The Marquette County Board of Commissioners met in Regular Session on Tuesday, September 1, 1992, at 7:00 p.m. in Room 231 of the Henry A. Shewis Annex, Marquette, Michigan.


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

It was moved by Comm. Arsenault, seconded by Comm. Seppanen, and unanimously carried that the minutes of the August 18, 1992 meeting be approved.

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

It was moved by Comm. Arsenault, seconded by Comm. Potvin, and unanimously carried that the agenda be approved with the following additions: 10h) DNR Grant to computerize/digitize water well records; 10i) Technical Assistance Grant for the implementation of the Jail Population Information System (JPIS); 10j) Lease Agreement between Birch West Development and Alger-Marquette Community Mental Health; 10k) a resolution from the U.P. Association of County Commissioners in support of the Upper Peninsula Aging Service Delivery Network; and 10l) Closed Session to discuss pending litigation.

Informational Items

It was moved by Comm. Seppanen, seconded by Comm. Arsenault, and unanimously carried that the following Informational Items be accepted and placed on file; 9a) Road Commission Report for the month of July, 1992; 9b) Memo from James Sodergren, Marquette County Treasurer, regarding 1992 tax notes issued by Counties in the U.P.; 9c) Correspondence from the DNR Recreation Division regarding additional 1991 Marine Safety Reimbursement; 9d) A thank you from Governor Engler regarding the County’s concern of the Bay Pines Center in Escanaba; 9e) County Shooting Sports Complex Project approved by the Negaunee Township Planning and Zoning Commission; 9f) Millard Fuller, Founder and President of Habitat for Humanity International, to speak September 9, 1992 at 7:30 p.m. at NMU; 9g) Memo from Randall M. Johnson, Director, Marquette County Health Department, regarding Community Coalition for Radon Risk Reduction Grant Proposal; 9h) Information from Michael Zorza, Emergency Program Manager, regarding FY 1993 requests for Marquette County from Emergency Management Division in Lansing; 9i) NACo Alert regarding PLT; and 9j) Invitation from Great Lakes Gas Transmission Company to their 25th Anniversary Open House.

Action Items

It was moved by Comm. Seppanen, seconded by Comm. Arsenault, and unanimously carried that Action Items 10a), 10b), 10c), 10d), 10e), 10f), and 10g), be approved as follows:

10a) A Committee of the Whole recommendation to adopt a Resolution in Support of the Fair Labor Standards Act:
RESOLUTION IN SUPPORT OF CHANGES IN THE
FAIR LABOR STANDARDS ACT

WHEREAS, based on recent court interpretation of the FLSA
regulations; and

WHEREAS, employees who are otherwise exempt from the overtime pay
requirements, must be paid time and a half their regular rate of pay if they
are subjected to certain pay practices; and

WHEREAS, pay may have been prohibited for hours not actually
worked; and

WHEREAS, employees may have been required to use accumulated leave for
absences of less than a full work day; and

WHEREAS, unless legislation is adopted quickly, Marquette County could
be required to pay an enormous amount in back pay for overtime; and

WHEREAS, Legislation (S. 1670/H.R. 5112) has been introduced by Senator
John Seymour and Representative Bill Lowery that will address the problems
stemming from the court rulings;

THEREFORE, BE IT RESOLVED, that the Marquette County Board of
Commissioners supports the proposed changes in the Fair Labor Standards Act
to relieve state and local governments from growing overtime liability for
highly paid executive and administrative employees.

FURTHER, BE IT RESOLVED, that a copy of this resolution be sent to our
local Legislators, the Senate Labor Subcommittee and the House Labor
Standards Subcommittee.

GERALD O. CORKIN, CHAIRPERSON
MARQUETTE COUNTY BOARD OF COMMISSIONERS

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10b) A Committee of the Whole recommendation to approve payment of the
latest Specific Ore Tax Litigation Billing for $4,815.96 and appropriate
$5,000.00 into the Specific Ore Tax Litigation Fund to be taken from
Contingency, budget amendment as follows:

RESOLUTION AMENDING GENERAL FUND BUDGET
Fiscal Year 1992 Amendment No. 44

WHEREAS, budgets were adopted by the County Board on October 8, 1991,
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 as required by P.A. 621 of 1978.

NOW THEREFORE, BE IT RESOLVED that the aforesaid budget be hereby
modified as follows:
BOARD OF COMMISSIONERS
COUNTY OF MARQUETTE
SEPTEMBER 1, 1992

Expense Budget Acct. Previous Budget Amt. Amended Budget Amt. Change + (-)
General Fund
Special Appropriations
Specific Tax Litigation 10,000.00 15,000.00 5,000.00
Contingency Account 90,185.00 85,185.00 (5,000.00)
Total Expense Changes 100,185.00 100,185.00 0.00

General Fund
No Changes Made 0.00 0.00 0.00
Total Revenue Changes 0.00 0.00 0.00

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

L. Angeli X ___
P. Arsenault X ___
D. Potvin X ___
G. Seppanen X ___
G. Corkin X ___

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

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10c) A Committee of the Whole recommendation to renew the Joint EDC/County Loan, pay the interest of $440.84, pay $2,000.00 on the principal, with the stipulation that this money is reimbursable to the County if the EDA Grant is successful, monies appropriated from Contingency, budget amendment as follows:

RESOLUTION AMENDING GENERAL FUND BUDGET
Fiscal Year 1992 Amendment No. 43

WHEREAS, budgets were adopted by the County Board on October 8, 1991, 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 as required by P.A. 621 of 1978.

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

Expense Budget Acct. Previous Budget Amt. Amended Budget Amt. Change + (-)
General Fund
Special Appropriations
E.D.C. Loan Interest 450.00 2,891.00 2,441.00
Contingency Account 92,626.00 90,185.00 (2,441.00)
Totals 93,076.00 93,076.00 0.00

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10d) A Committee of the Whole recommendation to purchase FAX machines for the Law Enforcement Network. The County Board had previously authorized $4,600.00 for the purchase of FAX machines for a network set up by District Court and the Prosecutor’s Office. The additional FAX machines requested by the Sheriff can also be purchased from this $4,600.00 with no additional funds necessary.

10e) A Committee of the Whole recommendation to adopt a certification form designating Randall Girard, Delegate, and Gary Yoder, Alternate Delegate, to the Annual MERS Meeting to be held on October 8 & 9, 1992 in Battle Creek, Michigan.

10f) A Committee of the Whole recommendation to adopt proposed modifications to factor 6 “work of others” and factor 7 “characteristics of subordinate population” under the technical and managerial job evaluation plan of the County’s Classification and Compensation System.

10g) A Committee of the Whole recommendation to adopt an amendment to the County Remonumentation Plan as follows:

AMENDMENT TO THE MARQUETTE COUNTY MONUMENTATION AND REMONUMENTATION PLAN
ADOPTED ON AUGUST 4, 1992

When our final Remonumentation plan was processed, the final section of Research Sources were inadvertently omitted. To meet compliance and complete the Remonumentation Plan the State Survey and Remonumentation Commission requests that you formally adopt the final section.

FROM: Appendices

E. Resolution of Approval page 14

TO: APPENDICES

E. Research Sources page 14
F. Resolution of Approval 22
Marquette County Board of Commissioners

Adopted this 1st day of September, 1992.

GERALD O. CORKIN, CHAIRPERSON
MARQUETTE COUNTY BOARD OF COMMISSIONERS
Action Items Cont’d.

10h) The County Board considered a DNR grant for $12,000.00 to computerize/digitize Health Department water well records. Dr. Randall M. Johnson, M.D., Health Department Director, was present and explained that the grant would allow the automation of approximately 3,000 water well records for Marquette County. This would involve verifying and digitizing water well location and automating old well log data, such as: well depth, date completed, use, static water level, etc. The resulting groundwater data base will provide DNR staff, Health Department sanitarians and others with accessible groundwater information needed to manage resources at the local level. It will also create a necessary "data layer" for a county-wide geographic information system (GIS).

Dr. Johnson further explained that should the authorization be given to sign the proposed contract, the Health Department will in turn subcontract with NMU’s geography department who will complete the work involved. The Health Department is also willing to cover the computer upgrade cost (approximately $3800) associated with gaining access to the necessary tax I.D. number data presently stored in the Equalization Department's computer.

It was moved by Comm. Seppanen, seconded by Comm. Arsenault, and unanimously carried that the County Board approve the DNR grant to computerize County water well records as requested.

10i) The County Board considered a Technical Assistance Grant that has been awarded to the Marquette County Sheriff's Department in the amount of $10,000.00 from the Office of Community Corrections. The funds will be used for implementation of a Jail Population Information System (JPIS). No County funds are required to participate in the program.

It was moved by Comm. Seppanen, seconded by Comm. Arsenault, and unanimously carried that the County Board accept the $10,000.00 JPIS Grant from the Office of Community Corrections.

10j) The County Board considered a non-residential lease agreement between Birch West Development and Alger-Marquette Community Mental Health, which requires Marquette County approval as per the Two-County Agreement.

Civil Counsel, David Payant, after legal review recommended four changes to the lease agreement summarized as follows:

1. The lease needs a clause for habitual maintenance.
2. A clause is needed on mitigation of damages.
3. The names on the lease need to be changed.
4. Snow plowing standards must be provided by the landlord.

It was moved by Comm. Seppanen, seconded by Comm. Potvin, and unanimously carried that the one-year lease between Birch West Development, 2292 U.S. 41 West, Marquette, and the Alger-Marquette Community Mental Health Board, be approved with the recommended changes by Civil Counsel.

10k) It was moved by Comm. Arsenault, seconded by Comm. Angeli, and unanimously carried that a Resolution in Support of Upper Peninsula Aging Service Delivery Network be approved as follows:

RESOLUTION IN SUPPORT OF UPPER PENINSULA AGING SERVICE DELIVERY NETWORK

WHEREAS, Michigan’s aging network, consisting of the Office of Services to the Aging, Area Agencies on Aging, and local service providers, including County Commissions on Aging and Community Action Agencies, was established by the Older Americans Act to create alternatives to institutionalization through a coordinated system of high quality, cost-effective services; and
BOARD OF COMMISSIONERS  COUNTY OF MARQUETTE  SEPTEMBER 1, 1992

WHEREAS, the Office of Services to the Aging provides leadership on aging issues on the state level and has assisted the network with developing new programs, training professionals and volunteers working with the elderly, implementing regulations and standards to guarantee high quality services; and

WHEREAS, the Upper Peninsula Area Agency on Aging/UPCAP has maintained a solid, positive relationship with U.P. counties through their insistence and associated support of the concept that Area Agencies on Aging must answer to the counties within their region and must also involve all county governments in the process of determining what aging services are most needed and which service entities provide the best vehicle for effectively delivering those services; and

WHEREAS, the current aging service delivery system in the Upper Peninsula, consisting of the Area Agency on Aging and a network of local service providers, has proven to be a cost-effective, private non-profit administrative structure, facilitating the development of multi-county and single-county aging programs and a network of over 90 senior citizen centers; and

WHEREAS, the Upper Peninsula Area Agency on Aging/UPCAP and local providers have been successful in expanding the capacity of aging programs beyond federal and state dollars through advocacy, through a heavy reliance on volunteers, through donations from service recipients, by garnering additional support from local governments, foundations and discretionary grants; and

WHEREAS, local Upper Peninsula service providers are efficiently assisting thousands of seniors each year through the provision of over one million nutritious meals and over 57,500 hours of in-home services for frail elders; and

WHEREAS, the Community Action Agencies, County Commissions on Aging, the U.P. Area Agency on Aging, and the State Office of Services to the Aging work cooperatively with one another in the development of new programs, staff and volunteer training, fund raising, and the implementation of federal and state requirements.

THEREFORE, BE IT RESOLVED, that the Marquette County Board of Commissioners strongly urges that the present U.P. aging network which has been carefully planned and developed with input from senior citizens and county government over the past 18 years be maintained in its present form, substance, and size thus allowing the progress made in serving Upper Peninsula elders to continue.

BE IT FURTHER RESOLVED, that decisions concerning the allocation of service dollars need to be made within this region where the Area Agency on Aging and local service providers can be easily held accountable for their decisions by U.P. counties and the public.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Governor John Engler; the Michigan Commission on Services to the Aging; Elwin Johnson, Chair, Michigan Commission on Services to the Aging; Barbara Mantilla, U.P. Appointee, Michigan Commission on Services to the Aging; Nancy Crandall, Director, Office of Services to the Aging; Michigan House Committee on Senior Citizens and Retirement; Upper Peninsula Legislators; the Michigan Association of Counties; and Jonathan Mead, Director, Upper Peninsula Area Agency on Aging/UPCAP.

GERALD O. CORKIN, CHAIRPERSON
MARQUETTE COUNTY BOARD OF COMMISSIONERS

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

Commissioner Comments

Comm. Potvin encouraged the public and other Commissioners to attend a presentation by Millard Fuller, Founder and President of Habitat for Humanity International, on Wednesday, September 9, 1992, at 7:30 p.m. in Jamrich Hall 102 at NMU.

Comm. Potvin thanked the City of Marquette for their tentative support in donated funds for a County-wide Economic Development corporation.

Comm. Potvin made a brief presentation on what he perceived to be the pros and cons of Marquette County selling a bonds to finance the local housing units for Community Mental Health clients. Community Mental Health cannot guarantee payments by the State to the end of the bonding issue.

Comm. Seppanen pointed out that whether the County provides financing by selling bonds or Community Mental Health seeks its own financing through outside lending institutions, the ultimate liability will still be with the County Board.

Civil Counsel, David Payant, stated that the County Board has the option to decide whether or not to approve the bonding issue. The risk is that it is possible the State may stop funding the Community Mental Health housing units in the future.

Chairperson Corkin pointed out that these matters will be discussed in much more detail at a future County Board meeting when the decision has to be made.

Comm. Potvin also related that he was not satisfied with Civil Counsel Payant's answer to the alleged open meetings act violations by the Ishpeming City Council.

It was moved by Comm. Angeli, seconded by Comm. Seppanen, and unanimously carried that the County Board go into Closed Session to discuss pending litigation.

Chairperson Corkin declared a two-minute recess in order to clear Commission Chambers.

CLOSED SESSION

The County Board came back into Open Session. The following action resulted: It was moved by Comm. Seppanen, seconded by Comm. Arsensault, and unanimously carried that the County Board approve the settlement as recommended in the Mick lawsuit.

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

There being no further business the meeting was adjourned.

Respectfully submitted,

David J. Roberts
Marquette County Clerk
MARQUETTE COUNTY BOARD OF COMMISSIONERS
Regular Meeting, Tuesday, September 1, 1992, 7:00 p.m.
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.
5. PUBLIC COMMENT. (time limit 20 minutes total)
6. APPROVAL OF THE AGENDA.
7. PUBLIC HEARINGS. (None)
8. PRIVILEGED COMMENT.
9. INFORMATIONAL ITEMS:
   b. Memo from James Sodergren, Marquette County Treasurer, regarding 1992 tax notes issued by Counties in the U.P.
   c. Correspondence from the DNR Recreation Division regarding additional 1991 Marine Safety Reimbursement.
   d. A thank you from Governor Engler regarding the County's concern of the Bay Pines Center in Escanaba.
   e. County Shooting Sports Complex Project approved by the Negaunee Township Planning & Zoning Commission.
   f. Millard Fuller, Founder and President of Habitat for Humanity International, to speak September 9, 1992 at 7:30 p.m. at NMU.
   g. Memo from Randall M. Johnson, Director, Marquette County Health Department, regarding Community Coalition for Radon Risk Reduction Grant Proposal.
   h. Information from Michael Zorza, Emergency Program Manager, regarding FY 1993 Requests for Marquette County from Emergency Management Division in Lansing.
   i. NACo Alert regarding PILT.
   j. Invitation from Great Lakes Gas Transmission Company to their 25th Anniversary Open House.
10. ACTION ITEMS:
   a. Committee of the Whole recommendation to adopt a resolution in support of Fair Labor Standards Act reforms (FLSA).
   b. Committee of the Whole recommendation to approve payment of the latest Specific Ore Tax Litigation Billing.
   c. Committee of the Whole recommendation to renew Joint EDC/County Loan.
   d. Committee of the Whole recommendation to purchase FAX machines for the Law Enforcement Network.
   e. Committee of the Whole recommendation designating MERS Delegate to Annual Meeting in Battle Creek.
   f. Committee of the Whole recommendation to adopt proposed modifications to County's classification and compensation system.
   g. Committee of the Whole recommendation to adopt amendment to the County Remonumentation Plan.
11. LATE ADDITIONS.
12. PUBLIC COMMENT. (time limit 20 minutes total)
13. COMMISSIONERS COMMENTS AND ANNOUNCEMENTS.
14. ADJOURNMENT.
H) Health Grant ONR ($12,000)
   Author's Well Work

I) Staff Tech Ass't Grant
   Jail Pop Info System Grant
   ($10,000) Comm. Comm.

J) Oppn. Location & Craft Lease w/ Brook West Develop
   Aid from O.A. & C.U.T.

K) UPCAP Resolution

J) Closed Session on Mick Litigation