The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, June 24, 2003, 6:00 P.M., in Room 231 of the Henry A. Skewis Annex, 234 W. Baraga Avenue, Marquette, Michigan.


It was moved by Comm. Tuominen, seconded by Comm. Bergdahl, and unanimously carried by voice vote that the minutes of the Committee of the Whole Meeting held on June 10, 2003 be approved.

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

It was moved by Comm. Arsenault, seconded by Comm. Nordeen, and unanimously carried by voice vote that the agenda be approved with the addition of 6d) Local Public Health Accreditation Program.

It was moved by Comm. Wallace, seconded by Comm. Bergdahl, and unanimously carried by voice vote that Claims and Accounts for the period June 13, 2003 through June 10, 2003 in the amount of $443,117.39 be approved.

Chairperson Corkin read the following resolutions in honor of the Retirement of Barry Sullivan and Therese Korpi:

MARQUETTE COUNTY BOARD OF COMMISSIONERS
RESOLUTION
HONORING BARRY E. SULLIVAN ON HIS RETIREMENT

WHEREAS, Government has an obligation to provide its citizens with services of the highest quality; and

WHEREAS, quality services can only be provided by employees of the highest caliber; and

WHEREAS, Barry E. Sullivan was hired on January 2, 1976 as a Juvenile Probation Officer for Probate Court Juvenile Services, promoted to Interim County Juvenile Probation Officer/Referee on November 4, 1986, to Interim Director/Juvenile Services on January 16, 1987, and on November 16, 1987 promoted to Director/Juvenile Services; and

WHEREAS, Barry E. Sullivan will retire on June 30, 2003 after dedicating 27 1/2 years of service to Marquette County,

THEREFORE, BE IT RESOLVED, that the Marquette County Board of Commissioners gratefully expresses its appreciation to Barry E. Sullivan for his excellent service since January 2, 1976, and

BE IT FURTHER RESOLVED, on behalf of all County Citizens the Marquette County Board wishes Barry and his wife Roseann a long, healthy, and happy retirement.

Proclaimed this 24th day of June, 2003
Gerald O. Corkin, Chairperson
Marquette County Board of Commissioners

* * * * * *

MARQUETTE COUNTY BOARD OF COMMISSIONERS
RESOLUTION
HONORING THERESE E. KORPI ON HER RETIREMENT

WHEREAS, Government has an obligation to provide its citizens with services of the highest quality; and

WHEREAS, quality services can only be provided by employees of the highest caliber; and

WHEREAS, Therese E. Korpi was hired on March 1, 1976 as a Secretary to the Planning Commission, transferring to the 96th District Court as a District Court Clerk on March 7, 1977, and promoted to Clerk of the Court/Chief Account Clerk with the 96th District Court on May 24, 1988; and

WHEREAS, Therese E. Korpi will retire on June 27, 2003 after dedicating 27 years and 4 months of service to Marquette County,

THEREFORE, BE IT RESOLVED, that the Marquette County Board of Commissioners gratefully expresses its appreciation to Therese E. Korpi for her excellent service since March 1, 1976, and

BE IT FURTHER RESOLVED, on behalf of all County Citizens the Marquette County Board wishes Therese and her husband John a long, healthy, and happy retirement.

Proclaimed this 24th day of June, 2003
Gerald O. Corkin, Chairperson
Marquette County Board of Commissioners
The Committee considered the All American City Award. Some members of the All American City Delegation were present to discuss the award with Commissioners. Sandy Spoelstra, Monsignor Cappo, Sue Syrjala, Lori Burns, Erin Angeli, Terry Kulju, Vikki Kulju, Hannah Syrjala, Pat Black, Dave Bammert, Anna Bammert, Sue LeGalle, Tom LeGalle, Karen Anderson, Jim Anderson, and Comm. Jim Cihak. Monsignor Cappo explained it was an exciting win for the All American City Award, testimony was given, and the group did an excellent job. "We knew we were going to win" stated Monsignor Cappo.

Monsignor Cappo stated that when people work together, things get accomplished. Now we have to put into practice that we are worthy of this prestigious award. Each member of the delegation present gave a brief comment on what this exciting civic award meant to them.

Chairperson Corkin thanked each and everyone for an excellent job. He stated it was an excellent program, the caliber of the people did an excellent job and it was a great accomplishment. He is proud of everyone and proud of Marquette County.

Comm. Wallace announced that the Michigan Local Public Health Accreditation Commission has granted the Marquette County Health Department full accreditation with commendation.

The Committee considered information regarding Dead River updates. Mr. Gary Dahlke was present and distributed a report on the Dead River Flood. He explained that in the days after the Silver Lake Dike failed on May 14, 2003 many federal, state, and county agencies conducted damage assessments using trucks, boats, planes, and helicopters. In addition, the Central Lake Superior Watershed Partnership conducted a comprehensive field inventory by walking five prioritized sections of the Dead River system between basins. This field inventory yielded over 30 critical erosion sites not previously identified. He explained what was distributed is a draft copy of the inventory report that does not include GPS locations, remediation recommendations, or cost estimates.

Bob Menard, Marquette County Road Commission, explained the damage and cost share information from the Silver Lake Flood. The total damage and cost share information showed $1,282,469. Local cost in the amount $171,393. The Central Lake Superior Watershed Partnership in a communication from Carl Lindquist, explained the funding and match field inventory, dam video, and a clarification regarding the Dead River Updates.

It was moved by Comm. Wallace, seconded by Comm. Arsenaught, and unanimously carried by voice vote that the communication be placed on file.

The Committee considered Sawyer Financial Reports. Staff explained the Lease Enforcement Policy in regards to collecting past-due accounts. There are specific cases where Staff has identified a problem with collecting an account. Staff is taking action to collect the past-due accounts and unless otherwise noted does not require County Board action at this time.

It was moved by Comm. Nordeen, seconded by Comm. Arsenaught, and unanimously carried by voice vote to place the Sawyer Financial Reports on file.

The Committee considered a communication from Bill Usher, Usher Sawmill, Cornell, Michigan, regarding road weight restrictions. Mr. Usher explained that the road and weight restrictions are becoming a very serious obstacle in doing business in Wells Township. He operates a small sawmill with six full and some part-time employees. Over the years they have experienced a springtime road restriction period of 50 days. This year Marquette County had restrictions on for 72 days, no hauling except farm products. In comparison, Delta County had 56 days of restrictions, and Dickinson County 54 days. The southern part of Marquette County lies between Dickinson and Delta Counties. Mr. Usher explained Marquette County had restrictions on for approximately three weeks longer than its neighbors. No small business that has to use these county roads under these conditions can hope to survive. He feels they are at a distinct disadvantage. County Road 426 was last surfaced in 1975 and has been in a state of despair for the last 15 years or so. County Road 557 is in about the same condition.

Mr. Usher further explained the farmers in Wells Township are shipping potatoes, milk, and feed, during the restricted period on a permit from the Marquette County Road Commission. He explained their lumber is sought for furniture manufacturers and has to be shipped within a few days so that it doesn't stain. It is definitely a perishable commodity. If it is not shipped out in that critical time period it has to go for pallet stock which is about 10% of the price, which is nowhere near a break even price. Mr. Usher feels they
desperately need the roads fixed to a Class A status or a permit to use the roads equal to agriculture. He understands the roads are bonded by Wells Township and feels he should be included in the same bond.

Jim Iwanicki, Interim Director, Marquette County Road Commission, was present and distributed historical data regarding the weight restrictions. The data shows the restriction imposed and removed both on the County level and the State level since 1956 to present. He explained the Marquette County Road Commission takes the data to determine when the restrictions will be removed. The Marquette County Road Commission cannot afford to lose roads based on lifting road restrictions.

After a lengthy discussion it was moved by Comm. Arsenault, seconded by Comm. Girard, and unanimously carried by voice vote that the Committee of the Whole recommend the County Road send a letter to our Legislators asking them to amend the Act to include lumber as a perishable product, ask the Road Commission to work with Wells Township for permission to use the road and request the Marquette County Road Commission keep their restrictions in line with neighboring counties.

The Committee considered a communication from A. Dwight Sunday, Equalization Director, regarding renewal of City Contract and Letter of Understanding. Renewal of the Contract with the City of Marquette is for assessing services for the year July 1, 2003 through June 30, 2004. There is a 10% increase in the cost of service from $20,000 to $22,000. In order for the contract to continue this must be approved before June 30, 2003. The City will act on this contract on July 30, 2003 at their Commission meeting. The Letter of Understanding is with between A. Dwight Sunday. The only changes are a 10% increase from $9,000 to $9,900 and a change from quarterly payment for Mr. Sunday to a monthly payment. The changes were reviewed with Administrator Steve Powers.

It was moved by Comm. Wallace, seconded by Comm. Bergdahl, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board approve the renewal of the Contract with the City of Marquette for Assessing Services and renewal of the Letter of Understanding with A. Dwight Sunday, Equalization Director, regarding assessing services with the City of Marquette.

The Committee considered the Medical Care Access Coalition. Julia Hadas, Director, Marquette/Baraga Family Independence Agency, in a memo explained that over the last few years the Medical Care Access Coalition of Marquette County has successfully implemented two medical service programs. Their Medical Access Program (MAP) serves low income, uninsured residents. The program uses donated volunteer medical services and medications to care for Marquette County residents who do not qualify for State or Federal health insurance and do not have private health insurance. Ms. Hadas explained she is once again sharing this information with the County Board because the U.P. has a very narrow window of opportunity with the State of Michigan, specifically the Department of Community Health (DCH), to bring more health care dollars through the disproportionate share hospital funding mechanism. To date, there has been a limited number of counties that have been able to participate because of the dollar amount of DSH match funds from the federal government. Recently, increase DSH funding became available, and the MCAC would like to facilitate more of those funds reaching U.P. communities. To do this, MCAC has offered to DCH to administer, with the help of U.P. FIA local offices, the MSP for the entire U.P.

It was moved by Comm. Tuominen, seconded by Comm. Arsenault, and unanimously carried by voice vote that the Medical Care Access Coalition Inc. memo be accepted and placed on file.

The Committee considered a communication regarding rest area commercialization. The Federal Highway Administration (FHWA) wants Congress to overturn a law this year that would gravely hurt counties' budgets and stifles counties development. The FHWA would like help in convincing Congress to preserve this important law, the federal ban on rest area commercialization. More than 76,000 business, employing as many as two million people, serve highway travelers at interstate interchanges, according to the May 2003 report produced by the University of Maryland for the NATSO Foundation. Rest area commercialization would close many of these businesses, which paid $1.1 billion in property taxes last year. When the interstate highway system was created in 1956, community leaders feared that local businesses, jobs, and their tax base would shrink as truckers and other motorists bypass their cities and towns. In response, Congress banned development on the interstate rights-of-way. Sec. 111 of Title 23 United States Code prohibits rest areas from offering commercial services, such as food and fuel, at interstate rest areas built after January 1, 1960.

Unfortunately, some state governments and the Federal Highway Administration are now calling on Congress to change this law to permit rest areas across the Country to offer food, fuel, and other services. NATSO is requesting Marquette County to join in their fight to preserve the ban on rest area commercialization by writing to key members of Congress to urge their support.
It was moved by Comm. Tuominen, seconded by Comm. Arsenault, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board refer the communication to MAC for their consideration.

The Committee considered a communication from the Mackinac County Board of Commissioners regarding the U.S. Coast Guard Cutter Mackinaw. The Mackinac County Board of Commissioners is requesting Marquette County support them in their efforts to see the U.S. Coast Guard Cutter Mackinaw retire in St. Ignace where her beauty and her history can be shared by its residents and its visitors. This great ship has traveled throughout the Great Lakes saving lives and providing a safe passageway for its travelers. The Mackinac County Board of Commissioners is committed financially to preserve the Mackinaw.

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 support Mackinac County’s efforts to retire the Coast Guard Cutter Mackinaw in St. Ignace where her beauty and history can be shared by its residents and visitors.

The Committee considered a communication from the Marquette County Sheriff’s Department regarding a Mutual Aid Agreement between the Chocolay Township Fire Department and Marquette County’s Rescue Unit 131. The purpose of the Agreement is to outline response and on scene procedures between our agencies. The Sheriff, the Rescue Unit Personnel, and Capt. David Lemire reviewed the contract. The contract has been forwarded to Harley Andrews, Civil Counsel, who has reviewed the agreement and approved the document.

It was moved by Comm. Arsenault, seconded by Comm. Wallace, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board approve the Mutual Aid Agreement between the Chocolay Township Fire Department and Marquette County Rescue Unit 131.

The Committee considered a communication from Hal Pawley, SIABC Director, regarding roof repairs to hangars 423 and 424. In late 1999 the County received an EDA III Grant for approximately $3.1 million for ten projects. Most of the projects have been completed except for wastewater treatment system improvements and the public safety building, which are underway. There is approximately $250,000 of grant funds remaining. The roofs on the two hangars have deteriorated badly. Hangar 423 is now leaking so badly that the Federal Express and some general aviation aircraft were moved out of the hangar so they wouldn’t be damaged. Mr. Pawley is proposing to use the remaining EDA III Grant funds to replace the leaking roofs on hangars 423 and 424. The EDA III Grant must be closed out by October 2003. Mr. Pawley does not feel there is adequate time remaining to advertise the project for normal bidding, obtain EDA approval to award the contract, and have the contractor obtain the materials and complete the work in time for closeout of the entire grant by the required date. Mr. Pawley is requesting approval to have the original contractor, Premeau Construction, obtain bids from local roofing contractors and then execute a change order to the original contract in the amount of the lowest price for replacement of roofs on hangars 423 and 424. The local share for EDA III Grant projects is 8% and that amount has been set aside.

It was moved by Comm. Wallace, seconded by Comm. Cihak, and carried on a roll call vote 7 Ayes to 2 Nays (Comm. Joseph and Comm. Nordeen) that the Committee of the Whole recommend the County Board approve the roof repairs on hangars 423 and 424 as recommended by Hal Pawley, SIABC Director.

The Committee considered the legal response regarding the movement of caving ground fences. At the June 10, 2003 Committee of the Whole Meeting the Committee considered a request for guidance from John E. Carlson, County Mine Inspector. The Committee deferred consideration of that request to the next this Committee of the Whole meeting and requested input from Civil Counsel.

The specific concern of Mr. Carlson, and additional issues identified by the Committee were:

1) Does the County Mine Inspector have the legal authority to authorize the reduction in area or the complete removal of fencing delineating “caving ground”?

2) What liability does the County and the Mine Inspector have for the decision made by the County Mine Inspector?

3) What if anything can or should the County and/or the Mine Inspector do to attempt to mitigate any such potential liability?
It was the conclusion of Harley Andrews, Civil Counsel, that the Mine Inspector does not have the statutory authority to become involved in determinations regarding the extent of, or the need for limiting access to, caving grounds. Any attempt by the Mine Inspector to do so would be beyond the scope of his authority, and would therefore not be in the exercise of a governmental function entitled to the protections of governmental immunity. Accordingly, it is Mr. Andrews' recommendation that Mr. Carlson decline to participate in any matters relating to the determination of, and need for limiting access to, caving grounds, except to the extent that there may be open shafts or pits within the caving ground area that require his intervention as authorized by statute.

Mr. Andrews further suggested Mr. Carlson send a letter to the property owners involved indicating that a determination of the extent of, or the need to limit access, to caving ground is beyond the scope of the authority of the Mine Inspector. Any decision in this regard will be that of the landowner, who shall thereafter be responsible for all of the risks inherent in, and consequences of, that decision.

It was moved by Comm. Arsenault, seconded by Comm. Wallace, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board direct Civil Counsel to draft letters to the property owners as recommended.

* * * * *

The Committee considered the Marquette County Boards and Commissions appointment process. Comm. Tuominen has concerns with regard to the current process of leaving nominations open until the day of appointment. He feels this process does not give Commissioners enough time to fully review the applications. Comm. Tuominen feels the appointment process should go back to the way it used to be. Applications should be submitted one week prior to the date of appointment.

It was moved by Comm. Tuominen, seconded by Comm. Cihak, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board use the previous appointment process whereby the deadline for applications for Boards and Commission shall be submitted one week prior to appointment.

* * * * *

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

There being no further business the meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Connie M. Branim
Marquette County Clerk
MARQUETTE COUNTY BOARD OF COMMISSIONERS
COMMITTEE OF THE WHOLE
Tuesday, June 24, 2003, 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 JUNE 10, 2003.
3. PUBLIC COMMENT.
4. APPROVAL OF THE AGENDA.
5. Review of Claims and Accounts.
6. PRESENTATIONS:
   a. Resolution Honoring Barry E. Sullivan on His Retirement.
   b. Resolution Honoring Therese E. Korpi on Her Retirement.
   c. All American City Award.
   d. Information regarding Dead River Updates.
7. Sawyer Financial Reports.
8. Communication from Bill Usher, Usher Sawmill, Cornell, Michigan, regarding Road
   Weight Restrictions.
9. Communication from A. Dwight Sunday, Equalization Director, regarding Renewal
   of City Contract and Letter of Understanding.
10. Informational Memo from Julia Hadas, Director, Marquette/Baraga FIA, regarding
    Medical Care Access Coalition, Inc.
11. Rest Area Commercialization.
12. U.S. Coast Guard Cutter Mackinaw.
13. Mutual Aid Agreement between Chocolay Township Fire and Rescue Unit 131.
14. Roof Repairs to Hangars 423 and 424 at SIABC.
15. Legal Response regarding Movement of Caving Ground Fences.
16. Discussions regarding Marquette County Boards and Commissions Appointment
    Process (no packet materials).
17. PUBLIC COMMENT.
18. COMMISSIONER COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS.
19. ADJOURNMENT.