The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, May 27, 1997 at 6:00 p.m. in Room 231 of the Henry A. Skews Annex, Marquette, Michigan.


It was moved by Comm. Arsenault, seconded by Comm. Joseph, and unanimously carried by voice vote that the minutes of the Committee of the Whole meeting held on May 13, 1997 be approved.

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

It was moved by Comm. Joseph, seconded by Comm. Roberts and unanimously carried by voice vote that the agenda be approved with the following additions: Item 5a) Privileged Comment: County Airport Reuse Resolution, Item 17) Transit Agreement with MarqTran for MAC Conference, Item 18) Fun Run/Walk to Benefit Harbor House, and Item 19) Outside Compensation to Tom Rumora, KI Sawyer Development Director.

It was moved by Comm. Seppanen, seconded by Comm. Roberts and unanimously carried by voice vote that Claims and Accounts for the period May 8, 1997, through May 22, 1997 in the amount of $1,184,399.97 be approved.

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The Committee considered a resolution of support for Negaunee Township in redeveloping the present Marquette County Airport. Comm. Cihak questioned paragraph three of the resolution which indicates that the acreage in Negaunee Township will soon be void of an Airport, thus enabling the land to become a viable prime site for economic development. He felt it is possible that a private entity may want to purchase the property and continue to operate an airport.

It was moved by Comm. Roberts, seconded by Comm. Arsenault, and carried by voice vote 8 Ayes to 1 Nay (Comm. Cihak), that the Committee of the Whole recommend the County Board adopt the resolution of support of Negaunee Township in redeveloping the Marquette County Airport.

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The Committee considered a request from Probate Judge Michael Anderegg to transfer an employment program fund balance in the amount of $28,389 to the Strong Family/Safe Children Program. In March of 1996 the County Board approved transferring a fund balance of $28,389, which resulted from the termination of the Employment Programs Department, for use by the Employment Skills Initiative, a Kellogg funded grant program, which was formerly one of the components of the County Employment Program. The Employment Program fund balance was never transferred to the Employment Skills Initiative, and now it cannot because the 1996 budget year has been closed out.

Judge Anderegg recently learned that expected funding for the State Strong Family/Safe Children Program would be reduced by 65%. If the fund balance was made available as originally approved, the ESI Program could operate through the end of September until additional funding from Kellogg may become available. If the County Board cannot transfer the $28,389 to an account designated for use by the ESI Initiative Judge Anderegg requested that an equal amount be appropriated from this year's Contingency Fund.

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 appropriate $28,389 from Contingency, an amount equal to the Employment Program Fund Balance originally designated for ESI, to the ESI Program with the necessary budget amendment.

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The Committee considered a Marquette County Community Corrections Grant Application for funding from the Michigan Department of Corrections for fiscal year 1998. The Community Corrections Advisory Board has requested that the Marquette County Board of Commissioners consider and approve the Grant document which entirely funds Community Corrections in Marquette County.

It was moved by Comm. Cihak, seconded by Comm. Seppanen, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve of the Marquette County Community Corrections Grant Application to the State of Michigan Department of Corrections for funding for Fiscal Year 1998.

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The Committee considered a recommendation from the County Planning Commission regarding the Scrap Tire Economic Development Act. The Planning Commission was provided a report and presentation by the Resource Management/Development Department Staff and it was determined that this proposed legislation should be opposed as currently written. The Planning Commission supports the concept of reusing scrap tires and eliminating unsightly and unsafe stockpiles throughout the State, however, this legislation is not the best alternative for Marquette County. In Marquette County approximately 56,000 scrap tires are generated annually. The majority of these tires are collected at local tire retailers where, for $2-$3 fee consumers leave their old tires when new ones are purchased. The County has a registered scrap tire hauler who transported approximately 45,000 to a location in Wisconsin where they are processed and used for fuel for power production.

The Marquette County Solid Waste Management Authority also allows disposal at the landfill. Shredding equipment has recently been acquired which reduces the tires to a size where they can be used for daily cover. The shredded tires also have proven to be an effective component of the landfills leachate collection system. These activities have been licensed by the Michigan DEQ. Therefore, the tires going to the Marquette County Landfill is like “killing three birds with one stone”. Scrap tires are disposed of, a fee is collected by the landfill, and the material is used in place of daily cover which would otherwise have to be purchased.

Current legislation addresses how to safely stockpile scrap tires while new legislation intends to get rid of these stockpiles altogether. If the public is willing to subsidize scrap tire reuse then the legislation could be done. Transportation costs are of particular concern because the proposed legislation indicates that the tires must go to a “regional” processing center. There would be seven such centers state-wide but only one in the Upper Peninsula. The legislative concept is good but not practical for Marquette County and the Upper Peninsula. The low annual scrap tire production and the transportation distances are limiting factors. The County Planning Commission believes that a state-wide application of the legislation would potentially solve many scrap tire management problems, but on a narrower prospective, the proposal would be more costly to Marquette County and a less effective solution than what we have currently in place.

It was moved by Comm. Tuominen, seconded by Comm. Roberts, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board concur with the Planning Commission’s recommendation and further that a letter be sent from the County Board of Commissioners noting that while the intent of the legislation is good, it will be more costly and a less effective solution in Marquette County than what is currently in place.

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The Committee considered the approval by the Michigan Jobs Commission of a Michigan Community Development Block Grant in the amount of $662,000 for Marquette County. The project will allow the location of Superior Extrusions, Inc. at KI Sawyer and provide for the creation of 65 jobs at $7 plus per hour.
Civil Counsel Harley Andrews reviewed the grant agreement and noted that the County has only 30 days to approve and return the grant agreement documents. This may not be enough time so an extension should be requested. The County is not to expend any funds until it has word that
Superior Extrusions, Inc. has a firm loan commitment of $2.6 million. Superior Extrusions also
must invest $1,189,000 in the project and has already agreed to pay the local share of the grant
in the amount of $75,000. This grant provides for a strong commitment from Superior Extrusions,
however, if Superior Extrusions doesn’t meet the requirements of the grant and create the 65 jobs,
you or the grantee (which is Marquette County) must repay the grant. Mr. Andrews suggested
that Marquette County seek to obtain an indemnity agreement with Superior Extrusions in the event
we are obligated to repay the grant.

County Administrator Steve Powers noted that maintenance of the financial records will be
handled by the County’s accounting department and the statistical records will likely be handled
by CUPPAD.

Chairperson Corkin noted that Superior Extrusions is an excellent project, the kind we need
at Sawyer, and they hope to be operating by October of 1997.

It was moved by Comm. Roberts, seconded by Comm. Seppanen, and unanimously carried
by voice vote, that the Committee of the Whole recommend the County Board approve of the
Michigan CDBG grant in the amount of $662,000 for the Superior Extrusion, Inc. infrastructure
project including the recommendations of Civil Counsel.

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The Committee considered an Engineering Services Agreement with URS Greiner for Sawyer
Aviation Projects. Hal Pawley, Airport Manager, was present and explained that the County has
been awarded an EDA Grant for a number of projects at Sawyer. Grant funding includes $827,500
for the design and construction of five aviation projects as follows:

1) Replace military instrument landing system (ILS) with one acceptable to the FAA so
they will assume responsibility for maintaining the system.
2) Installation of controls that will allow pilots to activate airfield lighting.
3) Installation of automated weather observation and reporting system.
4) Installation of aviation fuel storage and dispensing system.
5) Installation of airfield beacon, segmented circle and lighted wind cone??.

These projects are necessary for the relocation of the County Airport to Sawyer, but there
is a more immediate need for these projects to support AMR Eagle’s aircraft operations at Sawyer.
It is necessary to proceed with the engineering design right away so these projects can be awarded
and work started this year.

Hal Pawley estimated cost at $106,000 for design, construction, inspection, and contract
management for the five projects. URS Greiner’s price for these engineering services is $103,250.
The Agreement has been forwarded to the EDA for review and approval in accordance with one
of the grant conditions.

It was moved by Comm. Rapport, seconded by Comm. Roberts, and unanimously carried by
voice vote, that the Committee of the Whole recommend the County Board approve of the
Engineering Services Agreement for the Sawyer Aviation Projects contingent upon receipt of the
EDA approval.

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When the Committee of the Whole met on Tuesday, May 27, 1997, they considered a memo
from Hal Pawley, Airport Manager, regarding the Northern Michigan Aviation refusal to pay the
Avfuel price increase. The federal legislation that authorized charging excise taxes on aviation fuel,
as well as tax on airline tickets, expired on December 1, 1996. These Avfuel excise taxes were
15 cents per gallon for aviation gasoline and 17-1/2 cents a gallon for jet fuel. The County Airport
decreased its price to Northern Michigan Aviation to reflect expiration of the taxes.

Congress now reinstated these federal excise taxes effective March 7, 1997. A price
increase has been instituted as a combination of reinstated fuel excise taxes and changes in fuel
prices from the distributor. NMA has refused to pay the increased prices for fuel. Hal Pawley’s
attempts to resolve the matter with Brian Rochon have been unsuccessful.
Harley Andrews, Civil Counsel, explained that there is still pending litigation regarding the fuel price issue at the County Airport. Since February of this year efforts have been made for resolution with the Plaintiff but as of this date no progress. A mediation attempt was made prior to Mr. Andrews becoming Civil Counsel. The County rejected the mediation and Judge Quinnell has disqualified himself from the case. Circuit Court Judge Stark from Alger County has been appointed to hear the case and the parties are waiting for a scheduling conference.

Mr. Pawley believed that attempts to negotiate a settlement on the litigation were close and he was not sure that the County rejected any mediation, however, time may have automatically done so. It was during this negotiating process that a change in civil counsel occurred. Mr. Pawley questioned should the Airport Board continue to pursue a settlement or proceed in court?

It was moved by Comm. Tuominen, seconded by Comm. Roberts, and unanimously carried by voice vote, that the Committee of the Whole refer the matter to Civil Counsel Harley Andrews and that he be directed to meet with the Airport Board as soon as possible and report back to the Committee.

The Committee considered the jail sewer line shredder project. Since 1990 the City of Marquette has been complaining to Marquette County about disposal of clothing articles and bedding by jail inmates into the sanitary sewer. Disposal of this material plugs the lift station pump at Baraga Avenue causing much repair work for the City and backup of sewage along Baraga Avenue. The Marquette City Code allows them to charge for any expense, loss, or damage caused by these types of problems and requires that the material be treated prior to entering the sewer.

The project was funded as a capital project for 1997 at $16,800. Four bids were received. The low bid came in over budget at $17,550. Staff is requesting that $750 be transferred from the completed Resource Management/Development Department's Miscellaneous Equipment Capital Project to cover over budget costs of $750.00. The low bidder was Swall's Plumbing and Heating.

It was moved by Comm. Seppen, seconded by Comm. Arsenault, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve of the jail sewer line project low bid of $17,550 by Swall’s Plumbing and Heating, and approve the necessary budget amendment.

The Committee considered a communication from Comm. Cihak regarding the Non-smoking Ordinance that is before a Marquette City Commission Public Hearing at 7:00 p.m. this evening. Comm. Cihak wanted the County Board to be aware of the situation in case we need to respond in the future.

Comm. Seppen pointed out that the Health Department is conducting an extensive survey regarding the Non-smoking Ordinance, the results will be available early next year.

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

The Committee considered the elected officials' compensation. Comm. Seppen noted that in Counties throughout Michigan Elected Officials are generally paid one set salary. Marquette County did that up until 1992 when an Ad Hoc Committee recommended a progressive wage schedule for elected officials. At that time it was noted that after five years elected officials' compensation would be reviewed. Comm. Seppen believes we should return to the old system and establish one salary.

It was moved by Comm. Seppen, seconded by Comm. Arsenault that the Committee of the Whole recommend that the County Board eliminate the current progressive wage schedule for elected officials (except the Prosecutor).

A lengthy discussion on the issue followed.
BOARD OF COMMISSIONERS COUNTY OF MARQUETTE MAY 27, 1997

Comm. Tuominen thought that the newly elected Sheriff came to the County Board and asked us for a raise based on his past experience. His request seemed reasonable but it would not have put him up to the full pay scale. The motion before us will require to pay the Sheriff at the top of the scale, and also the Mine Inspector and the Drain Commissioner. He cannot support this motion.

Comm. Chihak questioned the cost to the County and where the funding was to come from? The progressive wage schedule was established in 1992 with a five year review. He thought the issue is too important to pass tonight but rather it should be discussed in more detail at the appropriate time. He contended that the people who elected Sheriff Lovelace did so at a salary of $44,000. To change that now would be unfair.

County Administrator Steve Powers noted that for the whole year 1997 the cost would be approximately $25,000, at $1,092 for the Drain Commissioner, $5,920 increase for the Mine Inspector, and a $13,337 increase for the Sheriff, and 25% increase for benefits. Should the County Board approve the earliest it could be implemented is June 3rd, so it would actually cost County approximately $14,000 for the rest of 1997 with the funds most likely coming from Contingency.

Comm. Rapport asked Prosecutor Walker if there were any legal ramifications? Prosecutor Walker explained that the recent case with the Sheriff dealt with a retrospective pay increase but the motion before the Committee is regarding a prospective pay increase. The County Board may raise elected officials’ salaries at any time. Prosecutor Walker further noted that there is a starting wage for union positions and as they accumulate experience they reach the full pay scale. Also, management can be given credit for experience.

Comm. Arsenault realizes there is a progressive range provided for elected officials and it will undergo a five year review, but the citizens have elected a Sheriff with 18 years of law enforcement experience. He believes the Sheriff’s request for a salary of about $50,000 to $51,000 rather than $44,000 is a fair request. It appears now that we are considering the whole Elected Officials’ pay schedule rather than just the Sheriff’s.

Comm. Seppanen pointed out that we have established a policy not just for the Sheriff’s salary but for all elected officials. If we go outside of that progressive policy then what is good for the Sheriff is good for all. The real issue is not based upon the individual but rather the position. Any new elected official assuming office has the same responsibilities as the previous elected official. His thought is it best to eliminate and the progressive wage and go to a set salary schedule as before.

Comm. Joseph would like more information regarding the salaries of elected officials, specifically the Sheriff, the Drain Commissioner, and the Mine Inspector since 1992.

Comm. Tuominen wondered would these Elected Officials be considered underpaid of we change policy?

Prosecutor Walker noted that the elected officials would not be considered underpaid because they are paid as per the policy established by the County Board. If the County Board decides to change policy then they would be paid as per the new policy. Prosecutor Walker suggested that if the Board is considering giving credit to elected officials for prior experience perhaps the matter could be reviewed by the Human Resources Director Randell Girard.

Chairperson Corkin called for the vote on the Motion to eliminate the progressive wage schedule for Elected Officials. Motion failed 2 Ayes (Comm. Seppanen and Arsenault) to 7 Nays.

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County Administrator Steve Powers distributed the draft of the 1997/98 Strategic Plan which now includes strategic actions for each specific goal statement. The Strategic Plan will be placed on the June 10, 1997 Committee of the Whole meeting.

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The Committee considered an Air Force Base Closure Report from Administrator Steve Powers and KI Sawyer Development Director Tom Rumora. They attended a Base Conversion Training Session in Washington D.C. along with Civil Counsel Harley Andrews. While in
Washington they met with U.S. Senator Carl Levin and Congressman Bart Stupak. Our Legislators are very supportive in our efforts to convert KI Sawyer and Administrator Powers felt the meeting to be very helpful and the discussions straightforward. Any request for heating conversion funds is tied to specific needs or to a conversion cost of a specific building.

The Air Force Base Conversion Authority meetings provided no money but Staff now has a much better understanding of their process. Before any negotiations can take place with AFBCA, Marquette County must submit a draft request for the property. Since Marquette County has agreed to become the LRA it will have to prepare a Draft Economic Development Conveyance demonstrating public benefit.

Tom Rumora, KI Sawyer Development Director, further explained that Marquette County was the only community representative. The rest attending the seminar were members of the FAA, AFBCA, or some federal organization. A 200 page handbook was distributed providing a summary of information. Mr. Rumora displayed a flow chart approximately 6"x4" containing 346 boxes outlining the approval process for a successful base conversion provided nothing went wrong, no problems were encountered, and everybody involved did everything correctly. The process is tremendously complex and has evolved over 40 years of base conversions. The presenter sometimes noted that a particular page of the handbook could be a two-day seminar by itself.

One particular page in the handbook says that a request for property must come first, then AFBCA will negotiate commitments. Regarding the heating conversion formula, AFBCA has no way to address the snow issue. Marquette County is now a Local Redevelopment Authority (LRA) but has not requested any property.

Chairperson Corkin noted that the County Board has a clear vision of what we need. We need to get this down in black and white. It is common sense that the Air Force will work with the County otherwise they will have to dispose of KI Sawyer themselves. Also, the County has committed to move the County Airport to Sawyer which should demonstrate our commitment to the redevelopment of the base.

Administrator Powers noted that we are a Local Redevelopment Authority but we haven't requested any property. AFBCA needs a clear indication on properties other than the Airport.

Tom Rumora will make a list of the various commitments that Marquette County has taken up until now. He noted that ultimately surveys must be done on the properties, however, it is not critical at this time to an Economic Development Conveyance Application and would not be a hold up. The Air Force cannot discuss fragmented parts of a total solution because they have no context to work in. A context can only be created if the LRA requests all of the properties they plan to request. This request can be in a sketchy preliminary form without all the blanks filled in and exhibits attached. Then AFBCA can address specific issues such as long term caretaker, etc., because we are seeking ownership. This is the trigger mechanism.

It was moved by Comm. Rapport, seconded by Comm. Roberts, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board direct Staff to prepare a Draft Economic Development Conveyance Application for consideration by the KI Sawyer Economic Development Committee.

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The Committee considered an agreement with the Marquette County Transit Authority for shuttle transportation to be provided for the Michigan Association of Counties Conference to be held August 17-19, 1997 in Marquette County. Comm. Rapport distributed a copy of an agreement that was provided from Robert Niemi, Executive Director of MCTA. The agreement provides for a series of shuttles between the Dome, the Ramada Inn, and the Holiday Inn with loops to other hotels in Marquette County along the routes. The total cost for the shuttles will be about $2,200 which will be taken from the $5,000 allocated for the MAC Conference in the 1997 budget.

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 of the contract with the Marquette County Transit Authority for transit services during the MAC Conference contingent upon administrative and legal review.

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BOARD OF COMMISSIONERS  COUNTY OF MARQUETTE  MAY 27, 1997

Comm. Cihak announced a Shelter Fun Run/Walk to benefit Harbor House which is a domestic violence shelter serving Marquette and Alger Counties. "Run for Shelter" is a major fund raiser for an excellent program. Comm. Cihak noted that Assistant Prosecutor Matt Wiese is a leader on domestic violence issues in Marquette County and recognized throughout the State of Michigan. the Fun Run/Walk will be held on Saturday, May 31st from 9 a.m. to 12 noon starting at the Women's Center. He challenged other Commissioners to run or walk in the event.

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The Committee considered a request from Comm. Cihak that Prosecutor Gary Walker address the County Board regarding the $7,000 outside payment from the Lake Superior Jobs Coalition to Tom Rumora to retain his services as KI Sawyer Development Director.

Prosecutor Gary Walker explained the additional compensation from the Lake Superior Jobs Commission to Tom Rumora may have the facial appearances of a conflict. Tom Rumora is a key employee in a large undertaking and if he is successful he will work himself out of a job. Prosecutor Walker has not been asked to give a formal opinion by the County Board but will do so or request an Attorney General's Opinion if the County Board wishes. However, he suggested a remedy that would solve any potential problems, that is to deal with Tom Rumora as a contractual employee. This way, the County Board would not be hampered by policies that other County employees come under. There are several County employees that are dealt with on a contractual basis including Administrator Steve Powers and Equalization Director Gerard Markey.

Administrator Steve Powers explained that discussions regarding Tom Rumora’s position have been going on for months. They were aware that the pay scale of the State of Michigan was much higher than the County’s when it became the LRA. Tom Rumora is the best person for the KI Sawyer Development Director position and will provide the knowledge and the continuity needed for the base conversion process. The Lake Superior Jobs Coalition recognized this and offered an additional incentive to keep Tom Rumora on the job.

Comm. Joseph contended that he has no problem with what the County has in place. The County Board did not compromise anything but retained the best person for the position. If we decide now to negotiate a contract with Tom Rumora it appears like we’re changing policy in the middle of the stream. According to County Policy the Administrator can make the decision.

Chairperson Corkin does not want the County Board waste time on this issue. We need Tom Rumora at work at KI Sawyer and do not need to be involved in a trivia contest. Administrator Powers acted in our best interest believing he was following County policy. He is not worried about any appearances with a contract.

Prosecutor Walker asserted that there is nothing that the County Board did that has to be backed off of. LSJC is an outside agency which offered additional support to Tom Rumora, not the County Board. He suggested again that the County Board deal with Tom Rumora by a contract, however, if the Board wishes for an Attorney General’s Opinion it would be at least six months before the opinion is available. In a Contract the County Board can establish Tom Rumora’s salary, his authority, and the duties for the position.

It was moved by Comm. Roberts, seconded by Comm. Arsenault, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board direct 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.

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

COMMISSIONER COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS

None was forthcoming.

There being no further business, the meeting was adjourned at 8:14 p.m.

Respectfully Submitted,

[Signature]
David J. Roberts
Marquette County Clerk

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MARQUETTE COUNTY BOARD OF COMMISSIONERS
COMMITTEE OF THE WHOLE
TUESDAY, MAY 27, 1997, 6:00 P.M.
Room 231, Henry A. Skewis Annex, Marquette, MI 49855

1. ROLL CALL.
2. APPROVAL OF THE MINUTES OF THE COMMITTEE OF THE WHOLE
MEETING HELD ON MAY 13, 1997.
3. PUBLIC COMMENT.
4. APPROVAL OF THE AGENDA.
5. Review of Claims and Accounts.
6. Request from Probate Judge Michael Anderegg for Employment Program Fund
Balance to Offset State Reduction of 65% for Strong Families/Safe Children
Money.
7. Community Corrections Grant Application for Funding from the Michigan
Department of Corrections for Fiscal Year 1998.
8. Planning Commission Recommendation to Oppose the Scrap Tire Economic
Development Act.
9. Superior Extrusions, Inc. CDBG Grant.
10. EDA Grant Award for Engineering Services Agreement for Sawyer Aviation
Projects.
13. Marquette City Commission Non-Smoking Ordinance.
15. Strategic Plan Draft (materials forthcoming at meeting).
16. AFBCA Base Closure Report (materials forthcoming at meeting).
17. MAC Transit Agreement
18. Harbor House Owa for Sheets
19. $700 payment to Tom Romuald
20. PUBLIC COMMENT.
21. ANNOUNCEMENTS.
22. ADJOURNMENT.