The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, August 31, 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. Minelli, and unanimously carried that the minutes of the Committee of the Whole meeting held on August 10, 1993 be approved with the following correction: page 5, paragraph 7, the minutes read, "9 ayes to 1 nay" and it should read "8 ayes to 1 nay."

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

It was moved by Comm. Minelli, seconded by Comm. Seppanen and unanimously carried that the agenda be approved with the following two additions: Item 17) be consideration of the Honor Camp Access Road and a project in cooperation with Sands Township and Item 18) be the professional services contract with the Soil and Water Conservation District.

It was moved by Comm. Seppanen, seconded by Comm. Arsenault and unanimously carried that Claims and Accounts for the period August 7, through August 26, 1993 in the amount of $1,158,650.91 be approved.

The Committee of the Whole considered a memo from Randall M. Johnson, M.D., Director, Marquette County Health Dept., regarding the collection and disposal of "conditionally exempt" hazardous waste. In April an incident occurred where the County Administrator and Sheriff's Dept. requested assistance from the Health Department in dealing with hazardous materials that were found on County property. The chemicals were those normally used in the production of the illegal drug CAT. Once the law enforcement investigation was complete, disposal of the material became a problem. The Federal Drug Enforcement Administration (DEA) determined the chemicals were not needed for evidence and would not collect or dispose of it. Similarly the Dept. of Natural Resources staff would not assume responsibility for the disposal of the hazardous waste. A "conditionally exempt" quantity is defined by Hazardous Waste Management Rules as less than or equal to 100 kilograms.

Several months later, a similar situation arose in which the dumping of asbestos material occurred on Road Commission right-of-way by an unknown person. For employee safety reasons the Road Commission declined to assume responsibility for the collection and disposal of the hazardous material.

The Board of Health believes that the Michigan Dept. of Natural Resources, Environmental Response Division should assume the responsibility for the collection and disposal of "conditionally exempt" quantities of hazardous waste. The Board of Health would like the County Board to contact their State Legislators regarding having the responsibility assigned to the DNR. The cost associated with assuming this responsibility could be covered by enacting "polluters pay" legislation authorizing the DNR to recoup costs when responsible parties are known, and/or through fees assessed on the property owner.

Administrator Alola expressed concern about fees being assessed to the property owner. Incidents when an unknown party dumps hazardous materials on County property would create an unfair financial responsibility for its disposal on the County.

It was moved by Comm. Potvin, seconded by Comm. Seppanen, and unanimously carried on a roll call vote that the Committee of the Whole recommend the County Board direct the Health Department and the Sheriff's Department to compile a position paper urging that the Michigan DNR, Environmental Response Division be responsible for the collection and disposal of "conditionally exempt" hazardous waste, and further that...
this item be added to the Marquette County Board of Commissioners "issue list", for discussion when meeting with our State Legislators.

The Committee considered the bids for the property boundary surveys for Perkins Park, Big Bay Harbor, and the Honor Camp. Jim Kippola, Senior Planner, was present and explained that the 1993 capital budget provides $28,100 for the surveys, and the low responsive bidder was U.P. Engineering at $19,480. Mr. Kippola noted that a request from Cambensy Surveying to reduce their bid by $9,500 (adjusting their final bid to $12,840) was received five days after the July 30th deadline. It is the opinion of Staff that amending bid prices is not allowable under County purchasing policies. It is their recommendation that the County Board award the bid to U.P. Engineering and authorize Chairperson Corkin to sign the contract.

Comm. Joseph questioned if the County could wait until next year and rebid the surveys? Ron Koshorek, Resource Management Director, explained that the County is updating its master plan which is necessary for application for various grant funds. In order to update the master plan the boundary surveys must be done.

It was moved by Comm. Seppanen, seconded by Comm. Potvin, and unanimously carried on a roll call vote that the Committee of the Whole recommend the County Board approve the low bid from U.P. Engineering at $19,480 for various County surveys and authorize the Chairperson to sign the professional services agreement.

The Committee considered a memo from James Kippola, Senior Planner, regarding the Perkins Park Master Plan (Phase II), which will require the hiring of professional services to evaluate the existing facilities and develop recommendations for improvement and possible expansion of the Park. The presentation of alternative design concepts are also part of Phase II.

James Kippola, Senior Planner, was present and explained that staff had solicited bids from firms capable of performing the Phase II work. From the responses staff requested the top three qualified firms to submit detailed proposals and a price for performing the work. On August 12, Staff interviewed each of the firms. Without consideration of price, the Review Team concluded that of the top three firms, Gove Associates ranked highest; however, County Purchasing Policy states a contract award will be made to the lowest responsible and responsive bidder. The low bid was $4,690 from U.P. Engineering and Architects.

It was moved by Comm. Angeli, seconded by Comm. Braamse, and unanimously carried on a roll call vote that the Committee of the Whole recommend the County Board approve the contact with U.P. Engineering and Architects to perform the Phase II Evaluation of the existing facility to update the Perkins Park Master Plan.

The Committee considered a memo from Dennis Aloia, County Administrator, regarding the reorganization of the Marquette County Airport. County Administrator, Dennis Aloia, was present and explained that he has discussed this issue with Commissioners, Civil Counsel, and Airport Staff. An attached legal opinion provided by Civil Counsel Payant explains that the only means to increase the Airport Board to five members would be under the Michigan Aeronautics Code. Under that law, the County Board can increase the Airport Board to any number they wish. The County Board also would have to determine the responsibilities and authority that they will vest in the new Airport Committee.

Administrator Aloia believes the County Board consensus is that the duties of the Airport Board remain the same as present; however, all Airport improvements would have to be approved by the County Board. Administrator Aloia recommends that the County Board keep the current three Road Commissioners on the new Airport Board for continuity. When their terms expire as Road Commissioners the Board may then decide to appoint different individuals to the Airport Committee and the Road Commission. Administrator Aloia further recommends that Civil Counsel draft an appropriate resolution to delineate the duties and responsibilities of the Airport Board, and further that the new Airport Board be charged with the responsibility of implementing County policies and
procedures over the course of the next several years.

Jim Alderton, Chairperson of the Airport Committee, and Hal Pawley, Airport Manager, were present and pointed out that should the County Board increase the size of the Airport Commission they have no problem. Frankly, it would not mean much change in the way that the Airport is run, and the present policies at the Airport are already very similar to County policies.

Comm. Joseph questioned the reasoning for expanding the Airport Committee and wondered how much it would add to the expense. Administrator Aloia estimated the additional cost for two Airport Commissioners to be about $1,000 per year.

Comm. Seppanen explained that for a long time the County Board has considered splitting the Airport Committee and the Road Commission into two separate bodies.

Angeli supported the additional members on the Airport Committee and the eventual split from the Road Commission to provide better County representation.

It was moved by Comm. Angeli, seconded by Comm. Potvin and carried on a roll call vote eight ayes to two nays, (with Comm. Bergdahl and Comm. Joseph voting nay), that the Committee of the Whole recommend the County Board reorganize the Marquette County Airport under the Michigan Aeronautics Code and expand its membership to five by appointing two new members during the annual appointment process, and further that the duties and responsibilities of the new Airport Committee remain as they are; however, they be charged with the responsibility toward implementing County policies and procedures over the next several years. Civil Counsel Payant will draft the appropriate resolution.

The Committee of the Whole considered a letter from Ben Pascoe, Marquette County Retiree, requesting the County Board adopt a Retirement Benefit Program E as outlined in the Michigan Municipal Retirement System. The E Program provides a 2% increase for each calendar year since the last adjustment date or date of retirement, whichever is the shorter period. This one time increase will not the commit the County to any automatic raises beyond the calendar year 1994.

Randall Girard, Human Resources Director, was present and explained the adoption of the Benefit E Program would cost approximately $50,000.

It was also noted the County Board has taken action in the past several years to help those retirees, especially with small pensions by setting a minimum retirement amount.

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

The Committee considered a letter from State Senator Joe Conroy, 25th District, regarding legislative plans to end State grants for 911/Central Dispatch. County Administrator, Dennis Aloia, pointed out that although Marquette County has a millage in place which provides for the operation of 911/Central Dispatch, the State does provide grants to the State Police for 911 Central Dispatch Systems across the state. In Marquette County that grant amounts to $48,089.

It was moved by Comm. Potvin, seconded by Comm. Seppanen, and unanimously carried that the Committee of the Whole recommend the County Board send a letter to the Governor and its Legislators urging the continuation of funding for emergency 911/Central Dispatch, and that this item be added to the County Board’s “issue list” for discussion during meetings with our State Legislators.

The Committee considered a memo from John E. Peoples, Executive Secretary of the Michigan Department of Treasury, State Assessors Board, regarding amendments to the state assessing rules. Gerard Markey, Marquette County Equalization Director pointed out that the State Assessor’s Board is attempting to remove a problem that has plagued the assessing system for several years. It is their opinion that an assessing officer cannot properly maintain and assess multiple units at the same time. By amending the rules, it would force an assessor to be certified at the SEV of their total number of units, which would force an assessing
officer to either drop extra taxing jurisdictions or take courses in
assessment administration and become properly certified.

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

The Committee of the Whole considered a letter from Gary Dalton,
Ishpeming Township, regarding his continuing complaint about the County
Road Commission raising the road level in front of his home. Mr. Dalton
is confident that his yard and his basement will be affected with water
problems. He has lived at his present address for 37 years, and there
never was a problem. He has made numerous attempts to get the Road
Commission to change this project, but to no avail. If he does suffer
from water damage, he will have no alternative but to take legal action.

Jim Alderton, Chairperson of the Marquette County Road Commission was
present. He explained that the Road Commission sees this project as road
improvement. There was a dip in the road in which water would collect
creating a safety hazard, but now the road has been raised and a culvert
installed.

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

The Committee considered a letter from Civil Counsel David Payant to
Comm. Bergdahl answering various questions about the County EDC revolving
loan fund. Also attached was a copy of the Marquette County revolving
loan fund plan. Mr. Payant explained that he understands that EDA grant
monies will be held by the Federal EDA, and be paid out whenever the EDC
submits bills showing that part of the grant funding has been spent. The
EDC will no longer be given the grant monies to deposit in an account.
Revolving loan fund monies will be paid out in the same fashion, that
is the County will be given the money for a loan only after the loan is
made. When the loans are paid back, funds will be deposited in the
revolving loan fund, and any interest earned on these funds has to be
returned to EDA. The County can keep no more than 25% of the revolving
loan fund in the bank and at least 75% has to be loaned out at any given
time.

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

The Committee considered the appointment of a County Commissioner to
participate in the MAC Coalition in an effort to protect County revenues,
and that expenses be provided for a representative to attend MAC meetings
on a case by case basis.

It was moved by Comm. Seppanen, seconded by Comm. Angeli, and
unanimously carried on a roll call vote that the Committee of the Whole
recommend the County Board appoint Comm. Arsenault as its representative
on the MAC Coalition to protect County revenues, and that an alternate be
appointed from the remaining Commissioners if needed.

The Committee considered the third draft (July 16, 1993) of the
Marquette County Storm Water Management Ordinance. Civil Counsel, David
Payant, was present and explained that the primary author of the Storm
Water Management Ordinance was the former Drain Commissioner Darryll
Sundberg, with the cooperation of Robert Menard, Engineer with the
Marquette County Road Commission. The initial reason for its development
was after the defeat of several drainage districts the Drain Commissioner
felt that there will eventually be runoff problems in Marquette County.
Short of establishing drainage districts, an ordinance could deal with the
future development in these watershed areas. The ordinance delineates
requirements for various permits for development which would have to be
reviewed by the Drain Commissioner.

Civil Counsel Payant distributed a list of recommended changes to
Section 4.09 of the proposed ordinance which deals mainly with violations
and enforcement. Should the County Board wish to proceed with the
ordinance, Civil Counsel suggests that the next step would be to hold a
public hearing.

Comm. Joseph expressed concern about developing a storm water
ordinance (and also a soil erosion ordinance) in that the County cannot afford to administer and enforce them. With the difficult budget problems Marquette County is facing he questioned where the dollars would come from.

Comm. Bergdahl also expressed concern regarding homeowners who develop blacktop driveways of more than 10,000 sq.ft. in some of the rural areas it is not difficult to have a driveway larger than 10,000 sq.ft. which would in turn require the homeowner to purchase a permit.

Comm. Seppanen contended that it has always been the Adhoc Committee’s and the County Board’s intent to have the fee structure within the ordinance to pay for administrative costs and enforcement. Comm. Potvin added that if these ordinances are not self supporting he would be vote for them.

Comm. Angeli pointed out that we are mandated by law to protect our citizens from soil erosion and storm water problems. Many of the storm water and soil erosion laws already exist, but these ordinances would serve as a tool to help the County to do a better job at administering and enforcing these laws.

Marquette County Drain Commissioner, Mike Farrell, was present and explained that the stormwater ordinance is not designed to burden developers in Marquette County. Page 18 of the ordinance exempts a number of entities from the storm water control permit process, which includes the mining operations, logging operations, agricultural activities, and single family and two family residential dwellings; however, a planner who is developing a subdivision in the County would not be exempt. The adoption of this ordinance would not cause any increase in expenses to the County budget and may even decrease the professional services line item in the Drain Commission budget.

Chairperson Corkin read a letter from Randy Gents, Chairperson of the Marquette County Soil and Water Conservation District, encouraging the County Commission to adopt a Storm Water Management Ordinance, but encourages the County Board to streamline the Storm Water and Soil Erosion Programs as much as possible.

It was moved by Comm. Potvin, seconded by Comm. Seppanen, and carried on a roll call vote nine ayes to one nay, (with Comm. Joseph voting nay), that the Committee of the Whole recommend that Civil Counsel incorporate the necessary changes in the draft of the Marquette County Storm Water Ordinance before its distribution, and further that a public hearing be scheduled on the Storm Water Management Ordinance for Tuesday, October 26, 1993, at 7:00 p.m. in Room 231 of the Courthouse Annex.

The Committee considered a proposal from Earl Yelle, Sands Township Supervisor, that Sands Township is agreeable in contributing $6,250 to the County’s effort to obtain right-of-way connecting the Honor Camp property to Co. Rd. 553. Sands Township hopes that the access road could eventually be connected to Co. Rd. NKA in a mutually agreeable location. This would provide direct access to the northeast portion of Sands Township.

Ron Koshorek, Resource Management Director, was present and explained that when the engineering study was done to determine the best access, the road conceived at that time was a one-lane dirt road, with a 30 mph speed limit, and a traffic load of approximately 100 cars per day. Commissioners expressed concern should the Honor Camp access road be built and connected to Co. Rd. NKA that there would be much more than 100 cars per day. The reduced amount of acreage (option 3) would be 5.37 acres, but Mr. Koshorek did not know if at all points the right-of-way was wide enough for a future two-lane road. Earl Yelle, Sands Township Supervisor, was present and did not think there was going to be any problem.

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 proceed with the Honor Camp Land Acquisition Grant (option 2), which calls for a reduction in the size of the land acquisition to stay within the current project budget, and also approve an agreement with Sands Township for their contribution of $6,250 to obtain the right-of-way.
The Committee considered a contract prepared by Civil Counsel, David Payant, for the County Soil and Water Conservation District for appropriation of $10,000 towards the Marquette County Mapping Project. The next townships slated for mapping includes Skandia, Republic, and Powell. In the Marquette County SWCD budget, $5,940 is allocated to wages for an aerial photo interpreter. For that amount the district expects to have approximately 75,000 acres interpreted and mapped. This work will take place over a one-year period. The district will work with the Geography Department at NMU to place a student in the aerial photo interpreter position part time. The remaining $4,060 of the County allocation will be used for oversight of landowner information research, administrative support, and mailings.

It was moved by Comm. Angeli, seconded by Comm. Joseph, and unanimously carried on a roll call vote that the Committee of the Whole recommend the County Board approve the special appropriation contract with the Marquette County Soil and Water Conservation District for $10,000.

The Committee considered a proposal for a bus tour of the Job Corp Training Center in Laona, Wisconsin. George McGlaughlin, of the U.S. Forest Service, who has proposed a Job Corp Training Center to be located at K.I.Sawyer, will gladly arrange the tour. A bus would cost $595 for a one-day trip. The County Board could deal with the cost issue at a later date, perhaps in the year end budget review.

It was moved by Comm. Potvin, seconded by Comm. Seppanen, and unanimously carried on a roll call vote, that the Committee of the Whole recommend the County Board direct staff to collect information on who wants to take a tour of the Job Corp Training Center in Laona, Wisconsin.

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

There being no further business, the meeting was adjourned.

Respectfully submitted,

David J. Roberts
Marquette County Clerk
MARQUETTE COUNTY BOARD OF COMMISSIONERS
COMMITTEE OF THE WHOLE
Tuesday, August 31, 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. A letter from Randall Johnson, M.D., Health Department Director, regarding the disposal of conditionally exempt quantities of hazardous waste.
7. Memo from Jim Kippola, Senior Planner, regarding property boundary surveys for Perkins Park, Big Bay Harbor, and the Honor Camp.
8. Memo from Jim Kippola, Senior Planner, regarding the Perkins Park Master Plan.
9. Memo from Dennis Aloia, Administrator, regarding the reorganization of the Marquette County Airport.
10. Letter from Ben Pascoe, Marquette County retiree, regarding benefit programs E1 and E2.
11. Letter from State Senator Joe Conroy, 25th District, regarding legislative plans to end state grants for 911/Central Dispatch.
12. Memo from the Michigan State Assessors Board regarding amendments to Administrative Rules.
13. Letter from Gary Dalton to John Beerling, Superintendent, Road Commission, regarding continuing complaint in changes to an existing road in Ishpeming Township.
14. Letter from Civil Counsel, David Payant, answering questions about the County EDC revolving loan fund.
15. Consideration of a County Board member to participate in the MAC Coalition.
16. Marquette County Storm Water Management Ordinance, 3rd draft – July 16, 1993 (previously distributed, bring your copy)
17. Honor Camp Letter from Seneca
18. Swcd
19. PUBLIC COMMENT.
20. ANNOUNCEMENTS.
21. ADJOURNMENT.