

The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, July 28, 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. Arsenault, seconded by Comm. Potvin, and unanimously carried that the minutes of the July 14, 1992 Committee of the Whole meeting be approved.

Chairperson Corkin opened the meeting for public comment. Mike Bassinet, 632 Forest Drive, asked if Chairperson Corkin had more authority than just making appointments to the Board of Determination for the Whetstone Drainage District. Chairperson Corkin was asked by Drain Commissioner, Darryll Sundberg, to appoint the Board of Determination because of a conflict of interest.

Chairperson Corkin is only required to appoint the Board of Determination, and he appointed three well qualified individuals who are not in the Drainage District, Mr. John Korhonen, Mr. Edward Hakala, and Mr. Joseph Racine. The Board of Determination has scheduled a meeting on September 1, 1992 for the Whetstone Drainage District.

Tom Dunham, 809 Homestead, raised a number of questions regarding possible conflict of interest in working on these drainage districts that the Drain Commissioner, Darryll Sundberg, may have. Mr. Sundberg's firm, Sundberg & Carlson, is involved professionally with the drainage districts. Also, there is a Deputy Drain Commissioner who works for the Road Commission. Mr. Dunham raised concerns as to how his time is spent and how his salary is split up. Chairperson Corkin pointed out that the Drain Commissioner has a budget set by the County Board of Commissioners and has the authority to spend as he sees fit within these budget parameters.

Karol Peterson, Marquette Township, asked to speak during the discussion on item 10) a request from the City of Marquette that Marquette County develop a County-wide drainage ordinance.

There being no further public comment, Chairperson Corkin closed this portion of the meeting.

It was moved by Comm. Arsenault, seconded by Comm. Seppanen, and unanimously that the agenda be approved with the following change: that item 10) regarding the Drainage District Ordinance be moved up to item 5a).

It was moved by Comm. Arsenault, seconded by Comm. Angeli, and unanimously carried that Claims and Accounts for the period July 11, 1992 thru July 24, 1992, in the amount of \$429,193.84 be approved.

The Committee considered a request from the City of Marquette that the Marquette County Board consider developing a County-wide Drainage Ordinance. Chairperson Corkin first pointed out that an Ad Hoc Committee to study erosion and drainage problems was formed by the County, members of the Committee are: Comm. Angeli; Comm. Potvin; Administrator Aloia; Drain Commissioner Sundberg; Dr. Randy Johnson, Health Dept.; John Beerling, Road Commission; Ron Koshorek, Resource Management Director; and Randy Gentz, Soil Conservation District. This Committee has met once and will meet again on Monday, August 10, 1992, at 10:30 a.m. in Courthouse Conference Room 115. Citizens and representatives of the City of Marquette and Marquette Township are welcome to attend.

Dennis Aloia, County Administrator, explained that recent discussions with the City of Marquette revealed that there is no mechanism for the County to establish a County-wide Drainage Ordinance, but rather what the City of Marquette is looking towards is a County erosion control ordinance.

A memo from David Payant, Civil Counsel, points out that a County-wide drainage ordinance would be in direct conflict with the current drain code which has been established by State law.

Willard Martin, Marquette City Attorney, was present and agreed that what the City wants is a soil erosion control ordinance. This would give the City of Marquette a direct say in the process of providing control over expenditures and construction.

Rick Pearson, Marquette County Soil Conservation District, was present and contended what Marquette County really needs is a storm water management ordinance, not a drainage ordinance nor a soil erosion control ordinance. Such an ordinance would not completely eliminate the need for drainage districts. Mr. Pearson had no suggestions for providing any funding mechanisms for the construction of retention ponds or the maintenance of drains.

Tom Dunham, 809 Homestead, contended that the drainage code was intended for farmland or flatlands, where the water does not run off. There is no drainage problem because Whetstone Creek is a natural drain, but what is needed is some kind of storm water management system.

Karol Peterson, Marquette Township resident, pointed out that a soil erosion control process already exists and is administered through the Health Department.

Civil Counsel, David Payant, once again pointed out that the County Board cannot write a local ordinance which is designed to supplant State law.

It was moved by Comm. Angeli, seconded by Comm. Seppanen, and unanimously carried that the Committee of the Whole direct Comm. Angeli, Chairperson of the Ad Hoc Committee to study drainage, erosion, and storm water runoff, to write a letter to the City explaining that an Ad Hoc Committee has been formed inviting them to attend the next meeting. Copy to go to Marquette Township.

The Committee of the Whole considered a request from Dr. Randall M. Johnson, Director, Marquette County Health Department, for the proposed filling of a Field Services Supervisor and a Public Health Nurse. Dr. Johnson was present to discuss the request and answer questions. These positions are not new positions, but Dr. Johnson would like to promote the current Public Health Nurse to the Field Supervisor position and then hire a new Public Health Nurse.

It was moved by Comm. Seppanen, seconded by Comm. Angeli, and unanimously carried that the Committee of the Whole waive the hiring freeze and allow the filling of the Health Department's Field Services Supervisor and Public Health Nurse positions as requested.

The Committee considered a request from George Wright, Facilities Manager, to proceed with the Jail Security Partition Project. Mr. Wright was present and explained that earlier in the year bids were requested for a larger jail security project which included entry doors into the visiting room and a security partition for the lobby/administration area; however, all these bids came in over budget. The project has now been scaled down to include the security partition and entrance into the administration area. The total cost of materials will be approximately \$6,200.00, labor cost will be \$3,370.00, and with a 10% contingency, the total project will be around \$10,700.00 cost. The original budgeted amount for the project was \$12,000.00.

Comm. Potvin felt the large window was unnecessary and that a wall could be erected with a security pass through window. Ron Koshorek, Resource Management Director, pointed out that the Sheriff's Department would like the window so they could see who enters the Jail and what is taking place in the lobby. Security cameras with television monitors would cost more than the project as presented.

It was moved by Comm. Seppanen, seconded by Comm. Angeli, and carried on a roll call vote four-to-one with Comm. Potvin voting nay, that the Committee of the Whole recommend the County Board approve the Jail Security Project as presented.

Comm. Potvin left the meeting at 5:20 p.m.

The Committee considered the final draft of the Marquette County Remonumentation Plan which is being prepared for the implementation of P.A. 345 of 1990. Register of Deeds, Patricia Manley, Chairperson of the Remonumentation Committee, was present and explained that this plan is the first step for Marquette County to be eligible for grant funding. For the years 1991 and 1992 the State has earmarked Marquette County for approximately \$74,000.00 in funds for Remonumentation. Also, Register Manley commended the County Board for having the foresight to set aside the \$2.00 per instrument recording fee for Remonumentation. These funds will provide approximately \$45,000.00 in addition to the State funds, and counties such as Marquette who have earmarked local funds for Remonumentation may be further rewarded by the State of Michigan.

Chairperson Corkin on behalf of the County Board commended Register Manley and the Remonumentation Committee for their fine work.

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 Marquette County Remonumentation Plan as presented.

The Committee considered a notice of public hearing on the application for a construction permit for a solid waste disposal facility from the Michigan DNR. The construction permit application is from Wisconsin Electric Power Company for a Tupe III landfill for the disposal ash. Should any Commissioner have concerns please comment by August 10th to the DNR Regional Office in Marquette.

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

The Committee considered a request from the Marquette County Airport for a temporary loan of \$100,000.00 of County funds. Hal Pawley, Airport Manager, along with Jim Alderton, Chairperson of the Airport Committee, were present to explain the request and answer questions. The Airport is in the process of requesting MUSTFA repayment for cost and treatment of contaminated soil at the Airport. The DNR is requiring that the work be completed and testing done prior to reimbursement for expenses. The majority of the work was completed in 1991 and there are outstanding bills in the amount of \$162,839.00 for the contractors who have performed this work and they have been waiting for payment. The Airport would like to temporarily borrow \$100,000.00 from Marquette County to be repaid in three or four months without interest. (The DNR has already indicated that interest is not a reimburseable expense).

Mr. Pawley also pointed out that the DNR has no written rules and are establishing rules as they gain experience with MUSTFA. The DNR has placed a cap on MUSTFA, which is based upon a Lower Michigan disposal cost of \$68.00 per cubic yard. Many landfills in Lower Michigan accept contaminated soil; however, Marquette County doesn't and the closest landfill that would charges \$65.00 per cubic yard tipping fee, leaving only \$3.00/cy left for all the remaining work. The Airport will appeal the DNR MUSTFA cap and Mr. Pawley is confident that they will be successful.

It was moved by Comm. Seppanen, seconded by Comm. Arsenault, and unanimously carried that the Committee of the Whole recommend the County Board approve a \$100,000.00 interest free loan to the Airport in order to reimburse the contractors, funds to come from the General Fund.

The Committee considered a report from Milton Gere, Jr., Regional Geologist with the Michigan Geological Survey Division, regarding the Rocking Chair Lakes Area. James Sodergren, County Treasurer, pointed out that the report from the State Geologist indicates that this area has a high potential for mineral deposits and that the State of Michigan should ensure that in the future such mineral deposits could be mined. It is difficult once areas are set aside as wilderness to be able to get minerals out.

The 1,160 acres of land in the Rocking Chair Lakes Area has been offered for sale to the State of Michigan at a price of \$500,000. Mr. Sodergren believes the \$500,000 asking price is 2-1/2 times more than the land is worth, and cautioned the County Board that the State may not set the equalized value at the \$250,000 level. Mr. Sodergren also felt it unclear what the Marquette County EDC means by the exchange of land for timber harvesting, and thought that the second paragraph in the EDC recommendation should be more clearly written or eliminated.

It was moved by Comm. Angeli, seconded by Comm. Arsenault, and unanimously carried that the Committee of the Whole recommend the County Board concur with the EDC recommendation to nominate the 1,160 acres of land to be part of the Rocking Chair Lakes State Wilderness Area, and to be purchased by a Michigan Natural Resources Trust Fund Grant by the State with the following provisions:

- * Extraction of minerals: While the DNR manages this as a state natural area, mining could take place, if it becomes economically possible.
- * Loss of tax revenue: It is understood that in addition to purchasing the land, the Trust Fund also pays an amount equal to full local taxes on the state equalized value of the land as established by the sale price.

The Committee considered a memo from James F. Sodergren, County Treasurer, regarding the forest management and the administration of the Commercial Forest Act taxes by the Department of Natural Resources. James Sodergren, Marquette County Treasurer, was present and pointed out that the Michigan DNR has a forester in the Eastern U.P. and a forester in the Western U.P., but no one in the Central U.P. Marquette County exports more timber than any other County and he felt that the DNR should be sure that those landowners have a plan for reforestation, and that the appropriate fees are being paid.

Chairperson Corkin recommended that the County Board form a ad hoc committee consisting of Treasurer, James Sodergren, Administrator, Dennis Aloia, and Chairperson Corkin, to meet with Dennis Nezich, DNR Forester, and then report back to a future Committee meeting.

It was moved by Comm. Seppanen, seconded by Comm. Angeli, and unanimously carried that the Committee of the Whole concur and place the communication on file.

The Committee considered a memo from James Sodergren, Marquette County Treasurer, regarding Senate Bill 390, Commercial Forest Legislation. Mr. Sodergren was present and explained that Senate Bill 390 has passed the Senate and is now in the House of Representatives, now known as House Bill (H-1). The House will probably not take action on the Bill until September; however, Mr. Sodergren recommended that the County Board request that State Representative Jacobetti support Senate Bill 390, while also asking for one more amendment, which is to change H.B. (H-1) to allow for an annual review of the tax. Senate Bill 390 freezes the specific tax for ten years, and Mr. Sodergren contended that no individuals taxes are frozen for ten years. There are over 2 million acres in the Upper Peninsula currently held under CFA, the schools systems reap the largest benefit from the Commercial Forest Act.

It was moved by Comm. Angeli, seconded by Comm. Arsenault and unanimously that the Committee of the Whole recommend the County Board support S.B. 390, also known as H.B. (H-1), but also ask for an amendment for an annual review rather than a ten year review, and forward a letter of support to our Upper Peninsula Legislators.

The Committee considered a retroactive reclassification report from Dennis Aloia, County Administrator, and Randell Girard, Human Resources Director. A question has arisen regarding the effective date of a number of reclassification requests. The November 17, 1990 County Board minutes indicate, but do not specifically state, that classifications that were pending before the Classification/Compensation Study would have an effective retroactive date as to when they were filed. The County Board approved a moratorium on future reclassifications because of the Classification/Compensation Study. Staff has prepared a list of County employees who had pending classification changes prior to the Study, and Administrator Aloia recommends the filing date for these reclassifications be approved for calculating the retroactive pay. Mr. Girard estimates the total cost in retroactive pay to be approximately \$33,500.

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 proposed retroactive classification changes and back pay as per the list provided by staff.

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

It was moved by Comm. Seppanen, seconded by Comm. Angeli, and unanimously carried that the Committee of the Whole go into Closed Session to discuss pending litigation.

Chairperson Corkin declared a brief recess to clear Commission Chambers.

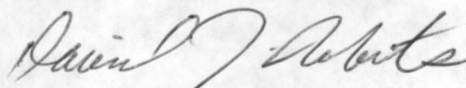
CLOSED SESSION

The Committee of the Whole came back into Open Session. No action was forthcoming as a result of the Closed Session.

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

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, July 28, 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 July 14, 1992.
3. PUBLIC COMMENT.
4. APPROVAL OF THE AGENDA.
5. Review of Claims and Accounts.
6. ✓ Proposed filling of Field Services Supervisor and Public Health Nurse positions.
Jail Partition Recommendation.
Marquette County Remonumentation Plan.
Notice of Public Hearing on Construction Permit for a Solid Waste Disposal Facility (Type III Landfill in Marquette Township).
10. Request from the City of Marquette that Marquette County develop a County-wide drainage ordinance.
11. Airport request for temporary loan of County funds.
12. Rocking Chair Lakes Area.
13. Forest Management and CFA Taxes.
14. Senate Bill 390 Update (CFA).
15. Retroactive Reclassification Report (materials forthcoming at meeting).
- 16.
- 17.
- 18.
19. PUBLIC COMMENT.
20. ANNOUNCEMENTS.
21. ADJOURNMENT.

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