The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, June 8, 1993 at 4:30 p.m. in Room 231 of the Henry A. Skewis Annex, Marquette, Michigan.


Chairperson Corkin opened the meeting for public comment. None was forthcoming.

It was moved by Comm. Arsenault, seconded by Comm. Bergdahl and unanimously carried on a roll call vote that the agenda be approved with the following late addition: Item 14) become a memo from the Planning Commission regarding fuel contaminated soils and Item 15) become the purchase agreement for the Acoks property sale.

It was moved by Comm. Arsenault, seconded by Comm. Braamse and unanimously carried on a roll call vote that Claims and Accounts for the period May 9, through June 4, 1993 in the amount of $4,328,416.36 be approved.

The Committee considered the FAA Grant offer for the County Airport Fence Replacement. A memo from Hal Pawley explained that federal funds, of $561,000 will provide 90% of the total estimated project cost. The Michigan Bureau of Aeronautics and Marquette County will each contribute 5%, with our local share of $31,200 to be paid from the Passenger Facility Charge.

Jim Alderton, Chairperson, Airport Committee was present and further explained that the fencing will be installed by a Marquette County Contractor, utilizing local labor.

It was moved by Comm. Potvin, seconded by Comm. Minelli, and unanimously carried on a roll call vote, that the Committee of the Whole recommend the County Board adopt the resolution accepting the grant agreement and authorizing the Chairperson to execute the agreement.

The Committee considered a recommendation from the Resource Management/Development Staff that the County Board support North Country Trail Hikers' goal to develop a trail through Marquette County. In a memo from Patricia Gruber, Planner, she explained the trail is addressed in the County's 1992-1996 Recreation Plan. The trail is part of a 3,200 mile trail system from Crown Point, New York to Lake Sakakawea, North Dakota, being built primarily by volunteers through coordination by the National Park Service. In Marquette County, the trail would extend from Laughing Whitefish State Park in Alger County to Little Presque Isle, then head westward to connect with the Craig Lake Trail in Baraga County.

The trail would utilize several existing trails, plus newly created segments. It is expected to attract tourists as well as local users. The County Planning Commission assisted in a grant application by the local North Country Trail Hikers by providing the required public comment forum in March of 1991. The grant was to acquire land for right-of-way in the vicinity of the Rocking Chair Lakes. The Marquette County Planning Commission has found that the proposed trail system is consistent with strategies #2 and #4 in the County Recreation Plan.

It was moved by Comm. Potvin, seconded by Comm. Arsenault, and unanimously carried on a roll call vote, that the Committee of the Whole recommend the County Board support the North Country Trail Hikers' goal to develop a trail through Marquette County.

The Committee considered a change in the Commission on Aging By-laws. The Commission on Aging procedure for change in their by-laws is to circulate the proposed change for 30 days, take a written ballot, and forward the proposed change to the Marquette County Board of Commissioners for approval.

Lynn Emerick, Director, Commission on Aging was present and explained
the Commission studied various options for membership by local government officials. It was not acceptable to the Commission on Aging that a non-elected resident be substituted for a local elected official. The original basis for the government official category of membership was that it created a liaison with local governments which is of great importance in the development and implementation of senior services. The Commission on Aging continues to feel this way.

Ms. Emerick further explained that the Commission on Aging does not want to leave the impression that City Officials are somehow derelict in their duties if they could not find a Councilmember available to serve during every year. Therefore, language has been inserted into the by-laws which insures that the slot will be left open until any specific City government has an elected official able to serve.

It was moved by Comm. Braam, seconded by Comm. Arsenault, and unanimously carried on a roll call vote, that the Committee of the Whole recommend the County Board approve of the Commission on Aging By-laws change.

The Committee considered the agreement between Marquette County and the Marquette County Economic Development Corporation. Dennis Aloia, County Administrator, explained that the EDC Administrative Committee met and suggested a number of changes to the draft agreement recently presented to them by Marquette County. Administrator Aloia reviewed approximately 10 differences in the agreement which were suggested by the EDC. Administrator Aloia pointed out that there were a couple of suggestions by the EDC that were very good and should be included in the agreement. Unencumbered funds at the close of the budget year, would be used to reduce the County Board appropriation for the following year, and also the dissolution statement where all property and assets of the EDC would belong to the County of Marquette should the EDC ever discontinue. They have also promised to improve their reporting procedures.

On the other hand, there are a number of EDC differences to the agreement which Administrator Aloia would not recommend: An increase in the amount of the annual county appropriation to $150,000, language that removes the County Board’s approval of the use of EDA funds, and also language that will allow the EDC to establish their own policies.

It was moved by Comm. Potvin, seconded by Comm. Seppanen, (for discussion purposes) that a letter be sent to the EDC advising them that we agree to their statements on dissolution and unencumbered funds, but the County Board rejects the rest of their suggested language. Comm. Seppanen pointed out it would be nearly impossible to give the EDC $150,000 when we have a difficult time giving them $92,500. Part of the purpose of the new draft agreement by the County was to put the EDC to the fire.

Commissioners generally did not like the idea that the EDC would develop their own policies. If they could not abide by particular County policy, then the EDC should say why and ask for an exemption in writing.

Commissioners Bergdahl, Joseph, and Trudell, the County Board Members of the EDC, had no input into this draft agreement, and are sure that the newly hired EDC Director, Jay Scherbenske, has had no input. He may not be familiar with the background leading up to revising the agreement. Comm. Arsenault urged that the Committee at least meet with the new director of the EDC to discuss the agreement before making a final recommendation to the County Board.


It was moved by Comm. Seppanen, seconded by Comm. Angeli, and unanimously carried on a roll call vote that the Chairperson send a letter to the new EDC Director, Jay Scherbenske, requesting that he, and other EDC members he thinks necessary, attend the Committee of the Whole meeting on June 22nd, to discuss the draft agreement between Marquette County and the EDC.

Chairperson Corkin read a letter from Dale Iman, Marquette City Manager, regarding borrowed funds by the City of Marquette from Marquette County for engineering and design of the Whetstone and Orianna drain.
improvements. Mr. Iman explained that the City of Marquette is pursuing
the creation of a storm water improvement utility which when implemented,
will provide a steady revenue for the source of stormwater improvements.
He will have a clear understanding of the City's options for payments of
the loan to Marquette County after June 14th, and at that time will be
glad to meet with the County to discuss the repayment.

It was moved by Comm. Seppanen, seconded by Comm. Angeli, and
unanimously carried on a roll call vote to place the communication on
file.

The Committee held a hearing regarding the removal of Mr. John Kurian
from the Marquette County Building Code Board of Appeals for non-atten-
dance. Mr. Kurian has missed nine Building Code of Appeals Meetings since
May of 1992. A letter from James Nankervis, Chair of the Marquette County
Building Code Board of Appeals explained that repeated attempts to contact
Mr. Kurian by letter or phone received no response.

Civil Counsel David Payant sent a certified letter to John Kurian
which explained the time and place and the purpose of this hearing. Mr.
Kurian did respond by letter to Paul Enrietti, former Chairperson of the
Building Code Board of Appeals, explaining that he received only two
meeting notices, which were late, the day after the meetings had taken
place. He otherwise contends he received no calls or notices. Civil
Counsel noted that the return address on Mr. Kurian's letter was the same
address that was used on his application for appointment, and the same
address that meeting notices were being sent to. Civil Counsel Payant
recommended that should the Board remove Mr. Kurian, that it should make a
recommendation to do so to the full County Board meeting on June 15th.

County Clerk Roberts pointed out that last December, during the most
recent appointments made to the Building Code Board of Appeals, there were
six applicants for three positions. The County Board could consider
appointing one of the remaining three applicants. Committee consensus was
to do just that and also request that Civil Counsel attempt to get Mr.
Kurian's resignation before next Tuesday's meeting.

It was moved by Comm. Potvin, seconded by Comm. Braashe, and unani-
mously carried on a roll call vote, that the Committee of the Whole
recommend the County Board remove John Kurian as a member of the Marquette
County Building Code Board of Appeals and appoint a new member from the
list of applicants on file with the County Clerk.

The Committee considered a copy of a resolution honoring Frank
Opolska, UPCAP's U.P. Person of the Year. Chairperson Corkin will be
presenting the resolution on a plaque at the UPCAP dinner in honor of
Frank Opolska Friday evening.

It was moved by Comm. Seppanen, seconded by Comm. Minelli, and
unanimously carried on a roll call vote, that the Committee of the Whole
approve of the presentation of the resolution to Mr. Opolska and formally
adopt the resolution at the next County Board meeting.

The Committee considered County Commissioner attendance at the MAC
Summer Conference to be held at the Grand Hotel on Mackinac Island in
August. At the June 1, 1993 Regular Board Meeting, the County Board
adopted a policy for County Commissioners' Out-of-County Travel. The new
policy requires that the County Board give prior approval for attendance
by Commissioners at out-of-county functions. The County Board Rules of
Order, Section III, paragraph 4 entitled, "Authorizing Attendance at Other
Meetings", provides that the Chairperson authorizes attendance at meetings
and conventions, however, action taken by the Chair is subject to review
by the County Board.

Civil Counsel Payant explained that when the County Board adopts a
new policy, it supersedes the previous policy. However, the recent
adoption of the "Out-of-County Commissioner Policy" does not change the
County Board's Rules of Order.

It was moved by Comm. Potvin, seconded by Comm. Arsenault, (for
discussion purposes) that the County Board follow its Rules of Order in
deciding Commissioner attendance at the MAC Conference. Chairperson Corkin has no problem living within the Rules of Order, but would like County Board input for the MAC Conference. Administrator Aloia explained that reservations to the MAC Conference up to four Commissioners have been made, but there's plenty of time to cancel. Comm. Seppanen pointed out the new policy was adopted because of the MAC Conferences' being held on Mackinac Island and this conference is too expensive for all to attend. There should be no conflict with the Rules of Order. 

Motion failed on a roll call vote, 1 aye (Comm. Potvin), and 9 nays.

It was moved by Comm. Joseph, that no Commissioner attend be authorized travel expense for the MAC Conference. Motion died for lack of support.

Chairperson Corkin contended that records will clearly indicate that over the past 10 years, the Marquette County Board has spent very little on out-of-county travel. There are times, however, when out-of-county travel is very important and necessary. Some recent visits to Lansing by Commissioners have been of great financial benefit to Marquette County.

It was moved by Comm. Angeli, seconded by Comm. Seppanen, and carried on a roll call vote, 7 ayes and 3 nays (Comm. Braashe, Comm. Joseph, and Comm. Potvin voting nay), that the Committee of the Whole recommend the County Board authorize one Commissioner travel pay to attend the MAC Summer Conference.

The Committee considered a memo from Norman Holmes, Chairperson, Marquette County Planning Commission regarding the disposal of fuel contaminated soil by Shopko. In the past, the Planning Commission has approved the disposal of fuel contaminated soils out-of-County for Shopko, however, now the Solid Waste Authority has a permit to construct a soil remediation facility. The Planning Commission would like to determine the County Board's position as to how future requests for out-of-County disposal of fuel contaminated soils should be handled.

Dennis Aloia, County Administrator, further explained that the Solid Waste Authority is surveying the County to determine how much fuel contaminated soil is available, to see if they can utilize the permit that they have granted. It is possible that the volume of fuel contaminated soils will not be enough to generate the revenues to pay for the facility. Administrator Aloia suggested that the Committee request Richard Aho, Director of the Authority, be invited to a Committee Meeting to discuss the matter.

It was moved by Comm. Seppanen, seconded by Comm. Joseph, and unanimously carried that the Committee of the Whole invite Richard Aho and other members of the Solid Waste Authority, and Norman Holmes of the Planning Commission to attend the next Committee of the Whole meeting, June 22nd, to discuss the disposal of fuel contaminated soils.

Comm. Arsenault was excused from the meeting at 6:00 because of another commitment.

The Committee considered an agreement with Maplewood Development for the purchase of the Acock's Property. Civil Counsel David Payant explained that the agreement with Maplewood Development required that a deposit of $17,500 be placed in escrow with Great Northern Title Company by June 3, 1993. Mr. Fissette had indicated he was unable to get his investors together and had requested that the closing date be extended to July 3, 1993, which the County Board granted, however the deposit still had to be filed by June 3rd. Should the necessary zoning requirements not be approved by/Negaunee Township, then Maplewood Development would be eligible for return of their deposit.

Mr. Payant recently met with Mr. Fissette on June 3rd, who indicated he would have the deposit at Great Northern and Title that day. When Mr. Payant checked the next morning, the deposit wasn't there. Mr. Fissette did make his deposit a day late. The County Board now has the option to either terminate the agreement and start over by putting the property up for sale and accepting bids, or to extend the agreement with Mr. Fissette.

Dennis Aloia, County Administrator further explained that initially, Maplewood Development proposed to develop the property as low/moderate...
income housing. The purchase agreement with Maplewood Development requires they assume the liability for any environmental problems that the County has revealed. They would not be liable for unknown environmental problems. Mr. Fissette, representing Maplewood Development, deposited $5,000, the remaining $12,500 was deposited by Bruce Pesola, representing Westwood Development. A sub-agreement between Maplewood and Westwood provides that Mr. Fissette would be purchasing the main building, and Mr. Pesola would be purchasing the surrounding lands. This makes the purchase agreement unclear as to the purpose of the development and how our liability is affected.

Howard Fissette, Maplewood Development, was present and explained there has been no change in plans to develop the Acocks Property for low/moderate income housing. Mr. Pesola was an original investor, but temporarily backed out because of the possible closure of K.I. Sawyer. At the last minute, he has decided to come back in. Mr. Fissette further believes it to be no problem with Mr. Pesola to be considered a co-developer and written into the purchase agreement. Negaunee Township will probably approve the re-zoning but it won't be complete until August. Mr. Fissette could not assume occupancy until October 1st.

It was moved by Comm. Potvin, seconded by Comm. Seppanen, (for discussion purposes) that the Committee of the Whole recommend that the County Board terminate the agreement with Maplewood Committee of the Whole Recommendations Development and review its options for the sale of the Acocks Property.

Comm. Trudell thought the County should have worked out the zoning arrangements with the Negaunee Township ahead of time. Administrator Aloia explained that they have several proposals for the development of the Acocks Property which requires different zonings. The Planned Unit Development (PUD) proposed by Maplewood was 4th or 5th on the list of recommended uses for the Acocks Site. Should Negaunee Township grant the re-zoning for Maplewood to a multiple family dwellings, this would preclude development of industry at the Acocks Property. Mr. Aloia further requested that should the County Board wish to continue with the purchase agreement then Maplewood Development and Westwood Development should both be included in the purchase agreement. He is very uncomfortable with any sub-agreement.

Motion failed, 1 aye, (Comm. Potvin) to 8 nays, 1 absent.

Mr. Fissette explained that he's attending a meeting at Negaunee Township tonight at 7:00 p.m. regarding the rezoning of the Acocks Property. If the County Board terminates the agreement, then there's no reason for him to attend the meeting. If the County Board continues with the agreement, he could not be ready for closing on July 3rd, because the zoning won't be approved until August. Civil Counsel Payant pointed out that the County Board could accept his deposit and extend the closing date once again at the appropriate time.

It was moved by Comm. Seppanen, seconded by Comm. Trudell, and unanimously carried on a roll call vote, 8 ayes, 1 nay, (Comm. Potvin), 1 absent, that the Committee of the Whole recommend that the County Board accept the deposit from Maplewood Development and Westwood Development and ratify a purchase agreement between the County of Marquette and Maplewood Development and Westwood Development as co-developers.

Chairperson Corkin opened the meeting for public comment. None was forthcoming.

ANNOUNCEMENTS:

Chairperson Corkin received a call from Mining Journal Correspondent, Greg Peterson, who covers a lot of accidents in Marquette County, was present at the tragic accident last Sunday afternoon when three people were crushed in an automobile by an overturned semi-trailer. Mr. Peterson has covered many accidents in Marquette County and wanted to share an observation with the County Board. He was very impressed with the professionalism and handling of the accident by Marquette County Emergency Services Unit R52. Chairperson Corkin requested that the Administrator send a letter of appreciation to the County's Emergency Services Unit.
Comm. Angeli thanked the Administrator and Comm. Potvin for their efforts in moving the Marquette County Soil Erosion and Sediment Control Ordinance forward. Administrator Aloia distributed a June 7, 1993 draft and would like Commissioners to review the draft before it is sent forward to all the units of government and a public hearing is held on the matter. The Committee consensus was to hold a special Committee of the Whole Meeting on Wednesday, June 16, 1993 at 5:00 p.m. in Commission Chambers, specifically for the purpose of discussing the Soil Erosion and Sedimentation Control Ordinance.

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

Respectfully submitted,

[Signature]

David J. Roberts
Marquette County Clerk
MARQUETTE COUNTY BOARD OF COMMISSIONERS
COMMITTEE OF THE WHOLE
Tuesday, June 8, 1993 at 4:30 p.m.
Room 231, Henry A. Skewis Annex, Marquette, MI 49855

1. ROLL CALL.
3. PUBLIC COMMENT.
4. APPROVAL OF THE AGENDA.
5. Review of Claims and Accounts.
6. FAA Grant Offer for Airport Fence Replacement Project.
7. Request from North Country Trails for County Board support to develop a trail through Marquette County.
8. Change in the Commission on Aging By-laws.
9. EDC Board suggested revisions to its agreement with the County.
10. Letter from Dale Iman, Marquette City Manager, regarding repayment of the loan to Marquette County for drain improvements.
11. Hearing on the replacement of a member of the County Building Code Board of Appeals.
12. Frank Opolka – Upper Peninsula Person of the Year (resolution forthcoming at meeting).
13. MAC Summer Conference (no packet materials)
14. Memo from N. Holm – Contaminated soil (sheep)
15. Acccks Sel
16. PUBLIC COMMENT.
17. ANNOUNCEMENTS.
18. ADJOURNMENT.