The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, June 10, 2003, 6:00 P.M., in Room 231 of the Henry A. Skews Annex, 234 W. Baraga Avenue, Marquette, Michigan.


It was moved by Comm. Cihak, seconded by Comm. Tuominen, and unanimously carried by voice vote that the minutes of the Committee of the Whole Meeting held on May 27, 2003 be approved.

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

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

It was moved by Comm. Arsenault, seconded by Comm. Wallace, and unanimously carried by voice vote that Claims and Accounts for the period May 31, 2003 through June 5, 2003 in the amount of $330,447.28 be approved.

The Committee considered a communication from Gary Yoder, Marquette County Treasurer, regarding PILT Resolution. The Board of Commissioners has asked Mr. Yoder to provide his thoughts regarding the proposed change in the method of financing state purchased lands. Marquette County is only one of five counties statewide to reflect a "gain" initially if the change to $2 per acre is made (approximately $3,500 annually). While this may appear to be good for Marquette County, Treasurer Yoder believes that in the long run we would be much better off leaving things as they are.

1) The change proposed by the DNR continues the erosion of local tax base, removing even more property from the ad valorem roll.

2) Local schools and ISD would lose, as their portion of the receipts would go to the County and Township. (Up to $2 per acre, the County gets $1 and the Township gets $1). School debt could really suffer in some areas.

3) The $2 per acre is fixed. After a few years inflation would eat up the small amount that we "gain" and we would lose like everybody else.

Mr. Yoder suggests the Board go on record as being in opposition to the change proposed by the DNR. Statewide and primarily downstate, some local units of government will be in deep financial trouble if it is allowed to change.

It was moved by Comm. Tuominen, seconded by Comm. Nordeen, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board approve the MAC Resolution regarding PILT with the recommendation of Gary Yoder, Marquette County Treasurer.

The Committee considered a communication from John E. Carlson, Marquette County Mine Inspector, regarding movement of caving ground fences. Northview Company L.L.C. owned by Peter O'Dovero, wants to move two fences near Negaunee. Northview has had Paul Bleucamp, a geologist with 30 years experience in Marquette County, conduct a safety survey of the area. Based on Mr. Bleucamp's survey, Mr. Carlson feels it is safe to move these fences.

Mr. Carlson's only concern is liability. Mr. Carlson enclosed a copy of the agreement with Cleveland Cliffs Iron Company made with Northview Company L.L.C. upon the sale of caving ground. The Mine Inspector feels the County should have a similar agreement to hopefully prevent problems in the future. The cities of Ishpeming and Negaunee are waiting for the Board's decision, as they have also purchased caving ground land from C.C.I. and have expressed a desire to move fences. Because Cleveland Cliffs Iron Company is selling off much of its property, this situation may occur many times in the future.

It was moved by Comm. Arsenault, seconded by Comm. Tuominen, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board refer the matter to legal counsel for an opinion regarding possible liability to the County and the Mine Inspector; and how the County and/or Mine Inspector can proceed.

The Committee considered a communication from John Greenberg, Human Resources and Risk Manager, regarding the Airport Union retirement change. There is a new employee in the Airport Union since the last contract was ratified and he falls under the new Defined Contribution Retirement Plan. MERS tells us
we need to pass separate resolutions for this group. Mr. Greenberg presented appropriate documentation and requests approval from the Board of Commissioners.

It was moved by Comm. Cihak, seconded by Comm. Arsenault, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board approve the Airport Union retirement change.

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The Committee considered a communication from Resource Management/Development Department regarding a Resolution in Support of Wellhead Protection. Marquette County, and more specifically Resource Management/Development Staff, is in the process of creating a Wellhead Protection Plan for the KI Sawyer Community water supply and the former Air Force Base. The creation of a Wellhead Protection Plan would be very beneficial for both the users of the Sawyer water system as well as those in charge of the water system. This kind of plan is setup for the safety, health and well being of the water users, and can also greatly reduce the liability of the managers of the water system by protecting the wellhead areas, and by locating any possible threats to the water quality at Sawyer.

This project is the development of a Wellhead Protection Plan and associated zoning controls for the Sawyer area. The Sawyer Wellhead Protection Plan would include technical work done by an outside consultant, which would then become the basis for the rest of the Plan. The exact area of this plan and associated zoning controls will be at least a 10-year time of delineation areas that are established by the consultant, but may extend to encompass all of Sawyer. The area affected by the zoning controls could be a small area around each well, or something larger that would incorporate everything within the Sawyer boundary. The area or people this plan would benefit would be anyone who uses water from the Sawyer well system or lives or works in the Sawyer area.

The Michigan Department of Environmental Quality (MDEQ) has set up a wellhead protection program which includes providing grant assistance to communities in the form of a 50% match. The amount of assistance given to communities is based upon population served and the number of wells within the water system. The KI Sawyer Community water supply would qualify for $20,000 for the fiscal year running from October 1, 2003 to September 30, 2004. A resolution supporting wellhead protection from the Marquette County Board of Commissioners would earn the County more points for the grant application, which in turn would increase the possibility of the County being awarded one of the available grants. Money has already been budgeted for this project, so no additional funding would be required to receive this grant. Staff recommends the Marquette County Board of Commissioners adopt a resolution supporting wellhead protection.

It was moved by Comm. Nordeen, seconded by Comm. Tuominen, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board adopt a resolution supporting wellhead protection.

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The Committee considered a resolution regarding Family Independence Agency representation. The State of Michigan’s Family Independence Agency Board currently has a 3-member board. The board is made up on one Governor’s appointment and two County Commission appointments. The Upper Peninsula Association of County Commissioners has determined that more representation is needed to meet the needs of Upper Peninsula residents. The Upper Peninsula Association of County Commissioners supports the expansion of the Family Independence Agency Board to a 5-member board.

It was moved by Comm. Tuominen, seconded by Comm. Wallace, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board approve the Resolution regarding the Family Independence Agency representation and increase the Family Independence Agency Board to a 5-member board.

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The Committee considered a communication from Anne Giroux, Sawyer International Airport and Business Center, regarding CANUSA IRP Loan. Staff received a letter from CANUSA, Inc. on May 22, 2003 requesting that their IRP Loan be modified to extend interest only payments through August 2003.

In February, 2003 the County Board granted CANUSA's request for interest only payments for January through March. The Company is now asking that interest only payments be extended from April through August. The Company is in the process of installing a kiln dryer, however the installation is approximately three months behind what they had originally projected. Payment of interest only will improve their cash flow as they wait for the kiln to be installed, and they start realizing revenues on the sale of dried lumber. The County Board had also granted CANUSA’s request for interest only for January through June, 2002. CANUSA has two other outstanding loans in addition to the IRP Loan. The First National Bank of Negaunee has granted their request for interest only and the Marquette County EDC will be considering their
request at the next meeting. The Loan Committee recommends the County Board modify CANUSA’s loan to include payments of interest only for April, May, June, July, and August, 2003.

It was moved by Comm. Arsenault, seconded by Comm. Bergdahl, and carried on a roll call vote 6 Ayes, 0 Nays, 1 Abstention (Comm. Nordeen) that the Committee of the Whole recommend the County Board modify the CANUSA, Inc. IRP Loan to include payments of interest only for April, May, June, July, and August, 2003.

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The Committee considered a Resolution requesting local government participation in the State Purchasing Program. Affordable health care is a national issue impacting state and local governments, nonprofit organizations and private businesses. The pharmaceutical drug costs are increasing faster than the medical inflation rate. The pharmaceutical drug costs are projected to increase rapidly because of the aging population, drug treatments for medical conditions, and marketing and product development costs. The State of Michigan has joined with other states in a Purchasing Program of pharmaceutical drugs. Counties could assist with implementation at the local level. The Marquette County Board of Commissioners urges counties to request local government participation in the State Purchasing Program.

It was moved by Comm. Wallace, seconded by Comm. Arsenault, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board adopt a Resolution requesting local government participation in the State Prescription Drug Purchasing Program, and further the County’s request be provided to Governor Granholm, our Legislators, and all Michigan Counties.

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The Committee considered a communication from Sue Vercoe, Finance Manager, regarding Medical Care Facility operating transfer. The FIA Board has requested monthly transfers of the Maintenance of Effort Millage Fund to offset operating losses of the Marquette County Medical Care Facility. The amount requested is $25,000 per month from May through December, a total of $200,000 for 2003. Civil Counsel has reviewed the request and determined this is an appropriate use of the millage.

The Marquette County Medical Care Facility is funded through Medicaid payments. The payments come from the State. The State pays a higher rate to County owned medical care facilities than to private facilities. Accordingly, the State mandates all counties that own medical care facilities to pay a Maintenance of Effort fee. In 2002, the payment was approximately $400,000 ($9.56 per bed, per day). The payment is made directly to the State.

The 2002 year-end fund balance for the Maintenance of Effort Fund is $947,524, sufficient to cover the requested transfers. The fund balance has accumulated because the amount collected has exceeded the County’s Maintenance of Effort requirement with the State. At the current .55 mils, assuming 100% of the Facility’s beds are Medicaid patients, and the State does not change the Maintenance of Effort daily rate, there should be an annual surplus of $150,000. If at any time projections show the Maintenance of Effort payments will exceed the millage and any Maintenance of Effort fund balance, the optional transfer will end.

It was moved by Comm. Cihak, seconded by Comm. Wallace, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board approve the Medical Care Facility operating transfer and require the Marquette County Medical Care Facility to provide quarterly financial reports and budget amendments to the County Administrator. The County Board will review the transfer of funds annually during the budget process when it considers renewing the millage. (The millage expires in 2004).

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The Committee considered a communication from Teresa Schwalbach, Emergency Management Coordinator, regarding the FY 2003 State Homeland Security Grant Program Agreement with the Michigan State Police, Emergency Management Division. The purpose of the agreement is to provide federal pass-through funding capabilities of the State to respond to an incident of domestic terrorism or incident involving weapons of mass destruction.

This grant will provide financial assistance for the purchase of specialized equipment to enhance the capability of state and local agencies to respond to incidents and to insure standardization and interoperability of the specialized equipment. This grant is a 100% funded reimbursement and Marquette County will not be responsible for providing matching funds under this grant program. The equipment award for Marquette County is $62,418.

After reviewing the grant proposal, it was recommended the County Board Chair authorize the grant agreement on behalf of the County Board of Commissioners. A copy of the FY 2003 State Homeland
Security Grant Agreement has also been forwarded to the County Administrator for the appropriate administrative and legal review.

It was moved by Comm. Tuominen, seconded by Comm. Nordeen, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board authorize the Grant Agreement on behalf of the County Board of Commissioners.

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The Committee engaged in a lengthy discussion regarding Airport Law Enforcement. The Transportation Security Administration has terminated the current Memoranda of Agreement with Marquette County. The agreement provided reimbursement for checkpoint law enforcement officer services. Funding has ended but the federal mandate continues. It is the understanding of Commissioners that the 20 minute requirement is an arbitrary standard TSA has carried forward from the Federal Aviation Administration. If the law enforcement officer can respond in 20 minutes, the mandate has been met. If the response exceeds 20 minutes, TSA will impose an $11,000 fine and may suspend scheduled flights. Commissioners suggested that the TSA or Congress consider a waiver of the 20 minute requirement for Category 4 airports.

If a waiver is impossible, Committee of the Whole consensus is that the response requirement be federally funded. The federal government, not state, county, or township government, should fund the national security of the flying public.

A reason for moving the County Airport to the Air Force Base was isolation from land use encroachments and development. This strength is now a weakness. Marquette County is bigger than Rhode Island. There are times when State and County law enforcement may have only two cars for 1,800 square miles. Forsyth Township has reduced the number of police officers because of state revenue cuts. Responding to the airport within 20 minutes will be problematic.

TSA may reimburse airports for law enforcement if the flexible response-stationing does not apply. The possible reimbursement would be for wages, leaving Marquette County with an annual local expense of $98,000. The Committee believes there are better uses for these funds than having a deputy at a passenger screening area, and suggested they advocate for a change in TSA’s flexible stationing requirement.

It was moved by Comm. Arsenault, seconded by Comm. Tuominen, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board send a letter to our Legislators advocating for a change in TSA’s flexible stationing requirement.

It was further moved by Comm. Wallace, seconded by Comm. Nordeen, and unanimously carried by voice vote that the Marquette County Sheriff’s Department continue with Airport Law Enforcement at its current level with two officers per day, one working the a.m. shift 5:00 a.m. to 1:00 p.m., the second officer 1:00 p.m. to 8:00 p.m. through June 30, 2003.

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

COMMISSIONER COMMENTS, STAFF COMMENTS, AND ANNOUNCEMENTS

Chairperson Corkin read the following Draft Marquette County Michigan Dead River Flood Frequently Asked Questions:

DRAFT

MARQUETTE COUNTY MICHIGAN
FOR IMMEDIATE RELEASE

DEAD RIVER FLOOD FREQUENTLY ASKED QUESTIONS

ASSISTANCE

Q: If the President makes a disaster declaration, what assistance will be available?
A: Governor Granholm requested assistance from the U.S. Small Business Administration (SBA). The SBA would provide disaster loans to qualified businesses. There are two categories of loans. Business physical disaster loans are to business owners to repair or replace disaster-damaged property, including inventories and supplies. Economic injury loans are to small businesses to assist them through the disaster recovery period. Governor Granholm also requested federal funds to repair, restore, or replace public roads, bridges, and public utilities.
Q: I am unemployed because of the flood. Will I be eligible for assistance if a disaster is declared?
A: Yes. If a disaster is declared, the Disaster Unemployment Assistance program will provide unemployment benefits and reemployment services. Persons unemployed because of a major disaster and who are not covered by other unemployment compensation programs or who have insufficient quarters to qualify can receive benefits. The benefits can extend up to 26 weeks after the Presidential declaration date.

Q: Will there be assistance to repair my camp, home, or land?
A: Not at this time. There may be federal emergency funds to reduce or eliminate long-term risk to people and property. The funds must be used for acquisition and demolition, relocation, or elevating a structure. Funds might be available for floodproofing commercial properties.

Q: What can I do regarding my loss of trees and eroded shoreline?
A: State statutes regulate any proposed restoration or earth changes at a shoreline. Consult with the Department of Environmental Quality, Geological and Land Management staff for guidance at 346-8557. Property owners should also contact their insurance companies. At this time, no public funds are available for private property owner assistance. Federal disaster assistance does not include compensation for private property owners.

**DEBRIS**

Q: Is the Dead River safe?
A: The basins are open for boating. Boaters are advised to use caution. Floating and submerged debris can be hazardous to boaters. Some areas of riverbank remain dangerous. Eroded, undercut, and steep shorelines and overhanging debris can be hazardous to hikers. Please respect private property and obey posted signs.

Q: May debris that is causing a navigational hazard be removed?
A: Yes, any debris that is causing a navigational hazard, either by floating or by being just below the surface to endanger boaters, may be removed immediately by anyone. The Army Corp of Engineers and the Coast Guard have been removing debris that is a navigational hazard. Debris remains in Lake Superior. Boaters should remain cautious. A forward watch is recommended. Contact the Coast Guard (226-3312) for additional boating safety information.

Q: Who is responsible for debris cleanup?
A: Debris that has washed up on shore or near to shore may be removed by the landowner. The landowner can decide to leave the debris for wildlife or fish habitat or remove the debris. Submerged logs or piling below ten feet of surface water cannot be removed without a permit from the DEQ. Contact Joan Duncan at 346-8557.

Q: Why should I have to clean up trees that floated down river?
A: The flood caused damage the length of the Dead River. Trees and debris are scattered along the 27 miles. Where the debris ends up determines who cleans up.

Q: A debris field is causing my property to erode. May I remove the debris field?
A: Floating debris in a waterway may be removed without a permit. Removal of sunken large woody debris in a water body requires a DEQ permit. Fill or large wooden debris that has landed in a wetland should be removed. If the goal is to restore the wetland to its original condition, no permit is necessary. Contact Joan Duncan, Department of Environmental Quality, at 346-8557.

Q: Trees and woody debris are important for fisheries. Will some debris be left in the river?
A: Yes, the Department of Natural Resources is recommending that restoration and stabilization efforts retain large woody debris if possible.
Q: Some of the debris is contributing to erosion or could damage public roads and bridges. Can that debris be removed?
A: Yes. The Department of Natural Resources and Department of Environmental Quality recommend removal of debris that is a public safety risk, could damage public infrastructure, or is contributing to erosion.

Q: Responsibility for debris removal can be determined, but who pays?
A: At this time, no local, state, or federal funds are available for debris removal. It is unlikely that there will be public assistance for cleanup.

Q: Is there a plan for recovery of the natural resources?
A: The Department of Natural Resources is assessing the Dead River to determine what damage to fisheries has occurred. The Department of Environmental Quality will participate in deciding what actions should occur for restoration, when and by whom.

The Upper Peninsula Power Company is working with the Michigan Department of Natural Resources, the Michigan Department of Environmental Quality, the U.S. Fish and Wildlife Service, and the United States Department of Agriculture Natural Resources Conservation Service to investigate and determine a course of action for environmental recovery on the Dead River. Responsibility beyond helping with a plan is unknown at this time.

EROSION and LAND LOSS

Q: What can private property owners do to stop further erosion caused by high water or debris?
A: The Central Lake Superior Watershed Partnership and the Natural Resources Conservation Service can provide advice on sedimentation and erosion control. The watershed partnership number is 226-2461. The NRCS number is 226-9460.

Q: Is it possible to reclaim the land I lost by adding fill at the shoreline?
A: Not likely with fill, but you can use rock over a filter fabric to protect what remains from further erosion. Any proposed work at the shoreline, in the river, or in a wetland requires approval and a permit from the Department of Environmental Quality. Contact Joan Duncan at 346-8300.

Media: For further Information contact Steve Powers at 225-8152 or Teresa Schwallbach at 475-1134.

END

Steve Powers, County Administrator, announced a Dead River Flood Public Forum to be held June 26, 2003 from 7:00 to 9:00 P.M. at the Negaunee Township Hall, 42 M-35. Discussion topics will include an update on recovery efforts underway or planned. What property owners can and cannot do and questions from the audience. The Upper Peninsula Power Company, the Michigan Department of Environmental Quality, the Michigan Department of Natural Resources, and the Central Lake Superior Watershed Partnership are panel participants. There may be additional participants.

Hal Pawley, SIABC Director, introduced Keith Kaspari, the new Airport Manager, replacing Larry Coelhoorn.

There being no further business the meeting was adjourned at 7:21 p.m.

Respectfully submitted,

Connie M. Brnam
Marquette County Clerk
MARQUETTE COUNTY BOARD OF COMMISSIONERS
COMMITTEE OF THE WHOLE
Tuesday, June 10, 2003, 6:00 P.M.
Room 231, Henry A. Skewis Annex, Marquette, MI 49855

A. ROLL CALL.
C. PUBLIC COMMENT.
D. APPROVAL OF THE AGENDA.
E. Review of Claims and Accounts.
F. Communication from Gary Yoder, Treasurer regarding P.I.L.T. Resolution.
G. Communication from John E. Carlson, Marquette County Mine Inspector, regarding the Movement of Caving Ground Fences.
H. Airport Union Retirement Change.
I. Resolution in Support of Wellhead Protection.
J. Resolution regarding Family Independence Agency Representation.
K. CANUSA IRP Loan.
L. Resolution requesting Local Government Participation in the State Purchasing Program.
M. Medical Care Facility Operating Transfer.
N. FY 2003 State Homeland Security Grant Program Agreement.
O. Discussion regarding Airport Law Enforcement (no packet materials).
P. PUBLIC COMMENT.
Q. COMMISSIONER COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS.
R. ADJOURNMENT.