The Marquette County Board of Commissioners held their Regular meeting on Tuesday, June 6, 2000, 7:00 P.M., in Room 231 of the Henry A. Skewis Annex, Baraga Avenue, Marquette, Michigan.

Chairperson Corkin called the meeting to order. Present: Comm. Arsenault, Comm. Bergdahl, Comm. Curto, Comm. Joseph, Comm. Rapport, Comm. Roberts, Comm. Seppanen, Comm. Tuominen, and Comm. Wallace, and Comm. Corkin. Absent: None.

A salute to the flag was given followed by the Pledge of Allegiance.

It was moved by Comm. Arsenault, seconded by Comm. Wallace, and unanimously carried by voice vote that the Minutes of the May 16, 2000 Regular Meeting be approved.

Chairperson Corkin read the following Proclamation honoring Judge Patricia L. Micklow on her retirement:

MARQUETTE COUNTY BOARD OF COMMISSIONERS
RESOLUTION
HONORING JUDGE PATRICIA L. MICKLOW

WHEREAS, Government has an obligation to provide its citizens with services of the highest quality which can only be provided by employees of the highest caliber; and

WHEREAS, the Honorable Patricia L. Micklow, Judge of the 96th District Court, was first hired as an Assistant Prosecuting Attorney in June, 1976, then served as Chief Civil Counsel from July, 1980 through December, 1986, and was duly elected and began serving on January 1, 1987 as 96th District Court Judge, continuing until her retirement on June 1, 2000; and

WHEREAS, the Honorable Patricia L. Micklow was the first and only female Judge elected in Marquette County and is a member of the National Association of Women Judges, has served on the Michigan Supreme Court Task Force on Gender Issues in the Court, the Michigan Domestic Violence Prevention and Treatment Board, and is currently a member of the State Bar of Michigan Open Justice Commission and the Governor's Partners Against Crime Commission; and

WHEREAS, the Honorable Patricia L. Micklow has served on numerous other boards and committees and has dedicated twenty-four years of her life to public service for the citizens of Marquette County and all of Michigan.

THEREFORE BE IT RESOLVED, that the Marquette County Board of Commissioners gratefully acknowledges its appreciation for the dedicated public service of Patricia L. Micklow since 1976;

AND BE IT FURTHER RESOLVED, on behalf of all County citizens, the Marquette County Board of Commissioners congratulates the Honorable Patricia L. Micklow and wishes her and her husband Judd a long, happy and healthy retirement.

Proclaimed this 1st day of June, 2000
Gerald O. Corkin, Chairperson
Marquette County Board Of Commissioners

Chairperson Corkin opened the meeting for public comment.

Attorney Thomas Clark, representing WLUC-TV6 addressed the Board regarding the proposed Airport Zoning Ordinance for Sawyer International Airport. Mr. Clark noted he has no problem with the process leading up to the adoption of the Ordinance, all the public notices and hearings were done properly, however he has three major concerns with the proposed ordinance: First) The area covered by the new ordinance is definitely an expansion over the old ordinance. Second) The existing ordinance required for any non-conformance use, if a structure was damaged and had to be replaced the replacement cost could be up to 80%, the new ordinance lowers this to 50%, and Third) There is no system in place for filtering out unnecessary permit applications.

Mr. Clark felt that the proposed ordinance is adding a layer of regulation and review without having the necessary objective requirements, and will be subject to the discretion of Staff. The ordinance is too broad and will require more work. The maps and technical information provided by the 1966 ordinance seemed to be much better than the present ordinance.

MSS176_47_14_001.tif

Mr. Clark requested that the County Board adjourn adoption of the ordinance for 30 days to allow him to review it further on behalf of his client. There is presently an ordinance in place which could tie over until adoption. He noted as long as an ordinance is necessary it should be the best ordinance possible.

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

It was moved by Comm. Seppanen, seconded by Comm. Arsenault, and unanimously carried by voice vote that the agenda be approved as presented.

PRIVILEGED COMMENT

Chairperson Corkin read a letter from the Michigan Township's Association, Lisa Reipsone, Education Specialist, and Debra McGuire, Director of Education, commending and thanking County Clerk Dave Roberts for conducting election workshops at MTA Spring District Meetings on May 1, 2, and 3, 2000. The workshops were well received and the MTA is pleased with the results.

INFORMATIONAL ITEMS

It was moved by Comm. Rapport, seconded by Comm. Joseph, and unanimously carried by voice vote that the following informational items be accepted and placed on file:

a. *State of Michigan Equalized Values by the State Tax Commission.*
b. *Notice from Federal Energy Regulatory Commission regarding Marquette Board of Light and Power Hydroelectric Project Number 2589-024.*
c. *Response from Carl Lindquist, Soil Conservation District, regarding U.S. Army Corps of Engineers Permit Review.*
d. *Several letters regarding Michigan Economic Development Corporation Funding for Building Renovations.*
e. *Letter from Congressman Bart Stupak regarding HR 1000, Federal Aviation Administration Reauthorization Act.*
f. *Memo from Family Independence Agency regarding Application Instructions for Amendments and Budget Line Item Transfers.*
g. *Letter from Office of Highway Safety Planning, Michigan State Police, regarding Additional Innovative Funds to be added to the Highway Safety Project "Operation Nightcap."*
h. *Marquette County Sheriff Department: "National Night Out 2000."*
i. *Marquette City Commission Brownfield Redevelopment Plan Public Hearing, Monday, June 12, 2000.*
j. *Upper Peninsula Association of County Commissioners Spring Conference, June 9-10,2000, Sawyer International Airport Officers Club.*

ACTION ITEMS

10a) It was moved by Comm. Roberts, seconded by Comm. Joseph, and unanimously carried by voice vote that Claims and Accounts for the period May 19th through June 1st, 2000 in the amount of $3,995,763.20 be approved.

It was moved by Comm. Wallace, seconded by Comm. Rapport, and unanimously carried by voice vote that Action 10 d, 10e, 10f, 10g, 10h, 10i, 10j, 10k, 10l, 10m, and 10n be approved as follows:

10d) Committee of the Whole Recommendation to approve a Staff Plan of Action to reduce the unmetered electrical costs at KI Sawyer, and further that a report of the Plan's progress be given at the next Committee of the Whole Meeting.

10e) Committee of the Whole Recommendation to approve the bid to Payne & Dolan in the amount of $417,946.72 for various Sawyer International Airport Construction Projects, 90% of the funding will be from the FY 1999 MAP Grant, with the State Aeronautics Commission funding 5%, with the remaining 5% from Passenger Facility Charges. (Work includes construction and rehab of taxiways on the south portion of the airfield, construction of taxiways to future t-hangars, replacement of failing concrete slabs, relocation of airfield perimeter fencing, earthwork grading, insulation of drain piping, and construction of two asphalt taxiways.)

MSS176_47_14_01.tif

10f) Committee of the Whole Recommendation to approve a lease with A. Voyager, Inc. for Sawyer Building No. 420 at a rate of $3 per sq. ft., with Civil Counsel Harley Andrews preparing the lease documents which includes the normal responsibilities for the tenant for utilities, maintenance, insurance liability, and also language providing that either party would have the ability not to renew the lease Lease is for three years with two automatic renewals. (The lease will generate $16,500 annually at $3 per sq. ft. for 5,500 sq. ft.)

10g) Committee of the Whole Recommendation to authorize an agreement not to exceed $4,600 with TKDA to provide professional engineering assistance for the wastewater system at the old Marquette County Airport.

10h) Committee of the Whole Recommendation to authorize an expenditure not to exceed $7,000 for underground fuel tank investigation and assessment services and for cleanup of the site with Tri Media Consultants, and further authorize the County Administrator to execute the agreement with Tri Media.

10i) Committee of the Whole Recommendation to approve a relocation plan for the Information Systems Computer Room, project includes the following: Moving the Information Systems Computer Room to the Annex ground floor and the mailroom will move to the space currently occupied by Information Systems; photocopiers will be moved into the smoking room, and smoking policy #416.1 will be revised to read "Smoking is prohibited throughout the Courthouse, Henry A. Skewis Annex, DeFant Building, and County Jail. Smoking is prohibited in all County vehicles."

10j) Committee of the Whole Recommendation to send a letter to the Solid Waste Management Division indicating that the Marquette County Board of Commissioners is in concurrence with the modification of the Marquette County Solid Waste Management Plan as outlined in the Waste Management Division's letter of April 3, 2000.

10k) Committee of the Whole Recommendation to send a letter to our Upper Peninsula State Legislators urging that any proposed amendments to the Michigan Drain Code will not result in any additional financial liabilities to counties.

10l) Committee of the Whole Recommendation to send a letter to Governor Engler supporting the appointment of an Assessor Member to the State Assessor's Board.

10m) Committee of the Whole Recommendation to approve the FY 2001 Community Corrections Application for funding.

10n) An Agreement between Marquette County and the Marquette Mountain Ski Patrol authorizing the Ski Patrol to conduct its annual Mountain Bike Race over part of the County's Honor Camp property.

ACTION ITEMS CONTINUED

10b and 10c) The County Board considered a Committee of the Whole Recommendation to adopt the Sawyer International Airport Zoning Ordinance and also a Recommendation to adopt the Airport Zoning Ordinance Fee Schedule.

Al Feldhauser, Senior Planner, addressed the Board regarding some of the concerns expressed by Attorney Clark on behalf of WLUC-TV6. Mr. Feldhauser noted that the amount of area covered by the new ordinance has reduced by half the amount of protected air space. The old ordinance included the old Marquette County Airport and the area surrounding KI Sawyer. Federal rules followed by the Air Force were different than the new proposed Zoning Ordinance. Also, the new Ordinance takes into account the future crosswind runway which was not in existence in the 1966 ordinance.

Mr. Feldhauser further noted that the key component in the Zoning Ordinance is the height of a structure and its nearness to the Airport. He described a bowl shape protected air space design leveling off to a rim. With the GIS System, once site coordinates are located a computer can provide the elevations required to protect the air space. The new system is much more technologically advanced however details are difficult to describe on an 8-1/2" x 17" sheet

MSS176_47_14_02.tif

of paper. Once the coordinates of a construction site are located the new ordinance is absolutely site specific.

Mr. Feldhauser further explained that growing trees are not an issue, nor are bird feeders, however there are other land use considerations in the ordinance near the airport such as: Smoke, lights or glare, electrical interference, and wildlife such as birds could be a factor if there was a landfill nearby that attracted seagulls. The 50% cost factor requirement for the reconstruction of nonconforming uses is typical language in county-wide zoning ordinances. The zoning permit process is tied to the building permit system. Staff will compare the building permit application site to the ten mile radius of the airport which will show allowable elevations. If the proposed structure is below the height and provides for no other airport hazards then a permit will be approved.

Jim Kippola, Resource Development Director, noted that the original protected air space surrounding KI Sawyer was an oval 10 by 8 miles. He noted that millions of dollars of public funds have been spent around the United States because of development moving in on airport space. The zoning ordinance is designed to protect the public and prevent this from happening. Airports do generate noise so compatible use must be considered and unfortunately planes do crash into towers.

Harley Andrews, Chief Civil Counsel, read from Sec. 23 of the Airport Zoning Act noting that a permit process is required by law and is not discretionary. The statute requires a permit within a 10 mile radius which is established by the Michigan of Aeronautics. The 50% cost factor to replace a nonconforming use is standard in zoning ordinances. He noted that nonconforming uses are already a violation of a zoning ordinance, so if a nonconforming use is destroyed the ordinance is designed to have it eliminated. He noted that Mr. Clark's comments about bird feeders and growing trees are simply not true.

Three public hearings were held. The Airport Zoning Ordinance is a public safety measure. All ordinances are subject to change or challenge and this ordinance allows for a variance process. Civil Counsel Andrews feels there is no reason to delay and recommends the ordinance be adopted.

Steve Powers, County Administrator, also noted that he and County Staff met with Attorney Clark and discussed WLUC-TV6 concerns. For Commissioners' information he pointed out that TV-6 wants to erect an digital television tower which may be in the Airport hazard zone as outlined in the proposed Ordinance. He concurs with Staff recommendation that the Zoning Ordinance not be delayed but adopted.

Chairperson Corkin and several Commissioners commended Resource Management Staff in answering the concerns brought forth by Attorney Clark. There was no issue raised this evening that Staff did not adequately address or would change their vote to adopt the Ordinance, however in the interest of good government a two week delay should not be a problem.

It was moved by Comm. Curto, seconded by Comm. Joseph and carried by voice vote 8 Ayes to 2 Nays (Comm. Rapport and Comm. Wallace) that the County Board delay two weeks and consider adoption of the Airport Zoning Ordinance and Fee Structure at the next Regular County Board Meeting scheduled for June 20, 2000.

COMMISSIONER COMMENTS, STAFF COMMENTS, AND ANNOUNCEMENTS

Comm. Tuominen, Road Commission Liaison, reported that the County Road 550 construction project bids will be let out and the project will proceed probably in September.

Comm. Wallace noted that he will be in Washington D.C. attending a Surgeon General Conference on Children's Dental Health and he will be using the Marquette County Dental Clinic as an example of how local Boards of Health can provide such services.

Comm. Rapport attended the Sawyer Work Group Meeting and has been pleased with their monthly meetings. The Sawyer community is getting more involved, including the Sawyer Business Alliance, and they have enough funding now to maintain two summer interns. They have a list of activities and events taking place at Sawyer. She is also pleased with progress being made on street lighting issues.

There being no further business, the meeting was adjourned at 8:11 p.m.

Respectfully Submitted,

David J. Roberts

David J. Roberts
Marquette County Clerk

MSS176_47_14_03.tif

MARQUETTE COUNTY BOARD OF COMMISSIONERS
Regular Meeting, Tuesday, June 6, 2000, 7:00 p.m.
Room 231, Henry A. Skewis Annex
Marquette, Michigan 49855

1) ROLL CALL.
2) SALUTE TO THE FLAG AND PLEDGE OF ALLEGIANCE.
3) APPROVAL OF THE MINUTES OF THE COUNTY BOARD OF COMMISSIONERS REGULAR MEETING HELD ON May 16, 2000.
4) PROCLAMATIONS, PRESENTATIONS AND AWARDS:
   a. Resolution Honoring Judge Patricia L. Micklow on Her Retirement.
5) PUBLIC COMMENT. (time limit 20 minutes total)
6) APPROVAL OF THE AGENDA.
7) PUBLIC HEARINGS.
8) PRIVILEGED COMMENT:
   a. A Thank You from the Michigan Townships Association to County Clerk Dave Roberts for teaching the "Countdown to Elections" Workshops.
9) INFORMATIONAL ITEMS:
   a. State of Michigan Equalized Values by the State Tax Commission.
   b. Notice from Federal Energy Regulatory Commission regarding Marquette Board of Light and Power Hydroelectric Project Number 2589-024.
   c. Response from Carl Lindquist, Soil Conservation District, regarding U.S. Army Corps of Engineers Permit Review.
   d. Several letters regarding Michigan Economic Development Corporation Funding for Building Renovations.
   e. Letter from Congressman Bart Stupak regarding HR 1000, Federal Aviation Administration Reauthorization Act.
   f. Memo from Family Independence Agency regarding Application Instructions for Amendments and Budget Line Item Transfers.
   g. Letter from Office of Highway Safety Planning, Michigan State Police, regarding Additional Innovative Funds to be added to the Highway Safety Project "Operation Nightcap."
   h. Marquette County Sheriff Department: "National Night Out 2000."
   i. Marquette City Commission Brownfield Redevelopment Plan Public Hearing, Monday, June 12, 2000.
   j. Upper Peninsula Association of County Commissioners Spring Conference, June 9-10,2000, Sawyer International Airport Officers Club.
10) ACTION ITEMS:
   a. Claims and Accounts.
   b. Committee of the Whole Recommendation to adopt the Sawyer International Airport Zoning Ordinance.
   c. Committee of the Whole Recommendation to adopt the Sawyer International Airport Zoning Ordinance Fee Schedule.
   d. Committee of the Whole Recommendation to approve a plan to reduce unmetered electrical costs at K.I.Sawyer.
   e. Committee of the Whole Recommendation to approve Sawyer International Airport Construction Project bids to Payne and Dolan.

MSS176_47_14_04.tif

f. Committee of the Whole Recommendation to approve a lease with A. Voyager, Inc. for Sawyer Building 420.
g. Committee of the Whole Recommendation to approve an agreement with TKDA for engineering assistance for Wasterwater System at Old County Airport.
h. Committee of the Whole Recommendation authorizing Underground Fuel Tank Investigation and Assessment Services with Tri Media Consultants.
i. Committee of the Whole Recommendation to approve the Relocation Plan and Award the Bid to ProTherm Inc. for the Information Systems Computer Room.
j. Committee of the Whole Recommendation to Send a Letter Concurring with the Michigan DEQ Waste Management Division Modification to the County Solid Waste Plan.
k. Committee of the Whole Recommendation to send a Letter to our U.P. Legislators regarding Proposed Amendments to the Michigan Drain Code.
l. Committee of the Whole Recommendation to adopt a Resolution Supporting the Appointment of an Assessment Member to the State Assessors Board.
m. Committee of the Whole Recommendation to approve the FY 2001 Community Corrections Application for Funding.
n. Proposed Agreement between the County and the Marquette Mountain Ski Patrol for the Mountain Bike Race through the Honor Camp Property.

11) LATE ADDITIONS:
a.

b.

12) PUBLIC COMMENT. (time limit 20 minutes total)
13) COMMISSIONERS COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS.
14) . ADJOURNMENT.

MSS176_47_14_05.tif