The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, July 14, 1992, at 4:30 p.m. in Room 231 of the Henry A. Skewis Annex, Marquette, Michigan.


It was moved by Comm. Arsenault, seconded by Comm. Angeli, and unanimously carried that the minutes of the June 23, 1992 Committee of the Whole meeting be approved.

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

It was moved by Comm. Arsenault, seconded by Comm. Angeli, and unanimously carried that the agenda be approved with the following additions: item 21) the filling of a Public Health Nurse position in the Health Department; item 22) the filling of a District Court Deputy Clerk II position; item 23) the 1991 Fund Deficit Plan; item 24) a Prosecuting Attorney Opinion #92-6 regarding the function of the Planning Commission reviewing mineral extraction permits, item 25) Drainage Districts; and item 26) resolution supporting the construction of a Youth Corrections Home in Delta County.

Prosecutor, Gary Walker, requested that three items pertaining to his office be considered first because he must catch a flight for Lansing at 6:00 p.m., so the Committee moved the following three items to the beginning of the agenda.

The Committee considered Prosecuting Attorney Opinion #92-6 entitled, Various questions about the function of the Planning Commission in reviewing Mineral Extraction Permits. Prosecutor, Gary Walker, was present and explained that the Planning Commission's approval of the mineral extraction permit for Mr. Silta to operate a soil remediation project in Skandia Township falls within the duties given to the Planning Commission by the Marquette County Zoning Ordinance. The decision of the Zoning Administrator to reclassify soil remediation as mineral extraction is within his duties as specified in the Ordinance. Their decisions should be upheld by a court of law if they are supported by material and substantial evidence; however, both the Planning Commission and the Zoning Administrator did not make adequate findings of fact in reaching their decision. The matter should be sent back to them for entry of findings of fact before it is brought before the Zoning Board of Appeals.

The Zoning Board of Appeals will meet on July 22, 1992, and the Planning Commission will meet on August 5, 1992. It was moved by Comm. Arsenault, seconded by Comm. Angeli, and unanimously carried to place the communication on file, and also forward a copy to the Planning Commission and Planning Staff.

The Committee reviewed an invoice in the amount of $1,921.07 from Law, Weathers, & Richardson, Attorneys at Law, for services rendered through March 31, 1992 in the court funding class action suit against the State of Michigan. Prosecutor, Gary Walker, was present and pointed out that the initial decision by Judge Giddings is good news. Even though his decision says that the State is not constitutionally mandated to fund courts; however, present legislation requires the state to fund the courts since 1983 on a sliding scale, beginning at 20% in 1983 and reaching 100% in 1988. This will amount to many millions of dollars statewide in damages, and no doubt this decision will be appealed all the way to the Supreme Court. At least initially this decision makes the State responsible for court funding.
It was moved by Comm. Arsenault, seconded by Comm. Angeli, and unanimously carried that the Committee of the Whole recommend the County Board pay the Marquette County share to the court funding litigation escrow account in the amount of $1,921.07, with the funds to come from Contingency.

The Committee considered a request from Gary Walker, Prosecuting Attorney, to fill a vacancy in his office for the position of Unit Secretary I, T-04. This is not a new position, but a vacancy created when Julianna Rigling accepted a position in the Friend of the Court Office.

It was moved by Comm. Arsenault, seconded by Comm. Angeli, and unanimously carried that the Committee of the Whole waive the hiring freeze and approve the filling of the Unit Secretary I position in the Prosecutor's Office as requested.

It was moved by Comm. Arsenault, seconded by Comm. Angeli, and unanimously carried that Claims and Accounts for the period June 20, 1992 thru July 10, 1992, in the amount of $1,341,038.89 be approved.

The Committee considered the purchase of the Munising Armory and a recommendation from Marquette County's Bond Consultant that the purchase be included in the Community Mental Health bond issue, rather than incurring additional costs of a separate installment purchase agreement. Douglas Morton, Financial Officer for Community Mental Health, was present to discuss the purchase and answer questions. Commissioners expressed concern about the appraisal of the building and also, whether or not the State is going to continue to fund the Newberry Facility or local group homes.

Administrator Aloia concurred with the Financial Consultant's recommendation to add this purchase to the bond issue, which would increase it from approximately $1.4 to $1.6 million; however, he has not reviewed the appraisal of the Munising Armory.

Douglas Morton pointed out that the building is four years old, 10,560 square feet, sitting on two acres of land in the Munising Industrial Park. The appraisal value of the building is $200,000.00; however, Mr. Moore leased the land for $1/ per year from the City of Munising. The City has now agreed to sell the land to Mr. Moore for the appraisal price of $2,600.00. Mr. Morton further pointed out that there were 120 patients in the Newberry Regional Facility one-and-one-half years ago, when it was first announced that this facility would close. Right now there are 20 patients at the facility and they will be moved into the local group homes by September 1st.

It was moved by Comm. Arsenault, seconded by Comm. Angeli, and carried on a roll call vote three ayes to one nay (with Comm. Potvin voting nay), that the purchase of the Munising Armory be included in the bond issue at a purchase price of $202,600.00.

It was moved by Comm. Arsenault, seconded by Comm. Angeli, and unanimously carried that the Committee of the Whole recommend the County Board send a letter to the State Director of Community Mental Health asking for a clarification about the funding of the Newberry Regional Facility and any effect it will have on funding for local group homes. The letter should point out that the Marquette County Board would like an answer in writing before they consider approval of the $1.6 million bond issue.

The Committee considered a memo from the Department of State Police, Office of Highway safety Planning, announcing a grant program being offered to Marquette County designed to focus on the problems of youth impaired driving and under-aged drinking. Undersheriff, Michael Quayle, was present and explained that the grant would be 100% funded the first year in the amount of $136,000.00. The second year funding would require a County match of 25% of the salary for the Program Coordinator, which would amount to approximately $7,000.00 including wages and fringe benefits. The third year of the grant would require a local match of 50% of the coordinator’s salary.
estimated to cost $14,000.00. Undersheriff Quayle also indicated that if the County Board accepts the grant for the first year, this would not necessarily commit them to the second and the third year because each year the grant documents would have to be approved by the County Board and file with the OHSP.

Commissioners believed the program to be worthwhile; however, expressed concern about future additional costs to the County. Undersheriff Quayle stressed that the Sheriff's Department will make every effort to see that this program continues in the future on a self-funding basis.

It was moved by Comm. Arsenault, seconded by Comm. Potvin, and unanimously carried that the Committee of the Whole recommend the County Board accept the Office of Highway Safety Planning grant entitled "Community-wide Youth Impaired Driving Programs" for the first year; however, this is not a commitment to support the project after the first year.

The Committee considered a recommendation from Sheriff, Joseph Maino, to add Police Chief, Lou Morris of Richmond Township, and Karen Christopherson of the Humane Society, to the Animal Control Committee. Also, Steven John Parisean, Marquette, has applied and Chairperson Corkin recommends he also be added. There are presently five members on the Committee and this would increase it to eight.

It was moved by Comm. Arsenault, seconded by Comm. Angeli, and unanimously carried that the Committee of the Whole recommend the County Board add the three new members to the Animal Control Committee as recommended.

The Committee considered a request from Sheriff, Joseph Maino, to fill a Road Patrol Desk Sergeant position caused by the retirement of Sgt. Leon Korte. Undersheriff, Michael Quayle, was present to answer questions and explained that Sgt. Korte's position is designated as Road Patrol even though he stays in the Office because he acts as the Desk Sergeant and supervises the overall activities of the Road Patrol.

It was moved by Comm. Arsenault, seconded by Comm. Angeli, and unanimously carried that the Committee of the Whole waive the hiring freeze and approve the filling of the vacancy for the Road Patrol Desk Sergeant as requested.

The Committee considered a Road Commission policy for organized litter pick up for Adopt-a-County-Road Program similar to the State's Adopt-a-Highway Program. Comm. Angeli previously requested this information, but would like the issue tabled for now. He is waiting for more information from the State of Michigan.

It was moved by Comm. Angeli, seconded by Comm. Arsenault, and unanimously carried that this item be tabled.

The Committee considered a memo from Chuck Wanto, EDC Director, regarding the proposed Simmons AMR Expansion. Mr. Wanto's memo pointed out that the EDC is trying to compile a written proposal to the company, and it would be useful to include in that proposal an indication of the County's willingness to participate in the expansion in the form of a tax exempt bonding issue for the buildings.

County Administrator, Dennis Aloia, further explained that the bond issue would be in the area of 3 to 3 1/2 million dollars, and it would be the County's intention to bond and lease back the facilities to Simmons for at least one ten, or fifteen, or twenty year period, and when the issue is paid off turn the building over to them. Commissioners indicated a willingness to get involved in such a project, providing they have contracts guaranteeing repayment of the bond issue.
It was moved by Comm. Potvin, seconded by Comm. Angeli, and unanimously carried that the Committee of the Whole recommend the County Board indicate to the Marquette County EDC that they will seriously consider a bonding proposal to help finance the Simmons AMR Expansion, and further directed Administrator Aloia to discuss funding options with the EDC.

The Committee considered a request from District Court Judges, Patricia Micklow and James Collins, and Court Administrator, Jennifer Benyon, to waive the hiring freeze and fill a vacancy in the Deputy Clerk II position. The Deputy Clerk position is crucial to District Court operations, in that it is responsible for processing criminal misdemeanor and felony paperwork, preparing circuit court bind over documentation, OUII abstract reporting to the Secretary of State, processing bond forfeitures, preparing and monitoring traffic contempt commitments to jail, preparing daily transmittal documentation and balancing receipts, along with general counter and telephone assistance.

It was moved by Comm. Arsenault, seconded by Comm. Potvin, and unanimously carried that the Committee of the Whole waive the hiring freeze and approve the filling of the vacancy for the District Court Deputy Clerk II position.

The Committee considered a letter from Dale Iman, Marquette City Manager, indicating that the Marquette City Commission has scheduled a public work session on Wednesday, July 22, 1992 at 7:00 p.m. in City Hall Commission Chambers to discuss a proposal to restructure and finance efforts of the County EDC. Comm. Potvin and Comm. Angeli indicated they will attend this work session.

It was moved by Comm. Arsenault, seconded by Comm. Angeli, and unanimously carried that the communication be placed on file.

The Committee considered a resolution to file a request with the Michigan Department of Treasury for consideration of the Ishpeming/Negaunee Water Project Bond Project Bond Issue. County Administrator, Dennis Aloia, explained that the cities of Ishpeming and Negaunee have been working on this project for approximately three years. It now appears that they are ready to move forward, and the County had previously offered to bond the project on behalf of the two cities. Our Bond Counsel recommends that the resolution indicate the project to be in the amount 5.5 million dollars; however, the actual cost of this bonding issue will be less. The County will be guaranteed repayment through the withholding of taxes, if necessary.

It was moved by Comm. Angeli, seconded by Comm. Potvin, and unanimously carried that the Committee of the Whole recommend the County Board adopt the resolution to file a request with the Michigan Department of Treasury for the bonding of the Ishpeming/Negaunee Water Project.

The Committee considered a memo from Dennis Aloia, County Administrator, regarding the Ishpeming City T.I.F. District. Administrator Aloia reported that himself and David Payant met with the Ishpeming City Manager to voice the County's concern over the T.I.F. District in its proposed form. They indicated that the County would take legal action if the district was not reduced to the appropriate level within legal guidelines.

Administrator Aloia further reported that on Monday, July 13, 1992, he received a copy of Ishpeming City's T.I.F. Plan. Ishpeming City missed the deadline for this year, but are still proceeding for next Spring. Ishpeming City may only want to compromise on capping the dollar amount, and not on the size of the T.I.F. District. The Commission consensus was that a T.I.F. District was to help deteriorating business areas, and the Ishpeming district includes a rapidly expanding business district along U.S. 41, which is not part of the downtown Ishpeming area. This area should be removed from the T.I.F. District.
It was moved by Comm. Angeli, seconded by Comm. Arsenault, and unanimously carried that the Committee direct Administrator, Dennis Aloia, to continue to attempt to negotiate the size of the Ishpeming T.I.F. District to exclude the U.S. 41 business district.

The Committee received a copy of a letter from Mike Etelamaki, Director, of the Solid Waste Management Authority, to Ivan Fende, Chairperson of the East Marquette Solid Waste Disposal Authority, explaining the Solid Waste Management Authority's reasons for not budgeting the Resource Recovery Coordinator's position for FY 1992-1993. In summary, Mr. Etelamaki explained that the duties of the Recycling Coordinator will be picked up by the rest of the Solid Waste Authority staff.

It was moved by Comm. Arsenault, seconded by Comm. Angeli, and unanimously carried that the letter be placed on file.

The Committee considered a request from Randall M. Johnson, M.D., Health Department Director, to fill a Public Health Nurse position. He is requesting permission to fill a full-time Public Health Nurse position that will be vacant as of August 10, 1992 in the Health Department's Clinic Services programs. The position is critical to the Health Department's ability to continue offering immunization clinics and providing physical exams in the EPSDT program. This is not a new position but just a vacancy in a present position.

It was moved by Comm. Arsenault, seconded by Comm. Potvin, and unanimously carried that the Committee of the Whole waive the hiring freeze and approve the filling of the Public Health Nurse position as requested.

It was moved by Comm. Angeli, seconded by Comm. Arsenault, and unanimously carried that the Committee of the Whole accept and place on file correspondence between Milton D. Soderberg, M.D., Marquette, and Gary Taylor, Engineer, Michigan Department of Transportation, regarding funding for the Upper Peninsula Highway Construction Programs.

It was moved by Comm. Potvin, seconded by Comm. Arsenault, and unanimously carried that the Committee of the Whole accept and place on file a letter from Ronald Harms, Director, Department of Natural Resources, thanking Comm. Angeli, Comm. Potvin, and Comm. Seppanen, for their input and participation in a recent Natural Resources meeting held in Escanaba, regarding the planned improvements on the Little Presque Isle Tract.

The Committee considered a memorandum from Randell E. Girard, Director of Human Resources, regarding the recruitment and hiring of a new Equalization Director. Mr. Girard was present and explained that the recruitment process has been complete and six applicants have been evaluated using the matrix approved by the County Board. Based on the candidates qualifications and experience, he recommends that interviews be scheduled with the top three candidates, namely: David Gillette, F. William Kerr, and Girard Markey. All of the candidates hold State of Michigan Level IV Certificates in Assessment Administration.

Dennis Aloia, County Administrator, suggested Commissioners select a date to hold a public meeting to interview the three candidates, this must be done in open session. The Commissioner consensus was to hold a Special Board meeting on Wednesday, July 29, 1992, beginning at 8:00 a.m., with an alternate date of Saturday, August 1, 1992. The meeting would last approximately 4 hours.

It was moved by Comm. Arsenault, seconded by Comm. Angeli, and unanimously carried that the Committee of the Whole recommend the County Board interview the top three candidates as recommended and schedule the Special Board meeting for Wednesday, July 29, 1992 at 8:00 a.m., with an alternate date of August 1, 1992.
The Committee considered a Deficit Fund Plan - 1991 from Gary Yoder, Finance Manager. Mr. Yoder was present and explained that pursuant to Public Act 275 of 1980, a deficit fund plan must be filed with the State of Michigan detailing corrective actions to be taken to eliminate any prior year deficit fund balances. The plan must be approved by the County Board. Dennis Aloia, County Administrator, further explained that our Financial Consultant, Bob Cooper, would like the County Board to approve and file the deficit fund plan at this time because the Community Mental Health Board Issue and the Ishpeming/Neguaneau Water Project Bond Issue are soon forthcoming. The 1991 annual audit is complete and it was determined that the County has a deficit balance in five funds. These funds and amounts are:

a) A.M.C.M.H.C. Benefits Internal Service Fund $266,959.00
b) Badger Drain Capital Project Fund 48,403.94
c) Orianna Brook Capital Project Fund 2,280.66
d) Raney Creek Capital Project Fund 1,070.73
e) Whetstone Drain Capital Project Fund 203,922.73

The deficit in the Alger Marquette Community Health Benefits Fund will be resolved in a five-year period by increasing the annual fringe benefit appropriations. The deficits in the capital project funds for the drainage districts will be resolved with either sale of bonds for the construction of the projects and subsequent special assessments, or termination of the projects with repayment by the original petitioning unit. Administrator Aloia recommends that the County Board adopt the attached Deficit Fund Plan for 1991, and in addition recommend that the Board request the Drain Commissioner to provide an update on the current and projected status of the drainage districts for inclusion in the Deficit Plan when transmitted the State of Michigan.

It was moved by Comm. Potvin, seconded by Comm. Arsenault, and unanimously carried that the Committee of the Whole recommend the County Board adopt the 1991 Deficit Fund Plan as presented, and further request that Drain Commissioner, Darryll Sundberg, provide an update on the current and projected status of the Badger, Orianna Brook, Raney Creek, and Whetstone Drain projects for inclusion in the Deficit Plan to be transmitted to the State of Michigan.

The Committee discussed various citizen complaints regarding the Whetstone Drainage District and other drainage districts currently under consideration by the County Drain Commissioner. Dennis Aloia, County Administrator, recommends that the County Board not get directly involved in these matters. As far as the Whetstone Drainage District goes, there has been a Board of Determination appointed, namely Joseph Racine, John Korhonen, and Ed Hakala, and they will be holding a meeting in August.

Commissioners directed Administrator Aloia to request an update from Drain Commissioner, Darryll Sundberg.

The Committee considered a request from Comm. Don Potvin to place two items on the Regular County Board meeting agenda of July 21, 1992. First, is a recently approved resolution by the Marquette County Community Corrections Advisory Board supporting the construction of a Youth Regional Detention Center in Delta County. And second, a letter requesting a transcript of the DNR Hearing held in Skandia Township on July 9, 1992 regarding the Silta CSE, Inc.

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
1. ROLL CALL.
3. PUBLIC COMMENT.
4. APPROVAL OF THE AGENDA.
5. Review of Claims and Accounts.
6. A recommendation that the purchase of the Munising Armory by Community Mental Health be included in the bond issue.
7. Grant offer from the Office of Highway Safety Planning for "Community-Wide Youth Impaired Driving Programs."
8. Recommendation from Sheriff Maino for two additional members to the Animal Control Committee.
9. Request from Sheriff Maino to waive the hiring freeze to fill retired Sgt. Leon Korte's position.
10. Request from Prosecutor, Gary Walker, to waive the hiring freeze and fill a vacancy for a Unit Secretary I position.
11. Policy for Adopt-a-County-Road Program from the Marquette County Road Commission.
12. A memo from Chuck Manto, EDC Director, regarding proposed Simmons AMR Expansion.
13. Marquette City Commission public worksession to discuss restructuring and financing County EDC efforts. Meeting July 22, 1992, 7:00 p.m. in City Commission Chambers.
14. A resolution to file the request with the Michigan Department of Treasury for consideration of the Ishpeming/Negaunee Water Project Bond Issue.
15. City of Ishpeming T.I.F.
16. Letter from Mike Etelamaki, Director, Solid Waste Management Authority, explaining Authority's decision not to fund the Resource Recovery Coordinator's position.
17. Invoice for services from Law Weathers & Richardson, Attorneys and Counselors, for court funding litigation.
18. Correspondence between Milton D. Soderberg, M.D., Marquette, and Gary Taylor, Engineer, Michigan Dept. of Transportation, regarding Upper Peninsula Highway Construction Program.
19. Letter from Roland Harmes, Director, Michigan Department of Natural Resources, regarding public hearing on the Little Presque Isle Tract.
20. Equalization Director hiring update. (No packet materials).
21. HEALTH NOTE.
22. DIST COURT CLerk #2 - Fund Deficit.
23. PUBLIC COMMENT.
24. ANNOUNCEMENTS.
25. ADJOURNMENT.