The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, June 24, 1997 at 6:00 p.m. in Room 231 of the Henry A. Skewis Annex, Marquette, Michigan.


It was moved by Comm. Arsenault, seconded by Comm. Roberts, and unanimously carried by voice vote that the minutes of the Committee of the Whole meeting held on June 10, 1997 be approved.

Chairperson Corkin opened the meeting for public comment. Jim Cihak, speaking as a taxpayer, 3156 Lakeshore Boulevard. Mr. Cihak noted that on April 15th he requested that the Airport move be placed on the Strategic Planning Agenda. Last week he requested to be appointed to the County Airport Reuse Committee. The Rules of Order in Section IV.2 Agenda indicate "Prior to the meeting, any items for discussion shall be placed on the agenda at the request of a Commissioner or County Official." He suggested that the County Board step back and follow the rules we have established to operate by.

Mr. Cihak also reported that out of 348 calls he has received, 345 of them support either not moving the County Airport to K1 Sawyer or slowing the process down. Nobody has a problem with economic development at K1 Sawyer but all believed that can be accomplished without moving the Airport. Mr. Cihak publicly thanked those who have written letters to the newspaper.

Mr. Cihak also reported that he has spoken with the Mining Journal Publisher regarding a proposal to place a referendum on moving the Airport in the newspaper. Mr. Reeves does not agree with the proposal so Mr. Cihak will speak with the Action Shopper.

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

It was moved by Comm. Tuominen seconded by Comm. Joseph and unanimously carried by voice vote that the agenda be approved with the following additions: 5a) A Soil Conservation District Report and Slide Presentation, 10a) EDC Management Audit Report, and 13) Contract with Tom Rumora, K1 Sawyer Development Director.

It was moved by Comm. Roberts, seconded by Comm. Seppanen and unanimously carried by voice vote that Claims and Accounts for the period June 6, through June 19, 1997 in the amount of $983,302.23 be approved.

Lauri Dhondt, Administrator of the Marquette County Conservation District along with Mike LaPointe, Staff, provided an update on the Conservation District’s activities via a slide presentation. The presentation provided an overview and examples of such topics as of their tree planting programs, soil erosion prevention projects, cleaning stream beds to improve fish habitat, assistance to landowners, and youth education programs. The Conservation District thanked the County Board for their past support of their activities and programs and requested that the Conservation District be kept in mind during the 1998 budget process.

Chairperson Corkin thanked Lauri Dhondt and Mike LaPointe for the presentation.

Sheriff Michael Lovelace reported on cross-deputization with the Keewenaw Bay Tribal Police. He apologized that Commissioners learned of the issue through the media, he did not intend it to be that way. At the present time there is no agreement for cross-deputization and legal counsel is in the process of reviewing the matter. The media caught wind of the issue and contacted Sheriff Lovelace with questions which he felt obligated to answer. In return he learned of Commissioners’ concerns in the media. He preferred to be contacted directly by any Commissioner and is willing to answer any questions. Sheriff Lovelace would like to work towards better cooperation and understanding with the County Board.
The cross-deputation with the Keewenaw Bay Tribal Police amounts to deputizing only one tribal officer. This one deputy is already a certified graduate of the NMU Police Academy and a part-time Deputy with the Marquette County Sheriff’s Department. He has met the same standards and criteria as all police officers in Marquette County. Sheriff Lovelace already has cross-deputation agreements with other police agencies such as NMU Safety, Chocolay Township Police, and City Police. Sheriff Lovelace provided several examples of situations that could occur where a deputized tribal officer could assist the Sheriff’s Department or the Sheriff’s Deputies will be able to go onto tribal property. Deputization of police officers is not a County Board decision and this agreement is only another way to more adequately protect every citizen in Marquette County.

Comm. Seppanen thought that tribal lands were considered a sovereign nation and should not be compared in the same way as cross-deputation with another unit of government.

Comm. Angeli thanked the Sheriff for coming and apologized for not directly speaking to the Sheriff about his concerns. Comm. Angeli has received a number of calls from citizens and is under the impression that Native Americans would like to continue to be a separate nation. How does cross-deputation affect our court system? Are not most offenses by Native Americans handled through the Federal Court?

Comm. Cihak contended that if the Keewenaw Bay Indian Community is a sovereign nation they can deputize their own people and pay for their own officers.

Prosecuting Attorney Gary Walker noted that Marquette County now has a Native American community which holds lands in trust. Up until recent years we did not have that. Native Americans are citizens who live and work in this County and as citizens of our County deserve the same rights and protection as any other citizen. Presently the Sheriff’s Department does not have the authority to respond to calls on the reservation. Legally a 911 call cannot be responded to on trust lands. The KBIC wants a reciprocal agreement and it is not the intent of the agreement to change the rights and responsibilities of the parties or the Court system. The County Board of Commissioners has no direct control over this matter, however, it is appropriate to ask questions and request information. The final agreement will not come to the County Board for approval and neither does the Prosecutor direct the Sheriff on the matter other than to provide legal counsel.

Attorney Steve Pence, 509 Hills Drive, Marquette, pointed out that this a political decision that the Sheriff must make. By granting this cross-deputation he gives legitimacy to a corrupt government. What has gone on in Baraga County is shameful. 40% of the tribe has been kicked out. A respected Priest, Father John Haskell, had his home entered and has been harassed and intimidated. If our Sheriff cross-deputizes with the KBIC he will be jumping in bed with these officers. The KBIC already has 18 officers and do not need more through cross-deputation. Attorney Pence contended he is not making this up. He is a former Prosecutor in Delta County and a respected member of the legal community.

Several Native Americans addressed the County Board regarding the cross-deputation all contending that the current KBIC government is corrupt and spoke of danger involved for Native Americans living off the reservation should cross-deputation be allowed. Also, the Sheriff and State Police have the authority to enter the housing development because it is partially funded by federal dollars through HUD. Those that spoke include Len Bressett, Chocolay Township, Jim Berry, 105 Ojibwa Trail in Harvey, Carol LaPointe, member of the KBIC in Baraga, Dave LaFreniere, AIM Director, Michigan Chapter, Norway, and War Eagle, KBIC Member from Sault Ste. Marie. The final speaker also requested that the County Board ask for the resignation of Sheriff Lovelace.

The Committee considered the FY 1997 Micro-Computer Purchase Bids from Brent Nault, Data Processing Manager. Mr. Nault was present and explained that on May 23, 1997 sealed bids for various computer components were received in five distinct categories. Four of the five bid awards contained some equipment which will be located at the KI Sawyer Development Department. Portions of the funds to be used for the purchase of the equipment to be located KI Sawyer were all or in part funded by the grant received from the Office of Economic Adjustment. A detailed analysis of each bid by each vendor was distributed.

Steve Powers, County Administrator, pointed out that Brent Nault reviewed each bid in detail not only for cost but specifications and service availability. The Micro-Computer Purchase Bids total is $12,000 under budget for this project.
The recommendations on the 1997 Micro-Computer bid purchases are as follows:

1) Sixteen personal computers from the low qualified vender, Sundberg, Carlson, and Associates, for a total cost of $22,709.
2) Four printers, three 600 DPI large lazer printers, and one 600 DPI small desktop lazer printer from the low qualified vendor, CIC Systems, for a total cost of $4,150.
3) Fifteen SMC Network Interface Cards, and an SMS Tigerhub from the low bidder, Microage of Traverse City, for a total cost of $1,422.
4) Telecommunications equipment to link the KI Sawyer Novel Network with the County of Marquette’s Novell Network from Lasco Development Corporation for a total cost of $5,878.
5) 21st Century Project for automating the Courts of Marquette County for software which will allow efficient Novell communication with the Court’s AS/400 System, software from Softmart for a total cost of $7,916.

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 approve of the FY 1997 Micro-Computer purchase bids as recommended by Brent Nault, Data Processing Manager.

The Committee considered a proposed amendment to the Commercial Forest Act from Jim Sodergren, County Treasurer. Treasurer Sodergren was present and explained that many of the goals and objectives that treasurers worked hard to achieve in amending the Commercial Forest Act (CFA) in 1993 have been side tracked and are not working. The distribution of funds has gone from bad to impossible. The 10 cents per acre to administer the Act has not been paid by the State Treasury. Forest Management Plans have not been submitted by CFA landholders and the Department of Treasury is demanding monthly and annual reports that are not required by the law. The stumpage values have tripled since the cutting fees have been removed, thereby eliminating any gain that might have been realized by increasing the specific tax.

Treasurer Sodergren requested that the County Board support his proposed amendment which would simplify the CFA so that township treasurers could distribute the funds and further, that our Legislators appropriate the 10 cents per acre to the DNR Forestry Division so that they can administer the CFA.

Alan Feldhauser, Planner, Resource/Management Department, also reviewed the Commercial Forest Act and noted that the goals of the CFA are good, that is to have sustainable, managed forests, landowners receive a tax break, and the public has land access. If the CFA is administered properly it would achieve these goals for the State, the Region, and the County. His recommendation’s include the following: A) Legal review/interpretation of tax distribution by Civil Counsel, B) Encourage enactment of the Administrative Rules, C) Simplification of local reporting requirements, D) Seek input from the Marquette County Forestry Commission, and E) Apprise our Legislators of our concerns.

It was moved by Comm. Cihak, seconded by Comm. Tuominen, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board support an Amendment to the Commercial Forest Act to simplify distribution so it can be done by Township Treasurers and also request our State Legislators to appropriate the 10 cents per acre to the DNR Forestry Division to administer the CFA as intended.

The Committee considered a recommendation from Hal Pawley regarding the Sawyer Airport runway length. Hal Pawley, Airport Manager, was present and explained that one of the most important decisions to be made for conversion of Sawyer to a civil aviation airport is the runway length. Several other important projects are based upon the length.

Four alternatives have been considered and there are financial considerations, both near term capital improvements and long term operation and maintenance costs that must be planned for each alternative. Four alternatives ranging from leaving the runway at 12,369 feet, shortening the runway to 10,000 feet or 9,100 feet.
Airport Manager Hal Pawley opposes shortening the runway to 9,100 feet. He believes the runway should not be less than 10,000 feet, which could handle nearly all current aircraft. If the County Board desires not to foreclose future use by jumbo jets flying long distances fully loaded, it could establish the runway to be left at 12,369 feet. If the County Board decides to shorten the runway to 10,000 feet or 9,100 feet, then decide to lengthen it in the future, it would be very expensive to change. The navigational aids and lighting positions are based upon the runway length.

County Administrator Steve Powers pointed out that the $48,000 figure that was estimated for additional operational and maintenance costs for the Sawyer Airport was based on the runway remaining at 12,369 feet. The estimated snow removal cost difference for the longest runway to the shortest runway happens to be $48,000, but that figure has no correlation to the overall revenues and expenses of running the Sawyer Airport.

It was moved by Comm. Bergdahl, seconded by Comm. Angeli, and carried by voice vote 7 Ayes (Comm., Bergdahl, Angeli, Arsenault, Rapport, Roberts, Tuominen, and Corkin) to 3 Nays (Comm. Cihak, Joseph and Seppanen), that the Committee of the Whole recommend the County Board approve Alternative 1, and establish the Sawyer Airport runway at 12,369 feet x 150 feet.

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The Committee considered a recommendation from Steve Powers, County Administrator, regarding EDC Appropriations. Mr. Powers recommended on a monthly basis to transfer an appropriation as necessary to cover the cost of payroll and fringe benefits for the EDC's payroll. This transfer will be from the General Fund to the EDC Payroll Fund. There should be no impact on the County budget in that the 1997 EDC appropriation is $113,231 and as of June 1, 1997 the balance is $90,683.

Mr. Powers further noted that the EDC remains the employer and its Board and Executive Director are responsible for personnel policies and practices. Other than payroll and the 1996 EDA Grant, the EDC Board has retained accounting responsibilities for the following reasons: 1) Potential private contributors, clients, or new members may be reluctant to join the EDC because of the County involvement with financial information, and 2) Actions taken by the EDC to correct internal control weaknesses have occurred. The EDC has purchased a software program and designated one employee as its Finance Manager.

It was moved by Comm. Tuominen, seconded by Comm. Arsenault, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board transfer on a monthly basis an appropriation necessary to cover the cost of payroll and fringe benefits for EDC employees' payroll; transfer from the General Fund to the EDC Payroll Fund.

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The Committee of the Whole reviewed the EDC Audit Management Report. County Commissioners Bergdahl, Joseph and Tuominen, who are also members of the Marquette County EDC, answered questions regarding the Audit from Commissioners.

Chairperson Corkin was concerned with the findings in the Audit and Management Report, the EDA requires an audit every two years but five years went by without an audit. Hopefully procedures will be corrected and the audits will be done according to the law. It is good that the EDC is improving their financial system.

Comm. Cihak, on a positive note, played a part in the recent Pioneer Laboratories Project which will create 15 new jobs in Marquette County. He commended the EDC Board and its staff for their efforts in this area and believes the EDC now is going in a positive direction.
It was moved by Comm. Seppanen, seconded by Comm. Roberts and unanimously carried by voice vote to place the EDC Audit Management Report on file.

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The Committee considered a recommendation from Randell E. Girard, Human Services Director, regarding the classification and compensation system. Mr. Girard provided an overview of the Marquette County classification and compensation system since its beginning in January of 1982. The classification and compensation system was analyzed and updated in 1987 and 1992. The present day job descriptions are a result of the 1992 update.

Mr. Girard noted that during the recent collective bargaining process it became evident that our system no longer provided valid comparability and has become outdated with needs for replacement. Similar systems were recently completed by O. William Rye and Co. and were adopted by Community Mental Health, now Superior Behavioral Health, and the Marquette County Health Department. The FY 1997 Budget has a $30,000 line item for the replacement of our present classification system. A proposal received from O. William Rye and Company was received in the amount if $34,900. This proposal was for a fully integrated replacement system for County Staff including job analysis, new job descriptions, development of an external labor market, development of a new compensation plan, and system support. Internal oversight of the project would be provided by a Staff Committee comprised of representatives from the Bargaining Unit, nonrepresentative Staff, and Elected Officials.

Subsequent to this proposal contact was made with Mr. Rye to provide data and recommendations also on elected officials and to include the new KI Sawyer Development Department in the system. This additional work results in an increase of the project cost to $38,260 which is $8,260 over budget. Mr. Girard’s recommendation is to proceed with the replacement of our classification and compensation system because it is critical that the County maintain a competitive position in relation to our external labor market. The anticipated budget shortfall will be addressed by a combination of line item transfers within the Human Resources Department and scaling back the additional work required by O. William Rye and Company with in house Staff assistance for data compilation and clerical support.

It was moved by Comm. Seppanen, seconded by Comm. Angeli, and carried by voice vote 8 Ayes to 2 Nays (Comm. Bergdahl and Joseph), that the Committee of the Whole recommend the County Board proceed with the replacement of the Classification and Compensation System work to be completed by O. William Rye and Company.

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Comm. Rapport provided an update on the MAC Conference to be held in Marquette County in August. The registration mailing packet will be sent on June 30, 1997. Some of the speakers arranged for the conference include U.S. Senator Spencer Abraham, Michigan Supreme Court Justice Conrad Mallet, the Director of the Michigan Family Independence Agency, and the Michigan Jobs Commission. There will be more.

On a local note Mary Wright, who did a marvelous job on Finn Fest, will be arranging a welcoming display in the Superior Dome. Also, the musical group White Water from Amasa and a group of Native American Dancers will be performing.


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Comm. Cihak noted that the County Board adopted a recommendation on June 3, 1997 which directed Staff to proceed to develop and negotiate a contract as recommended by the Prosecutor for the employment of Tom Rumora as KI Sawyer Development Director. Comm. Cihak questioned the process in that the contract for $79,608 with Tom Rumora never came back to the County Board for final approval. He is not questioning the Contract itself but rather the process for approval.

Chairperson Corkin pointed out that Prosecutor Gary Walker advised that no further action was required by the County Board regarding the Contract.
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County Administrator Steve Powers also added that the KI Sawyer employees’ cost come from their budget and the additional $7,000 in assistance that was offered by Lake Superior Jobs Commission will now be redirected to other projects at the Base, which include entertaining business prospects.

Chairperson Corkin opened the meeting for public comment.
Jim Robinson from Choclay Township was present and explained that he is fed up with Sheriff Lovelace. If Sheriff Lovelace wants an army then he should hire the National Guard. Jim Robinson contended that Sheriff Lovelace must answer to the County Board. We do not need Baraga County Tribal Police in Marquette County. The Tribal Housing Project is through HUD which says that local fire calls and police calls must be answered by local police agencies except for the casino. Sheriff’s patrol cars are paid for by all taxpayers and should not be designated for one particular spot.
Chairperson Corkin pointed out once again that the County Board only has budgetary authority over the Sheriff.

COMMISSIONER COMMENTS, STAFF COMMENTS, AND ANNOUNCEMENTS

Board of Health Public Hearing July 29th regarding the Public Health Code.

Monday, June 30, 1997, 11:30 a.m., Great Lakes Room, delegation from Tupelo, Mississippi, regarding their base conversion.

Ray Ball, 62 Midway Drive, Negaunee, has been appointed as the new Marquette County Mine Inspector and will assume his duties on July 14, 1997.

Chairperson Corkin attended an MDOT meeting in Escanaba and the concerns expressed at that meeting were the same as those expressed as the recent meeting held in Marquette.

Comm. Cihak requested that the liability issue regarding cross-deputization be reviewed by Civil Counsel and Risk Management.

It was moved by Comm. Angeli, seconded by Comm. Tuominen, and unanimously carried on a roll call vote 10 Ayes (Comm. Angeli, Arsenault, Bergdahl, Cihak, Joseph, Rapport, Roberts, Tuominen, Seppanen, and Corkin) to 0 Nays that the Committee of the Whole go into closed session to discuss pending litigation: Northern Michigan Aviation vs. County of Marquette, et al.
Chairperson Corkin declared a brief recess to clear commission chambers.

CLOSED SESSION: 9:02 P.M.

The Committee of the Whole came back into open session. No action was forthcoming as a result of the closed session.

There being no further business, the meeting was adjourned at 9:40 p.m.

Respectfully Submitted,

David J. Roberts
Marquette County Clerk
1. ROLL CALL.
2. APPROVAL OF THE MINUTES OF THE COMMITTEE OF THE WHOLE
MEETING HELD ON JUNE 10, 1997.
3. PUBLIC COMMENT.
4. APPROVAL OF THE AGENDA.
5. Review of Claims and Accounts.
6. Report from Sheriff Mike Lovelace on Cross Deputization with Keweenaw Bay
   Tribal Police (no packet materials).
7. 1997 Micro-Computer Purchase Recommendations from Brent Nault, Data
    Processing Manager.
8. Proposed Amendment to the Commercial Forest Act from Jim Sodergren, County
    Treasurer.
9. Memorandum from Hal Pawley, Airport Manager, regarding Sawyer Airport
    Runway Length.
10. EDC Appropriation from Steve Powers, County Administrator.
11. MAC Summer Conference Update (no packet materials).
12. Contract with
13. ——
14. 
15. 
16. 
17. PUBLIC COMMENT.
18. ANNOUNCEMENTS.
19. CLOSED SESSION TO DISCUSS PENDING LITIGATION:
    Northern Michigan Aviation vs. County of Marquette, et al.
20. ADJOURNMENT.