The Marquette County Board of Commissioners met in Regular Session on Tuesday, February 19, 1991 at 7:00 p.m. in Room 231 of the Henry A. Skewis Annex, Marquette, Michigan.


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

On a motion by Comm. Arsenault, seconded by Comm. Angeli, the minutes of the Committee of the Whole Meeting held on January 29, 1991, the Special Board Session held on January 29, 1991, and the Regular County Board Meeting held on February, 1991, were unanimously approved.

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

On a motion by Comm. Arsenault, seconded by Comm. Bays, the agenda was unanimously approved as presented.

Privileged Comment

Tuulikki Sayring, Vice-Chairperson of the Social Services Board, and Nancy DeWees, Social Services Director, were present and distributed information providing an update on staffing reductions, the effect of these reductions, and the possible displacement of our County DSS Director with an employee of the same general classification from the State Central Office. After considerable discussion, it was moved by Comm. Seppanen, seconded by Comm. Arsenault, and unanimously carried that the following resolution be adopted.

REASON

WHEREAS, State statute MCL 400.45(5) provides that the County Social Services Board shall review the qualification of and appoint its Director of Social Services from among persons certified as eligible by the State Civil Service Commission, and

WHEREAS, because of proposed budget cuts and staffing reductions, employees of the Department of Social Services Central Office may now bump down into County Directorship, and

WHEREAS, this "bumping" process circumvents the requirements of the State statute and we believe irreparable harm would be done to the selection process of a County Director for Marquette County.

THEREFORE BE IT RESOLVED, that the Marquette County Board of Commissioners will pursue all prudent legal action at the County and State levels to prevent such harm, and

BE IT FURTHER RESOLVED, that approval be given for the Marquette County Social Services Board to participate with the Michigan County Social Services Association in their attempt to prevent the bumping of County Directors by hiring legal counsel, and paying an initial fee of $300.00.

GERALD O. CORKIN, CHAIRPERSON
MARQUETTE COUNTY BOARD OF COMMISSIONERS
BOARD OF COMMISSIONERS  COUNTY OF MARQUETTE  FEBRUARY 19, 1991

Informational Items

On a motion by Comm. Angeli, seconded by Comm. Seppanen, the following informational items were unanimously accepted and placed on file: 9a) A thank you from Ray Schaefer, Sec./Treas., U.P. Resource Conservation & Development Council, for payment of 1991 dues; 9b) A thank you from Dan Meister, Chairperson, County Soil & Water Conservation District, for the 1991 appropriation; 9c) Response from Ronald Raisanen, Environmental Quality Analyst, DNR, regarding Humboldt Tailings Testing; 9d) Resolution from the County Plat Board opposing State Plat Review Budget Cuts; 9e) Dept. of Employment Programs Monthly Report for December, 1990; 9f) Dept. of Employment Programs Monthly Report for January, 1991; 9g) Airport Quarterly Operations Report for October, November, December, 1990; and 9h) Letter from Dan C. Smith, Executive Manager, U.P. Travel & Recreation Assoc., regarding state cost cutting measures.

Action Items

On a motion by Comm. Seppanen, seconded by Comm. Angeli, the County Board unanimously approved action items 10d) and 10e) as follows:

10d) A Finance/Personnel Committee recommendation to approve the 1991 Title IV-D Cooperative Reimbursement Contract with a total proposed budget of $108,956.00.

RESOLUTION
TITLE IV-D COOPERATIVE REIMBURSEMENT AGREEMENT

WHEREAS, the Friend of the Court/Prosecuting Attorney has received approval of a Title IV-D Cooperative Reimbursement Agreement with the Michigan dept. of Social Services beginning January 1, 1991, and ending December 31, 1991.

BE IT RESOLVED THAT:

1) Dept. of Social Services Title IV-D Cooperative Agreement, be and hereby is approved in its entirety; and

2) The Chairperson of the County Board of Commissioners is hereby authorized to execute said Agreement on behalf of the County Board of Commissioners.

GERALD O. CORKIN, CHAIRPERSON  MARQUETTE COUNTY BOARD OF COMMISSIONERS

10e) A Finance/Personnel Committee recommendation to approve a budget amendment for the Valente Medical Care Facility Construction Litigation Fund for an additional $45,150.00 as follows:

RESOLUTION AMENDING MEDICAL CARE CONSTRUCTION FUND BUDGET
Fiscal Year 1991 Amendment No. 8

WHEREAS, budgets were adopted by the County Board on October 9, 1990 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

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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>Expense Budget Acct.</th>
<th>Previous Budget Amt.</th>
<th>Amended Budget Amt.</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical Care Construction Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legal Fees</td>
<td>(17,418.00)</td>
<td>17,582.00</td>
<td>35,000.00</td>
</tr>
<tr>
<td>Architectural Services</td>
<td>11,056.00</td>
<td>26,056.00</td>
<td>15,000.00</td>
</tr>
<tr>
<td>Contingency</td>
<td>4,850.00</td>
<td>0.00</td>
<td>(4,850.00)</td>
</tr>
<tr>
<td>Total Expenses</td>
<td>(1,512.00)</td>
<td>43,638.00</td>
<td>45,150.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Medical Care Construction Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use of Fund Equity</td>
<td>0.00</td>
<td>45,150.00</td>
<td>45,150.00</td>
</tr>
<tr>
<td>Total Revenues</td>
<td>0.00</td>
<td>45,150.00</td>
<td>45,150.00</td>
</tr>
</tbody>
</table>

Motion was made by Comm. Seppanen, Seconded by Comm. Angeli, 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>L. Angeli</td>
<td>X</td>
<td>G. Seppanen</td>
<td>X</td>
</tr>
<tr>
<td>P. Arsenault</td>
<td>X</td>
<td>G. Corkin</td>
<td>X</td>
</tr>
<tr>
<td>C. Bays</td>
<td>X</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

Action Items Cont’d.

10a) The County Board considered a recommendation from the Finance/Personnel Committee to authorize the bidding of the Jail Expansion Project and the Jail Sprinkler Project together. Comm. Bays wanted to make it clear for the public that approval of this recommendation is not a decision to go ahead with the Jail Expansion.

On a motion by Comm. Angeli, seconded by Comm. Arsenault, the County Board unanimously approved the recommendation authorizing the bidding of the Jail Expansion Project and the Jail Sprinkler Project together, and this information will be combined along with recommendations from the Community Corrections Advisory Board, and an analysis of staffing levels required after the Jail Expansion, for County Board consideration to see if the project is feasible.

10b) The County Board considered a recommendation from the Finance/Personnel Committee to provide benefits for the Tahpeing District Court Magistrate, Lynn Ketcham, on the same basis as other non-bargaining staff. Civil Counsel, David Payant, distributed a memo which explained that the State Court Administrator’s Office ordered the District Court Magistrate be removed from the Courthouse Union. As per the Public Employees Relations Act, Ms. Ketcham is considered a judicial officer. The Contract Law Doctrine of “Impossibility of Performance” holds that parties in a contract
which becomes impossible to perform are released from their obligations. Therefore, the County is under no obligation to pay union wages and benefits to Ms. Ketchem, and in order to avoid discrimination claims it would be in the best interest to continue her as part of the non-bargaining staff, this should result in no legal problems.

Comm. Arsenault has discussed the matter with Ms. Ketchem on several occasions, and although he understands the County's position, he feels that this could be considered a special case and Ms. Ketchem could be compensated for her losses in sick pay and longevity.

On a motion by Comm. Bays, seconded by Comm. Seppanen, and carried four-to-one on a roll call vote with Comm. Arsenault voting nay, that for all other benefits and terms and conditions of employment, the Ishpeming District Court Magistrate, Lynn Ketchem, will be on the same basis as other non-bargaining unit staff.

10c) The County Board considered a recommendation from the Executive/IGR Committee to support the Michigan Scenic Rivers Act. Each County Commissioner expressed a view on the Michigan Scenic Rivers Act during the discussion, summarized as follows:

Comm. Angeli spoke against the Michigan Scenic Rivers Act. He believes that the Federal Government is moving too fast, that people don't understand the legislation. Hearings should be held in the Western Upper Peninsula. There is no need to push the Act through, it will provide the same function if it passes one year or two years from now. Comm. Angeli contends the local citizens and governments are presently doing a good job maintaining these lands.

Comm. Seppanen spoke in favor of the Michigan Scenic Rivers Act. Last year a hearing was held in Marquette. As a result many questions were answered and changes made in the legislation; for example, Mead Corporation which was originally opposed to the Act is now in favor because of changes in the condemnation rules. It is Comm. Seppanen's understanding that the local units of government will continue to have input as they should.

Comm. Arsenault opposed the Michigan Scenic Rivers Act. All of his contact with citizens and sportman's groups indicate opposition. He is concerned about the Act because it provides for drafting rules after the law is passed.

Comm. Bays was in favor of the Michigan Scenic Rivers Act. The basic legislation has been in existence for many years and has caused no problems. The Michigan Scenic Rivers Act is an amendment to basic wilderness protection legislation. Comm. Bays is in favor of protecting our rivers and the local units of government will continue to have input into the local rules.

Comm. Corkin spoke in favor of the Michigan Scenic Rivers Act. There has been a lot of misunderstanding regarding the Act, and pointed out several examples; a) the present legislation allows for unlimited federal land condemnation, whereas the proposed legislation does not allow for land condemnation if more than 50% of the land ownership is presently in public hands. This is now the case, therefore land condemnation is not a concern; b) the proposed act prohibits more than 100 acres of federal ownership per mile of river, where the present legislation allows for unlimited ownership; c) the U.S. Forest Service has no zoning authority, and experience has shown that land values have increased in other areas of federal ownership; and d) the regulation of fish and wildlife, and hunting and fishing laws, will continue to be with the State of Michigan. Chairperson Corkin sees no reason to oppose the legislation.

On a motion by Comm. Seppanen, seconded by Comm. Bays, and carried on a roll call vote three-to-two with Comm. Arsenault and Comm. Angeli voting nay, that the County Board support the efforts to protect the natural resources of the U.P., believing that it is important to future generations to help protect the quality of the designated wild and scenic rivers. The County Board requests that Congress continue to recognize the need for local control over the planning and development of the designated areas within the parameters of the Act. We should also ask that the Forest Service continue to work with local units of government in the implementation of this Bill when it becomes law.
Chairperson Corkin opened the meeting for public comment, none was forthcoming.

Commissioners Comment

Comm. Arsenault announced the meeting on February 28, 1991 at 1:00 p.m. to discuss the Animal Control Survey.

Comm. Arsenault explained that the 9-1-1 Implementation Committee recently met and Jeff Celesky presented the Master Mapping Plan for Marquette County. This is a very complicated and complex task, and Comm. Arsenault commended Mr. Celesky and the various township clerks for their efforts in the master mapping project. In fact, Joe Cousineau, Michigan Bell, said that Marquette County was the first of seventeen counties he has been involved with that is on schedule.

Chairperson Corkin, on behalf of the County Board, commended Jeff Celesky and the township clerks for their work on the 9-1-1 Master Mapping Plan.

Comm. Bays related that the City of Marquette is issuing dog licenses by mail, and wondered if this was considered by other units of government.

Comm. Angeli noted that there are two possible golf course developments taking place – one in Chocolay Township and one in Forsyth Township – and wondered if the County is still proceeding with its plans for a golf course. Ron Koshorek, Director, Resource Management/Development Dept., explained that the County received a grant to purchase access land between the Honor Camp and Co. Rd. 553, which would be necessary regardless of what the Honor Camp property is used for. It does not necessarily have to be a golf course.

Chairperson Corkin urged Commissioners to review the packet of materials from Equalization Director, Henry Schneider. The Annual Equalization Meeting is scheduled for April 9, 1991, and any Commissioner who has questions please discuss them with Mr. Schneider.

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

Respectfully submitted,

David J. Roberts
Marquette County Clerk
MARQUETTE COUNTY BOARD OF COMMISSIONERS  
Regular Meeting, Tuesday, February 19, 1991, 7:00 p.m.  
Room 231, Henry A. Skewis Annex, Marquette, MI  

1. ROLL CALL.  
2. SALUTE TO THE FLAG AND PLEDGE OF ALLEGIANCE.  
3. APPROVAL OF THE MINUTES of the Committee of the Whole meeting held on 
   January 29, 1991; the Special Session held on January 29, 1991; and 
   the Regular meeting held on February 5, 1991.  
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:  
   a. Dept. of Social Services staffing update by Tuulikki Sayring, 
      Social Services Board Member.  
9. INFORMATIONAL ITEMS:  
   a. A thank you from Ray Schaefer, Sec./Treas., U.P. Resource 
      Conservation & Development Council, for payment of 1991 dues.  
   b. A thank you from Dan Meister, Chairperson, County Soil & Water 
      Conservation District, for the 1991 appropriation.  
   c. Response from Ronald Raisanen, Environmental Quality Analyst, 
      DNR, regarding Humboldt Tailings Testing.  
   d. Resolution from the County Plat Board opposing State Plat Review 
      Budget Cuts.  
   g. Airport Quarterly Operations Report for October, November, 
      December, 1990.  
   h. Letter from Dan C. Smith, Executive Manager, U.P. Travel & 
      Recreation Assoc., regarding state cost cutting measures.  
10. ACTION ITEMS:  
   a. Finance/Personnel Committee recommendation to authorize the 
      bidding of the Jail Expansion Project and the Jail Sprinkler 
      Project together.  
   b. Finance/Personnel Committee recommendation to approve benefits 
      for the Ishpeming District Court Magistrate on the same basis as 
      other non-union staff.  
   c. Executive/IGR Committee recommendation to support the Michigan 
      Scenic Rivers Act.  
   d. Finance/Personnel Committee recommendation to approve the 1991 
      Title IV-D Cooperative Reimbursement Contract.  
   e. Finance/Personnel Committee recommendation to approve budget 
      amendments for the Valente Medical Care Facility Construction 
      Litigation Fund.  
11. LATE ADDITIONS:  
   a.  
   b.  
12. PUBLIC COMMENT. (time limit 20 minutes total).  
13. COMMISSIONERS COMMENTS AND ANNOUNCEMENTS.  
14. ADJOURNMENT.