The Marquette County Board of Commissioners met in Special Session on Tuesday, November 30, 1993 at 5:30 p.m. in Room 231 of the Henry A. Skewis Annex, Marquette, Michigan.


A Salute to the Flag was given, followed by the Pledge of Allegiance.

It was moved by Comm. Bergdahl, seconded by Comm. Braamse and unanimously carried that the minutes of the County Board of Commissioners Special Meeting held on November 9, 1993 be approved.

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

The County Board considered a resolution pledging the full faith and credit of Marquette County for the Raney Creek Drainage District Note in the amount of $476,813.00. Mike Farrell, Marquette County Drain Commissioner, was present and explained all who contribute stormwater to the Raney Creek District were sent notices of the public hearing. The project was petitioned for by the City of Marquette in 1990, and a Board of Determination found the project to be necessary in 1991. Mr. Farrell introduced Geoffrey Seidelin, attorney for the Raney Creek Drainage District.

Attorney Seidelin explained that a two-thirds vote is needed for approval of the resolution by the County Board. This note is for over $300,000 and therefore, by law, needs the County Board’s approval. The Drainage District is a pledge of its full faith and credit, however, as a result of Marquette City’s stormwater ordinance, the City is pledging the special assessment to pay back the notes. The County Board is not fronting any dollars. All costs for the Drain Commissioner’s time, legal costs, etc., are being charged into the note. The note will be taken out in the name of the Drainage District and not the County of Marquette. Should the City of Marquette decide not to repay the note with the at-large assessment, a special assessment will be set up within the Drainage District.

County Administrator Dennis Aloia explained that he has reviewed the resolution, as has legal counsel, and they recommend its adoption. He is not sure, however, if the Raney Creek Drainage District will show in the County’s annual deficit plan, which must be sent to Michigan Department of Treasury.


RESOLUTION RE: Raney Creek Drain Note, 1993

WHEREAS, proceedings have been taken by the Raney Creek Drain Drainage District (the "Drainage District") for establishment and construction of improvements to the Raney Creek Drain under the provisions of Chapter 4 of the Drain Code of 1956, as amended, pursuant to a petition filed with the Marquette County Drain Commissioner; and

WHEREAS, the Drainage District for said Drain, has authorized and provided for the issuance of a promissory note (the "Note") in the aggregate principal amount of $476,813.00, in anticipation of collection of an equal amount of special assessments against property and public corporations in the County of Marquette in the Drainage District, said special assessments having been duly confirmed as provided in the Drain Code; and

WHEREAS, the estimated cost of the improvements to said Drain is $476,813.00; and

WHEREAS, the Note is to be designated "Raney Creek Drain Note, 1993" and will bear interest at a rate not exceeding 8% per annum; and
WHEREAS, the Drainage District deems it advisable and necessary to obtain from this Board a resolution consenting to the pledge of the full faith and credit of the County on the Note to the extent of special assessments assessed against property and public corporations in the County; and

WHEREAS, the establishment and construction to said Drain are necessary to protect and preserve the public health and therefore it is in the best interest of the County of Marquette that the Note be sold.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF MARQUETTE:

1. That pursuant to the authorization provided in Section 434 of the Drain Code of 1956, as amended, the Marquette County Board of Commissioners does hereby irrevocably pledge the full faith and credit of the County of Marquette for the prompt payment of the principal of and interest on the Note to the extent of special assessments assessed against property and public corporations in the County, and does agree that in the event that the property owners or public corporations in the County of Marquette shall fail or neglect to account to the County Treasurer of the County of Marquette for the amount of any special assessment installment and interest (in anticipation of which the Note is issued), when due, then the amount thereof shall be immediately advanced from County funds, and the County Treasurer is directed to immediately make such advancement to the extent necessary.

2. That in the event that, pursuant to said pledge of full faith and credit, the County of Marquette advances out of County funds, all or any part of said installment and interest, it shall be the duty of the County Treasurer, for and on behalf of the County of Marquette, to take all actions and proceedings and pursue all remedies permitted or authorized by law for the reimbursement of such sums so paid.

3. That the issuance and sale of the Note is subject to permission being granted therefore by the Department of Treasury of the State of Michigan or any exception from prior approval being granted by the Department of Treasury, and the Chairman of the Board of Commissioners or the Marquette County Treasurer is hereby authorized and directed to file with the Department of Treasury a Notice of Intent to Issue an Obligation with respect to the Note.

4. That all resolutions and part of resolutions, insofar as the same may be in conflict with the provisions of this resolution, be and the same hereby are rescinded.

The Board considered the traffic congestion and a proposal for placement of a traffic light along business U.S. 41 West in Marquette Township. Comm. Minelli contended it is nearly impossible during peak traffic periods for motorists to cross or to get onto the highway. When Wal-Mart opens next spring, the traffic in that area will be even a larger problem. It was moved by Comm. Minelli, seconded by Comm. Arsenault, and unanimously carried on a roll call vote, that the Special Session recommend that the County Board request Sheriff Joseph I. Maino to do a traffic-light study in the area of the Westwood Mall in Marquette Township.

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

Comments

Chairperson Corkin reminded Commissioners about the trip to Leona, Wisconsin Thursday, December 2, 1993 to visit the Job Corps Training Center.

Administrator Aloia received a phone call from Rep. Shepich, regarding the letter directed by the County Board on the Specific Ore Tax Litigation introduced by CCI. Rep. Shepich was very displeased with the letter. He contended that he sees hundreds of bills and it is not his job to inform local units of government regarding proposed legislation. Administrator Aloia held his ground with the County's position. In the case of Specific Ore Tax legislation, Rep. Shepich and other Representatives from the U.P. are very aware of this legislation. The conversation ended in a spirit of
cooperation, however, Rep. Shepich will not be responding in writing.

Commissioners were appreciative that the letter had an apparent affect.

Comm. Potvin requested that Commissioners review its Rules of Order in the Marquette County Directory on page 39, Sec. V-5 and on page 40 in Sec. 6, paragraph VI-3.

There being no further business, the meeting was adjourned.

Respectfully submitted,

David J. Roberts
Marquette County Clerk
MARQUETTE COUNTY BOARD OF COMMISSIONERS
SPECIAL SESSION
Tuesday, November 30, 1993 at 5:30 p.m.
Room 231, Henry A. Skewis Annex
Marquette, Michigan 49855

1. ROLL CALL.
2. SALUTE TO THE FLAG AND PLEDGE OF ALLEGIANCE.
3. APPROVAL OF THE MINUTES OF THE COUNTY BOARD OF COMMISSIONERS SPECIAL MEETING HELD ON NOVEMBER 9, 1993.
4. PROCLAMATIONS, PRESENTATIONS AND AWARDS.
5. PUBLIC COMMENT. (time limit 20 minutes total)
6. APPROVAL OF THE AGENDA.
7. PUBLIC HEARINGS.
8. PRIVILEGED COMMENT:
9. INFORMATIONAL ITEMS:
10. ACTION ITEMS:
   a. Resolution pledging the full faith and credit of Marquette County for the Raney Creek Drainage District Bond Issue from Mike Farrell, Marquette County Drain Commissioner.

11. LATE ADDITIONS:

12. PUBLIC COMMENT. (time limit 20 minutes total)

13. COMMISSIONERS COMMENTS AND ANNOUNCEMENTS.

14. ADJOURNMENT.