The Marquette County Board of Commissioners met in regular session on Tuesday, September 20, 1988 at 7:00 p.m. in Room 231 of the Henry A. Skewis Annex, Marquette, Michigan.

Vice-Chairperson Corkin called the meeting to order, roll call was taken and the following roll recorded: Present: Comm. Arsenault, Comm. Seppanen and Comm. Corkin. Absent and Excused: Comm. Lowe and Comm. DeFant.

A Salute to the Flag was given followed by the Pledge of Allegiance.

It was moved by Comm. Arsenault, supported by Comm. Seppanen and unanimously carried that the minutes of the September 6, 1988 Regular Board meeting be approved.

It was moved by Comm. Arsenault, supported by Comm. Seppanen and unanimously carried to remove from the table a recommendation from the previous Regular Board meeting regarding the naming of the New County Medical Care Facility after Frank S. Valente. It was moved by Comm. Arsenault, supported by Comm. Seppanen and unanimously carried that the Marquette County Board of Commissioners name the New Marquette County Medical Facility after Frank S. Valente.

On behalf of Chairperson Lowe and the Marquette County Board of Commissioners Comm. Corkin read the following proclamations:

PROCLAMATION

WHEREAS, BPW/USA established National Business Women's Week sixty one years ago to honor the achievements of working women and the Marquette Business and Professional Women are actively promoting this recognition; and

WHEREAS, nearly two million women work outside the home in the State of Michigan and comprise 44% of the State's labor force; and

WHEREAS, 80% of all women are expected to be in the workforce by 1990; and

WHEREAS, one third of all businesses are owned by women and women-owned businesses are the fastest growing segment of the economy; and

WHEREAS, women are major consumers of services, which help them to juggle the demands of careers and families;

NOW, THEREFORE BE IT RESOLVED, that the Marquette County Board proclaim the week of October 16th through 24th, 1988 as National Business Women's Week in Marquette County and hereby encourage all County residents to become acquainted with the issues of child care, pay equity, economic self sufficiency and the multiple roles of today's working woman.

PROCLAMATION

WHEREAS, the United Way of Marquette County has been working since its inception in 1974 helping to improve the quality of life for thousands of people in Marquette County; and

WHEREAS, their work has helped to develop for Marquette County an atmosphere of community spirit and has fortified the qualities of charities, goodwill and compassion for our fellowmen; and

WHEREAS, through the United Way, thousands in the Marquette County area will join together in this one drive to make this one contribution which will help to carry on the work of twenty local agencies and through one of them, the United Way of Michigan, this same gift will reach out to many thousands more who are served by twenty-five additional agencies throughout the Upper Peninsula and the State; and
WHEREAS, the United Way of Marquette County enlists the time and energies of hundreds throughout the County in business, labor, government, education and those retired, all who devote countless hours to making this fund drive a success;

THEREFORE BE IT RESOLVED, that we, the Marquette County Board of Commissioners, hereby proclaim the month of October as "United Way Month" in Marquette County, and hereby urge each citizen of the County to give their full support to this fund drive.

Vice-Chairperson Corkin opened the meeting for public comment. James Collins, 96th District Court Judge, and Lee Guizzetti, Ishpeming City Council Member, requested to speak regarding item 10b. There being no further public comment, this portion of the meeting was closed.

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

Vice-Chairperson Corkin opened the meeting for the public hearing for Truth in Taxation on Increasing Property Taxes. Dennis Aloia, County Administrator, pointed out that Marquette County will receive additional operating revenues from the Cigarette and Liquor Tax generated from the State of Michigan which will equal approximately .4484 mills. In order for the County to levy the same millage a Truth in Taxation hearing must be held. Mr. Aloia outlined the procedures that the County Board first approves the resolution, then the public is given the opportunity to speak, and final action on the tax rates will then take place at the Annual Meeting of the County Board on October 11, 1988. It was moved by Comm. Seppanen, supported by Comm. Arsenault and unanimously carried that the following Truth in Taxation Resolution for Increasing Marquette County Property Taxes be approved.

TRUTH IN TAXATION RESOLUTION
FOR INCREASING MARQUETTE COUNTY
PROPERTY TAXES

WHEREAS, in compliance with the requirements of Act 5, PA 1982, Act 2, PA 1986, and Act 264, PA 1987 known as the Truth in Taxation legislation, the Marquette County Board of Commissioners will hold a public hearing on September 20, 1988, on a proposed increase in the operating tax millage rate to be levied in 1988; and

WHEREAS, the Act further requires that the proposed additional millage rate be established by a resolution adopted by the governing body of the taxing unit before it conducts the public hearing;

NOW THEREFORE BE IT RESOLVED that the Marquette County Board of Commissioners proposes an increase of .4484 mills in the operating tax millage rate to be levied in 1988.

BE IT FURTHER RESOLVED that, if adopted, the proposed additional millage will increase operating revenues from ad valorem property taxes 7.66% over such revenues generated by levies permitted without holding a hearing.

Vice-Chairperson Corkin opened the meeting for public comment on the Resolution. None was forthcoming and Vice-Chairperson Corkin closed the public hearing for Truth in Taxation.
Vice-Chairperson Corkin opened the meeting for a public hearing on rezoning petition #147-RZ-SK-20, from Gary and Sirku Lila Niemela, 109 Cindy Lane, Marquette, to rezone a 13 acre parcel from RR-1 Rural Residential 1 to either I-Industrial or C-3 Commercial.

That part of the North Half of the South west Quarter (N-1/2 of SW-1/4) of Section 18, Township 46 North, Range 23 West, Skandia Township, Marquette County, Michigan, Excepting the East 33 acres therefrom, which lies Northeast of the Northeasterly right-of-way line of new Highway U.S. 41, more particularly described as:

Commencing at the West Quarter corner of said Section 18; thence North 89 degrees 38'34" East, 627.03 feet along the North line of the said North Half of the Southwest Quarter (N-1/2 of SW-1/4) of Section 18, to the Point of Beginning; thence Southeasterly 230.35 feet along the arc of a 3743.44 foot radius curveto the left, chord bears South 32 degrees 02'18" East, 230.35 feet, said arc being the Northeasterly right-of-way line of Highway U.S. 41; thence South 33 degrees 48'09" East, 1343.42 feet along the Northeasterly right-of-way line of Highway 41; then North 00 degrees 23'21" West, 1316.99 feet along the West line of the East 33 acres of the said North Half of the Southwest Quarter (N-1/2 of SW-1/4) of Section 18; thence South 89 degrees 38'34" West, 860.66 feet along the North line of the said North Half of the Southwest Quarter (N-1/2 of SW-1/4) of Section 18, to the Point of Beginning. Containing 13.13 acres.

Vice-Chairperson Corkin read Section VIII, Rule 8-1 regarding public hearings on proposed amendments to County Zoning Ordinances.

Patricia Gruber, Staff Planner, Resource Management/Development Department, presented the Staff recommendations. The Resource Management/Development Department Staff recommends the rezoning be denied on the basis that it would be a spot zoning.

Mark Maki, Planning Commission Member, was present to review the Planning Commission action. Several motions were made but none were adopted by the Planning Commission: a) First motion to fail, that the rezoning request be denied because it constituted spot zoning and it would establish a pattern of incompatible land use in that C-3 uses would be surrounded by rural residential uses. This would also bring additional requests for C-3 rezoning which would create a strip development; b) Second motion to fail, that the Planning Commission approve a rezoning to C-3; and c) Third motion to fail, to support the rezoning for C-3 taking into consideration that it has natural features that act as barriers, in that it is in close proximity to similar uses, and that the parcel is not ideally zoned for residential use.

The Planning Commission could make no recommendation, however the entire hearing record has been transmitted to the County Board as part of the packet which is prepared for the rezoning request.

The petitioner Gary Niemela spoke on behalf of his rezoning request. Mr. Niemela pointed out that he took a substantial risk in buying this property and believes it to be perfectly conducive for his carpentry shop and warehouse for the construction of prefabricated building components such as roof trusses. He contended there is not a house visible from the sand pit and that the sewer requirements for his business would be less than a normal home. He believed Skandia could use more industry.

The meeting was opened for interested citizens to comment. No one spoke, however two letters were added to the packet supporting the rezoning request; one from Burt Hanson, a home owner near the parcel of property, and the other from Charlotte Mumpower, Clerk of the Skandia Township Board, which indicted the members of the Township Board support the rezoning. The Commissioners and those present engaged in a discussion and questioning period regarding the rezoning request.

Vice-Chairperson Corkin closed the public hearing on the rezoning request.
It was moved by Comm. Seppanen, supported by Comm. Arsenault and unanimously carried that the County Board approve the rezoning request #147-RZ-SK-20, to rezone the 13.3 acre parcel from RR-1 Rural Residential 1 to I-Industrial.

Vice-Chairperson Corkin opened the meeting for a public hearing on a request from Mr. George W. Donaldson, 17308 Francavilla Drive, Livonia, MI 48162 to change the name of Horseshoe Lake to Donaldson Lake. The Lake is located in the SE-1/4 of Section 21-T46N-R29W, Humboldt Township. Patricia Gruber, Staff Planner, Resource Management/Development Department, briefly reviewed the procedure for naming or changing the name of a geographic feature. The Humboldt Township Board has approved of the name change. The County Clerk has caused a notice of hearing to be published in the newspaper on the name change. There are several Horseshoe Lakes in Marquette County and by changing the name to Donaldson Lake it would remove confusion. George Gamble Donaldson was deceased in 1944 and was a prominent citizen in the area. The property surrounding the Lake is owned by the Donaldson Family. There was no public comment regarding the name change, and Vice-Chairperson Corkin closed this portion of the meeting. It was moved by Comm. Arsenault, supported by Comm. Seppanen and unanimously carried to approve the name change by adopting the following resolution.

RESOLUTION FOR NAMING OR CHANGING
THE NAME OF A GEOGRAPHIC FEATURE

At a session of the Board of Commissioners of the County of Marquette, held at Marquette, Michigan, on the 20th day of September, 1988, the following resolution was adopted:

MOVED by Commissioner Arsenault, SECONDED by Commissioner Seppanen that the name of Horseshoe Lake located within the County of Marquette, Township of Humboldt, and situated on Section 21-T46N-R29W, be changed from Horseshoe Lake to Donaldson Lake, for the reason to avoid conflict with several lakes in County by name of Horseshoe Lake, and commemorate George Gamble Donaldson, deceased 1944.

MOTION CARRIED UNANIMOUSLY.

WHEREAS, it is desired that the name adopted by the above resolution be used in the future maps, reports, and documents that may be published by the State of Michigan and the United States Government;

THEREFORE, in order that the above action of the Board of Commissioners shall be brought to the attention of the proper State and United States officials, the County Clerk is hereby directed to forward a signed and certified copy of these resolutions together with attached map or township plat showing the particular geographic feature affected to the Geological Survey, Department of Natural Resources, Stevens T. Mason Building, Lansing, Michigan 48926, for transmittal by that agency to the Board on Geographic Names, U.S. Department of the Interior.

It was moved by Comm. Seppanen, supported by Comm. Arsenault and unanimously carried that the following informational items be accepted for file; a) Dept. of Employment Programs Monthly Report for August, 1988; b) Notice of receipt of an application for a construction permit and hearing for a New Solid Waste Disposal Facility to be located in Ishpeming Township; and c) A letter from State Senator Mitch Irwin regarding funding for regional planning.
The 1989 Local Emergency Management Work Plan was presented by Lt. Michael E. Zorza, Emergency Program Manager. It was moved by Comm. Seppanen, supported by Comm. Arsenault and unanimously carried that the County Board approve and execute the following:

EMERGENCY OPERATIONS PLAN
FOR
MARQUETTE COUNTY
and the Cities of:
Marquette, Ishpeming, Negaunee
and the Townships of:
Champion, Chocolay, Ely, Ewing, Forsyth
Humboldt, Ishpeming, Marquette, Michigamme
Negaunee, Powell, Republic, Richmond, Sands
Skandia, Tilden, Turin, Wells and West Branch

The Basic Plan, Support Annexes and Standard Operating Procedures prescribed therein constitute the official emergency operations plan for the Marquette County Emergency Jurisdiction and is approved for emergency operations for the ensuing year unless otherwise appropriately revised prior to the end of this period.

Timothy J. Lowe
Chairperson, Marquette Co.
Board of Commissioners

The County Board took under consideration a recommendation from the Committee of the Whole to enter into a fifteen-year lease agreement for space in the Pioneer Square Mall in Downtown Ishpeming for use by the Ishpeming 96th District Court. Vice-Chairperson Corkin informed all present that because two Commissioners are absent and also because Comm. Arsenault cannot vote on the recommendation, the remaining two Commissioners would not be able to take any action. Therefore, any action on this item must be tabled until the October 4, 1988 Regular County Board meeting.

Lee Guizzetti, Ishpeming City Council Member, spoke against moving the Court out of the Ishpeming City Hall and addressed three concerns; a) that the City over the years has been subsidizing the Court and has made an effort to remodel and accommodate the County; b) the City questions the timing on this action because of the recent millage proposals, in that the County has claimed they are short of funds and the new lease will cost the County three or four times as much as the present arrangement; and c) the possibility of a conflict of interest exists in that Comm. Arsenault is also the owner of the Pioneer Square Mall.

Chief Civil Counsel, Gary Walker, addressed the conflict of interest issue and explained the specific statutes regarding conflict of interest. If a public officer is a part-time employee then the conflict of interest matter is simply resolved by; a) the Commissioner involved has no vote on the matter; b) the Board must be notified of a possible conflict of interest, which in this case they already have; and c) the remaining Board members must approve any action by a three-quarters vote.

James Collins, Judge of the 96th District Court, reported that the new proposed building space for the Court will serve the citizens of the West-end of the County much better. Moving the Court has nothing to do with trials, but rather space requirements for records and working.

Dennis Aloia, County Administrator, spoke regarding the bids which were advertised and only two bids received. The ten-year bid by Paul Arsenault was $28,000.00 for the first year, compared to the other ten-year bid which was $51,000.00. The County always reserves the right to negotiate with the low bidder, and received even a better lease arrangement by going to a fifteen-year plan. Mr. Aloia further pointed out that this $19,000.00
increase in rent is being unfairly compared to a $500,000.00 millage proposition. Rent can be considered the daily cost of doing business. It was also pointed out the Judges can hold Court anywhere without the County Board's approval, but the Judges wish to cooperate with the County Board.

After a brief discussion by Commissioners and those present the matter was tabled until the October 4, 1988 meeting.

The Board took under consideration a recommendation from the Finance/Personnel Committee to approve a ten-year lease with Par Cable, Inc. for land in Forsyth Township. Marquette County has had a lease with Par Cable or its predecessor for approximately one acre for the past ten years. The new lease is for ten years which would expire June 30, 1998 and includes an option to purchase clause under which Par Cable would have the first option to purchase this property should the County decide to sell. It was moved by Comm. Seppanen, supported by Comm. Arsenault and unanimously carried that the County Board approve the ten-year lease agreement with Par Cable with the first year lease beginning at $2,500.00 and an annual inflationary increase of 5% for the duration of the lease.

The County Board took under consideration a recommendation from the Finance/Personnel Committee to appropriate $5,000.00 for construction of an extension to the Big Bay Harbor fence. Due to trespassing problems both Dennis Aloia, County Administrator, and Ron Kosherek, Director, Resource Management/Development Department, agree with the necessity of immediate attention to the fence project. Approximately 450 feet of fence is needed at a cost of $5,000.00. It was moved by Comm. Seppanen, supported by Comm. Arsenault and unanimously carried that the County Board approve the construction of an extension to the Big Bay Harbor fence by adopting the following budget amendment resolution.

RESOLUTION AMENDING GENERAL FUND
Fiscal Year 1988 Amendment No. 33

WHEREAS, budgets were adopted by the County Board on October 13, 1987 to govern the receipts and expenditures of the various County funds for the next fiscal year of the County; and

WHEREAS, as a result of unanticipated changes in revenues and/or needed expenditures, it is necessary to modify the aforesaid budget; and

WHEREAS, such modification will still maintain a balanced budget between revenues and expenditures.

NOW THEREFORE, BE IT RESOLVED that the aforesaid budget be hereby modified as follows:

<table>
<thead>
<tr>
<th>Fund and Expense Budget Acct.</th>
<th>Previous Budget Amt.</th>
<th>Amended Budget Amt.</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harbor</td>
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<td></td>
<td>+ (-)</td>
</tr>
<tr>
<td>Capital Outlay</td>
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<td>5,000</td>
<td>5,000</td>
</tr>
<tr>
<td>Contingency Account</td>
<td>43,595</td>
<td>38,595</td>
<td>(5,000)</td>
</tr>
<tr>
<td>Totals</td>
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<td>43,595</td>
<td>0</td>
</tr>
<tr>
<td>Rev. Budget Acct.</td>
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<td></td>
<td>+ (-)</td>
</tr>
<tr>
<td>Harbor</td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>No Changes</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Totals</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Motion was made by Comm. Seppanen, Seconded by Comm. Arsenault, to adopt the foregoing resolution. Upon roll call vote, the following vote was recorded:

<table>
<thead>
<tr>
<th>Aye</th>
<th>Nay</th>
</tr>
</thead>
<tbody>
<tr>
<td>P. Arsenault</td>
<td>X</td>
</tr>
<tr>
<td>G. Corkin</td>
<td>X</td>
</tr>
<tr>
<td>G. DeFant</td>
<td>Absent</td>
</tr>
<tr>
<td>T. Lowe</td>
<td>Absent</td>
</tr>
<tr>
<td>G. Seppanen</td>
<td>X</td>
</tr>
</tbody>
</table>

The Chairperson declared the motion carried and the resolution duly adopted.

-6-
The County Board took under consideration a recommendation from the Executive/IGR Committee to concur with Randolph Smith, M.D., Chief Medical Examiner, to oppose House Bill 5567 and House bill 5568 which would hamper medical examiners and prosecutors in performing their duties. It was moved by Comm. Seppanen, supported by Comm. Arsenault and unanimously carried that the County Board concur with the Executive/IGR Committee and oppose House Bill 5567 and 5568.

The County Board took under consideration a recommendation from the Executive/IGR Committee to adopt a Consent Form for use of County Roads by the Marquette County Solid Waste Management Authority. It was moved by Comm. Seppanen, supported by Comm. Arsenault and unanimously carried that the Consent Form be approved as follows.

CONSENT

The undersigned Township of Sands and County of Marquette hereby consent to the establishment of the System (as defined in the Sanitary Landfill Contract), the location of the Project (as defined in the Sanitary Landfill Contract), and to the use by the Marquette County Solid Waste Management Authority and its members of their streets, highways, alleys, lands, rights-of-way or other public places for the purpose and facilities of the System and the Project and any improvements, enlargements or extensions thereof. The Township of Sands and the County of Marquette each agree that, when requested by the Marquette County Solid Waste Management Authority to do so, they each will execute and deliver to the Marquette County Solid Waste Management Authority such grants of easement, rights-of-way, licenses, permits and consents as may be necessary to effectuate the above consent.

Signed by the Township of Sands

Signed by the County of Marquette

The County Board took under consideration a recommendation from the Committee of the Whole to fill a vacancy during the maternity leave for Mary Mantyla, full-time District Court Probation Officer. It was moved by Comm. Seppanen, supported by Comm. Arsenault and unanimously carried that the County Board authorize the District Court to fill the vacancy during the maternity leave of Mary Mantyla.

The County Board took under consideration a recommendation from the Finance/Personnel Committee to increase the salary for Francis van der Maarel, Diversion Program Contractual Employee. Judge Anderegg indicated that Ms. van der Maarel is paid primarily from basic grant and project SODA (Status Offender Diversions Alternatives) funds, and in the interest of retaining qualified staff people an attempt to pay salaries comparable to a Probation Officer with equivalent experience has been made. Salary increases from the State of Michigan to the SODA Program have not kept pace with inflation and due to a voluntary reduction and the number of hours the project director has worked, monies are available to give the contractual employee a 5% salary increase, retroactive to April 1, 1988. It was moved.
by Comm. Seppanen, supported by Comm. Arsenault and unanimously carried that the County Board authorize a 9-month salary adjustment for Francis van der Maarel in the amount of $825.00 and request Randell Girard, Human Resources Director, to perform a study and report back to the Finance/Personnel Committee regarding procedures, equities, and identify options regarding contractual employees.

The County Board took under consideration a recommendation from the Committee of the Whole to create a new revenue line item in the County Treasurer's budget. The new line item is requested by James F. Sodergren, Marquette County Treasurer, regarding the reporting procedure for County Treasurer. Mr. Sodergren requested that revenues received from the Delinquent Tax Administration Fees, interest earned on investments, and expense of sale and real estate transfer tax, be reflected as revenues in the County Treasurer's budget. It was moved by Comm. Seppanen, supported by Comm. Arsenault and unanimously carried that the County Board approve the creation of the appropriate line item in the County Treasurer's budget to reflect revenues received.

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

Dennis Aloia, County Administrator, announced the Committee of the Whole Budget Work Session will be held Wednesday, September 21, 1988 at 6:00 p.m.

There being no further business to come before the County Board the meeting was adjourned.

Respectfully submitted,

[Signature]
David J. Roberts
Marquette County Clerk
MARQUETTE COUNTY BOARD OF COMMISSIONERS
Regular Meeting, Tuesday, September 20, 1988
Room 231, Henry A. Skewis Annex
Marquette, Michigan 49855

1. ROLL CALL.
2. SALUTE TO THE FLAG AND PLEDGE OF ALLEGIANCE.
4. PROCLAMATIONS, PRESENTATIONS AND AWARDS.
   b. The month of October, 1988 as United Way Month in Marquette County.
5. PUBLIC COMMENT. (time limit 20 minutes total)
6. APPROVAL OF THE AGENDA.
7. PUBLIC HEARINGS:
   b. Rezoning request #147-RZ-SK-20 from Gary and Sirkka Liisa Niemela.
   c. Request from George W. Donaldson to rename Horseshoe Lake to Donaldson Lake, located in SE-1/4 of Section 21-T46N-R29W, Humboldt Township.
8. PRIVILEGED COMMENT:
   a.
   b.
9. INFORMATIONAL ITEMS:
   b. Notice of receipt of an application for a construction permit and hearing for a New Solid Waste Disposal Facility to be located in Ishpeming township.
   c. A letter from State Senator Mitch Irwin regarding funding for regional planning.
10. ACTION ITEMS:
    b. A recommendation from the Committee of the Whole to enter into a 15 year Lease for the Ishpeming 96th District Court building space.
    c. A recommendation from the Finance/Personnel Committee to approve a 10 year Lease with Par Cable, Inc. for land in Forsyth Township.
    d. A recommendation from the Finance/Personnel Committee to appropriate $5,000.00 for construction of an extension to the Big Bay Harbor Fence.
    e. A recommendation from the Executive/IGR Committee to concur with Randolph Smith, M.D., Chief Medical Examiner, to oppose HB 5567 and HB 5568 which would hamper Medical Examiners and Prosecutors in performing their duties.
    f. A recommendation from the Executive/IGR Committee to adopt a consent form for use of County Roads by the Marquette County Solid Waste Management Authority.
10. ACTION ITEMS: Cont'd.
   g. A recommendation from the Committee of the Whole to fill a
      vacancy during the maternity leave for a District Court Probation
      Officer.
   h. A recommendation from the Finance/Personnel Committee to increase
      the salary of Francis van der Maarel, Diversion Program
      Contractual Employee.
   i. A recommendation from the Committee of the Whole to create new
      revenue line items in the County Treasurer's Budget.

11. LATE ADDITIONS:
   a.
   b.

12. PUBLIC COMMENT. (time limit 20 minutes total)

13. COMMISSIONERS COMMENTS AND ANNOUNCEMENTS.

14. ADJOURNMENT.