The Marquette County Board of Commissioners met in Regular Session on Tuesday, February 2, 1993, at 7:00 p.m. in Room 231 of the Henry A. Skews 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. Minelli, and unanimously carried that the minutes of the County Board of Commissioners meeting held on January 19, 1993 be approved.

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

It was moved by Comm. Arsenault, seconded by Comm. Bergdahl, and unanimously carried that the agenda be approved as presented.

Public Hearings

7a) Chairperson Corkin opened the meeting for a public hearing on Amendatory Zoning Ordinance request #165-RZ-EL-47, a petition from Loren P. Ameen, 420 E. Ridge Street, Marquette, representing Conibear Camp, Inc., seeking to rezone a parcel of land west of the Flat Rock Road (Co. Rd. CAA) and east of Flat Rock Creek from TP-40 to RS-10. The site is further described as being the SW-1/4 of the NE-1/4 of Section 19, T45N-R28W lying SE’ly of Flat Rock Creek.

Chairperson Corkin read Section VIII of the County Board Rules of Order regarding public hearings on Proposed Zoning Ordinances and Amendments.

Patricia Gruber, Planner, was present and gave a staff report and overhead slide presentation of the area. Ms. Gruber stated that this is a petition to rezone approximately 11 acres of land from TP-40 to RS-10 to allow Conibear Camp, Inc. to sell a small corner of their site which has been unused because of inconvenient access. A variance request to reduce the minimum 40 acre parcel size to 11 acres was denied in early 1992 on the basis that no hardship existed. Conibear Camp would have sold a 40 acre parcel although that would have included land west of the creek which they desire to retain ownership of.

Chairperson Corkin opened the meeting for the petitioners or the public to comment. Mr. Loren P. Ameen, petitioner, and Bill Lehman, both members of Conibear Camp, Inc., were present and explained that the Conibear Camp property has existed since 1929 consisting of twenty-eight 40’ers, approximately 1100 acres of land, in both Ely and Humboldt Townships. The area is primarily used for forest production, hunting, and other recreational uses with scattered recreational structures. They were not aware of any zoning problems when they posted this piece of property for sale 1-1/2 years ago. They felt they met the rezoning guidelines in Section 1102(G) of the Comprehensive Plan. The rezoning site is an 11 acre triangle approximately 900 feet on the south by 1050 feet on the east with roughly 1400 feet of frontage on Flat Rock Creek. While it is contiguous with the rest of the property, access is limited by the 4-6 foot wide creek and low swampy area adjoining it. It is the only buildable piece on the 11 acres.

Comm. Corkin asked if there were any real negative effects or harm to anyone in selling the property other than timber production. He stated that generally the County Board concurs with the staff recommendation, but in this case there are no negative effects and felt that we have to consider the people of Marquette County and was in favor of the rezoning. Commissioners agreed.
Ms. Gruber stated that the Staff and Planning Commission recommendation is to deny the request on the basis of spot zoning and failure to meet the standards in Section 1102(G).

It was moved by Comm. Angeli, seconded by Comm. Corkin, and unanimously carried that the County Board approve Amended Zoning Ordinance #165-RZ-EL-47 as presented.

7b) Amended Zoning Ordinance request #166-RZ-EL-48, a petition from Thomas Solka, attorney for Norman Gotschall, d/b/a Yellow Dog Land Company, Box 18, Big Bay, Michigan 49808, to rezone a parcel of land from TP-40 to RS-10, east of Wolf Lake Road and east of Little Brocky Lake. The site is further described as followed:

The SW-1/4 of the NE-1/4 of the SW-1/4 of Section 5-T48N-R28W.

Section 315 of the Marquette County Zoning Ordinance contains the intent and uses permitted in the Timber Production Forty zone. The minimum parcel size is 40 acres with a minimum width of 660 feet. The RS-10 zone, Recreational Structure Ten has been recommended by the Planning Commission and adopted by the Marquette County Board. It is awaiting approval by the State Department of Commerce. The RS-10 zone would have been a minimum parcel size of ten acres and a minimum width of 300 feet. The intent of this district is to create a zone for recreational structure development on sites of ten acres with frontage on inland lakes and rivers. Resorts, lodges, and associated facilities are conditional uses.

Chairperson Corkin opened the public hearing for the petitioner or the public to comment. None was forthcoming.

It was moved by Comm. Potvin, seconded by Comm. Arsenault, and unanimously carried that Amended Zoning Ordinance #166-RZ-EL-48 be approved as presented.

Informational Items

It was moved by Comm. Potvin, seconded by Comm. Braasse, and unanimously carried that the following Informational Items be accepted and placed on file: 9a) Quarterly Status Report – Victim Restitution from Tal Lapins; 9b) Summary of the Circuit Court Case Activity for 1992 from Circuit Judge Edward A. Quinnell; 9c) Letter from U.S. Senator Carl Levin regarding federal budget priorities for 1993; 9d) Mental Health Code Update from William L. McShane, Director, Michigan Community Mental Health Services; 9e) Memo from Sue Girard-Jackson, Project Coordinator, Marquette County Team Voice (MCTV), announcing planning session on February 17 & 18, 1993; 9g) Acknowledgement from State Senator Don Koivisto regarding County Board resolution urging additional funding of MUSTFA; and 9i) Road Commission Report for the month of December, 1992.

Informational Items Cont’d.

9f) The County Board considered a Notice of Hearing: Pioneer Laboratories application for Industrial Facilities Exemption Certificate, February 8, 1993, 7:00 p.m., Marquette City Commission Chambers.

Comm. Potvin questioned what the implications are for the County and how we are affected by this activity. Dennis Aloia, County Administrator, explained that the Industrial Facilities Exemption Certificate would allow Pioneer Laboratories a 50% tax break for twelve years, which would effect all units, Marquette City, Marquette Schools, and Marquette County.

It was moved by Comm. Trudell, seconded by Comm. Arsenault, and unanimously carried to place the communication on file.
9b) The County Board considered a Notice from Roland Harmes, Director, Michigan DNR, of additional delay for Solid Waste Management Plan Updates.

Comm. Angeli was concerned how this would effect our own Solid Waste Management within Marquette County. David Payant, Civil Counsel, explained that this is updating the Solid Waste Plan. Periodically the Solid Waste Plan for the County that is created by the Planning Commission has to be updated, and that is the overall plan of disposing of solid waste in the County. Comm. Angeli would like to hear more from our own solid waste people how this is going to effect us.

Dennis Aloia, County Administrator, stated that the DNR undertook a program about 18 months ago to look at their State-wide Solid Waste Management Plan from which is generated our direction to have a County Solid Waste Management Plan and to do five-year updates. What the DNR is saying now is that before the next five year update, which was due to be done last year, some modifications are needed in the requirements.

Comm. Potvin stated that our Solid Waste Management Committee should be pro-active in trying to influence what the State modifications are going to be to get things that we can live with rather than just having to take what is dictated us.

Mr. Aloia further contended that James Kippola, Senior Planner, used his experience for the Solid Waste Planning Committee of the County for the last eight years in making recommendations to the State on what we felt needed to be improved. He made some very good recommendations, they invited him to sit on the committee in Lansing to put the final drafts together.

A informational meeting was scheduled for February 2, 1993 on alternate methods of handling fuel contaminated soils; however the meeting was postponed for the middle of March. Comm. Potvin urged the County Board, the Planning Commission, and our Solid Waste Management Committee to attend.

It was moved by Comm. Angeli, seconded by Comm. Braamse, and unanimously carried to place the communication on file.

Action Items

It was moved by Comm. Arsenault, seconded by Comm. Angeli, and unanimously carried that Action Items 10a, 10b, & 10f, be approved as follows:

10a) A Committee of the Whole recommendation to adopt the following resolution waiving penalties for late payment of taxes by eligible persons:

RESOLUTION

BE IT RESOLVED, that the Marquette County Board of Commissioners hereby waives, for a period of one year (1993), the penalties for late payment of property taxes by eligible persons who have filed for State income-tax refunds as prescribed in the Michigan Tax Law MCL 211.59(3) which reads as follows:

(3) A county board of commissioners, by resolution, may provide that for taxes paid in the first year of delinquency before May 1 for the homestead property for which a senior citizen, paraplegic, quadriplegic, eligible service-man, eligible veteran, eligible widow, totally and permanently disabled person, or blind person as those persons are defined in chapter 9 of Act No. 281 of the Public Acts of 1967, as amended, being sections 206.501 to 206.532 of the Michigan Compiled Laws, makes a claim before February 15, for the credit provided by chapter 9 of Act No. 281 of the Public Acts of 1967, as amended, if that claimant presents a copy of the form filed for that credit to the county treasurer, has not received the credit before March 1:
(a) Any interest, fee, or penalty in excess of the interest, fee, or penalty that would have been added if the tax had been paid before February 15 shall be waived.

(b) Interest paid pursuant to subsection (1) or section 89(1)(a) shall be waived unless the interest is pledged to the repayment of delinquent tax revolving fund notes or payable to the county delinquent tax revolving fund, in which case the interest shall be refunded from the general fund of the county.

(c) The county property tax administration fee shall be waived.

(4) The local treasurer shall indicate on the delinquent tax roll if a 1½ property tax administration fee was added to taxes collected before February 15.

(5) The fees authorized and collected pursuant to this section and credited to the delinquent property tax administration fund shall be used by the department of treasury to pay expenses incurred in the administration of this act.

(6) The county property tax administration fee shall be used by the county to offset the costs incurred in and ancillary to collecting delinquent property taxes, and for purposes authorized by section 87b and 87d.


GERALD O. CORKIN, CHAIRPERSON
MARQUETTE COUNTY BOARD OF COMMISSIONERS

* * * * *

10b) A Committee of the Whole recommendation to approve the following resolution accepting the 1989 Airport Improvement Program Grant Amendment and execution of documents by the Board Chair:

RESOLUTION

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF THE GRANT AMENDMENT BY THE COUNTY OF MARQUETTE, MICHIGAN, AND THE UNITED STATES OF AMERICA, FEDERAL AVIATION ADMINISTRATION, FOR THE PURPOSE OF OBTAINING FEDERAL AID FOR THE DEVELOPMENT OF THE MARQUETTE COUNTY AIRPORT, UNDER PROJECT NO. 3-26-00-63-0689.

BE IT RESOLVED by the members of the Board of Commissioners of Marquette County, Michigan:

Section I. That the County of Marquette, Michigan shall enter into a Grant Amendment for the development of Airport, and that such Grant Amendment shall be as set forth hereinbelow:

Section II. That the chairperson of the County Board of Commissioners is hereby authorized and directed to execute said Grant Amendment in four (4) copies on behalf of the County of Marquette, Michigan, and the clerk of the County is hereby authorized and directed to impress the official seal and to attest said execution.

Section III. That the Grant Amendment referred to hereinabove shall be as follows:
AMENDMENT NO. 1 TO GRANT AGREEMENT
Marquette County Airport, Marquette, Michigan
Project No. 89-1-3-26-0063-0689
Contract No. AIP-FAS9-GL-1388

DATE OF OFFER: January 8, 1993

WHEREAS, the Federal Aviation Administration (hereinafter referred to as the "FAA") has determined it to be in the best interest of the United States that the Grant Agreement between the FAA, acting for and on behalf of the United States, and the County of Marquette, Michigan (hereinafter referred to as the "Sponsor"), accepted by said Sponsor on the 23rd day of August 1989, be amended in conformance with the Sponsor's application bearing the latest revision date of November 25, 1992, and as hereinafter provided; and

WHEREAS, the Grant Offer amount was based on estimated quantities and subsequent "as-constructed" quantities significantly exceeded the estimated quantities; and

WHEREAS, it has been determined beneficial to the interest of the United States and the Sponsor to increase the maximum obligation of the United States from $668,420.00 to $706,390.74 based on final construction costs.

NOW, THEREFORE, WITNESSETH:

That in consideration of the benefits to accrue to the parties hereto, the FAA, on the one part, and the Sponsor, on the other part, do hereby mutually agree that the said Grant Agreement be and hereby is amended as follows:

Delete Standard Condition No. 1 on page 2 of the Grant Agreement and substitute the following:

"The maximum obligation of the United States payable under this offer shall be $706,390.74. For the purposes of any future grant amendments which may increase the foregoing maximum obligation of the United States under the provisions of Section 512 (b) of the Act, the following amounts are being specified for this purposes.

$0- for planning
$706,390.74 for airport development or noise program implementation."

All other terms and conditions of the Grant Agreement remain in full force and effect.

GERALD O. CORKIN, CHAIRPERSON
MARQUETTE COUNTY BOARD OF COMMISSIONERS

***

10f) A memo from David Payant, Civil Counsel, regarding a settlement between Marquette County and Quincy Development Corp. (Pellotech). This Agreement provides a Judgment of Foreclosure for Marquette County against the lands owned by Quincy Development Corporation in Baraga and Houghton County. The judgment provides that the County will not take action on the foreclosure as long as installment payments are made pursuant to the judgment. The County can take further action to collect should the new investors fail to make payments pursuant to the agreement.
Action Items Cont'd.

10c) The County Board considered a Committee of the Whole recommendation to support the community effort to maintain K.I.Sawyer as an active Air Force Base in Marquette County. County Commissioners engaged in a lengthy discussion on the recommendation, raising points both for and against the recommendation as follows.

Comm. Potvin and Comm. Braamse were not in favor of appropriating $5,000.00 for the hiring of National Securities Analysts, Inc. to put together a position paper; however, they do not advocate the closure of K.I. Sawyer Air Force Base. Comm. Potvin felt that the $5,000.00 appropriation should come from the Marquette County EDC, not from the County's general fund. The County Board has already sent letters and resolutions to its federal and state representatives, and these are the people elected to make this decision. The County's input will have little effect on the final analysis, as this decision will be made by military experts. He felt the decision to maintain K.I. Sawyer as an active air force base should be based on military reasons and not economic. Also, if National Securities Analysts is doing similar work on other military bases in the United States, there may be a conflict of interest.

The remaining Commissioners were in support of the appropriation to National Securities Analysts, Inc. to develop a position paper, but even more they believe Marquette County should be actively involved in a community-wide effort for the continuing support of K.I. Sawyer as an active air force base. Commissioners felt that the County Board should take a proactive leadership role in this issue rather than sit back and wait for someone else to make a decision. The $5,000.00 appropriation is a drop in the bucket and money well spent when compared to the $156 million economic impact that K.I. Sawyer has on Marquette County. K.I.Sawyer personnel like to be stationed in Marquette County for the quality of life we have to offer. When personnel are happy they do a better job. K.I. Sawyer has also been instrumental in improving education in the Gwinn School District. They have the best equipment for fire and emergencies, and help to train the surrounding smaller townships. It is important that the County Board get involved and become pro-active to get the message to the right people to help maintain K.I.Sawyer Air Force Base.

It was moved by Comm. Arsenault, seconded by Comm. Minelli, and carried on a roll call vote 6 ayes (Comm. Arsenault, Comm. Angeli, Comm. Bergdahl, Comm. Minelli, Comm. Trudell and Comm. Corkin) to 2 nays (Comm. Braamse and Comm. Potvin), that the County Board support the community effort to maintain K.I. Sawyer Air Force Base as an active air force base, and approve an appropriation of $5,000.00 for the hiring of National Securities Analysts, Inc. Budget amendment as follows:

RESOLUTION AMENDING GENERAL FUND BUDGET
Fiscal Year 1993 Amendment No. 6

WHEREAS, budgets were adopted by the County Board on October 13, 1992 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**  
**FEBRUARY 2, 1993**

<table>
<thead>
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<th>Expense Budget Acct.</th>
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<th>Change</th>
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<td>Total Revenue Changes</td>
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Motion was made by Comm. Arsenault, Seconded by Comm. Minelli, to adopt the foregoing resolution. Upon roll call vote, the following vote was recorded:

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<th></th>
<th>Aye</th>
<th>Nay</th>
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<th>Aye</th>
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<td>N. Joseph</td>
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<td>P. Arsenault</td>
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<td>J. Minelli</td>
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<tr>
<td>C. Bergdahl</td>
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<td>___</td>
<td>D. Potvin</td>
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<td>P. Braamse</td>
<td>___</td>
<td>X</td>
<td>G. Seppanen</td>
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<tr>
<td>G. Corkin</td>
<td>___</td>
<td>X</td>
<td>C. Trudell</td>
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</table>

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

**10d)** The County Board considered a Committee of the Whole recommendation to draft a purchase agreement for the old Acocks property which includes indemnification and zoning language. Comm. Potvin questioned if the County has identified all the potential cost problems in terms of cleanup. David Payant, Civil Counsel, explained that there was a study done of the site by James Rippola, Senior Planner, Resource Management Dept. In addition to this study, Mr. Payant talked to Mr. Nault, who was the Facilities Manager at Acocks prior to its closure, who identified and made a thorough list of items of an environmental nature that might cause a problem at the site. We are currently negotiating to try to get the purchasers to indemnify us should any of those things cause a problem in the future.

Dennis Aloia, County Administrator, pointed out that the study by Resource Management staff also included a review of all historical documents available, to find everything they could. There may be problems that we don't know about, but Administrator Aloia believes we have covered every known possibility.

Comm. Braamse questioned the possibility of asbestos problems. Administrator Aloia explained that there is asbestos in the building but its not a problem because its encased; however, if renovation is done and disturbs the asbestos it will have to be removed. This issue has been identified as the very first concern and was taken into account in Maplewood Development's offer for the property. A study shows it would cost an estimated $85,000.00 to have the asbestos removed.
Comm. Arsenault wanted to be sure that the purchase agreement, once drafted, would be brought back to the County Board for review before approval. It will. Civil Counsel Payant also indicated that a clause will be written into the agreement that says the County Board can reject the agreement if not satisfied.

It was moved by Comm. Potvin, seconded by Comm. Trudell and unanimously carried to draft the purchase agreement including indemnification and zoning language.

10e) The County Board considered a request from Gary Walker, Prosecuting Attorney, for a minor remodeling project in his office. Mr. Walker was present and explained that the minor remodeling is needed to create more office space within the Prosecutor's office and accommodate the additional attorney authorized to his staff. He is proposing to use what is now the file storage room as an actual office. The project would create a dead end corridor which may require some additional construction, essentially building three new walls and blocking off a section of the corridor for file and equipment storage. This project would create storage space for both the Prosecutor's office and the Administrator's office. In terms of cost, the project is estimated to cost less than $3,000.00. The money would be available from the personnel line item due to a delay in filling the assistant position authorized last year. By the time that that position is filled he estimates that enough money would be available. The Board could transfer money from the personnel line item to cover the remodeling expense rather than appropriate new monies. Administrator Aloia supported this recommendation.

It was moved by Comm. Arsenault, seconded by Comm. Braamse, and unanimously carried that the County Board approve the renovation and the money taken from the Prosecutor's appropriate line item. Budget amendment as follows:

RESOLUTION AMENDING GENERAL FUND BUDGET
Fiscal Year 1993 Amendment No. 7

WHEREAS, budgets were adopted by the County Board on October 13, 1992 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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<td>General Fund</td>
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Motion was made by Comm. Arsenault, Seconded by Comm. Braamse, to adopt the foregoing resolution. Upon roll call vote, the following vote was recorded:

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<th>Aye</th>
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<td>C. Trudell</td>
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The Chairperson declared the motion carried and the resolution duly adopted.

* * * *

10g) The County Board considered a memo from Civil Counsel, David Payant, concerning the sale of Capitol City Express to Northern Michigan Aviation, Inc. Capitol City Express is in the process of being purchased by Northern Michigan Aviation, Inc. Capitol City Express leases an area from the Marquette County Airport where they have a hangar. During the time Capitol City Express occupied the hangar they put solvents down a floor drain. This drain discharged into a tile drain field on the airport property. It now appears that an environmental cleanup of that area will be necessary. Also, they discarded some chemicals on the ground adjacent to one of the buildings causing a soil pollution problem.

David Payant, Civil Counsel, advised that the County consent to the transfer of the lease with the conditions that Capitol City Express pay for all arrears for gasoline it dispenses for the County, they pay for the soil cleanup prior to the lease transfer, and also indemnify the new purchaser, Northern Michigan Aviation, Inc., from the County should there be any future cleanup costs since they were not responsible for the pollution on the site.

Mr. Payant advised Civil Counsel that Capitol City Express has already paid for the soil cleanup and the arrears for the gas dispensed. There still remains the issue of the ground water contamination from the tile drains.

It was moved by Comm. Braamse, seconded by Comm. Angeli, and unanimously carried that the County Board approve the indemnification agreement with purchasers Northern Michigan Aviation, Inc.

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

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

Chairperson Corkin declared a brief recess to clear Commission Chambers.

CLOSED SESSION

The County Board came back into Open Session. No action was forthcoming as a result of the Closed Session.

There being no further business the meeting was adjourned.

Respectfully submitted,

Connie M. Branam
Deputy County Clerk
MARQUETTE COUNTY BOARD OF COMMISSIONERS
Regular Meeting, Tuesday, February 2, 1993, 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:
   a. Amenityary Zoning Ordinance #165-RZ-EL-47, a petition from Loren P. Ameen, Marquette, representing Conibear Camp, Inc.
   b. Amenityary Zoning Ordinance #166-RZ-EL-48, a petition from Thomas Solka, Attorney for Norman Gotschall, D/B/A Yellow Dog Land Company, Big Bay.
8. PRIVILEGED COMMENT.
9. INFORMATIONAL ITEMS:
   d. Mental Health Code Update from William L. McShane, Director, Michigan Community Mental Health Services.
   e. Memo from Sue Girard-Jackson, Project Coordinator, Marquette County Team Voice (MCTV), announcing planning session on February 17 & 18, 1993.
   g. Acknowledgement from State Senator Don Koivisto regarding County Board resolution urging additional funding of MUSTFA.
   h. Notice from Roland Harmes, Director, Michigan DNR, of additional delay for Solid Waste Management Plan Updates.
10. ACTION ITEMS:
   a. Committee of the Whole recommendation to adopt the resolution waiving penalties for late payment of taxes by eligible persons.
   b. Committee of the Whole recommendation to accept the 1989 Airport Improvement Program Grant Amendment.
   c. Committee of the Whole recommendation to support the community effort to maintain K.I. Sawyer as an active Air Force Base.
   d. Committee of the Whole recommendation to draft a purchase agreement for the old Acoks property which includes indemnification and zoning language.
   e. Request from Gary Walker, Prosecuting Attorney, for minor remodelling project in his office.
   f. A memo from David Payant, Civil Counsel, regarding a settlement between Marquette County and Quincy Development Corp (Pelletech).
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10. ACTION ITEMS: (cont'd)
   g. A memo from Civil Counsel, David Payant concerning the sale of
      Capital City Express to Northern Michigan Aviation, Inc.

11. LATE ADDITIONS:
   a. 
   b. 

12. PUBLIC COMMENT. (time limit 20 minutes total)
13. CLOSED SESSION: Discussion of labor negotiations.
14. COMMISSIONERS COMMENTS AND ANNOUNCEMENTS.
15. ADJOURNMENT.