The Marquette County Board of Commissioners met in Regular Session on Tuesday, September 20, 1994 at 7:00 p.m. in Room 231 of the Henry A. Skewis Annex, Marquette, Michigan.


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

It was moved by Comm. Arsenault, seconded by Comm. Joseph and unanimously carried by voice vote that the minutes of the September 6, 1994 Regular Board Meeting be approved.

Chairperson Corkin read the following proclamation honoring Don Ryan, UPCAP Upper Peninsula Person of the Year:

MARQUETTE COUNTY BOARD OF COMMISSIONERS
RESOLUTION HONORING
DON RYAN, UPPER PENINSULA PERSON OF THE YEAR

WHEREAS, Don Ryan has been and continues to be one of Marquette County's most prominent and visible citizens in promoting community and charitable activities, and

WHEREAS, Don Ryan has had a notable impact throughout the Upper Peninsula as a leader in public affairs, education, economic development, and community service, and

WHEREAS, Don Ryan was honored as the Ishpeming Area Outstanding Citizen in 1985 and the Easter Seals Upper Peninsula Volunteer of the Year in 1989, and

WHEREAS, Don Ryan continues to be a member of many local committees and organizations, including the Chairman and the On The Air Host of the Easter Seals Telethon since its beginning in 1985, raising over $800,000.00 for the Easter Seals Program in the Upper Peninsula,

THEREFORE, BE IT RESOLVED, that the Marquette County Board of Commissioners publicly thanks and commends Don Ryan for his leadership and involvement in community affairs and charitable organizations throughout Marquette County and the Upper Peninsula, and

BE IT FURTHER RESOLVED, that the Marquette County Board of Commissioners concurs with the UPCAP Board of Directors selecting Don Ryan as the 1994 Upper Peninsula Person of the Year.

Presented this Friday, September 16, 1994
on behalf of the Marquette County Board of Commissioners
Gerald O. Corkin, Chairperson
Chairperson Corkin opened the meeting for public comment.

Circuit Court Judge Edward A. Quinnell was present to explain that the money the County Board appropriated for the 21st Century Computer Project must be spent by Friday in order to get the State match. A decision on the Federal Grant has been postponed until October 6. We may have to scale back the Automation Project if we don’t get the Federal Grant.

The State will probably continue to finance the 21st Century Project so the worst case scenario is that we may have to stretch the time frame in which we complete the integrated automated system for all Courts and do the project in phases.

Chairperson Corkin thanked Judge Quinnell for the update on the 21st Century Court Automation Project.

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

It was moved by Comm. Seppanen, seconded by Comm. Potvin and unanimously carried that the agenda be approved with the following late addition: Item 11a be a reaffirming of a Marquette County Resolution regarding Trial Court Funding.

Informational Items

It was moved by Comm. Braamse, seconded by Comm. Arsenault and unanimously carried that the following informational items be accepted and placed on file:

9. INFORMATIONAL ITEMS:
   a. Memo from Peter Van Steen, CUPPAD, regarding the Hunters Brook Bridge Replacement Project in Wells Township.
   b. Letter from John Schmidt, Associate Attorney General, U.S. Department of Justice, regarding Reconsideration for Funding Under Phase I of the COPS Program.
   c. Memo from David A. Payant, Civil Counsel, regarding Michigan Gas Rate Changes.
   d. Acknowledgement from State Representative Paul Tesanovich regarding County Board Resolutions Opposing HB 5680 which Changes the Distribution of CFA Monies and Supporting the Grand Marais Harbor Project.
   e. Letter from Edie Balk, Director, Commission on Aging, to Jonathan Mead, U.P. Area Agency on Aging, regarding Marquette County’s Title III-B Grant Application.
   f. Badger Creek Drain Apportionment Notice from W. H. Rosebush, Special Drain Commissioner.

Action Items

It was moved by Comm. Trudell, seconded by Comm. Arsenault and unanimously carried by voice vote that Action Items 10a, 10b, 10c, and 10d be approved as follows:

10a) A Committee of the Whole Recommendation that the County Board approve a letter to David Lehman, Director, Office of Grant Management, that Marquette County is withdrawing its application for the Federal Delinquency Prevention Funds. County Administrator Dennis Aloia further explained that Judge Anderegg withdrew the application for several reasons: First, our local in kind services we had planned did not meet the criteria of the Grant; second, our Grant Application may not meet all of the federal guidelines; and third, there is no ongoing mechanism for supporting the program in the future after the grant funding expires.

10b) A Committee of the Whole Recommendation for negotiating County Employee Health Benefits.
10c) A Committee of the Whole Recommendation to approve the Local Emergency Management Work Agreement for FY 1995.

10d) A Committee of the Whole Recommendation to approve the Grant Application for the Third-Year Funding for Project Marquette County Team Voice (MCTV) which requires a 50% cash match for the Project Coordinator’s salary only, amounting to $19,108.00 which has already been budgeted. The Project Coordinator is Sue Girard-Jackson.

Action Items Cont’d

10e) The County Board considered a memo from Larry Busson, Coordinator for the Marquette County Remonumentation Project. Mr. Busson informed the County Board that Joseph Wasie has resigned from the Remonumentation Peer Group and recommended that Robert Cambensy, RLS, be appointed to fill the position for the remainder of 1994.

It was moved by Comm. Potvin, seconded by Comm. Seppanen and unanimously carried by voice vote that Robert Cambensy be appointed to the Marquette County Remonumentation Peer Group to fill a vacancy for the remainder of 1994.

Late Additions

11A) The County Board considered reaffirming the Marquette County Trial Court Funding Resolution as adopted on April 5, 1994. County Administrator Dennis Aloia explained that when the County Board adopted the Resolution in April the Resolution only spoke to funding for District Court. It should have included Circuit, Probate and District Court in the Resolution. Public Act 189 of 1993 obligated the State to annually finance 31.5% of Trial Court expenses and this resolution basically states that when the County pays its 68.1/2% to fund Court costs, it is the intention of the County to stop further payments.

Marquette County will also be requesting that our five Judges file suit against the State of Michigan. This will be done in order to protect our position should there be a ruling that the County has voluntarily paid beyond the 68-1/2%. We will then have this resolution in place which would show that we did not voluntarily fund the Courts beyond our statutory obligations. We fully intend to continue funding our Courts for the next couple of years but we hope to be reimbursed for any excess obligation we have paid toward Court costs after the Court of Appeals decision.

It was moved by Comm. Potvin, seconded by Comm. Seppanen and unanimously carried by voice vote that Marquette County reaffirm the Resolution on Trial Court Funding and amend it by adding the Circuit and Probate Courts along with District Court to the Resolution, Resolution as follows:
MARQUETTE COUNTY RESOLUTION
TRIAL COURT FUNDING

WHEREAS, the State of Michigan has been obligated since 1988 to provide full state funding for the trial court operations;

WHEREAS, the State of Michigan has amended MCL 600.9947(1) through 1993 P.A. 189 so that the statute now obligates the State to annually finance 31.5% of the trial court expenses funded offset by 31.5% of the certain state payments received by the trial courts and 31.5% of certain revenue generated by the trial courts and retained by the funding unit;

WHEREAS, Marquette County has joined 79 other counties and a majority of the other local units of government which presently fund the trial courts in a lawsuit to compel the State to fulfill its obligations under MCL 600.9947(1);

WHEREAS, the Michigan Court of Appeals has held that this statute imposes a binding financial commitment on the State of Michigan, obligates the State of Michigan to appropriate the amounts specified in this statute directly to the trial courts, and that local units of government have no damage remedy should they fund the state's portion of trial court operational costs even in the absence of the state's failure to follow MCL 600.9947(1);

NOW, THEREFORE, BE IT RESOLVED, that the chief fiscal officer of the County of Marquette is hereby directed to calculate the funding to be provided to the circuit, district and probate courts under MCL 600.9947(1) as amended, and to reduce current local appropriations to these courts in that amount;

BE IT FURTHER RESOLVED, that the County of Marquette remains committed to finding a permanent state-wide solution to the inequities and insufficiencies of the current system of trial court financing and that neither the terms of this Resolution nor its continued financing of a part of trial court operations should be viewed as a voluntary payment nor as a waiver of any of its constitutional claims that the State is obligated to fully finance the trial courts;

BE IT FURTHER RESOLVED, that the Marquette County Clerk is instructed to forward a copy of this Resolution to Governor Engler, its representative contingent in the State Legislature, the State Court Administrator, and legal counsel for the trial court funding class.

Reaffirmed this 20th day of September, 1994
Gerald O. Corkin, Chairperson
Marquette County Board of Commissioners

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

Commissioner Comment

Comm. Angeli reported that the Ad Hoc Committee on Storm Water and Soil Erosion met with the Drain Commissioner and Township representatives. They reviewed the language of the Storm Water Management Ordinance and have agreed to proceed with another rewrite of the Ordinance. This Ordinance will then be sent to the Townships and organizations that have indicated an interest. In the next month or two the ordinance will be ready to come back to the County Board for consideration.
Comm. Minelli reported that last weekend at the Marquette County Airport the Local Chapter 850 of the Experimental Aircraft Association held a "fly-in" at the Marquette County Airport. Thirty seven airplanes and one hundred twenty plus people spent the weekend in Marquette County, visiting, shopping, etc. and Chapter 850 EAA President, D. J. Snyder, was very pleased with the event. It went very smoothly.

It was moved by Comm. Potvin, seconded by Comm. Joseph and unanimously carried by voice vote that the County Board send a letter of appreciation to Mr. Snyder for his efforts in bringing the Experimental Aircraft Association to Marquette County.

Chairperson Corkin reported that a meeting will be held in the near future in Escanaba regarding the Twenty-Year Transportation Plan. When the exact time and place is announced he urged other County Commissioners to attend.

Comm. Potvin made several comments. The Senior Daycare Program administrated by Mrs. Miriam Hilton, which was initially turned down for funding, was ultimately funded. He thanked Chairperson Corkin, a member of UPCAP, for helping get that funding reinstated.

Comm. Potvin noted that the Northern Economic Initiatives Corporation has recently received another $500,000 grant as reported in the newspaper. The NEIC seems to get such funding grants over and over, whereas no progress comes from the local EDC. He believes the County Board should stop funding the Marquette County EDC, regardless what the buy out costs are, because they are not accomplishing anything.

Comm. Potvin contended that he asked Civil Counsel Payant to review closed session procedures at the EDC meetings, however, Civil Counsel has yet to respond to the issue.

Comm. Potvin congratulated Marquette General Hospital and its RN's on reaching an agreement. He suggested that the current MGH Board of Directors ought to reconsider its policy of nepotism and quit appointing the sons of the fathers who have previously served on the Board.

Chairperson Corkin reported that the K.I. Sawyer reuse plan should be out and available by November 1st. 50-60 firms have expressed interest in establishing a business at K.I. Sawyer. If all the plans were approved there would be room for all of them. There are 150 buildings available and plenty of space to build more at K.I. Sawyer.

Chairperson Corkin further explained that he is on a committee, along with Civil Counsel, the Senior Planner, and CUPPAD that is dealing with the governance issue which should be finalized by Christmas. Any information he has he will share with the County Board and the Administrator. This is a very important issue.

County Administrator Dennis Aloia presented a large map showing the corners that have been remonumented so far and what corners are yet to be done. He will put it in the Commissioners’ mail room for their review.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

[Signature]
David J. Roberts
Marquette County Clerk
MARQUETTE COUNTY BOARD OF COMMISSIONERS
Regular Meeting, Tuesday, September 20, 1994 at 7:00 p.m.
Room 231, Henry A. Skewis Annex
Marquette, Michigan 49855

1. ROLL CALL.
2. SALUTE TO THE FLAG AND PLEDGE OF ALLEGIANCE.
3. APPROVAL OF THE MINUTES OF THE COUNTY BOARD OF COMMISSIONERS REGULAR
   MEETING HELD ON SEPTEMBER 6, 1994.
4. PROCLAMATIONS, PRESENTATIONS AND AWARDS.
   a. Resolution Honoring Don Ryan, UPCAP Upper Peninsula Person of the Year.
5. PUBLIC COMMENT. (time limit 20 minutes total)
6. APPROVAL OF THE AGENDA.
7. PUBLIC HEARINGS.
8. PRIVILEGED COMMENT:
9. INFORMATIONAL ITEMS:
   a. Memo from Peter Van Steen, CUPPAD, regarding the Hunters Brook Bridge
      Replacement Project in Wells Township.
   b. Letter from John Schmidt, Associate Attorney General, U.S. Department of Justice,
      regarding Reconsideration for Funding Under Phase I of the COPS Program.
   c. Memo from David A. Payant, Civil Counsel, regarding Michigan Gas Rate Changes.
   d. Acknowledgement from State Representative Paul Tesanovich regarding County Board
      Resolutions Opposing HB 5680 which Changes the Distribution of CFA Monies and
      Supporting the Grand Marais Harbor Project.
   e. Letter from Edie Ball, Director, Commission on Aging, to Jonathan Mead, U.P. Area
      Agency on Aging, regarding Marquette County’s Title III-B Grant Application.
   f. Badger Creek Drain Apportionment Notice from W. H. Rosebush, Special Drain
      Commissioner.
10. ACTION ITEMS:
    a. Letter from Michael J. Anderegg, Probate Judge, recommending that Marquette
       County Withdraw its Application for a Delinquency Prevention Grant During the
       Current Funding Cycle.
    b. Committee of the Whole Recommendation for Negotiating County Employee Health
       Benefits.
    c. Committee of the Whole Recommendation to Approve the Local Emergency
    d. Committee of the Whole Recommendation to Approve a Grant Application for Third
       Year Funding for Project Marquette County Team Voice.
    e. Vacancy to be Filled because of Resignation of Joseph Wassie from the County
       Remuneration Peer Group.
11. LATE ADDITIONS:
    a. $500 Member
    b. 
12. PUBLIC COMMENT. (time limit 20 minutes total)
13. COMMISSIONERS COMMENTS AND ANNOUNCEMENTS.
14. ADJOURNMENT.