The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, November 26, 2002, 6:00 P.M., in Room 231 of the Henry A. Skewis Annex, 234 W. Baraga Avenue, Marquette, Michigan.


It was moved by Comm. Arsenault, seconded by Comm. Wallace, and unanimously carried by voice vote that the minutes of the Committee of the Whole Meeting held on November 12, 2002 be approved.

Chairperson Corkin opened the meeting for public comment.

Patty Stevens, N. Vandenboom, Marquette, spoke in opposition to the proposed Smoking Ordinance. She felt the Ordinance would further limit citizen’s rights. A survey was conducted on approximately 400 people which is less than 1% of Marquette County’s population. She would prefer all citizens in Marquette County have the opportunity to vote on the ordinance.

Barbara Lusardi, Sunnyside Estates, Ishpeming, spoke in opposition to the Smoking Ordinance. The ordinance would prohibit smoking in bingo halls. She noted bingo provides many dollars to charitable organizations in Ishpeming. Money goes to help fund junior hockey programs, St. Vincent DePaul programs, etc. Ms. Lusardi noted the State of Michigan does not infringe upon their bingo games so why should the County?

Jayne Letts, Lake Street, Negaunee, spoke in opposition of the Smoking Ordinance. She noted the Big Brothers/Big Sister Program receives 25% of its budget from bingo proceeds. There are currently 19 bingo games in Marquette County and they have provided approximately $200,000 to Big Brothers/Big Sister programs over the years.

Jane Ryan, Nicolet Blvd., Marquette, expressed strong support for the non-smoking ordinance. She admires the Board of Health for tackling this controversial issue and giving high priority to the health of Marquette County citizens. Scientific evidence requires that governments step in to protect its citizens from carcinogens and other toxic materials which cigarette smoke produces in confined environments. The feared economic affects of eliminating smoking from most public places has not materialized in areas where such ordinances are now in effect. Enforcement may initially add a financial burden on the County but the benefits to our community are more than worth these costs.

Bob Swanson, Addictions Professional, W. Hewitt, Marquette, read a letter on behalf of Carol Margriff, Upper Peninsula Regional Manager, American Lung Association. Ms. Margriff commends the Board of Health for its proposed ordinance. She believes it to be reasonable and timely and shows the Board of Health is clearly assuming its responsibility to improve and safeguard the health of County residents. The American Lung Association’s mission is to prevent lung disease and promote good lung health. This is clearly what the ordinance is all about. The Board of Health has done their job. A majority of citizens have encouraged this step and local agencies are ready to assist to make our County a healthier place to live and conduct business.

Nancy Beukema, Marquette, spoke in support of the proposed Smoking Ordinance. She believes it will send a positive message to our young.

Carl F. Hammerstrom, Jr., M.D., Middle Island Point, Marquette, spoke in support of the Marquette County ban on smoking in workplace and public places. Tobacco smoke is recognized as a direct cause of lung disease in adults and children. It has been named a class A carcinogen by the U.S. Environmental Protection Agency. Patients with allergies, asthma, and chronic lung disease may have their condition worsened by even low levels of exposure to tobacco smoke. Dr. Hammerstrom noted over 1,500 communities in the United States have enacted indoor smoking bans. These bans have been generally well received and improvements in the health of workers has been documented. Smoking has a hidden but staggering adverse economic burden on our country. We will see an economic benefit from stronger non-smoking ordinances with better work productivity, reduction in tobacco caused diseases, and less litter.

James Alderson, Chairperson, Marquette County Board of Health, Blue Lake Road, Gwinn, spoke in support of the Smoking Ordinance. Mr. Alderson noted smokers do have the right to smoke but they do not have the right to contaminate the air of nonsmokers.

Gail Griffith, W. Kaye, Marquette, spoke in support of the Smoking Ordinance. She was impressed by the survey results which showed that even 37% of smokers support the Smoking Ordinance. She noted the States of Florida and Delaware have state-wide smoking restrictions and there is a growing number of counties across our country who have smoking ordinances.

Judith Holbert, W. Ridge, Marquette, spoke in support of the Smoking Ordinance. Ms. Holbert was a long-time smoker and speaks from personal experience. 1 ½ years ago she had 40% of her one lung removed. She grew up in a house where her parents smoked and from experience knows that smokers just...
don’t damage themselves. She pointed out that smoking addicts will adjust their habits to fit the Smoking Ordinance. Lung disease is a hard way to die.

(Most speakers under public comment presented written materials which are a permanent record in the November 26, 2002 County Board meeting packet)

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

It was moved by Comm. Seppanen, seconded by Comm. Tuominen, and unanimously carried by voice vote that the agenda be approved with the following late addition: Item 16: Sale of the Wells Fargo Building to KI Sawyer Development, Inc.

It was moved by Comm. Moore, seconded by Comm. Joseph, and unanimously carried by voice vote that Claims and Accounts for the period November 15, 2002 through November 21, 2002 in the amount of $502,600.92 be approved.

PRIVILEGED COMMENT

Sara McRae, presented the Second-Hand Smoke Survey. At the request of the Marquette County Health Department, Dr. Steven Nelson, N.M.U., and the students of PS 201, Resource Methods in Public Administration, developed and implemented a survey to determine the level of support for regulations restricting smoking in public places.

Dr. Nelson and the students of PS 201 met with representatives of the Marquette County Health Department in September to discuss the research design. The parties agreed a survey should be conducted and the questions should be similar to those on the model survey used by other Michigan Local Public Health Jurisdictions.

The researchers utilized a telephone survey of the adult population of Marquette County. A sampling frame consisting of the most recent Marquette County SBC Ameritech Directory was utilized. Statistical tables were consulted to arrive at an appropriate sample size which was determined to be approximately 400 residents which would result in opinions with a 4 point margin of error.

Students were trained in interviewing techniques which included rehearsals of telephone calls, instructions on telephone courtesy, and the preparation and study of the survey script. 404 interviews were completed during a 2-week period beginning October 23rd. Each interview lasted between five and ten minutes. The responses were recorded on forms provided to the students. Each potential respondent was called at least three times before their number was discarded and replaced with another number.

Ms. McRae reviewed the results of the Smoking Survey as provided in table form and distributed to Commissioners. A sampling of the results show 66.7% of the people surveyed believed the government should protect the public health by including restrictions on smoking. 77.4% believe a regulation was needed to protect children and 73.7% believed a regulation was needed to prohibit smoking in public places.

Ms. McRae noted some other interesting facts which include 78.6% of respondents indicate they were concerned about the health effects of second-hand smoke on themselves or their family. What may be even more surprising is that 40% of smokers support a public smoking ban. Overall approximately 73.6% of Marquette County residents support an ordinance regulating smoking in public places.

The Committee considered a Marquette County Health Department regulation prohibiting smoking in public and private workplaces, not including bars and restaurants. The Smoking Ordinance is a result of months of discussion, review of several drafts, and the inclusion of modifications suggested by multiple individuals/organizations. The Health Department statutory mandate is to “prevent disease, prolong life, and promote public health.”

The Health Department Board held a public hearing on October 23rd and no specific changes/improvements to the draft regulation were suggested. The Board of Health on November 20th approved the Smoking Ordinance, which was revised slightly November 26, 2002 just prior to the Committee meeting. Health Department Staff strongly recommends this Smoking Ordinance be approved by the Board of Commissioners. Michigan Public Health Code grants local health departments the authority to adopt such regulations which then must be approved by the “local governing entity”.

Chairperson Corkin read a letter from the Marquette County Townships Association in opposition to the proposed County Smoking Ordinance. The MCTA does not believe the County should have jurisdiction over buildings operated and owned by the Townships. Most Townships have already passed nonsmoking policies. MCTA believes smoking policy should be left to each governmental entity and its taxpayers. MCTA requested the County Board get a written Attorney General’s Opinion as to what jurisdiction a County has over their governmental units.
It was moved by Comm. Wallace, seconded by Comm. Seppanen to refer the Smoking Ordinance to the County Prosecutor for review to determine if an Attorney General Opinion is necessary and report in two weeks to the Committee of the Whole meeting.

Comm. Tuominen moved an amendment which was seconded by Comm. Moore to have the Smoking Ordinance forwarded to the Michigan Attorney General’s Office for an opinion as to what jurisdiction the County has over its governmental units by adopting the Ordinance.

Chief Civil Counsel Harley Andrews explained the Michigan Attorney General’s Office will only honor a request for an opinion from a County Prosecutor or a State Legislator. Referring the Smoking Ordinance to the Prosecutor’s Office for review would be the initial step in the process of seeking an Attorney General’s Opinion. Comm. Tuominen withdrew his motion for an amendment.

Chairperson Corkin called for a roll call vote on the original motion made by Comm. Wallace which was defeated 3 Ayes (Comm. Wallace, Girard, Seppanen) to 6 Nays (Comm. Arsenault, Bergdahl, Joseph, Moore, Tuominen, and Corkin).

It was moved by Comm. Tuominen, seconded by Comm. Moore, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board refer the proposed Marquette Smoking Ordinance to the Prosecutor’s Office to prepare the appropriate request for an Attorney General’s Opinion on the ordinance’s authority over local units of government.

The Committee considered a proposed Agreement between Marquette County and SLP Development, LLC. relating to the sale, purchase, and development of the remaining 618 housing units at Ki Sawyer.

Harley Andrews, Chief Civil Counsel was present and explained the purchase price remains at $2,500,000. The original proposal contemplated a 10-year payoff at the rate of $250,000 per year, however the Agreement now calls for a 5-year payoff with a payment of $250,000 upon execution of the agreement, four annual payments of $250,000 on the first day of July 2003, 2004, 2005, and 2006, and a final balloon payment of $1,250,000 on or before July 1, 2007. If any payment due on July 1 is not made, including the final balloon payment, and remains unpaid for 30 days, the County will have approximately 30 days or until September 1 of that year to make demand upon the bank for the annual payment under the Letter of Credit. SLP has waived any right they may have to prevent payment by the bank to the County by simply suggesting that the County is in breach of the agreement. If SLP wishes to prevent the bank from paying under the Letter of Credit it will have to get an injunction or relief from a Court.

Mr. Andrews further noted the original proposal contemplated that SLP would take title to the various housing parcels in annual phases to be completed by the Spring of 2008. A new phasing schedule is now incorporated into the agreement and show all units will be conveyed and accepted by SLP not later than July 1, 2007.

Mr. Andrews presented an Irrevocable Standby Letter of Credit from Wisconsin Business Bank, DePeer, Wisconsin. He recommends the County Board approve the Agreement and the Letter of Credit and he expects the closing to occur approximately December 9, 2002 which would include the first payment from SLP of $250,000.

It was moved by Comm. Tuominen, seconded by Comm. Seppanen, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve the Agreement between Marquette County and SLP Development, LLC for the sale, purchase, and development of Sawyer housing and the Irrevocable Standby Letter of Credit authorized by the Wisconsin Business Bank, DePeer, Wisconsin.

The Committee considered a Feasibility Study to determine if connecting Forsyth Township’s Sanitary Sewer System to the Sawyer Wastewater Treatment Plan is feasible. Scott H. Erbisch, Human Resources/Risk Manager, was present to discuss the proposal and answer questions. County Staff supports the concept of connecting the Forsyth Township wastewater system to the Sawyer Wastewater Treatment Plan and feels a feasibility study performed by Earth Tech Environmental Services to be an important first step. At the present time the Sawyer Wastewater Plant has the capacity to treat the additional 300,000 gallons a day of waste generated by Forsyth Township yet leaving capacity for growth. Forsyth Township has requested Marquette County assist in funding the feasibility study with Earth Tech. The cost is $4,650 and Forsyth Township is willing to pay for half of the study. County Staff recommends the Board support the concept of the study and authorize a
contribution of 50% of the cost of the study not to exceed $2,500. The funds are available in the Professional and Contractual Services Line Item of the 2003 Sawyer budget.

It was moved by Comm. Tuominen, seconded by Comm. Bergdahl, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve of the Earth Tech Environmental Services Feasibility Study to determine if connecting Forsyth Township to the Sawyer Wastewater Treatment Plant is feasible, with Marquette County contributing 50% of the cost of the study not to exceed $2,500.

• • • • •

The Committee considered Winter Road Maintenance at SIABC. Steve Powers, County Administrator, noted the County, as the owner, operator, and developer of SIABC must maintain the buildings and infrastructure at a level that promotes reuse. Winter road maintenance is among the most important public services in Marquette County. Plowed, cleared streets are essential for both retention and attraction of businesses.

Funding and policy limit the Road Commission. According to the Road Commission’s Winter Snow and Ice Plan roads within the Business Center are a low priority. While a low priority to the Road Commission, the roads are a high priority to the SIABC.

Administrator Powers contended SIABC should take responsibility for the higher level of winter maintenance. The Road Commission should hot be expected to plow four miles of road at a level that disregards its own County-wide Snow Removal Policy.

The estimated cost for maintenance for the four miles is $16,000. If the County Board agrees with the recommendation an agreement will be prepared specifying the County will be responsible for snowplowing, sanding, and salting the designated roadways under the jurisdiction of the County Road Commission and the Road Commission will compensate the County $1,277.60 per mile for the four miles. A similar agreement was used in Negaunee Township.

The estimated remaining cost would be about $11,000. Depending on the weather a 2002 budget amendment should not be necessary, however a 2003 amendment may be recommended after the first quarter.

It was moved by Comm. Seppanen, seconded by Comm. Wallace, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve of the Agreement with the Marquette County Road Commission for the winter maintenance of four miles of roads within the Sawyer International Airport Business Center.

• • • • •

The Committee considered an Engineering Services Agreement with URS Greiner for Military Airport Program Projects at Sawyer International Airport. Hal Pawley, SIABC Director, was present and explained the Contract with URS Greiner is for $409,000 for engineering design, contract management, and construction inspection for two projects: The rehab of five nose dock hangars which includes replacement of deteriorated roofing, siding, and insulation; and for the design only of a facility for the storage and maintenance of aircraft rescue, firefighting, and snow removal equipment.

Mr. Pawley noted FAA policy provides that Professional Service Agreements are not bid. Firms are selected by qualifications and then a price is negotiated. URS prices for these engineering services are less than the estimated cost in the amount of funding provided for in the grant. The Bureau of Aeronautics Engineer agrees and recommends approval of the URS Agreement.

The County’s share of the cost is $25,400 and will be funded by Passenger Facility Charges and sale proceeds of the former Marquette County Airport. The engineering construction administration costs were included in the AIP/MAP Projects approved by the County Board on November 19, 2002.

It was moved by Comm. Arsenault, seconded by Comm. Wallace, and carried by voice vote 8 Ayes to 1 Nay (Comm. Joseph), that the Committee of the Whole recommend the County Board approve the Engineering Services Agreement with URS Greiner for Military Airport Program Projects at SIA.

• • • • •
The Committee considered the conveyance of a 1992 Bronco to the Road Commission at no cost. Steve Powers, County Administrator, noted SIABC has received from the U.S. Air Force a 1986 Suburban and a 1992 Bronco. Sawyer no longer needs these vehicles. As allowed by County Policy the Sheriff's Department will use the Suburban and the Road Commission has requested the Bronco. Conveyance of the Bronco the Road Commission at no cost requires Board action. The Road Commission is not a County Department but an independent authority.

It was moved by Comm. Seppanen, seconded by Comm. Wallace, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board convey the 1992 Bronco to the Marquette County Road Commission at no cost.

It was moved by Comm. Wallace, seconded by Comm. Seppanen, and unanimously carried by voice vote that the Committee accept and place on file the SIABC Financial and Passenger Report.

It was moved by Comm. Joseph, seconded by Comm. Tuominen, and unanimously carried by voice vote that the Committee accept and place on file a memo from Teresa Schwalbach, County Emergency Management Coordinator, regarding the FEMA Flood Mitigation Assistance Grant Program Funds for Planning and Projects.

The Committee considered a Letter from John Olson, Supervisor, Michigamme Township, and a letter from Berle LaPin, Supervisor, Champion Township, regarding the City of Newberry's campaign to be designated the "Moose Capital of Michigan".

The moose were released in Michigamme Township, Marquette County, in the early 1980's. Michigamme Township has advertised and promoted moose from the beginning of the moose lift. The Champion Lions Club donated a substantial amount of time and effort in helping with the moose lift and releases. Van Riper State Park, located in Champion Township, has a complete display of the history of the moose, and the history of the reintroduction of the moose into Marquette County and the Upper Peninsula.

The Supervisors contended the Moose Country recognition should stay where it began, it belongs in the western end of Marquette County, in Champion and Michigamme Townships. They requested the County Board assistance to help convince our State Representatives and State Senators that the Moose Capital of the Upper Peninsula should remain in the west end of Marquette County.

It was moved by Comm. Bergdahl, seconded by Comm. Wallace, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board send letters to our Upper Peninsula Legislators in support that Michigamme Township, Marquette County, be designated as Moose Country.

The Committee considered the sale of parcel B2-K and Sawyer Building 646 to KI Sawyer Development, Inc.

Vikki Kulju, SIABC Marketing Director, was present and noted Building 646 is valued at $80,000. The building was previously used by Wells Fargo and has limited reuse potential due to the drive-through canopy, vault, and interior build-out and design. Banks have been approached by Staff and the EDC but have not been interested in relocating to Sawyer.

KI Sawyer Development, Inc. believes the building to be a good investment. They believe they can entice a bank to become a tenant, and are willing to take on the risk that the building may remain vacant. After negotiations, Staff recommends and the purchaser accepts a selling price of $60,000. This is a fair price based upon the associated risk being transferred and potential redevelopment costs. If the County retained ownership it would be faced with short-term costs of pickling/unpickling, heating, insurance, snow removal, maintenance, and preventing mold. Selling the building supports the Board's exit strategy and reduces potential future liability for maintaining a vacant building. The building will be sold as is.

Ms. Kulju further noted Sawyer Staff did not anticipate Wells Fargo vacating the facility, therefore the business plan did not assume any income from Building 646. The net result is now a positive $60,000 to the Business Plan.
It was moved by Comm. Bergdahl, seconded by Comm. Wallace, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board sell parcel B2-K (0.86 acres) and Building 646 to KI Sawyer Development, Inc.

Chairperson Corkin opened the meeting for public comment, none was forthcoming.

COMMISSIONER COMMENTS, STAFF COMMENTS, AND ANNOUNCEMENTS

Chairperson Corkin attended a meeting with the Marquette Board of Light and Power regarding Sawyer utilities. Staff has also been meeting with UPPCO regarding utilities. Scott Erbisch has been working hard on this matter and a recommendation should be forthcoming to the County Board in the near future.

There being no further business the meeting was adjourned at 7:25 p.m.

Respectfully submitted,

[Signature]

David J. Roberts
Marquette County Clerk
MARQUETTE COUNTY BOARD OF COMMISSIONERS
COMMITTEE OF THE WHOLE
TUESDAY, NOVEMBER 26, 2002, 6:00 P.M.
Room 231, Henry A. Skewis Annex, Marquette, MI 49855

1. ROLL CALL.
3. PUBLIC COMMENT.
4. APPROVAL OF THE AGENDA.
5. Review of Claims and Accounts.
7. Marquette County Health Department Regulation Prohibiting Smoking in Public and Private Workplaces and Enclosed Public Places, Not Including Bars and Restaurants.
8. SLP Housing Sale.
10. Winter Road Maintenance at SIABC.
11. Engineering Services Agreement with URS Greiner for MAP Projects at SIA.
12. Conveyance of SIABC Vehicle to Marquette County Road Commission.
14. FEMA Flood Mitigation Assistance Grant Program for Planning and Projects.
15. Michigamme Township Request for Support to Convince Our Legislators that Michigamme Township, Marquette County is MOOSE COUNTRY.

16. Happy Thanksgiving

17.
18.
19. PUBLIC COMMENT.
20. COMMISSIONER COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS.
21. ADJOURNMENT.