The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, May 24, 1994, at 4:30 p.m. in Room 231 of the Henry A. Skewis Annex, Marquette, Michigan.


It was moved by Comm. Arsenault, seconded by Comm. Braamse, and unanimously carried by voice vote that the minutes of the Committee of the Whole meeting held on May 10, 1994 be approved.

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

It was moved by Comm. Arsenault, seconded by Comm. Bergdahl, and unanimously carried by voice vote that the agenda be approved with the following late addition: Item 12 become a DNR resolution supporting a variance for use of fuel contaminated soil as daily cover at the landfill and Item 13, a status report of remediated soils at the County Airport.

It was moved by Comm. Potvin, seconded by Comm. Braamse, and unanimously carried by voice vote that Claims and Accounts for the period April 23, 1994, through May 20, 1994 in the amount of $935,927.52 be approved.

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The Committee considered a recommendation and request from Cynthia L. Beaudry, Risk Management Specialist, for approval of an overall insurance review. Ms. Beaudry was present and pointed out that approximately 13% of the County budget goes towards insurance. Ms. Beaudry manages the workman’s comp, liability and auto insurances while Randall Girard manages the employee health and life insurances separately. Much effort has been placed in the past on reducing/maintaining the cost of insurance and some premium savings has been realized; however, we have not obtained an overall insurance review. It is impossible for staff to know the marketplace well enough to determine if the County is currently purchasing the best coverage for our money.

Staff has put together a request for proposals and the consulting firm ArmTech (Advanced Risk Management Techniques, Inc.) from Lake Forest, California has been selected as the best firm to undertake the project. The proposal provides for the performance of an independent and objective self-insurance analysis for all areas of County insurance. The cost of the project, as developed and presented in the proposal, is as follows: Liability, worker’s compensation, auto, $16,000 - Employee benefits $14,400. If the project is approved staff recommends the fees be paid from the insurance fund budget. If the County can realize a 2% reduction in premium costs it will save the cost of the study in the first year. Ms. Beaudry also distributed a copy of the proposal and a resume of ArmTech for Commissioner’s review.

County Administrator, Dennis Aloia, further explained that staff would like to negotiate with ArmTech next week if possible. The bulk of ArmTech’s work would be completed within 90 days and Administrator Aloia hopes both Ms. Beaudry and Mr. Girard would learn enough to be able to handle future insurance evaluations. The references provided by ArmTech have been checked by staff. All who hired ArmTech have followed their recommendations. Whatever they recommend it will be brought back to the County Board for their final consideration. Administrator Aloia contended the study would not only potentially save County dollars, but also to provide an assessment of County insurance coverage with proper direction.
It was moved by Comm. Arsenault, seconded by Comm. Minelli, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve of the overall insurance review by ArmTech, establish a budget from the insurance fund of $32,000 to cover the cost of the project, and allow staff to begin negotiating the contract.

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The Committee considered a pilot project from Barry Sullivan, Director, Juvenile Court Services, entitled "Diversion and Reintegration Proposed Alternative". This is a joint prevention project between the Marquette County Juvenile Court and the Department of Social Services which will start on October 1, 1994. The pilot project will potentially prevent two placements from parents' homes into residential programs under PA 150 using State Board and Care monies, thereby saving approximately $70,000. It is also possible that at least one foster care placement will be salvaged each year by this program, saving the State Board and Care an additional $35,000 for residential placement. This pilot project requires no local match.

It was moved by Comm. Seppanen, seconded by Comm. Trudell, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve of the Marquette County Juvenile Court – Department of Social Services Joint Prevention Pilot Project entitled "Diversion and Reintegration Proposed Alternative."

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The Committee considered a letter from Richard Aho, Executive Director, Marquette County Solid Waste Authority, requesting reimbursement by the County of $4,185 for work in the design of a soil remediation facility. The design work was carried out by Bittner Engineering before the authority discovered the County's wish to take another course of action.

It was moved by Comm. Bergdahl, seconded by Comm. Brannas, and unanimously carried by voice vote to place the communication on file.

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The Committee considered a request from Gerald M. Thick, 11, Case Street, Negaunee, MI, for a licensing fee for a mobile food unit. Mr. Thick was present and explained that he and his wife are attempting to operate a 22-foot mobile food until which will sell ice cream, hot dogs and soft drinks. The problem he has is the Licensing Fee from the Marquette County Health Department is $291.00. This is the same fee as for a year-around sit-down restaurant. His mobile unit will only operate the months of May through October.

Mr. Thick has checked with Mr. Tom Cook, Michigan Department of Public Health, in Lansing who indicated that mobile food establishments should have a separate licensing category. Marquette County does not have such a category. Alger County has a fee of $65.63 and Delta County has a fee of $48.00 for this license. He is requesting that the Marquette County Board include this category within their licensing criteria and establish a reasonable fee. The $65.00 fee from Alger County is the highest that he has found for a mobile food license.

Randall M. Johnson, M.D., Director, Marquette County Health Department, was present and distributed a copy of Marquette County's fixed food service fee schedules. Dr. Johnson explained that of approximately 300 food service establishments in Marquette County, 12 of them are seasonal. The average seasonal licensing fee for 1994 is $109.91 and he recommended that the County Board place Mr. Thick's mobile food unit in the seasonal category and assess the average fee for 1994. He further explained that all of Marquette County's food service licensing fees are based on inspection experience. They have no experience to base an inspection fee for mobile food units.
Mr. Thick's unit has been recently inspected and there are 13 items which must be corrected before he can be granted a license. The cost for this service is sure to be more than the $109.91 however, the actual fee could not be determined until 1995. Commissioners engaged in an arduous discussion of whether or not to begin a mobile food unit category or license Mr. Thick under the seasonal category, and whether or not $65.00 or $109.00 or some other amount was the appropriate fee.

It was moved by Comm. Seppanen, seconded by Comm. Arsenault, and carried on a roll call vote 6 Ayes (Comm. Seppanen, Arsenault, Bergdahl, Braamse, Trudell and Corkin) to 4 Nays (Comm. Angeli, Joseph, Minelli and Potvin) that the Committee of the Whole recommend the County Board direct the Health Department to create a mobile food establishment licensing category and to assess Mr. Gerald Thick a fee of $65.00 for the first year, and use their inspection experience to determine the fee for the following year.

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The Committee considered a request from Beryl LaPin, Supervisor, Champion Township, that Champion Township can no longer participate in the Work Habilitation Incentive Program until a liability insurance program is in place. The Work Habilitation Program is for individuals who are Court ordered to do community service projects for local units of government and non-profit organizations. County Administrator, Dennis Aloia, pointed out that the Marquette County Township Association had received a letter from Don Hanula recommending that the Townships not take "volunteers" because of possible liability.

Cindy Beaudry, Risk Management Specialist, was present. Ms. Beaudry pointed out that we could purchase through our liability carrier for our volunteers personal injury insurance up to $25,000 per accident which would pay only if the person injured has no insurance of their own. This would cost the County approximately $3.00 per volunteer per year. However, the Court ordered workers are not volunteers. The question arises if we have a program through our Courts, does that mean Marquette County is assuming the liability?

Civil Counsel Payant pointed out that the County has government immunity in this matter, however, the concern is that workers could get hurt and sue the unit of government or organization that is hiring these workers. Besides Townships and Cities there are other non-profit organizations using Court ordered workers.

Chairperson Corkin suggested that we do further research on the matter. Civil Counsel Payant also suggested that we see how other Counties are handling Court ordered workers. No matter whether the County purchases the liability insurance or not, there should be an agreement worked out between those organizations and the County utilizing Court ordered workers.

It was moved by Comm. Arsenault, seconded by Comm. Bergdahl and unanimously carried by voice vote to refer the letter to the Courts and Staff for further review and come back to the Committee in the future with a recommendation.

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The Committee considered a request from Orrin E. Bailey, Executive Director, Six County Consortium for Employment Training, for a letter of support for a $1,045,000.00 Defense Conversion Adjustment Grant to serve those being effected by the closure of K.I. Sawyer Air Force Base. The key function of the Defense Conversion Adjustment Grant is to assist the dislocated workers through various job training and readjustment services that will lead to gainful employment.
Several Commissioners questioned the value of the Defense Conversion Adjustment Grant. Comm. Potvin suggested that there are already many training programs in place which are duplicating services. It is his experience that what really happens is this, the training becomes the job, and there are a whole bunch of people who are trained by various programs which have no hope of ever getting a job. Comm. Joseph concurred. People are tired of being retrained for new jobs when there are none. Comm. Bergdahl questioned Mr. Bailey's statistics on the number of civilians on the base, and also wondered what about the many other jobs that will be lost by people who don't work on base but provide services for the base.

Chairperson Corkin pointed out that Bob Taylor's Employment Programs have been very successful for many years. Mr. Taylor has trained young, old, and the hard to serve populations. The maximum administrative costs allowed in the DCA Grant is 20%.

Comm. Arsenaught added that the Six County Consortium is the organization that is designated by the Governor to handle the JTPA Dislocated Worker Programs. Is there anyone else who could do the job? The Six County Consortium's mission is to help people get retraining for another job.

It was moved by Comm. Angeli, seconded by Comm. Trudell, and carried on a roll call vote 7 Ayes (Angeli, Arsenaught, Joseph, Minelli, Seppanen, Trudell, and Corkin) to 3 Nays (Bergdahl, Braamse and Potvin), that the Committee of the Whole recommend the County Board send a letter of support to Orrin Bailey, Executive Director, Six County Consortium for Employment training for a Defense Conversion Adjustment Grant of $1,045,000.

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The Committee considered a resolution from the Michigan DNR to allow fuel contaminated soils to be used as daily cover at the Marquette County Landfill. This is in accordance with Rule 108(5)(h) of the Solid Waste Management Act, 1978, Public Act 641. Chairperson Corkin explained that he met with Frank Opolka at 3:30 P.M., just prior to the meeting, and learned that the agreement between the DNR and Payne & Bolan to use fuel contaminated soils in the manufacture of blacktop has fallen through.

Mr. Corkin further explained that this issue now belongs in the hands of the Solid Waste Authority. The County Board has tried to help its citizens for the past four years, but we are once again almost back to square one. State Law would allow fuel contaminated soils to be disposed of in the landfill however, the Solid Waste Authority has not permitted it. This resolution provides that the fuel contaminated soils be used as daily cover and could be stored at the facility in a cell and used as needed.

Comm. Seppanen questioned if the County was still considering incineration as an option and constructing the storage facility at the landfill.

Comm. Corkin pointed out that the Solid Waste Authority has not seen the resolution by the DNR, however, daily cover is not the same as disposing contaminated soils in the landfill. Much of the fuel contaminants evaporate as the soil is spread out in a layer. Delta County has been using all of its fuel contaminated soil as cover in its landfill all along.

It was moved by Comm. Angeli, seconded by Comm. Arsenaught, and carried on a roll call vote 9 Ayes to 1 Nay (with Comm. Seppanen voting Nay), that the Committee of the Whole recommend the County Board adopt the DNR resolution for a variance to allow fuel contaminated soils to be used as daily cover and further, that the proposal to finance the construction of a $250,000 storage facility at the Solid Waste Authority Landfill be withdrawn.

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The Committee considered a letter from Frank Opolka, Deputy Director, Michigan DNR, regarding the status of remediated soils at the Marquette County Airport. The letter explained that in the fall of 1991 five underground storage tanks and other excavation was done to remove approximately 2,800 cubic yards of contaminated soil. The soils were removed and stockpiled for future treatment and the excavations were backfilled with clean soil.
In the summer of 1992 thermal treatment of stockpiled soils by Kalkaska Construction Service, Inc. was complete. On March 4, 1993 a letter on behalf of the Marquette County Airport from the consultant requesting a Type B closure in accordance with the Michigan Environmental Response Act was received. On March 30, 1993 after a review, approval for the requested Type B closure by the Marquette County District Environmental Response Division Staff was provided.

Mr. Opalka further pointed out that it is the DNR's understanding that the treated soils are still stored on the site pending use by the Marquette County Airport as fill material. Regarding the use of these materials for that purpose, Rule 114 of the Michigan Solid Waste Management Act (PA 641) provides for the disposal of excavated soil as an inert material. Excavated soils designated as "inert", in compliance with the provisions of this rule, may be used as fill provided the fill material is placed such that no other State or Federal statute is violated. There are no reporting requirements associated with this type of fill.

Dennis Aloia, County Administrator, further explained that the Airport Board and the Manager were looking for a designation as a Type A soil but the DNR has approved the soils as Type B. With this review and designation as Type B the matter is finished.

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

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

Announcements:

Clerk Roberts reminded Commissioners that May is a five Tuesday month, therefore, there is no County Board or Committee meeting on Tuesday, May 31, 1994. The next meeting will be the regular board meeting of June 7, 1994.

There being no further business, the meeting was adjourned.

Respectfully submitted,

David J. Roberts
Marquette County Clerk
ROLL CALL.


3. PUBLIC COMMENT.

4. APPROVAL OF THE AGENDA.

5. Review of Claims and Accounts.


7. A Pilot Project from Barry E. Sullivan, Director, Juvenile Court Services, entitled "Diversion and Reintegration Proposed Alternative."

8. Request for Reimbursement of $4,185.00 from the Marquette County Solid Waste Management Authority.

9. Letter from Gerald M. Thick, II requesting a New Food Service Licensing Category for a Mobile Food Unit.

10. Notice from Beryl LaPin, Supervisor, Champion Township, that they can no longer participate in the Work Habilitation Incentive Program until a Liability Insurance Policy is in place.

11. Request from Orrin E. Bailey, Executive Director, Six County Consortium for a letter of support for a Dislocated Worker Training Grant.

12. Resolution, one variance for landfill containment in area.


14. PUBLIC COMMENT.

15. ANNOUNCEMENTS.

16. ADJOURNMENT.