The Marquette County Board of Commissioners met in Regular Session on Tuesday, May 16, 1989 at 5:00 p.m. in Room 231 of the Henry A. Skewis Annex, Marquette, Michigan.

Chairperson Corkin called the meeting to order, roll call was taken and the following roll recorded: Present: Comm. Arsenaulet, Comm. Bays, Comm. DeFant, Comm. Seppanen and Comm. Corkin. Absent: None.

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

It was moved by Comm. Arsenaulet, seconded by Comm. Seppanen and unanimously carried that the minutes of the Regular County Board meeting held on May 2, 1989 be approved.

Chairperson Corkin opened the meeting for public comment. James Sodergren, Marquette County Treasurer, requested to speak during the County Board discussion of item 10a, a recommendation from the Finance/Personnel Committee regarding the County Treasurer’s Salary. There being no further public comment, Chairperson Corkin closed this portion of the meeting.

It was moved by Comm. Seppanen, seconded by Comm. Arsenaulet and unanimously carried that the agenda be approved with the addition of item 11a, a closed session regarding Sheriff Department litigation; and a presentation by Sheriff Joseph Maino regarding Jail Overcrowding.

Joseph Maino, Marquette County Sheriff, reviewed the overcrowding problem which exists at the Marquette County Jail. A Jail Study Committee comprised of three representatives from the Sheriff’s Department, one County Commissioner, and a designee from the Administrator’s Office has been formed. It is the consensus of this Committee that serious consideration be given by the County Board of Commissioners to add at least 20 cells within the jail facility. The Committee, with the assistance of Robert Gustafson, Physical Plant Specialist with the Department of Corrections, have narrowed possible modification options to two existing areas in the jail. One is a room which is presently being used for inmate recreation, and the other is the exercise yard which is enclosed by walls but does not have a roof. The third option would be to add a third floor to the jail. Grant (P.A.-324 of 1988) which provides for technical assistance funds to local government for the study, development and implementation of community correction plans for adult felony offenders at the County level is provided by the Department of Corrections and is presently available. Sheriff Maino stated an architect could evaluate all options and urged the County Board to pursue available grant funds. Commissioners voiced favor of an architectural study, however would like to see continued efforts to find alternate avenues of assistance to the incarceration problems in Marquette County.

It was moved by Comm. Arsenaulet, seconded by Comm. Seppanen and unanimously carried that the following informational items be placed on file: a) Road Commission Report for the month of March, 1989; b) Road Commission Report for the month of April, 1989; d) Information from the Greater Michigan Foundation regarding the Annual Michigan Week Celebration May 19-27, 1989; and g) a Resolution in support of the Specific Ore Task Force from Republic-Michigamme School Board.

The County Board took under consideration the Airport Quarterly Operations Report for January, February, and March, 1989. Comm. Bays questioned the decrease in all operations reflected in the report. It was noted that the Airport had six weeks of interrupted service which explains the decrease. It was moved by Comm. Seppanen, seconded by Comm. Corkin and unanimously carried that the Airport Quarterly Operations Report be placed on file.
The County Board took under consideration three thank you letters to the County Board for scheduling the Regional Preservation Issues Forum on April 22, 1989. Comm. Corkin commended Commissioners, Staff and everyone who assisted in the restoration of the Courthouse. It was moved by Comm. Seppanen, seconded by Comm. Bays and unanimously carried that the three thank you letters be placed on file.

The County Board took under consideration a notice from Mike Etelamaki, Executive Director of the Solid Waste Management Authority, regarding the forthcoming vacancy. It was noted that David J. Roberts, County Clerk, has posted a notice for interested and qualified individuals to submit a written application by 5:00 p.m., Thursday, June 1, 1989, to the County Clerk’s Office. Application forms are available from the Clerk’s Office. It was moved by Comm. Seppanen, seconded by Comm. Arsenault and unanimously carried that the communication be placed on file.

The County Board took under consideration a recommendation from the Finance/Personnel Committee concerning a salary adjustment for the County Treasurer. Mr. James Sodergren, County Treasurer, spoke on his own behalf reviewing the numerous duties, responsibilities and accomplishments of the County Treasurer. Mr. Sodergren stated that elected officials salaries should not have been included in the Morley Wage Study, however data reveals that County Treasurers across the State of Michigan are compensated at a rate comparable to the County Clerk. Comm. Seppanen commended Mr. Sodergren for his years of service and dedication to the County of Marquette. He contended that County Elected Officials are being paid fairly, however would like to see the establishment of a wage scale. All Commissioners agreed that establishing a salary range for elected officials would be beneficial, but Comm. Arsenault and Comm. Corkin urged that the salary of County Treasurer, James Sodergren, be increased. It was moved by Comm. Arsenault, seconded by Comm. Corkin that the Marquette County Board bring the County Treasurer’s salary in line with the County Clerk’s salary over the three year period of FY 1990, 1991 and 1992. A roll call vote was taken: Ayes: Comm. Arsenault, Comm. Corkin. Nays: Comm. Bays, Comm. DeFant and Comm. Seppanen. Motion Failed.

The County Board took under consideration a recommendation from the Finance/Personnel Committee regarding the improvement of retiree benefits. The last increase for Marquette County Retirees was the one-time E-Benefit granted in January of 1977. This provided a 2% increase multiplied by the number of calendar years since the date of retirement. Should the County Board wish to provide an E-Benefit again for the present 40 retirees, cost has been calculated by MERS to be at $8,815.00. To grant the E-Benefit the Board must adopt and file a resolution with MERS no later than December 1st of 1989 to be effective January 1st, 1990. There is also an E-1 Benefit which would provide for an automatic 2-1/2% increase every year. A $100.00 minimum pension would effect five retirees, and cost the County $2,877.00 from the General Fund. Comm. DeFant stated that the County Board should not be representing Marquette County Retirees and in the future AFSCME must accept the burden of negotiating for all retiree benefits. It was moved by Comm. Seppanen, seconded by Comm. Arsenault and unanimously carried that the Finance/Personnel Committee recommend the County Board establish a minimum $100.00 pension for Marquette County Retirees beginning FY 1990, and that Marquette County also adopt the one-time E Rider Benefit of 2% for all County Retirees for FY 1990.

The County Board took under consideration a recommendation from the Finance/Personnel Committee to adopt a budget amendment resolution for a grant proposal from the CEIP Fund Inc. which would make available short-term staffing for the Emergency Planning and Community Right-to-Know Programs being implemented in Marquette County. This is a student initiated project submitted by Mr. Michael West, a Land Use Planning and Management major at Northern Michigan University. The project will allow for 480 hours of
supplemental staff time over a 12-week period, beginning May 29, 1989. The work plan will primarily focus on development of a hazardous product and facility information database, preparation of support material and hazardous assessments for site emergency plans, and assistance in implementing the Community Right-to-Know provisions of the SARA Title III. As a sponsoring entity Marquette County would be responsible for providing a suitable work place, general supervision, related supplies, and an $1,800.00 local match towards salary and payroll tax expenses. Mr. West is also making arrangements for the use of special services available through Northern Michigan University to aid in supporting this program. Ron Koshorek, Resource Management/Development Director, indicated that Mr. West has been utilized before by the Planning Department as a temporary student intern. Mr. West is an excellent worker and the County should receive a good benefit from this grant program. It was moved by Comm. Defant, seconded by Comm. ArsenaULT and unanimously carried that the County Board approve of the Local Emergency Planning Committee grant proposal and amend the 1989 LEPC budget to include the $1,800.00 local match by adopting the following budget amendment.

RESOLUTION AMENDING GENERAL FUND
Fiscal Year 1988 Amendment No. 17

WHEREAS, budgets were adopted by the County Board on October 11, 1988 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>
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<td>Sheriff-Emergency Planning</td>
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<td>Grant—Local Match</td>
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<td>Contingency Account</td>
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<td>(1,800.00)</td>
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<tr>
<td>Rev. Budget Acct.</td>
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<td></td>
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<tr>
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<tr>
<td>Totals</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
</tbody>
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Motion was made by Comm. Defant, 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>
<th>Aye</th>
<th>Nay</th>
</tr>
</thead>
<tbody>
<tr>
<td>P. ArsenaULT</td>
<td>X</td>
<td>G. Seppenan</td>
<td>X</td>
</tr>
<tr>
<td>C. Bays</td>
<td>X</td>
<td>G. Corkin</td>
<td>X</td>
</tr>
</tbody>
</table>

The Chairperson declared the motion carried and the resolution duly adopted.
The County Board took under consideration a recommendation from the Finance/Personnel Committee regarding a request from Gary L. Walker, Prosecuting Attorney, to establish a special fund for the deposit of controlled substance forfeiture fees. Prosecutor Walker explained that his office has been cooperating with local law enforcement agencies by instituting forfeiture proceedings against property that was used in violation of Michigan Drug Laws. The forfeitures are authorized by law, MCL 333.752 et sec. Once property is condemned, part of the proceeds may be used “for the payment of proper expenses of the proceedings of forfeiture and sale, including the expenses incurred during the seizure process, maintenance of custody, advertising, and court costs.” Also, any monies that are received may be used to enhance law enforcement efforts. Prosecutor Walker is proposing assessing a 20% fee, which is reasonable and substantially below collection fees charged by private attorneys. For example, if the Prosecutor condemns $1,000.00 cash in a drug arrest, his office would retain $200.00 after forfeiture and after payment of court filing fees and out-of-pocket expenses. The remaining money would be returned to the local unit that funds the law enforcement agency that seized the property. They would be required, under the law, to utilize the money to enhance law enforcement efforts. In the last year and a half, the Prosecutor’s Office has forfeited approximately $35,000.00 in cash, and additional items such as two automobiles, a travel trailer, boat, etc. Based on these figures, the Prosecuting Attorney’s Office could have collected approximately $7,200.00 for deposit in a controlled substance forfeiture fee fund. In addition the Prosecutor’s Office also is currently involved in several proceedings to forfeit drug related assets worth approximately $39,800.00. It was moved by Comm. DeFant, seconded by Comm. Arsenault and unanimously carried that the County Board concur with the Prosecutor’s request and adopt the Controlled Substance Forfeiture Account Policy by adopting the following resolution.

RESOLUTION
89-23
A Resolution establishing an account for monies collected through forfeiture proceedings.

WHEREAS, the Marquette County Prosecuting Attorney’s Office has been actively involved in the forfeiture of property that was used for or as part of violation of the Michigan Controlled Substance Laws.

WHEREAS, these forfeiture proceedings are authorized pursuant to Michigan Statute MCL 333.752 et sec.

WHEREAS, any expenses and costs incurred in the initiation of these proceedings are to be paid for from bonds that are posted by persons claiming an interest in the property and by the collection of attorney fees to recover these expenses of the Prosecuting Attorney.

WHEREAS, any money that is received pursuant to this statute is to be used to enhance law enforcement efforts pertaining to the statute.

WHEREAS, to better facilitate local law enforcement in forfeiting property that is used for or as part of the violation of the Michigan Controlled Substance Laws.

WHEREFORE, BE IT RESOLVED THAT the Marquette County Board of Commissioners hereby authorizes the Marquette County Prosecutor to open, maintain, and manage an account for any monies that are received pursuant to these activities and that any monies received are to be utilized as articulated by the Controlled Substance Forfeiture Account Policy as adopted by the County Board, this 16th day of May, 1989.

GERALD O. CORKIN, CHAIRPERSON
MARQUETTE COUNTY BOARD OF COMMISSIONERS
The County Board took under consideration a recommendation from the Finance/Personnel Committee approving the lease of a Westlaw Computer System for an amount not to exceed $3,550.00 from the recently authorized Controlled Substance Forfeiture Fund. Gary Walker, Prosecuting Attorney, stated the first year cost of $3,550.00 would cover the subscription and computer time, which are at a substantially reduced rate for the first six months, plus any necessary hardware purchased. The projected yearly cost for the system will then be under $3,000.00, and Prosecutor Walker proposes to continue funding for the Westlaw Computer System from the Drug Forfeiture Fund. The Westlaw Computer System is an invaluable aid in legal research giving prosecuting attorneys staff access to case law history as recent as one week old. It was moved by Comm. DePant, seconded by Comm. Arsenault and unanimously carried that the County Board approve the lease of the Westlaw Computer System for an amount not to exceed $3,500.00 from the Controlled Substance Forfeiture Fee Fund.

The County Board took under consideration a communication from David J. Roberts, County Clerk, regarding mid-year nominations to fill vacancies on various boards and commissions. It was moved by Comm. Arsenault, seconded by Comm. Bays and unanimously carried to place the following names in nomination to various boards and commissions: Board of Health - one vacancy, 3 year term ending 12-31-91 - Margaret Jajich, Marquette (Ms. Jajich is also the incumbent); Alger Marquette Community Mental Health - one vacancy - term ending 12-31-90 in either Public or Private Category - Frederick B. Waisanen, Marquette, Regis Walling, Chocolay Township, Sherry Lynn Hatch, Marquette; Commission on Aging - one vacancy - term ending 12-31-89 - Senior Citizen Category - Gene E. Neibaur, Chocolay Township, Debbie Koenig, Ishpeming, and Edith E. Froseen, Marquette.

Chairperson Corkin declared a recess for the purpose of holding the 6:30 p.m. scheduled public hearing on Proposed County-Wide Zoning Ordinance.

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MEETING RECESS FOR THE PURPOSE OF THE PUBLIC HEARING
MINUTES FOR THE PUBLIC HEARING ARE A SEPARATE SET OF MINUTES
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The County Board reconvened the Regular Meeting.

It was moved by Comm. Arsenault, seconded by Comm. Bays and unanimously carried that the County Board go into Closed Session for the purpose of discussing Sheriff Department Litigation.

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CLOSED SESSION
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The County Board came back into Open Session. No action was forthcoming as a result of the closed session discussion.

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

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

Respectfully submitted,

[Signature]
Margaret A. O'Neill
Deputy County Clerk
MARQUETTE COUNTY BOARD OF COMMISSIONERS
Regular Meeting, Tuesday, May 16, 1989, 5:00 p.m.**
Room 231, Henry A. Skewis Annex
Marquette, Michigan 49855

1. ROLL CALL.
2. SALUTE TO THE FLAG AND PLEDGE OF ALLEGIANCE.
3. APPROVAL OF THE MINUTES OF THE COUNTY BOARD OF COMMISSIONERS REGULAR
MEETING HELD ON MAY 2, 1989.
4. PROCLAMATIONS, PRESENTATIONS AND AWARDS.
5. PUBLIC COMMENT. (time limit 20 minutes total)
6. APPROVAL OF THE AGENDA.
7. PUBLIC HEARINGS. (none)
8. PRIVILEGED COMMENT.
9. INFORMATIONAL ITEMS:
   d. Information from the Greater Michigan Foundation regarding the
   e. Three thank you letters to the County Board for scheduling the
   f. A notice from Mike Etelamaki, Executive Director of the Solid
      Waste Management Authority regarding forthcoming vacancy.
      (Advertisement attached to item 10f)
   g. A resolution in support of the Specific Ore Task Force from
      Republic-Michigamme School Board.
10. ACTION ITEMS:
   a. A recommendation from the Finance/Personnel Committee regarding
      the County Treasurer's salary.
   b. A recommendation from the Finance/Personnel Committee for the
      improvement of retiree benefits.
   c. A recommendation from the Finance/Personnel Committee to accept a
      grant proposal for the Local Emergency Planning Committee.
   d. A recommendation from the Finance/Personnel Committee to establish a Controlled Substance Forfeiture Fee Fund for the
      Prosecutor's Office.
   e. A recommendation from the Finance/Personnel Committee to approve
      the lease of the Westlaw Computer System for the Prosecutor's
      Office.
   f. Mid-year nominations to various boards and commissions.
11. LATE ADDITIONS:
   a.
   b.
12. PUBLIC COMMENT. (time limit 20 minutes total)
13. COMMISSIONERS COMMENTS AND ANNOUNCEMENTS.
14. ADJOURNMENT.

**NOTE TIME CHANGE**