The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, June 22, 1993 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. Joseph, and unanimously carried on a roll call vote that the minutes of the Committee of the Whole meeting held on June 8, 1993 be approved.

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

It was moved by Comm. Seppanen, seconded by Comm. Minelli and unanimously carried on a roll call vote that the agenda be approved as presented.

It was moved by Comm. Trudell, seconded by Comm. Arsenault and unanimously carried on a roll call vote that Claims and Accounts for the period June 5, through June 18, 1993 in the amount of $977,118.64 be approved.

The Committee considered a memo from the Marquette County Planning Commission requesting direction from the County Board as to how future requests for out-of-County disposal of fuel contaminated soil should be handled. Norman Holmes, Chairperson of the Marquette County Planning Commission was present and explained that the Shopko Store matter has been taken care of. The seven 55-gallon barrels of soil from borings drilled at the Shopko Store are just the last part of the overall permit to allow Shopko to haul their fuel contaminated soils out-of-County. The Planning Commission thought that because the Solid Waste Authority now has their air quality permit, that they were going to proceed with the construction of the soil remediation facility. The Planning Commission was interested as to how the County would like future requests handled.

Richard Aho, Director of the Solid Waste Authority was present and explained that the Solid Waste Authority is still pursuing figures to determine if there is enough potential revenue to pay for the construction of the facility. The costs for constructing the building are estimated to be $225,000. The Solid Waste Authority would receive $10 per ton and would require 6,500 tons per year for four years to pay for the facility. Kalcon, charged $46 per ton during the pilot project and the Authority is assuming their price would be approximately the same. Kalcon wants a two-year commitment, but the Solid Waste Authority wants a four-year price. The Solid Waste Authority does not have an exact figure on the amount of soils that must be treated in Marquette County. The problem now is that the DNR is no longer pressing those who have fuel contaminated soils for clean-up because MUSTFA funding is no longer available.

Jim Kippola, Senior Planner, was present to explain that the County Staff two years ago, predicted approximately 50,000 cu. yds. of fuel contaminated soils exist in Marquette County. Present estimates show that there are approximately 25-33,000 cu. yds. Of this amount, about, 8,000 cu. yds. have been shipped out-of-County and approximately 6,000 yards have been treated. The air quality permit is not moveable nor transferrable, so if there is another company proposing to treat contaminated soils, they will have to apply for their own air quality permit.

County Commissioners expressed some disappointment that the quantity of fuel contaminated soils and cost figures to treat them are not finalized. Commissioner consensus is that fuel contaminated soils should no longer be disposed of out-of-County because of potential liability. The Commission thought that once the air quality permit was approved, the storage facility could be built at the landfill. Then contaminated soils could be stored there until they were treated.

Richard Aho asked if the County has any authority to force the movement
of fuel contaminated soils to the landfill. If the Michigan DNR forced the issue, there would be enough fuel contaminated soils to make the construction of a facility worthwhile. However, because the DNR is not applying pressure, the payback options cannot be defined. Mr. Aho further pointed out that the Solid Waste Authority is not committed to Kalcon. They have not signed any agreement with them at this time. Kalcon can be replaced on the Solid Waste Authority's air quality permit, however, the latest air quality permit rules, which were supposed to be out by now, the DNR says, will not be available until fall. It is very possible the new rules may allow someone else to treat the fuel contaminated soils.

The Committee requested that Civil Counsel David Payant review the law and report by July 31 as to whether or not the County Board can force the clean-up of fuel contaminated soils.

It was moved by Comm. Potvin, seconded by Comm. Arsennault, and unanimously carried on a roll call vote, that the Committee of the Whole recommend the County Board extend until July 31, 1993, the authorization to the Planning Commission, on a case by case basis, for the out-of-County transport and disposal of fuel contaminated soils, and further that the Solid Waste Authority report back to the County Board with financial details and a timeline for construction of their Soil Remediation Facility by July 31, 1993.

The Committee considered a draft agreement between the Marquette County Economic Development Corporation and Marquette County. The Committee of the Whole had reviewed a draft agreement suggested by the EDC at the June 8, 1993 Committee of the Whole Meeting. A couple of suggestions by the EDC considered good included a dissolution statement where all property and assets of the EDC revert to the County of Marquette should the EDC ever discontinue; and also that unencumbered funds at the close of the budget year would be used to reduce the County Board appropriation for the following year. The Committee of the Whole, on the other hand, felt that they could not agree to an increase in the County's annual appropriation to the EDC up to $150,000 and language that removes the County Board's approval for use of EDA funds, or language that will allow the EDC to establish their own policies.

Wayne Roy, President of the EDC was present and explained that the draft had been worked out by their Executive Committee, which was under the impression that the County Board's Executive Committee would meet them to discuss and work on the agreement. He thought it inappropriate to discuss the matter in a Committee of the Whole Meeting.

Jack LaSalle, a member of the EDC Board of Directors was present and further explained that the EDC appreciates that Marquette County has put substantial effort into it's EDC compared to many other counties. It has been no secret that the County Board has been dissatisfied with job creation and retention, but so is the EDC dissatisfied. But they are the ones working the trenches. The EDC needs help and everybody seems to be tapped out. In 1992, half of the director's time was used to attempt to identify sources of revenue on a $92,500 budget. The real problem is the EDC cannot operate without meeting its payroll. Who else shares the EDC's goal and mission in Marquette County? It takes time to make good investment choices. Must we tell our new director, Jay Scherbenske, that he has to spend six months raising the necessary revenue in order for the EDC to operate? The current EDC Board is comprised of all volunteers and we do not want to spend our time begging for dollars. We would like the County Board to understand the impact of underfunding the EDC. Mr. LaSalle also questioned whether it is wise to discuss EDC policies and County Board policies at a Committee of the Whole.

Jay Scherbenske, Executive Director, Marquette County EDC was present and pointed out that on June 1, 1993, he took the Director's position, but just recently became aware of any difficulties between the County Board and the EDC. He believes the EDC Board is asking for $150,000 not for luxury, but the funds are necessary to their operating budget. Mr. Scherbenske described the EDC's mission statement in one word, "Jobs!", but in order to deliver, we must work together. Community cohesion is very important in
order for the EBC to do its job. The County’s image must be very positive to attract jobs.

One concern was that the EBC did not regularly report to the County Board. Dennis Aloia, County Administrator believes that that problem has been worked out with Mr. Scherbenske. It was more of a problem with the previous director than with the EBC Board itself. Presently, the EBC does not follow any County policies and Mr. Aloia believes the EBC should follow all County policies, except those that they give a good reason for exemption. Mr. Aloia has provided a county policy manual to Mr. Scherbenske, and hopes discussions continue between the EBC Director, County Board Members, and Staff.

It was moved by Comm. Arsenault, seconded by Comm. Seppanen, and unanimously carried that the agreement between Marquette County and the Marquette County EBC to the Executive/Intergovernmental Relations Committee for joint discussions with the EBC Executive Committee with a recommendation for a resolution to the agreement to be made by July 31, 1993.

The Committee considered a memo from Sheriff Joseph I. Maino, Project MCTV Director, for three bids for two patrol vehicle video systems. Sheriff Maino was present to discuss the bids and answer questions. After review of the bids, it has been determined that only CrimTec Systems, Inc., complies with all the bid specifications. The Michigan State Police Post Commander has also confirmed favorable experience in utilizing camera systems from this vendor. Fifty percent of the cost of the cameras ($4,650) will be covered through the Project Marquette County Team Voice Grant. The remaining fifty percent was set aside by the County Board in the 1992 Capital Improvement Projects budget.

It was moved by Comm. Joseph, seconded by Comm. Bramse, and unanimously carried on a roll call vote, that the Committee of the Whole recommend the County Board approve the bid from CrimTec Systems, Inc., for two patrol vehicle video camera systems at a total cost of $9,300, fifty percent of the cost to come from the Project MCTV Grant.

The Committee considered a "letter of agreement" between the Marquette County Health Department and the Marquette County Sheriff's Department for Project SAFE KIDS (Car Safety Seat Training). Sheriff Maino was present to discuss the agreement and answer questions. The Sheriff's Department will participate in SAFE KIDS during the summer months on an overtime basis, utilizing $1,950 to send officers to a car safety seat training program, participate in public awareness presentations/events, enforce the child restraint laws, and provide written documentation of the implementation of these activities.

Sheriff Maino requests that a Public Safety Division, revenue line item be established for the $1,950, as well as an expense line item to perform these activities.

It was moved by Comm. Seppanen, seconded by Comm. Arsenault, and unanimously carried on a roll call vote, that the Committee of the Whole recommend the County Board approve the "letter of agreement" for Project SAFE KIDS, Car Safety Seat Training offered by the Marquette County Health Department and the $1,950 line items in the Sheriff's Department Public Safety Division, revenue and expenses with the appropriate budget amendment.

The Committee considered a request from Sheriff Joseph I. Maino that a revenue and expense line item be established for the Sheriff's Department Public Safety Division in the amount of $200 for the Community Child Watch Program. Sheriff Maino was present and explained that donations for supplies and materials occasionally occur for this very worthwhile community program. Therefore, he is requesting these line items be established in the amount of $200.

It was moved by Comm. Seppanen, seconded by Comm. Minelli, and unanimously carried on a roll call vote, that the Committee of the Whole recommend the County Board approve that a line item be established for revenue/expense in the Sheriff's Department Public Safety Division for the Community Child Watch Program with the appropriate budget amendment.
The Committee considered a revision to the three-party agreement for the Marquette City Wastewater Treatment Plant which was negotiated between the City of Marquette, Chocolay Township, and Marquette Township. The County of Marquette must approve the amendment because in 1978, the Marquette County Board authorized the execution and delivery of wastewater treatment system bonds in the amount of $250,000 to assist in establishing this project.

County Administrator, Dennis Aloia and Civil Counsel, David Payant, have given the amendment their administrative and legal approval. The revision to the agreement was needed due to an increase in use by Marquette Township since the original contract was developed. All the parties have agreed to the purchase of 4 1/2% additional capacity by Marquette Township with proceeds being split evenly between the City of Marquette and Chocolay Township.

It was moved by Comm. Arsenault, seconded by Comm. Seppanen, and unanimously carried on a roll call vote, that the Committee of the Whole recommend the County Board approve the amendment to the three-party agreement for the Wastewater Treatment Plant and authorize the Board Chairperson to sign.

The Committee considered a request for payment from J. Clark Construction for the Dental Clinic Remodeling work at the Defant Building. Ron Kosheorek, Resource Management Director was present and explained that the architect certifies that the work has been done according to specifications and recommends payment in the amount of $35,716 as requested.

It was moved by Comm. Braamse, seconded by Comm. Arsenault, and unanimously carried on a roll call vote, that the Committee of the Whole recommend the County Board approve payment to J. Clark Construction for the Dental Clinic Remodeling work in the amount of $35,716.

The Committee considered an analysis of recent bills received from Republic Township for specific ore tax litigation. The total cost for the recent set of billings is $9,466.46. Under the allocation agreement, Marquette County's share amounts to $1,760.76. Payment of the recent specific ore tax litigation billing requires an additional appropriation to the specific tax litigation fund.

It was moved by Comm. Arsenault, seconded by Comm. Seppanen, and unanimously carried on a roll call vote, that the Committee of the Whole recommend the County Board approve an additional appropriation into the specific tax litigation fund in the amount of $5,000 from contingency and further that the most recent billing of $1,760.76 be paid.

The Committee considered a memo from the Marquette County Board of Health urging the passage of five tobacco bills currently being considered by the House Public Health Committee:

- **House Bill 4449** - Tobacco Free Schools
- **House Bill 4457** - Increasing Non-smoking areas in restaurants to at least 50% from the current 12-24%
- **House Bill 4687** - Smoke-free child care centers.
- **House Bill 4313** - Tobacco retailer licensing
- **House Bill 4446** - Ban on free tobacco samples through the mail

It was moved by Comm. Braamse, seconded by Comm. Seppanen, that the Committee of the Whole recommend the County Board support the five tobacco bills being considered by the House Public Health Committee. Comm. Potvin is generally supportive of the tobacco legislation, however, he thought House Bill 4457, which requires in increase in non-smoking areas in restaurants, should only apply to newly constructed restaurants. It is very expensive and difficult for present restaurants to retro-fit themselves to meet such requirements. Commissioners agreed and Comm. Braamse accepted only new construction as a friendly amendment to her motion, as did Comm. Seppanen, who made the second.
Comm. Joseph contended that we are being asked to support or oppose this legislation not amend it. The fact that Marquette County Board sends a letter suggesting a change in one of the House Bills he believes, would have no effect. Chairperson Corkin pointed out that legislation often is amended right on the legislative floor just prior to passage. Comm. Potvin added that it is our responsibility to convey our thoughts to our legislators, whether or not we have much chance of amending legislation.

It was moved by Comm. Braunme, seconded by Comm. Seppanen and carried on a roll call vote, 8 ayes to 2 nays (with Comm. Bergdahl and Comm. Joseph voting nay) that the Committee of the Whole recommend that the County Board send a letter to our State Legislators and Chairperson of the House Public Health Committee, Representative Michael Bennane supporting four of the tobacco bills in their present form (House Bill 4449, House Bill 4687, House Bill 4313, and House Bill 4448) and urging the passage of House Bill 4457 with the suggested change that it only be required of newly constructed restaurants.

The Committee was going to consider proposals for property tax reform and school funding. Comm. Potvin requested this item be placed on the agenda, but has not yet received an informational packet from the MAC Taxation Committee in Lansing. When these materials arrive, he would like the Committee of the Whole to review them and develop a resolution for a course of action to be suggested to our State Legislators.

It was moved by Comm. Seppanen, seconded by Comm. Joseph, and unanimously carried on a roll call vote to table the matter.

Chairperson Corkin received a letter regarding a Road Commission problem in Chocolay Township and asked permission from the Committee of the Whole to turn the matter over to Comm. Minelli.

It was moved by Comm. Arsenaudt, seconded by Comm. Joseph, and unanimously carried on a roll call vote to give the letter to Comm. Minelli.

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

The Committee of the Whole will meet in special session on Tuesday, June 29, 1993 at 4:30 p.m., the main topic of discussion will be the Soil Erosion/Sedimentation Control Ordinance.

There being no further business, the meeting was adjourned.

Respectfully submitted,

[Signature]
David J. Roberts
Marquette County Clerk
MARQUETTE COUNTY BOARD OF COMMISSIONERS
COMMITTEE OF THE WHOLE
Tuesday, June 22, 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.
7. Draft agreement between the Marquette County Economic Development Corporation and Marquette County.
8. Sheriff patrol vehicle video system bids (Project Marquette County Team Voice).
9. Letter of agreement concerning Project "Safe Kids" Car Safety Seat Training offered by the County Health Department.
10. Request from Sheriff Joseph Maino to establish a revenue and expense account for the Community Child Watch Program.
11. Amendment to the three party agreement for the Marquette City Waste Water Treatment Plant.
12. Request for payment from J. Clark Construction for the Dental Clinic Remodeling.
13. Specific Ore Tax litigation billing.
15. Property Tax Reform Legislation.

16.

17.

18. PUBLIC COMMENT.
19. ANNOUNCEMENTS.
20. ADJOURNMENT.