

The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, March 10, 1992, at 4:30 p.m. in Room 231 of the Henry A. Skewis Annex, Marquette, Michigan.

Chairperson Corkin called the meeting to order. Present: Comm. Angeli, Comm. Arsenault, Comm. Potvin, Comm. Seppanen, and Comm. Corkin. Absent: None.

It was moved by Comm. Seppanen, seconded by Comm. Angeli, and unanimously carried that the minutes of the Committee of the Whole meeting held on February 25, 1992 be approved.

Chairperson Corkin opened the meeting for public comment, none was forthcoming.

The Committee considered a memo from Civil Counsel, David Payant, regarding the conflict of interest with Comm. Angeli supplying baked goods to the Airport Restaurant. The last two times the County Board approved claims and accounts, a separate vote had to be taken on the approval of the sale of baked goods by Angeli's Bakery to the County Airport. This procedure has been correct, but could be simplified.

Civil Counsel Payant suggests the transaction be treated as a single contract and submitted to the Board for the required approval. Law requires that there be approval by three-quarters of the members of the County Board of Commissioners, and the interested Commissioner, in this case Comm. Angeli, must abstain. In this way, when the Board approves claims and accounts, the sale of baked goods to the Airport by Angeli's Bakery does not have to be submitted for a special vote every time.

It was moved by Comm. Seppanen, seconded by Comm. Arsenault, and unanimously carried on a roll call vote 4 Ayes - 0 Nays, Comm. Angeli abstaining, that the Committee of the Whole recommend the County Board approve the ongoing supply of baked goods by Angeli's Bakery to the County Airport Restaurant.

It was moved by Comm. Arsenault, seconded by Comm. Angeli, and unanimously carried that Claims and Accounts for the period February 22, 1992 thru March 2, 1992 in the amount of \$1,298,324.03 be approved.

The Committee considered the Everex Computer bid award. Brent Nault, Data Processing Manager, was present and explained that four of the five vendors that responded to the bid met the specifications of the proposal. The low bid price is from Edgar A. Gibbs & Co., Marquette, for \$6,378.00 and is within the budget amount of \$6,670.00 allocated for these items.

It was moved by Comm. Arsenault, seconded by Comm. Seppanen, and unanimously carried that the Committee of the Whole recommend the County Board approve the Everex Computer System bid award to the low bidder Edgar A. Gibbs & Co., Marquette, Michigan, in the amount of \$6,378.00.

The Committee considered the annual Grant Application for the Secondary Road Patrol and Traffic Accident Prevention Program (P.A. 416). Undersheriff, Michael Quayle, was present to discuss the application and answer questions. The application budget detail shows a total projected cost of \$84,854.00, of which the State Office of Highway Safety will provide \$64,466.00.

It was moved by Comm. Seppanen, seconded by Comm. Arsenault, and unanimously carried that the Committee of the Whole recommend the County Board approve the Secondary Road Patrol and Traffic Accident Prevention Program Grant Application (P.A. 416) as presented.

The Committee considered the Marquette County U.S. 41/M-28 Enforcement Project Grant Application. Undersheriff, Michael Quayle, was present to explain the application and answer questions. The total cost of the U.S.

41/M-28 Enforcement Project is \$65,140.84, from which \$39,935.60 is federal funding and the remaining \$25,205.00 is the local match funded by the townships and cities along the U.S. 41/M-28 corridor.

It was moved by Comm. Seppanen, seconded by Comm. Arsenault, and unanimously carried that the Committee of the Whole recommend the County Board approve the grant application for the Marquette County U.S. 41/M-28 Enforcement Project as presented.

The Committee considered a request from Lt. James R. Skaja, Director of the Marquette County Central Dispatch, for permission to fill Al Gochanour's Radio Operator position. Lt. Skaja was present and requested permission to fill this Dispatcher position and waive the County hiring freeze, which was placed in effect on August 21, 1992 and expires December 31, 1992. Mr. Skaja would fill the position by hiring part-time dispatcher, Brian McEachern to fill Mr. Gochanour's position, and then also requests permission to hire a new part-time dispatcher.

Lt. Skaja further explained that it is essential that Central Dispatch have two dispatchers available at all times. There are even moments when a third radio operator is required. Central Dispatch averages 120 calls per 24 hour period. Many of these calls require that the dispatcher remain in contact with various emergency service agencies for up to an hour.

It was moved by Comm. Seppanen, seconded by Comm. Arsenault, and unanimously carried that the Committee of the Whole recommend the County Board waive the hiring freeze policy to allow Central Dispatch to fill Al Gochanour's Radio Operator position by hiring part-time dispatcher Brian McEachern, and further allow Central Dispatch to hire a new part-time dispatcher.

The Committee considered a recommendation from the Planning Commission that the County Board submit application to the Michigan DNR 1992 Recreation Grant Program for the following two projects: The Honor Camp Access Road, and the Design/Construction for the County Shooting Sports Complex.

Senior Planner, Jim Kippola, was present and explained that since the Planning Commission met it has been learned from the DNR that they will not consider any development projects until the property deeds are in possession of the County. The property for the Honor Camp Access Road project is in the appraisal process, and an estimated value of the property will be available within 30 days; however, the deadline for filing the application with the DNR is April 1st. It is very unlikely that the County will have a deed to this property by then.

The property for the Shooting Sports Complex site is owned by C.C.I., and negotiations with them have come to a standstill. The 120 acre site just south of Co. Rd. 480 near the Lindberg Gravel Pit had received approval from Sands Township. The County could apply for the grant using County-owned property, in fact land near the Acocks Facility was randed as the second site in the recreation plan for the Shooting Sports Complex. Mr. Kippola is confident that the DNR would have no problem with an alternate site; however, the local township may want to review the site.

Commission consensus was not to proceed at this time with the Honor Camp Access Road project, but wait until the 1993 grant cycle. The County will proceed with the Shooting Sports Complex by using County-owned lands.

It was moved by Comm. Seppanen, seconded by Comm. Angeli, and unanimously carried that the Committee of the Whole recommend the County Board proceed with the design/construction project for the County Shooting Sports Complex using County lands near the Acocks property as the site, but continue to pursue the C.C.I. site; and further should Marquette County be awarded the recreation grant for the Shooting Sports Complex project, it resolves to undertake the project by providing the necessary local 25% matching funds, and also designate the Planning staff to prepare the grant application.

The Committee considered an amendment to the County Recreation Plan as recommended by the Marquette County Planning Commission. The Recreation Plan which was adopted in December, has been reviewed by the Michigan DNR and it is part of the pre-requisite for grant eligibility. The Plan was substantially in compliance; however, two minor corrections must be made:

- 1) Sugarloaf was inadvertently omitted from the list of sites transferred from the jurisdiction of the Natural Resources Commission to the County Board; and
- 2) It was not clear that the Resource Management Department was responsible for maintenance of the County's recreation facilities.

Following a public hearing on March 4, 1992, the Planning Commission amended the Plan accordingly, and enclosed the revised language for County Board approval.

It was moved by Comm. Arsenault, seconded by Comm. Angeli, and unanimously carried that the Committee of the Whole recommend the County Board concur with the two minor corrections to the Marquette County Recreation Plan as presented by the Planning Commission.

The Committee considered an application from the Marquette County Airport to the FAA to implement a passenger facility charge. Charles Hohman, Airport Manager, was present and explained that a \$3.00 per ticket charge is allowed by the FAA to generate funds to help develop the County Airport. An Airport the size of Marquette County has an advantage, in that we can keep the \$300,000.00 per year entitlement funds and still implement this passenger facility charge. The \$3.00 per ticket would be collected by the Airlines, and with their cooperation is disbursed back to the Airport, thereby generating \$132,000.00 per year in local funds.

Mr. Hohman further explained that they plan to implement the charge in late June or early July. There are two pre-requisites by the FAA to implement this charge: 1) There must be a plan in place for capital improvement projects for the Airport; and 2) There must have been an environmental assessment of the Facility. Both of these have been completed.

This is a two-step process. The first requires the County Board to authorize the \$3.00 passenger facility charge per airplane ticket. The second step of the project can be done later, and that is to approve upon what particular Airport project the funds will be spent. These funds will then become the local 5% match required by the five-year Airport Development Plan. Passenger facility charges are reviewed every five years by the FAA and is not a perpetual fee.

It was moved by Comm. Potvin, seconded by Comm. Seppanen, and unanimously carried that the Committee of the Whole recommend the County Board approve the passenger facility charge of \$3.00 per ticket and authorize the Chairperson to sign the application.

The Committee considered a request from Comm. Paul Arsenault, the County Board representative on the 9-1-1 Implementation Committee, that the County Board appoint a voluntary and temporary 9-1-1 Public Relations Committee. This Committee would develop an overall strategy to educate the general public regarding the use of 9-1-1. This must be accomplished just prior to the cutover date. Comm. Arsenault volunteered himself to sit on the Committee and requested suggestions from Commissioners as to other members.

Jeff Selesky, Coordinator for 9-1-1, was present and explained that education is essential to let the public know what services are provided by 9-1-1 and when the cutover take effect. The public receives a false impression by watching television shows such as "Rescue 9-1-1," that calling 9-1-1 should be only for catastrophic occurrences and involve great heroics. Rather, 9-1-1 is designed to provide emergency services through police agencies, fire departments, and ambulance services throughout our County for any emergency.

Comm. Angeli recommended that Steve Balbierz, of Michigan Bell, be a member of this Committee. Commissioners also felt that the schools should be involved, especially in educating our children, the Townships Association, the Commission on Aging, and service organizations.

It was moved by Comm. Angeli, seconded by Comm. Seppanen, and unanimously carried that the Committee of the Whole recommend the County Board form a temporary and voluntary 9-1-1 Public Relations Committee whose purpose is to educate the general public regarding the use of 9-1-1 prior to the cutover date, and that the County Board send a letter under the Chairperson's signature soliciting membership to the Committee from the Townships Association, Schools, Emergency Service Groups, and Service Organizations.

The Committee considered a report on the contract for the 9-1-1 PSAP equipment. Civil Counsel, David Payant, reported that there was a standard form of contract sent by Michigan Bell Communications in response to Marquette County's request for proposals. It appears that Michigan Bell Communications wants only their contract forms used, which absolves Michigan Bell from any liability. Michigan Bell also wants to increase the installation costs by \$1,917.00.

Comm. Arsenault, the County Board Liaison on the 9-1-1 Implementation Committee, was concerned in that Marquette County is on schedule with their 9-1-1, and now is backed into a corner by Michigan Bell Communications with this contract issue. Civil Counsel Payant says that this may be the first time that Michigan Bell Communications has been challenged by anyone, normally any municipality who does business with them must apparently sign their contract forms without any question.

Comm. Corkin, on behalf of the Committee of the Whole, directed Civil Counsel Payant and staff to continue negotiating efforts with Michigan Bell Communications to get a contract agreement, and report back to the County Board at the next Committee meeting.

The Committee considered a request from Comm. Angeli that the County Board once again consider the issue of the Payment in Lieu of Taxes that is provided by the Federal Government to Counties on federally owned lands. Currently the Federal Government is paying 75 cents per acre, where the State of Michigan pays \$2.50 per acre. Comm. Angeli pointed out that there is legislation pending to raise the Federal PILT to \$1.65 per acre. There are 17,708 federal acres in Marquette County, and if the current legislation was adopted, Marquette County could realize an increase of \$15,937.00. The whole Upper Peninsula could realize an increase of \$1,621,257.00. These figures would nearly double if the Federal Government paid \$2.50 per acre like the State paid.

It was moved by Comm. Angeli, seconded by Comm. Arsenault, and unanimously carried that the Committee of the Whole recommend the County Board once again lobby our Federal Legislators, State Legislators, and request other Upper Peninsula Counties, to join in the effort supporting an increase in Payment in Lieu of Taxes that is provided by the Federal Government to Counties on federally owned land.

The Committee considered a memo from David Payant, Civil Counsel, regarding a dispute between the Marquette County Fair Board and Peter O'Dovero over access to the E-1/2 of the SE-1/4 of Section 28-T47N-R25W, Marquette County Fairgrounds. When the Fair Board purchased the property an easement was given which allows property owners west of the Fairgrounds access to their land. Part of this easement is now cleared and it is part of the Fairgrounds parking area and goes around the fenced-in part of the Fairgrounds. Mr. O'Dovero would have to continue the road along the easement to access his land. There is no obligation on the part of the Fair Board to supply Mr. O'Dovero with an easement through the fenced Fairgrounds and provide him keys for the gates.

Mr. Payant also reported that there is access to property along Strawberry Lake over another road that runs south of the Fairgrounds property. This allows direct access to the Lake for property owners without traveling over Fairground land.

It was moved by Comm. Seppanen, seconded by Comm. Angeli, and unanimously carried to place the communication file.

The Committee considered Prosecuting Attorney Opinion 92-2 from Civil Counsel, David Payant, regarding the consolidation of the Planning and Forestry Commissions. The law (MCL 125.101) which allows the establishment of a Planning Commission sets the terms and numbers of the members who sit on the Commission as not less than five, nor more than eleven, each to be appointed for three years. The statute (MCL 320.201) that allows a municipality to form a Forestry Commission states that such a commission shall consist of three members, only one of whom shall be a member of the legislative body making the appointment, for terms of four years.

Civil Counsel Payant recommended that the County Board consolidate the Forestry and Planning Commissions by appointing three members of the Planning Committee, one of whom must be a County Commissioner, as members of the Forestry Commission for terms of four years.

It was moved by Comm. Seppanen, seconded by Comm. Arsenault, and unanimously carried that the Committee of the Whole recommend the County Board consolidate the Planning and Forestry Commissions as recommended by Civil Counsel.

The Committee considered P.A.O. 92-3 regarding legal liability of disposing of petroleum-contaminated soils out of Marquette County. Mr. Payant was present and explained that Marquette County is liable for petroleum-contaminated waste that are hauled out of Marquette County. All of the County's liability for the operation of the landfill comes from our duty to write to the Solid Waste Management Plan. The Solid Waste Management Authority is a separate corporate entity from Marquette County and will be separately liable for its activities in the operation of the landfill. It would appear that the safest route for Marquette County is to dispose of waste in our own County Landfill. If Marquette County does haul contaminated soils to dispose of them in out-of-County landfills, it would be difficult to monitor these soils and in the long-run expose Marquette County to much more liability.

It was moved by Comm. Seppanen, seconded by Comm. Arsenault, and unanimously carried that the Committee of the Whole accept the communication for file, and further request the Director the Solid Waste Authority, Mike Etelamaki, to attend the next Committee of the Whole meeting and provide an update on the pilot project for the handling of contaminated soils.

The Committee considered a memo from Ron Koshorek, Resource Management Director, regarding a Subordination of Mortgage - Lots 324 and 325 in Trowbridge Park. Mr. Koshorek was present and explained that Peter & Tina Bourdage are one of about fifty property owners in Marquette County who were given CDBG Housing Rehabilitation Funds during the early 1980's to repair and improve their property. Marquette County currently has over \$300,000.00 of these loans upon which the County holds an outstanding mortgage.

For this particular mortgage Marquette County is currently in the second position, subordinate to a mortgage held by another lender. The homeowners wish to refinance at this time; which then makes the County's mortgage take the first position. The new lending institution, DNR Bank, will only provide refinancing if the County agrees to remain in the second position. The refinancing loan amounts to \$35,000.00. Mr. Koshorek pointed out that should Marquette County decide to remain in the second position, new mortgage documents would have to be drafted and filed, with an estimated cost to the County in time and filing fees of \$40.00 to \$60.00.

Commissioners believed it would be in the best interest of the County to request that the property owners include the \$630.00 second mortgage in their refinancing package, and clear the second mortgage once and for all.

Comm. Potvin disagreed and thought the County should be willing to once again be in the second position for the \$630.00 to help the property owner, which was the intent when the original loan was made in 1983. He suggested perhaps the property owner would be willing to pay the cost of drafting new legal documents.

It was moved by Comm. Seppanen, seconded by Comm. Angeli, and carried four-to-one on a roll call vote, with Comm. Potvin voting nay, that the Committee of the Whole deny the request that Marquette County once again take second position subordinate to a refinancing loan in this matter, but rather request that the property owners include the County's \$630.00 loan in the refinancing package.

Chairperson Corkin opened the meeting for public comment, none was forthcoming.

Announcements

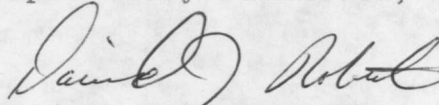
Comm. Corkin announced that the Community Corrections Advisory Board has received a \$98,000.00 grant for the implementation of substance abuse programs and referrals in Marquette County. This grant was written by Sharon Burns, with cooperation and input from the Community Corrections Advisory Board, Marquette General Hospital, and Project Rehab. On behalf of the County Board, Chairperson Corkin wished to thank those involved in procuring the grant, especially Civil Counsel Payant, Chairperson of the Community Corrections Advisory Board.

The Marquette County Board will meet as a Committee of the Whole in Special Session on Saturday, March 14, 1992, from 8:00 a.m. to Noon, to review the J. Morley & Associates recommendations on job classifications with responses by department heads.

Comm. Potvin expressed disappointment in the Committee's denial of the request from the homeowners in Marquette Township who wanted the County \$630.00 mortgage to remain in the second position when refinancing their home. Comm. Potvin volunteered to pay the \$40.00 to \$60.00 fees required to draft and file the second mortgage documents out of his own pocket.

There being no further business the meeting was adjourned.

Respectfully submitted,



David J. Roberts
Marquette County Clerk

MARQUETTE COUNTY BOARD OF COMMISSIONERS
COMMITTEE OF THE WHOLE

Tuesday, March 10, 1992, 4:30 p.m.

Room 231, Henry A. Skewis Annex, Marquette, MI 49855

1. ROLL CALL.
2. APPROVAL OF THE MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON February 25, 1992.
3. PUBLIC COMMENT.
4. APPROVAL OF THE AGENDA.
- R* 5 a. Conflict of interest concerning Comm. Angeli, supplying baked goods to the Airport Restaurant.
- b. Review of Claims and Accounts.
- R* 6. Everex Computer Bid recommendation from Brent Nault, Data Processing Manager.
- R* 7. Secondary Road Patrol and Traffic Accident Prevention Program grant application from Sheriff Joseph Maino.
- R* 8. U.S. 41/M-28 Enforcement Project grant application from Sheriff Joseph Maino.
- R* 9. Request from Lt. James Skaja, Director, Central Dispatch, for permission to fill Al Gochanour's radio operator position.
- R* 10. Michigan DNR 1992 Recreation Grant Program.
- R* 11. Recommendation from the Planning Commission for amendments to the Recreation Plan.
- R* 12. Passenger Facility Charge application from Charles Hohman, Airport Manager.
- R* 13. Proposal from Comm. Arsenault for a 9-1-1 Public Relations Committee. *(36)*
- R* 14. Memo from Comm. Angeli regarding Federal Government Payment in Lieu of Taxes (PILT).
- file* 15. Memo from Civil Counsel, David Payant, regarding access to the County Fairgrounds.
- R* 16. P.A.O. 92-2: Consolidation of Planning and Forestry Commissions.
- A/P* 17. P.A.O. 92-3: Legal Liability of Disposing of Petroleum - Contaminated Soils out of Marquette County.
- internal* 18. *Subordination of mortgage lot 324 & 325 (Donk)*
- 19.
20. PUBLIC COMMENT.
21. ANNOUNCEMENTS.
22. ADJOURNMENT.