The Marquette County Board of Commissioners met in Special Session for the purpose of the Public Hearing on the Stormwater Management Ordinance and the continuation of the Annual Meeting held Tuesday, October 26, 1993 at 7:00 p.m. in Room 231 of the Henry A. Skea Annex, Marquette, Michigan.


A Salute to the Flag was given, followed by the Pledge of Allegiance.

Chairperson Corkin opened the meeting for public comment (other than regarding the Stormwater Management Ordinance). None was forthcoming.

It was moved by Comm. Seppanen, seconded by Comm. Potvin, and unanimously carried on a roll call vote that the agenda be approved as presented.

Item 7a) Continuation of the Annual Meeting recessed from October 12, 1993 for the certification of the tax levies of Ishpeming Township, Tilden Township, and Turin Township.

It was moved by Comm. Trudell, seconded by Comm. Arsenault, and unanimously carried on a roll call vote that the tax levies for Ishpeming Township, Tilden Township, and Turin Township be approved as presented. (The following millage levies have also been included with the October 12th Annual Meeting minutes):

<table>
<thead>
<tr>
<th>Local Unit and Purpose of Millage</th>
<th>Maximum Year Auth'zd Millage</th>
<th>Maximum No With Hearing Millage</th>
<th>Maximum Approved Millage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ishpeming Township Fixed Millage-Operating</td>
<td>1.4000</td>
<td>1.3896</td>
<td>1.2638</td>
</tr>
<tr>
<td>Landfill Bond Costs</td>
<td>1.0000</td>
<td>0.9918</td>
<td>0.9026</td>
</tr>
</tbody>
</table>

| Tilden Township Fixed Millage-Operating | 1.4000 | 1.2509 | 1.1968 | 1.1968 |
| Extra voted-Road Maint/Const | 1.0000 | 0.9133 | 0.9854 | 0.9854 |

| Turin Township Fixed Millage-Operating | 1.4000 | 1.3892 | 1.3658 | 1.3658 |
| Extra Voted-Tri-Twp Fire | 1.0000 | 0.0000 | 1.0000 | 1.0000 |


Chairperson Corkin opened the public hearing by reviewing the County Board rules of orders regarding the conduct of Public Hearings Sec. VIII-2

WRITTEN COMMENTS AND MATERIALS DISTRIBUTED DURING PUBLIC COMMENT HAVE BEEN MADE A PART OF THE PERMANENT PACKET OF THIS PUBLIC HEARING. ALL COMMENTS ARE BRIEFLY SUMMARIZED IN GENERAL TERMS, WITH SPECIFIC SUGGESTIONS FOR CHANGES IN THE ORDINANCE BEING LISTED AFTER THE GENERAL DISCUSSION.

Written Comments:

Chairperson Corkin read a letter from the City of Marquette fully supporting and agreeing with the intent of the ordinance. The City of Marquette suggested that they be included in Sec. 401, with other municipalities that are exempt from obtaining a permit.

Chairperson Corkin read a letter from Karol Peterson, Marquette
Township resident supporting the adoption of a Stormwater Management Ordinance. Ms. Peterson contended that the citizens of the Whetstone and Orianna Drainage Districts fought long and hard to stop unfair assessments that would have been imposed upon them to repair damage already done by uncontrolled development. The Stormwater Management Ordinance is a start to prevent future development from adding drainage problems.

Chairperson Corkin read a letter from the Charter Township of Chocolay. They thought the best interests of Marquette County is to have a Stormwater Ordinance but recommend that the County Board not adopt the ordinance until adequate review has taken place, and all comments from the public have been received and considered. Chocolay Township presented a list of comments and specific suggestions for changes in the ordinance that they would like the County Board to consider.

Staff Comment:

Mike Farrell, Marquette County Drain Commissioner was present and contended it was very important that the County Board move ahead and put a Stormwater Management Ordinance in place as soon as possible. Presently, the Drain Commissioner has no authority to act unless a drainage plan is within a drainage district. The proposed Stormwater Management Ordinance would give the Drain Commissioner the authority to review drainage plans outside of a drain district or plat. Mr. Farrell further explained that the County Board should not act tonight to adopt the ordinance, but rather receive written and oral comments, then go back to Committee to make amendments to the Stormwater Ordinance.

Public Comment

Max Muelle, Marquette Township Supervisor, spoke in favor of the ordinance with changes. He would not like to see the ordinance change present drainage districts that have already been established. Also, if the ordinance is adopted with paragraph B-2 under Sec. 4.01 exempting all municipalities, this may make the ordinance useless. Mr. Muelle listed paragraph by paragraph a number of suggested changes to be included in the list at the end of public comment.

Don Ryan, on behalf of the Empire Mine, the Tilden Mine, and Cleveland Cliff’s Iron Company spoke in opposition to the ordinance. He questioned if the ordinance was really needed? Does the public fully understand the implications of the ordinance? What resources are needed to implement and enforce the ordinance? What effect would the ordinance have on any positive investments made in the future of Marquette County? Mr. Ryan contended that there are already adequate federal and state regulations pertaining to stormwater and soil erosion required of the mining companies. Mining is subject to the Dam Safety Act, the Inland Lakes and Stream Act, Federal and State Stormwater Act, the Mine Reclamation Act, and the Wetlands Act. The exemption written into the ordinance for the mining company only means that no permit is required. Mr. Ryan encouraged the County Board to exempt mining completely from the ordinance, otherwise it will only add another layer of cost and bureaucracy.

Robert Menard, the Marquette County Road Commission, was part of the Committee to develop and initiate a Stormwater and Soil Erosion Ordinance. He does not share the views of Mr. Ryan of CCI. There is a crack in the present law that many projects fall through, which potentially will cost the public many dollars. Even those who were against the Whetstone and Orianna Brook Drainage Districts, concede that there are problems. Mr. Menard pointed out that as far as exemptions go, there needs to be a clear understanding. The only thing that is exempted in Section 4.01 is the requirement to obtain a permit. Laws and regulations will still have to be followed correctly, even without a permit. Mr. Menard thought the Stormwater Management Ordinance easy to understand, not complex. Its intent is not to make drainage more complex or to impose hardships.
Mr. Menard cited a specific case in which O'Dovero Construction had developed a site along Wright Street which would create a considerable amount of runoff, but was not part of a drainage district. Had Mr. O'Dovero not agreed to handle the drainage with the retention ponds, future litigation may have been necessary. Homeowners should not have to go to court to dig out from underneath a drainage problem created by someone else for profit.

George LaBlond, Marquette Township Manager, was present and commended those responsible for the 4th draft of the Drainage Ordinance. He realizes it has been a time consuming and a labor intensive effort, with very little thanks. He endorses the ordinance and offered constructive criticism of the present draft. There may be no such thing as a perfect ordinance, however, had this ordinance been in place several years ago, Marquette Township could have probably avoided many hours of work and thousands of dollars of extra costs.

Mr. LaBlond contended that there may be some parts of the County that do not need such an ordinance. Perhaps the ordinance could be adopted unit by unit rather than County-wide. Mr. LaBlond reviewed some suggested changes to language and technicalities of the ordinance. Administrative procedures must be thought out before the ordinance is adopted, not after. As the construction season starts, the Drain Commissioner could be swamped with permit applications, and people will be screaming and shouting if their projects are held up for the review of a drainage plan. He cited bad experiences in dealing with the Health Department on erosion permits.

Chairperson Corkin intervened to point out that Mr. LaBlond should let the State of Michigan know about soil erosion permit delays. This is a case of a state mandate to local units of government without the necessary funds to provide the staff.

Gary Goodman, Marquette Township resident, thought that the Stormwater Management Ordinance should be administered like zoning, where local governments are allowed to adopt their own ordinance, and opt out of the County ordinance. He knows that much work went into this ordinance. Some parts of Marquette County are developing very quickly and that is where the ordinance is needed.

Lynn Swadley of 860 Orianna Drive, representing the Homebuilders Association did not think this ordinance is needed and duplicates a number of statutes that are already in place. Mr. Swadley would like this matter left to the local units to enforce through their zoning. If the County does not have the funds necessary to review and enforce such an ordinance, what about the small businesses that will be required to pay the fees? Will the cost be passed on through them? Much is already working against developers in the County. This ordinance is creating more work for engineers at public expense. Developers are already required to submit to other review processes, such as platting reviews and building permits.

The Homebuilders Association would like more evidence that this ordinance is needed on a County-wide basis. It will only deter economic growth. A 30-day review process in our short construction season will be very detrimental to construction projects.

Chairperson Corkin again intervened and pointed out that there already exists serious drainage problems in Marquette County. It is why this ordinance is being proposed in the first place.

Sharon Bordeaux, a Marquette Township resident, encouraged the County Board to pass a Stormwater Management Ordinance. Runoff does not just stop at the borders of municipalities. She wished such an ordinance was in place 20 years ago.

Mike LaPointe, District Conservationist with the Soil/Water Conservation District supported the Stormwater Management Ordinance, especially in specific watersheds. In the past three years, the Soil/Water Conservation District has spent much time on specific watersheds, working with local
units of government, the Drain Commissioner, etc. Drainage problems have
cost County taxpayers already much time and money, including litigation.
The City of Marquette recently just adopted a Stormwater Utility Ordinance,
which means that the City and the Township of Marquette would most likely
adopt their own Stormwater Management Ordinance if the County does not adopt
one. The Drain Commissioner would still have to review their drainage
plans, which would add another layer of bureaucracy. A County ordinance is
needed, but should be combined with the Soil Erosion Ordinance so that the
administration of both ordinances can be done together.

Gary Dahlke, Jonathon Carver Road, Marquette, has been working for
several years on such an ordinance. His specific comments have already been
made by somebody else, but he wanted to make two points: First, that this
ordinance, (the 4th Draft) needs to go back to Committee and be re-worked,
inviting more comments from citizens. Second, the County Board should give
consideration to including the Soil Erosion Ordinance in combination with
the Stormwater Management Ordinance.

List of Suggested Changes, Concerns, and Questions on the Proposed Storm-
water Management Ordinance for consideration by the Committee:

* Sec. 3.01: C.2. Should railroads be included in this paragraph?
* Sec. 4.01: B Add #7 "Existing drainage districts."
* Sec. 3.05: C.2.i - A 4-foot high fence is not adequate.
* Sec. 4.06: B.1 Does the certificate have to be prepared by
  registered professional engineer?
* Appendices C - Is the fee schedule adequate to cover the cost?
  Would an economic impact statement similar to an environmental
  impact statement required of industries be available?.
* Sec. 4.01: Are paragraphs C and D necessary?
* Under Sec. 2.02: Definitions, "Design Maximum Water Level" should
  be a 100-year frequency. All frequency cycles be 100 year in the
  Stormwater Management Ordinance.
* 3.01: C.5. - Is 10,000 square feet an arbitrary figure? Why not
  consider a percentage of impervious surface on a construction
  site rather than a minimum amount of square feet.
* Sec. 4.06: A.1. It does not indicate the amount of the perform-
  ance bond required? Is it assumed that a bond must be filed for
  the cost of the whole project?
* Sec. 3.03: B says "... a maintenance agreement ... shall be
  recorded with the Register of Deeds" and in Sec. 3.04: C, "Eas-
  ements ... shall be recorded with the Register of Deeds." Both
  must be done before the issuance of a Stormwater Control Permit.
  Is this necessary? Are the recording fees included in the permit
  fee or are they a separate fee?
* How are issues resolved if engineers disagree?
* Administrative procedures must be thought out in advance to avoid
  unnecessary delays for developers.
* Is the Drain Commissioner to be full-time?
* Can the Stormwater Management Ordinance and the Soil Erosion and
  Sedimentation Ordinance be combined to save on duplication?
There being no further public comment, Chairperson Corkin declared the public hearing closed.

It was moved by Comm. Potvin, seconded by Comm. Arsenault, and unanimously carried on a roll call vote that the County Board accept written comment for an additional 30 days, to be included with the comment presented at this hearing, and that all of this information be forwarded to the Committee of the Whole for further consideration and direction.

Chairperson Corkin, on behalf of the County Board thanked all those who participated in the public hearing. Many good comments were heard. Chairperson Corkin directed County Clerk Roberts to place a notice in the newspaper about accepting written comment for an additional 30 days.

Informational Items

It was moved by Comm. Arsenault, seconded by Comm. Seppala, and unanimously carried on a roll call vote that the following information items be accepted and placed on file:


b. Letter from State Senator Don Koivisto, acknowledging County Resolution supporting 911/Central Dispatch Services.

c. Letter from Curtis Hertel, Speaker of the Michigan House of Representatives, expressing his support for local units of government and opposition to the Governor's plan to end revenue sharing.

Chairperson Corkin opened the meeting for public comment. None was forthcoming.

There being no further business, the meeting was adjourned.

Respectfully submitted,

[Signature]

David J. Roberts
Marquette County Clerk

5
MARQUETTE COUNTY BOARD OF COMMISSIONERS
COMMITTEE OF THE WHOLE
Tuesday, October 26, 1993 at 6:00 p.m.
Room 231, Henry A. Skewis Annex, Marquette, MI 49855

1. ROLL CALL.


3. PUBLIC COMMENT.

4. APPROVAL OF THE AGENDA.

5. Review of Claims and Accounts.

6. Request from Carolyn Hanson, Friend of the Court, for Board approval to continue service with First of America Bank and open a new account.

7. Recent billings for Specific Ore Tax litigation.

8. Notice from James Alderton, Chairperson, County Road Commission, that the CAP Daniels mine shaft was filled and fencing restored.

9. 

10. 

11. PUBLIC COMMENT.

12. ANNOUNCEMENTS.

13. ADJOURNMENT.