The Marquette County Board of Commissioners met in Regular Session on Tuesday, November 3, 1992, 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.

It was moved by Comm. Potvin, seconded by Comm. Angeli, and unanimously carried that the minutes of the October 13, 1992 Annual Meeting and the October 20, 1992 Regular Meeting be approved.

Chairperson Corkin read the following proclamations:

PROCLAMATION

WHEREAS, the future of our democracy and the health of our economy depend on the quality of education our public schools provide; and

WHEREAS, the fifty governors and the President of the United States have affirmed education’s importance by establishing our six national education goals; and

WHEREAS, America’s public schools remain the chief vehicle for turning the dreams of our nation’s students into realities; and

WHEREAS, the learning environment has changed over the past decade and deserves a re-examination as well as a re-evaluation,

NOW, THEREFORE I, Gerald O. Corkin, serving as Chairperson of the Marquette County Board of Commissioners, do hereby proclaim AMERICAN EDUCATION WEEK November 15-21, 1992.

GERALD O. CORKIN, CHAIRPERSON
MARQUETTE COUNTY BOARD OF COMMISSIONERS

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PROCLAMATION
RADON AND TOBACCO RISK REDUCTION MONTH

WHEREAS, the Surgeon General and the U.S. Environmental Protection Agency have identified Radon and Environmental Tobacco Smoke as the nation’s leading environmental health hazards; and

WHEREAS, Tobacco has been identified as the leading cause of lung cancer deaths and Radon as the second leading cause of lung cancer deaths; and

WHEREAS, lung cancer kills nearly 50 Marquette County residents every year; and

WHEREAS, only a small percentage of Marquette County homes have been tested for Radon, and an equally small percentage who know of the health effects of environmental tobacco smoke on children; and

WHEREAS, reliable and inexpensive Radon test kits are available, and almost all homes with elevated Radon levels can be reduced to acceptable levels; and
WHEREAS, County Officials are concerned for the health, safety and well-being of citizens and therefore support reducing environmental health hazards when possible and practical;

THEREFORE, BE IT RESOLVED that the Marquette County Board of Commissioners supports the voluntary goal set forth in the Healthy People 2000 report which calls for forty percent of all American Homes to be tested for Radon by the year 2000; and

BE IT FURTHER RESOLVED that the Marquette County Commissioners by designating the month of November, 1992 as Marquette County Radon and Tobacco Risk Reduction Month, urge all Marquette County residents to have their homes tested for Radon and learn more about the effects of Environmental Tobacco Smoke.

GERALD O. CORKIN, CHAIRPERSON
MARQUETTE COUNTY BOARD OF COMMISSIONERS

* * * * *

Chairperson Corkin opened the meeting for public comment. Wes Larson, Neguane Township Supervisor, thanked the County Board for all their past services and considerations to the Townships. Mr. Larson addressed his concerns regarding the certification of Local Unit Tax Levies and hopes it will be solved. Chairperson Corkin expressed appreciation to Wes Larson for his many services to Marquette County. There being no further public comment, Chairperson Corkin closed this portion of the meeting.

It was moved by Comm. Seppanen, seconded by Comm. Angeli, and unanimously carried that the agenda be approved with the following Late Addition: Item 11a) Concept of Volunteer Center.

Public Hearings

7a) Amendatory Zoning Request #162-RZ-EL-45, a petition from Dwight Barry, 1010 School Street, Ishpeming, to rezone a parcel along U.S. 41/M-28 in Ely Township from RP-10 to I-Industrial. The property is owned by Nathan and Judith Karvonen, and Mr. Barry has an option to purchase. The property is described as:

Section 8, T47N, R28W, that part of the NE-1/4 of the NW-1/4 lying S of US 41 exc. the E 50' thereof and exc. the W 50' of E 110' of N 250' thereof and exc. the W 300' of E 588' of N 100' thereof and exc. a part beg. 1795.67'E and 426.24'S of NW cor. of Section 8 th S 260' th SW'ly 150' th N 56' th SW'ly to RR ROW th NE'ly along R/W to a pt. S 63° 25'W from POB th N 63°25'E to POB.

Chairperson Corkin read Section VIII of the County Board of Commissioners Rules of Order for the conduct of Rezoning Hearings. Pat Gruber, Planner, was present to present the staff report. Ms. Gruber reported that Mr. Barry has indicated that it is his intention to "build" on this property, but in the interim he would like to erect a large storage facility for his personal use. However, other individuals would also be allowed to use the building for storage, making the use commercial warehousing rather than a single family accessory structure. Norman Holmes, Chairperson, Marquette County Planning Commission, was present and stated that the Planning Commission concurred with the staff recommendation that the petition be denied on the basis of inconsistency with the Comprehensive Plan, high groundwater, and soil characteristics. However, the Planning Commission voted unanimously to amend the language in the zoning ordinance to allow storage buildings as a conditional use in the large lot zones.
Chairperson Corkin opened the meeting for the petitioners or the public to comment. Mr. Dwight Barry, petitioner, stated his request was made because it was the only avenue he had to go. He also explained that the fee for the petition was paid up front and questioned if additional fees would be required in the event that the language amendment would be necessary.

Commissioners felt that the Planning Commission should be responsible for payment of the legal ad because other townships will benefit from the new language.

It was moved by Comm. Seppanen, seconded by Comm. Potvin, and unanimously carried that the County Board deny Amendatory Zoning Ordinance #162-RZ-EL-45, a petition from Dwight Barry, 1010 School Street, Ishpeming, to rezone a parcel along U.S. 41/M-28 in Ely Township from RP-10 to I-Industrial.

7b) Amendatory Zoning Request #163-RZ-SK-23, a petition from Peter O'Devero, P.O. Box 970, Marquette, to rezone a parcel owned by William Tregembo, 109 Valmer Road, Skandia, from RR-5 to RP-20. The property is described as:

T46N, R23W, Section 7, the NW-1/4 of NW-1/4 exc. W 430' of N 370' thereof and except S 225' of N 595' of W 173' thereof.

Pat Gruber, Planner, explained that the applicant has indicated the purpose of the rezone is to allow the removal of the topsoil now piled on the site and the owner, Mr. Tregembo, wishes to sell the property as lots after removal of the soil. Ms. Gruber gave a slide presentation of the area and stated staff recommends that the zoning be denied on the basis of inconsistency with the long range goals of the Comprehensive Plan and the basis of appropriateness of the existing medium density zoning and development in this location.

Norman Holmes, Planning Commission Chairperson, stated that the Planning Commission recorded a tie vote to concur with the staff recommendation to deny the rezone from RR-5 to RP-20. Mr. Holmes indicated that it is possible the Planning Commission would agree to partial rezone.

Chairperson Corkin opened the meeting for the petitioners or the public to comment. Mr. Jerry O'Devero, representing petitioner Peter O'Devero, was present and explained that Mr. O'Devero did not think it was appropriate for topsoil removal to be classified as a mineral extraction. He indicated other counties do not consider topsoil a mineral and felt staff should study how other counties treat topsoil. He added that approximately 2 inches of topsoil would remain, so the site would grow back green.

Mr. William Tregembo, property owner, questioned why one side of U.S. 11 was zoned RP-20 and the other side was zoned RR-5. He explained that his intention was to clean up his 300 acres which is growing over, and cannot understand why this cannot be done.

Comm. Potvin recommended that information regarding the necessity of a permit for soil removal be made available.

It was moved by Comm. Potvin, seconded by Comm. Angeli, and unanimously carried to return Amendatory Zoning Request #163-RZ-SK-23, a petition from Peter O'Devero to rezone a parcel owned by William Tregembo, 109 Valmer Road, Skandia, from RR-5 to RP-20, back to the Planning Commission with the recommendation the petitioners be contacted with an attempt to work out solutions to existing problems.

7c) Amendatory Zoning Request #116-RZ-TX-16, Norman Gottschall (d/b/a/ Yellow Dog Land Co.) to create a new zoning district in Ely Township, Brocky Lake Area, RS-10 Recreational Structure. The property is described as:

Section 5 being SW-1/4 of SW-1/4, the S-1/2 of the NW-1/4 of the SW-1/4, the W-1/2 of SE-1/4 of the SW-1/4; Section 7 the NE-1/4 except the S-1/2 of SE-1/4 of NE-1/4 and the SE-1/4 of NW-1/4; all of T48N R28W.
Patricia Gruber, Planner, stated that staff finds the proposed zone is not inconsistent with the goals and objectives of the Comprehensive Plan and that it provides greater flexibility for lot sizes than are currently available, and recommend that the text be amended as requested. Staff recommends that the Planning Commission find the standards in Sec. 1102(G) have been met and recommend approval of the proposed RS-10 zone.

Norman Holmes, Chairperson, Marquette County Planning Commission, stated the Planning Commission unanimously voted to grant the RS-10 zoning district as requested by the petitioner.

Chairperson Corkin opened the meeting for the petitioner or the public to comment, none was forthcoming. Chairperson Corkin closed the public hearing.

It was moved by Comm. Seppanen, seconded by Comm. Angeli, and unanimously carried that the County Board approve the new language as recommended by the petitioner and staff, and approve the proposed rezoning to RS-10 for the area described in the petition.

Continuation of the Annual Meeting

Chairperson Corkin reconvened the Annual Meeting which was recessed from the October 20, 1992 meeting for the purpose of certification of the remaining Local Unit Tax Levies.

Dennis Aloia, County Administrator, stated that a listing of millage requests from the final eleven local units of government has been submitted. All special assessments for Act 33 Fire have been removed, along with a request for special assessed street lighting. All amounts listed in the "approved" millage column have been reviewed and are ready for County Board certification.

Civil Counsel, David Payant, briefly explained limitation of millages and special assessments, and recommended adoption of the proposed levies.

It was moved by Comm. Seppanen, seconded by Comm. Angeli, and unanimously carried that the Marquette County Board certify the following Local Unit Tax Levies:

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<thead>
<tr>
<th>Local Unit and Purpose of Millage</th>
<th>Prior Year</th>
<th>Maximum</th>
<th>Prior Year Compound &quot;Headline&quot;</th>
<th>Maximum</th>
<th>Maximum With Hearing</th>
<th>Requested Millage</th>
<th>Approved Millage</th>
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**Informational Items**

It was moved by Comm. Seppanen, seconded by Comm. Angeli, and unanimously carried to accept and place the following Informational Items on file: 9a) Thank you from John Korhonen, Ishpeming City Manager, and Richard P. Klahn, EDC Director, for County Board support of MARPLEX; 9b) Announcement from Michigan State Police that equipment for the Marquette County FY 1992-1993 RACES Project has been purchased, installed, and inspected; 9c) Letter from John Engler regarding his welfare reform proposal "To Strengthen Michigan Families"; 9d) Quarterly Report - Victim Restitution Fund from Tal Lapins, Probation/Parole Supervisor; 9e) Letter from the Michigan DNR explaining the Wolf Recovery and Management Plan; 9f) Approval of the Marquette County Deficit Plan from the Michigan Department of Treasury; 9g) Approval for Marquette County's 1992-1993 Child Care Fund Expenditures for State reimbursement; and 9h) Road Commission Report for the month of September, 1992.
Action Items

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

10(b) A Committee of the Whole recommendation to adopt the following resolution in Support of Congressional Action Restoring Michigan’s Authority to Control the Flow of Solid Waste:

**RESOLUTION IN SUPPORT OF CONGRESSIONAL ACTION RESTORING MICHIGAN’S AUTHORITY TO CONTROL THE FLOW OF SOLID WASTE**

WHEREAS, on June 1, 1992, the U.S. Supreme Court ruled in Fort Gratiot Sanitary Landfill v. St. Clair County and the Michigan Department of Natural Resources that states and local governmental units do not have the power to determine acceptance or rejection of solid waste from other states; and

WHEREAS, in effect, the Supreme Court decision struck down the provisions of Michigan’s Solid Waste Management Act (P.A. 641 of 1978), which allowed Michigan to control the flow of solid waste between counties and between the State of Michigan and other states; and

WHEREAS, for 10 years Michigan has had an effective statewide solid waste management program which incorporated local concerns through county planning efforts and this process has provided Michigan citizens with a means to ensure environmentally sound, cost effective solid waste management; and

WHEREAS, as a result of the balanced requirements of its solid waste management program, Michigan has been one of the few states in the nation in which new solid waste disposal facilities have been located and constructed in recent years; and

WHEREAS, without the ability of a state, through its local governmental units, to have the authority to accept or reject solid waste from other states, local communities face a potentially serious problem as states with little or no remaining landfill capacity look elsewhere for disposal of their solid waste; and

WHEREAS, several bills are now before Congress proposing reauthorization of the Resource Conservation and Recovery Act (RCRA) but none of this legislation in its present form addresses the inter-state waste problem caused by the Supreme Court decision; and

WHEREAS, federal action related to RCRA is needed to surmount the Supreme Court’s decision and negate federal mandates and restore to states the decision to either accept or reject out-of-state waste; and

WHEREAS, such legislation would restore to Michigan and its Counties the ability to control the flow of solid waste through import restrictions; and

WHEREAS, such legislation would allow Michigan and its local units of government effective implementation of the Michigan Solid Waste Management Act (P.A. 641);

WHEREAS, Governor Engler and the Michigan Department of Natural Resources have joined the Michigan Association of Counties, Michigan Townships Association and Michigan Municipal League in the effort to restore all solid waste authority provided by Act 641.
NOW, THEREFORE BE IT RESOLVED, that the Marquette County Board of Commissioners supports constitutional federal enabling legislation that will permit restoration of Michigan's authority to control solid waste.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the President of the United States, the Speaker of the U.S. House of Representatives, members of the Michigan Congressional Delegation, Governor Engler, the Michigan Department of Natural Resources, Solid Waste Management Unit, and the Michigan Association of Counties.

GERALD O. CORKIN, CHAIRPERSON
MARQUETTE COUNTY BOARD OF COMMISSIONERS

* * * *

10c) A Committee of the Whole recommendation to adopt the following budget amendment in the amount of $1,860.00 for the purchase of new plates and covers for meal service at the Marquette County Jail, and concurrence with the County Administrator regarding repainting the interior of the Jail Project to be included in a County bond issue.

RESOLUTION AMENDING GENERAL FUND BUDGET
Fiscal Year 1992 Amendment No. 53

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:

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<th>Expense Budget Acct.</th>
<th>Previous Budget Amt.</th>
<th>Amended Budget Amt.</th>
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<td>General Fund</td>
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<td>Sheriff-Rehabilitation</td>
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<tr>
<td>No Changes Made</td>
<td>0.00</td>
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<td>Total Revenue Changes</td>
<td>0.00</td>
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Motion was made by Comm. Seppanen, Seconded by Comm. Angeli, to adopt the foregoing resolution. Upon roll call vote, the following vote was recorded:

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<tr>
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<th>Aye</th>
<th>Nay</th>
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<tr>
<td>L. Angeli</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>P. Arsennult</td>
<td>X</td>
<td></td>
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<tr>
<td>D. Potvin</td>
<td>X</td>
<td></td>
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<tr>
<td>G. Seppanen</td>
<td></td>
<td></td>
</tr>
<tr>
<td>G. Corkin</td>
<td>X</td>
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The Chairperson declared the motion carried and the resolution duly adopted.

* * * *
10d) A Committee of the Whole recommendation that the County Board send a letter opposing House Bill 4340 to Senator Don Koivisto and Senator Nick Smith, Chairman of the Senate Finance Committee. House Bill 4340 would remove from the May tax sale all parcels owned by senior citizens. It would also set aside former sales for parcels owned by senior citizens.

10e) A Committee of the Whole recommendation that the County Board approve the request to purchase two personal computers for the Treasurer’s Office at a cost of $5,734.00, with funds to come from the delinquent tax administration fund.

10f) A Committee of the Whole recommendation to approve the Local Emergency Management Work Agreement for FY 1993 as presented. This agreement is a statement of intent on the part of the County and provides an opportunity to review proposed activities for 1993.

10g) A Committee of the Whole recommendation to adopt the following resolution opposing any reduction of service provided at Rock Harbor Lodge on Isle Royale National Park:

RESOLUTION

WHEREAS, Isle Royale National Park is a part of the County of Keweenaw and a significant asset to not only the County of Keweenaw but surrounding counties in the State of Michigan; and

WHEREAS, the provision and maintenance of adequate facilities, at least equivalent to those maintained over the years on the island for the accommodation of visitors is necessary to permit the full utilization and enjoyment of the natural beauty of Isle Royale National Park; and

WHEREAS, the proposed action by the National Park Service to dismantle or otherwise reduce the level of service offered at the Rock Harbor Lodge would severely impact on the ability of residents of Keweenaw County and the State of Michigan and visitors to the County and State to enjoy the natural beauty of Isle Royale National Park; and

WHEREAS, the National Park should accommodate both physically able visitors and those who may be handicapped, elderly, or unable to lodge only in tents or shelters; and

WHEREAS, to now eliminate or reduce the lodging available for such visitors desiring to enjoy the natural beauty of Isle Royale National Park would be to deprive a significant portion of the people of that privilege; and

WHEREAS, the Isle Royale National Park was originally released to the National Park Service by the County of Keweenaw with the understanding that significant economic and employment benefits would flow to the County as a result of such release;

NOW THEREFORE, BE IT RESOLVED, that the County of Marquette opposes any reduction in service provided at the Rock Harbor Lodge or any planned dismantling or closing of the Rock Harbor Lodge.

GERALD O. CORKIN, CHAIRPERSON
MARQUETTE COUNTY BOARD OF COMMISSIONERS

***

10h) A Committee of the Whole recommendation to accept the donation from Millie Menze, former Marquette County Clerk, of her John Voelker Collection, and work with staff and Circuit Court personnel to find an appropriate place for its display.
Action Items Cont'd.

10a) The County Board took under consideration a recommendation from the Committee of the Whole recommending the County Board send a letter to the DNR urging them to continue the pilot project for the treatment of fuel contaminated soils with the process used by Kalcon at the Marquette County Landfill for a short term solution, and also urge the DNR to move off center on the permit process for the long-term solution. And further, that the County Board send representatives to Lansing to discuss the matter with the DNR.

It was moved by Comm. Potvin, seconded by Comm. Seppanen, and unanimously carried to approve the Committee of the Whole recommendation regarding treatment of fuel contaminated soils.

Late Additions

11a) The County Board considered a memo from Lynn Emerick, Director, Commission on Aging, regarding the Volunteer Center Project. For some time in Marquette County, a number of human service providers have seen the need for a clearing house or center which could match persons who wish to volunteer with persons who have needs. A small task force has been formed to look at an ideal system, which now exists, where a volunteer center could be housed, and sources of funding. The task force is in the process of applying for funds through a grant from the Michigan Campaign for Volunteerism.

A letter of support from the County Board for the concept of the Volunteer Center matching human service and non-profit agency needs with individuals and organizations willing to volunteer is being requested.

Comm. Potvin urged the task force to contact NMU because similar projects have been discussed.

It was moved by Comm. Potvin, seconded by Comm. Angeli, and unanimously carried that the County Board send a letter of support regarding the concept of the Volunteer Center Project.

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

It was moved by Comm. Aresnault, seconded by Comm. Potvin, and unanimously carried on a roll call vote that the County Board go into Closed Session to discuss pending litigation.

Chairperson Corkin declared a brief recess to clear Commission Chambers.

CLOSED SESSION

The County Board came back into Open Session. No action resulted from the Closed Session.

Commissioner Comments and Announcements

Comm. Potvin requested that staff investigate the reason why major arteries were not plowed during the early season snow storm on Monday, November 2, 1992. Many highways were not opened according to Comm. Potvin.

There being no further business the meeting was adjourned.

Respectfully submitted,

Margaret A. O'Neill
Deputy County Clerk
1. ROLL CALL.
2. SALUTE TO THE FLAG AND PLEDGE OF ALLEGIANCE.
3. APPROVAL OF THE MINUTES OF THE COUNTY BOARD OF COMMISSIONERS ANNUAL
   MEETING HELD ON October 13, 1992, and the REGULAR MEETING HELD ON
   October 20, 1992.
4. PROCLAMATIONS, PRESENTATIONS AND AWARDS:
   b. Proclamation naming November, 1992 as Radon and Tobacco Risk
      Reduction Month.
5. PUBLIC COMMENT. (time limit 20 minutes total)
6. APPROVAL OF THE AGENDA.
7. PUBLIC HEARINGS:
   a. Amendedatory Zoning Request #162-RZ-EL-45, a petition from Dwight
      Barry, 1010 School St., Ishpeming, to rezone a parcel along U.S.
      41/M-28 in Ely Township from RP-10 to I-Industrial.
   b. Amendedatory Zoning Request #163-RZ-SK-23, a petition from Peter
      O'Dovero, P.O. Box 970, Marquette, to rezone a parcel owned by
      William Tregembo, 109 Yalmer Road, Skandia, from RR-5 to RP-20.
   c. Amendedatory Zoning Request #116-RZ-AL-16, a petition from Norman
      Gotschall (D/B/A Yellow Dog Land Co.) to create a new zoning
      district in Ely Township, Brocky Lake area - RS-10 Recreational
      Structure.
8. PRIVILEGED COMMENT:
   a. Continuation of the Annual Meeting - Certification of Local Unit
      Tax Levies.
9. INFORMATIONAL ITEMS:
   a. Thank you from John Korhonen, Ishpeming City Manager, and Richard
      P. Klahn, EDC Director, for County Board support of MARPLEX.
   b. Announcement from Michigan State Police that equipment for the
      Marquette County FY 1992-1993 RACES Project has been purchased,
      installed, and inspected.
   c. Letter from John Engler regarding his welfare reform proposal "To
      Strengthen Michigan Families."
   d. Quarterly Report - Victim Restitution Fund from Tal Lapins,
      Probation/Parole Supervisor.
   e. Letter from the Michigan DNR explaining the Wolf Recovery and
      Management Plan.
   f. Approval of the Marquette County Deficit Plan from the Michigan
      Department of Treasury.
   g. Approval for Marquette County's 1992-1993 Child Care Fund
      Expenditures for State reimbursement.
10. ACTION ITEMS:

a. Committee of the Whole recommendation to urge the Michigan DNR to move forward the permit process for the treatment of fuel contaminated soils.

b. Committee of the Whole recommendation to adopt a resolution urging the restoration of Michigan's authority to control out-of-State solid waste.


d. Committee of the Whole recommendation to oppose House Bill 4340, a bill to remove parcels owned by senior citizens from the May tax sale.

e. Committee of the Whole recommendation to approve the purchase of two personal computers for the Treasurer's Office at a cost of $5,734.00 with funds to come from the delinquent tax administration fund.

f. Committee of the Whole recommendation to approve the Local Emergency Management Work Agreement for FY 1993.

g. Committee of the Whole recommendation to oppose any reduction in services at the Rock Harbor Lodge, Isle Royale National Park.

h. Committee of the Whole recommendation to accept the donation from Millie Menze, former County Clerk, of her John Voelker collection for display in the County Courthouse.

11. LATE ADDITIONS:

b. Concept of Volunteer Center

12. PUBLIC COMMENT. (time limit 20 minutes total)
13. CLOSED SESSION to discuss pending litigation.
14. COMMISSIONERS COMMENTS AND ANNOUNCEMENTS.
15. ADJOURNMENT.