The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, May 23, 1995 at 4:30 p.m. in Room 231 of the Henry A. Skewis Annex, Marquette, Michigan.


It was moved by Comm. Braamse, seconded by Comm. Minelli, and unanimously carried by voice vote that the minutes of the Committee of the Whole meeting held on May 9, 1995 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 22 be the donation from the Keweenaw Bay Indian Community of funds to Marquette County.

It was moved by Comm. Arsenault, seconded by Comm. Rapport and unanimously carried by voice vote that Claims and Accounts for the period May 5, 1995, through May 18, 1995 in the amount of $3,640,059.90 be approved.

The Committee considered a memo from James F. Sodergren, County Treasurer, regarding a resolution on the Commercial Forest Act and a resolution on the Amendment to House Bill 4590 (Swamp Tax). Mr. Sodergren advised the County Board that the U.P. County Treasurers met May 11th and passed resolutions similar to those passed by Marquette County.

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

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The Committee considered a memo from James Sodergren, County Treasurer, regarding House Bill 4544 on mine reclamation. Mr. Sodergren was present and explained that HB 4544 was sponsored by Representative Tom Alley from District 103, which includes Gladwin, Ogemaw, Iosco and Arenac Counties. Mr. Alley also co-sponsored a bill in 1993 to reduce the Specific Iron Ore Tax. Mr. Sodergren is not sure what Representative Alley’s interest in the Mine Reclamation could be, although he does serve on the House Conservation Committee. The U.P. Legislators’ position on HB 4544 is not known.

HB 4544 directs the DNR to administer the clean-up of abandoned mine sites. They presently do not have enough time to administer the Commercial Forest Act, the Soil Erosion Act, and are busy with such matters as Richard Delene in Baraga County.

The Bill creates the Abandoned Mine Reclamation Fund within the State Treasury, however, no direction is given as to where the funding for this legislation is coming from. A similar example: It is required by law that the State of Michigan annually audit all the Counties, however, the Legislature does not fund the audit; so it has become the financial responsibility of the Counties. He fears HB 4544 would be funded in a similar fashion.

Also, HB 4544 creates a seven member advisory board, known as the Mining Council, of which five members shall be selected from mining operators or owners. Mr. Sodergren believes that the Mining Council should be local people, such as a member of the County Board, a City Manager perhaps, a Township Supervisor, etc.

Mr. Sodergren distributed area photographs taken of the Tilden and Empire Mining areas showing the vast acres of land covered by dikes and tailings. He also has pictures of many abandoned mining properties in his office should any Commissioner be interested. This legislation appears to place the burden on the taxpayers to clean up the mess that is left after the mining operators are long gone.
Civil Counsel, David Payant, has met with the Mine Inspector to review the Mine Inspector Act and pointed out that there is no power in the statute to require mine owners to cap open shafts. Also, the statute only applies to iron and copper mines and gives the Mine Inspector no jurisdiction over other types of mines such as the Ropes Gold Mine.

It was moved by Comm. Seppanen, seconded by Comm. Braamse, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board support mine reclamation legislation, however, they inform our Legislature that they do not support HB 4544 in its present form, and will be submitting its reasons and suggestions for changes in the near future.

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The Committee considered a memo from David Payant, Civil Counsel, regarding problems with the Mine Inspector Statute. The discussion and recommendation on this matter was combined with the previous item, the Mine Reclamation Act.

It was moved by Comm. Minelli, seconded by Comm. Arsenault, and unanimously carried by voice vote to place the matter on file.

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The Committee considered a request from Brent Nault, Data Processing Manager, that the County Board appropriate a 1994 commitment of $13,000 for the 21st Century Project to automate the Courts. Mr. Nault was present to update Commissioners on the project.

The County Clerk’s Office is now up and running. Next to be added are Circuit Court terminals and hold another training session in June. Probate Court is scheduled for operations in July and District Court in September/October. The total hardware package cost is $220,000 of which approximately $110,000 has already been paid out of a combination of State grants and PIF monies. Bid packages have been distributed for the purchase of PC’s, notebooks and wiring which will be the bulk of the remaining expenditures and that is why the $13,000 is required at this time.

The purchase of the $45,000 software package was delayed until 1995 because we were not ready in 1994. Once software has been installed we must pay a quarterly maintenance fee under a service contract with OSM. Office Systems Management is the branch of the State Court Administrator’s Office where the software is developed and automatically upgraded whenever it is necessary.

Dennis Aloia, County Administrator, added that the total 21st Century Project cost to automate our Court will be approximately $265,000 of which only $40,000 will be paid directly by the County.

It was moved by Comm. Rapport, seconded by Comm. Seppanen, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve the $13,000 funding from contingency to continue the 21st Century Project.

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The Committee considered a memo from James Kippola, Senior Planner, regarding the relocation/reconstruction of Morgan Meadow Road. The Marquette County Road Commission has proposed to acquire a new right-of-way for realignment/reconstruction of Morgan Meadow Road (Co. Rd. JM) through 320 feet of the Acocks property. The project would approve alignment of the road and create all-season status to facilitate heavy truck traffic from Payne & Dolan’s Blacktop Plant and Lindberg’s Gravel Pit just south of Co. Rd. 492.

It is Staff’s opinion that the improvement would create a safer roadway (grades and curves) as well as help resource production, and commerce. It would not negatively effect the current proposals to purchase Acocks and the improvements might actually increase the value of the County property along the new roadway. Staff recommends that title to the new roadway be transferred to the Road Commission under the following conditions:
1) The old road be obliterated and restored to vegetation;
2) Protective measures be taken for erosion at the stream crossing in accordance with the Soil Erosion Sedimentation Control Act (PA 347 of 1972); and
3) Negaunee Township is consulted and assurance attained that upon improvement that Co. Rd. JM shall not be subject to any restriction of commercial vehicles.

Mr. Kippola further explained that the Road Commission will draft the necessary legal agreements and he is under the understanding that, cost for this project will be covered by contractors, so it will be a win win situation.

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 proposal for the Marquette County Road Commission to acquire the right-of-way for the realignment/reconstruction of Morgan Meadows Road (Co. Rd. JM).

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The Committee considered a memo from David Roberts, County Clerk, regarding Civil and Criminal Search Fees. Historically criminal checks were routinely done by Military Recruiters, generally in person. In the past year or so, the number of criminal and civil checks has increase dramatically. We generally receive a long distance phone call from an investigating firm who is checking records on behalf of perspective employers. Our Court Clerks have had to stop whatever they are doing to review files and give them an immediate answer over the phone. We have become concerned over the identity of the callers, confidentiality issues and providing such information by phone, so we now require a written request or an in person request. Now the callers are faxing their written request, then follow up by phone for an immediate answer.

The Michigan Association of County Clerks will be discussing civil and criminal search fees at its Summer Conference in July. Presently 24 Counties are charging such a fee and our Association is heading in the direction of a standard fee throughout the State of Michigan. Of those Counties who have a fee, the search fee must be approved by the County Board of Commissioners, similar to a vital records fee. Clerk Roberts recommends that Marquette County establish a $5 fee.

It was moved by Comm. Minelli, seconded by Comm. Arsenault, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve of a Circuit Court $5 civil and criminal search fee per person.

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The Committee considered a letter from Jennifer Manninen, Chairperson of PAC (Parent Advisory Council) for Family Support Services. Ms. Manninen is concerned over the amount of dollars being allocated to the Respite Care Budget. There has not been an increase in this allotment for this service in 10 years.

Respite care is an important service to parents of disabled children because of the stress factor and the constant care required. Respite care often means saving a family from counseling and other emergency services when there is no relief from the day to day care of a totally dependent individual. Marquette County’s budget to Community Mental Health helps to provide this service to families, however, the County’s appropriation to Community Mental Health has not changed over the past 15 years. Ms. Manninen as PAC Chairperson is suggesting that the County review its budget for CMH services.

Dennis Allo, County Administrator, pointed out that there is a lack of understanding by Ms. Manninen of the budget process. While it is true that Marquette County has not increased its appropriation to Community Mental Health in the past 15 years, it must be noted that 17 years ago Community Mental Health’s annual budget was $5 million dollars and today is $12.8 million, whereas, 15 years ago the County budget was $8 million and today it is $12 million. The Community Mental Health Annual Budget is bigger than the County’s budget and the State is increasing appropriations to Community Mental Health by 5% but at the same time threatening to cut revenue sharing out of County government.
It was moved by Comm. Angeli, seconded by Comm. Rapport, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board direct Administrator Aloia to respond to Jennifer Manninen's letter explaining the difference in our budgets and direct her to write to Community Mental Health for an increase in the Respite Care funding.

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The Committee of the Whole met on Tuesday, May 23, 1995, they considered a Legislative Alert from the Michigan Association of Counties regarding House Bill 4424, the State Police Appropriations Budget. HB 4424 includes language that would assess an annual fee of $11.74 per bed on County Medical Care Facilities and Nursing Homes for Fire Marshall Inspections. MAC urges all Counties to oppose this legislation for three reasons:

a) It is a new mandate on local units of government and a Headlee violation;
b) That the Federal Government already reimburses States for fire inspections; and
c) It will cost the County Medical Care Facility additional funds which must come from wages or staff cuts or a reduction in services.

Comm. Rapport suggested that this memo be passed on to our Medical Care Facility Board so they can determine its potential cost.

It was moved by Comm. Seppanen, seconded by Comm. Arsenault, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board oppose House Bill 4424 which would require an annual assessment of $11.74 per bed on Medical Care Facilities and Nursing Homes for Fire Marshall Inspections.

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The Committee considered an amendment to the FY 1994 Cooperative Reimbursement Contract which provides for an increase of $4,514 to the Prosecutor's Office from the Michigan Department of Social Services for Children's Services.

It was moved by Comm. Braamse, seconded by Comm. Rapport, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve of Budget Amendment No. 1 for Cooperative Reimbursement Contract No. CS/PA-94-5202 as presented.

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The Committee considered a memo from David A. Payant, Civil Counsel, regarding closed sessions of various County Boards and Commissions and the attendance of those closed sessions by members of the County Board who act as liaisons. At the March 16th County Board meeting the County Board adopted a motion directing advisory boards to allow County Board liaisons to attend its closed sessions and also urging those boards with separate authority to do the same.

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

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The Committee considered a memo from Civil Counsel, David Payant, to Orrin Bailey, Executive Director of the Six County Employment Alliance, regarding the proposed reorganization plan. Mr. Payant has agreed to assist in revising the proposed interlocal agreement and he is currently waiting for Mr. Bailey to forward him the necessary documents.

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

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The Committee considered a letter from James Alderton, Chairperson, Marquette County Road Commission to Edward J. Bailey, Program Director of the K.I. Sawyer Base Conversion Authority. The letter indicates that the Road Commission must reconsider any proposals about relocating their Gwinn and Skandia District garages to the Air Base. It was moved by Comm. Minelli, seconded by Comm. Braamse, and unanimously carried to place the communication on file.

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The Committee considered a letter from Ron Koshorek, Resource Management Director, to Sara Pelto, Supervisor, Powell Township, requesting that Powell Township continue the present billing arrangement for water uses at Perkins Park. It was moved by Comm. Rapport, seconded by Comm. Arsenault, and unanimously carried by voice vote to place the communication on file.

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The Committee considered a memo from the Longyear Realty Corporation to the owners of Dead River properties with an update on the status of the license program. Longyear will be providing an extension to the terms of the licenses for the balance of 1995 and in the meantime will developing a plan that may provide opportunity for individual site ownership and/or other potential license alternatives in 1996. It was moved by Comm. Seppanen, seconded by Comm. Braamse and unanimously carried by voice vote to place the communication on file.

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It was moved by Comm. Seppanen, seconded by Comm. Trudell and unanimously carried by voice vote to place a communication on file from Thrun, Maatsch and Nordberg, P.C., regarding proposed legislation that will most likely pass, allowing taxing units to authorize operating millages without following the Truth in Taxation process if the taxing units comply with Sec. 16 of the Uniform Budgeting and Accounting Act.

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The Committee of the Whole received notice from Gerald H. Miller, Director, Michigan Department of Social Services that Mr. Robert E. Moore, 902 Garfield, Marquette, MI, has been appointed to the Marquette County Board of Social Services with term expiring October 31, 1997. It was moved by Comm. Arsenault, seconded by Comm. Rapport and unanimously carried by voice vote to place the communication on file.

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The Committee considered a concerns presented by Comm. Seppanen regarding acceptance of the monies from the Native American Community. Comm. Seppanen understands that the casino/bingo operation in Chocolay Township is considered illegal which is why Chocolay Township would not accept the funds. He asked Civil Counsel David Payant to address the matter.

Civil Counsel Payant provided the following update: A lawsuit was filed by the Keweenaw Bay Indian Community against the Federal Government. Federal Prosecutors have asked the Court to close the Casino because they consider it illegal. The matter is still pending in federal court.

In the meantime Civil Counsel recommends that the County Board hold the funds donated by the Native Americans in escrow and he will seek an opinion from the Attorney General’s office.
It was moved by Comm. Seppanen, seconded by Comm. Rapport, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board hold the funds donated by the Keweenaw Bay Indian Community in escrow until we receive a definitive answer from the Attorney General or Federal Court.

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Chairperson Corkin read a letter from the Base Conversion Authority regarding the Scope of Work to be used as part of the reuse study on relocation of the County Airport to K.I. Sawyer. Administrator Aloia pointed out that staff has reviewed this memo and the scope of work is identical to that that Commissioners already received at their last meeting. However, added to it is a bid deadline of June 23, 1995. There will also be a prebid conference on June 30, 1995 and the Base Conversion Authority will award the contract July 3, 1995 with the scope of work to be complete on August 14, 1995.

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There being no further business, the meeting was adjourned at 5:45 P.M.

Respectfully submitted,

David J. Roberts
Marquette County Clerk
ROLL CALL.


PUBLIC COMMENT.

APPROVAL OF THE AGENDA.

Review of Claims and Accounts.

Memo from James Sodergren, Marquette County Treasurer, regarding the Commercial Forest Act and the Swamp Tax.

Memo from James Sodergren, Marquette County Treasurer, regarding HB 4544 (Mine Reclamation).

Memo from Civil Counsel, David Payant, regarding Mine Inspector Statute.

Request from Brent Nault, Data Processing Manager, for 21st Century Court Project Appropriation.

Memo from James Kippola, Senior Planner, regarding Relocation/Reconstruction of Morgan Meadows Road.

Request from David Roberts, Marquette County Clerk, to Establish a Civil and Criminal Search Fee.

Letter from Jennifer Manninen, Parent Advisory Council Chairperson, regarding Community Mental Health Funding.

Legislative Alert from Michigan Association of Counties regarding HB 4424 (State Police Appropriations Budget).

Cooperative Reimbursement Contract Number CS/PA-94-5202 - 1994 Funding Year Budget Amendment Resolution No. 1.

Memo from Civil Counsel, David Payant, regarding Attendance by County Commission Liaisons at Closed Sessions of Various County Boards and Committees.

Memo from Civil Counsel David Payant to Orrin Bailey, Executive Director, Six County Employment Alliance, regarding Reorganization Plan.

Letter from James Alderton, Road Commission Chairman, to Edward Bailey, Program Director, Base Conversion Authority, regarding Jurisdiction and Maintenance of Base Road System.

Letter from Ron Koshorek, Resource Management Director, to Sara Pelto, Powell Township Supervisor, regarding Perkins Park Water Meters.

Update from Longyear Realty Corporation on the Dead River Properties License Program.


Announcement that Mr. Robert E. Moore has been Appointed by Governor Engler to the Marquette County Social Services Board.

PUBLIC COMMENT.

ANNOUNCEMENTS.

ADJOURNMENT.