dickinson County Solid Waste Plan and authorizes the Chairman to execute resolution relative to the same: Roll Call Vote: Commissioners:

Martin	Nay	
Stevens	Nay	
Wender	Aye	
Degenauer Jr.,	Aye	
Kramer	Nay	Motion Failed.

1. Motion by Commissioner Degenauer Jr., to allow for the exportation of 100% of Dickinson County waste with no conditions to landfills in Delta, Menominee, Ontonagon and Schoolcraft Counties and continued exportation of up to 100% of waste to Alger County and approve and authorizes the Chairman to execute resolution relative to the same. Motion Died for lack of support.

2. Motion by Commissioner Martin, supported by Commissioner Stevens to allow for the exportation of 100% of Dickinson County waste with no conditions to landfills in Delta, Menominee, Ontonagon and Schoolcraft Counties and continued exportation of up to 100% of waste to Alger County and approve and authorize Chair to execute resolution relative to same. Roll Call Vote: Commissioners:

Stevens	Aye	
Wender	Aye	
Degenauer Jr.,	Nay	
Kramer	Aye	
Martin	Aye	Motion Carried.

3. Motion by Commissioner Stevens, supported by Commissioner Kramer to deny for the siting of a Type II landfill by Niagara Development LLC on their lands located in Section 13, Township 39 North, Range 30 West Breitung Township, for disposal of Dickinson County household (Type II) waste and approve and authorizes the Chairman to execute resolution relative to the same. *(The landfill would only be allowed to be constructed if permitted, licensed and constructed in accordance with Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451 as amended.)* Roll Call Vote: Commissioners:

Wender	Aye	
Stevens	Aye	
Martin	Aye	
Kramer	Aye	
Degenauer Jr.,	Aye	Motion Carried.

4. Motion by Commissioner Martin, supported by Commissioner Kramer to approve changing the name of Great American Disposal Company to its current name of Great American Environmental Services and reference of the current operating transfer station to Dickinson County Solid Waste Transfer Station (GAD), add the phrase "or subsequent owners" to be placed after the name of the transfer station to reflect, should the situation arise in the future, that future owners/operators of the transfer station would be consistent with the county plan and approve and authorizes the Chairman to execute resolution relative to the same. Roll Call Vote: Commissioners:

Degenauer Jr.,	Aye	
Kramer	Aye	
Martin	Aye	
Stevens	Aye	
Wender	Aye	Motion Carried.

5. Motion by Commissioner Stevens, supported by Commissioner Kramer to approve changing all references in the Plan of Champion International to Verso Quinnesec LLC and approves and authorizes the Chairman to execute resolution relative to the same. *(There is no change in landfill size, locations or conditions.)* Roll Call Vote: Commissioners:

Kramer	Aye	
Martin	Aye	
Stevens	Aye	
Wender	Aye	
Degenauer Jr.,	Aye	Motion Carried

6. Motion by Commissioner Degenauer Jr., supported by Commissioner Martin to deny for the importation of Type III wastes from the 14 Upper Peninsula counties for disposal at the existing Niagara Development Type III landfill in Breitung Township, with the maximum of 15 truckloads per day with each truck carrying no more than 24 tons of waste to the landfill and approve and authorizes the Chairman to execute resolution relative to the same. Roll Call Vote: Commissioners:

Stevens Aye

Wender Aye

Degenauer Jr., Aye

Kramer Aye

Martin Aye

Motion Carried.

B. Motion by Commissioner Degenauer Jr. supported by Commissioner Kramer to approve the request from Ontonagon County for a letter of support to keep the White Pine Power Plant online and generating electricity. All Ayes, Motion Carried.

C. Motion by Commissioner Degenauer Jr., supported by Commissioner Stevens to approve the request from the County Clerk to advertise for upcoming appointments to the Fumee Lake Commission, the Department of Human Services Board, various Solid Waste Planning Committees and any other committee vacancies. All Ayes, Motion Carried.

11. Motion by Commissioner Martin supported by Commissioner Kramer to accept the Committee Reports and Correspondence and place on file. All Ayes, Motion Carried.

12. Controller's Report.-None

13. Commissioners' Personal Privilege.

Commissioner Stevens thanked Dale Alessandrini and BJ Outdoor Services for their work on the basketball Court and Barb Kramer for writing the grant and Eric for his help at Lake Antoine Park. Motion by Commissioner Martin, supported by Commissioner Kramer to do a resolution for Tom Izzo and his induction into the National Basketball Hall of Fame. All Ayes, Motion Carried.

Chairman Wender stated we have hired a new controller and his name is Brian Bousley and he is currently the controller in Menominee and he will start on October 3, 2016.

14. Motion by Commissioner Degenauer Jr., supported by Commissioner Kramer to adjourn, Subject to Call of Chairman. At 7:16 P.M.

Henry Wender, Chairman

Dolly L Cook, County Clerk