The Marquette County Board of Commissioners met in Regular Session on Tuesday, February 1, 1994 at 7:00 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. Trudell, seconded by Comm. Seppanen, and unanimously carried by voice vote that the minutes of the January 18, 1994 County Board meeting be approved.

It was moved by Comm. Potvin, seconded by Comm. Braamse, and unanimously carried by voice vote that the following resolution be adopted recognizing Lynn Emerick, Director, Marquette County Commission on Aging, for her outstanding services to Marquette County:

THE MARQUETTE COUNTY BOARD OF COMMISSIONERS
HEREBY RESOLVES THAT:
LYNN M. EMERICK, DIRECTOR,
MARQUETTE COUNTY COMMISSION ON AGING
BE RECOGNIZED FOR HER OUTSTANDING
SERVICES TO MARQUETTE COUNTY

WHEREAS, Lynn Emerick began her career with Marquette County in 1980 and has continued serving at her post until the present, and

WHEREAS, Lynn Emerick began with one employee in 1980, and that her efforts have caused that number to increase to 11 full and part-time employees, and

WHEREAS, Lynn Emerick began with a budget of $10,000 per annum, which through her efforts has increased to $131,000 per annum, with corresponding increases in the quality and quantity of services offered by the Commission, and

WHEREAS, Lynn Emerick, in 1980, opened the Commission Office with two tiny rooms in the Marquette County Health Department building basement. Through her efforts, the Commission on Aging has moved into a fine suite of offices in the Geraldine Defant County Courthouse Annex.

THEREFORE, BE IT RESOLVED, by the MARQUETTE COUNTY BOARD OF COMMISSIONERS that this signal resolution be presented to LYNN M. EMERICK in recognition of her outstanding service and service to Marquette County and its seniors.

GERALD O. CORKIN, CHAIRPERSON
MARQUETTE COUNTY BOARD OF COMMISSIONERS

* * * * *

Chairperson Corkin opened the meeting for public comment. James Sodergren, Marquette County Treasurer, read the following statement:

At your last regular meeting I introduced my wish list for 1994. One of my wishes was to set up a trust fund so that money could be available for present and future needs because of the impact that mining has on a community.
I was born in Ishpeming and worked as a diamond driller underground and on surface for 25 years. As an employee and resident of a mining community I served witness to a lot of the development that took place on the Marquette range. I would like to mention just a few problems which happened because of our iron ore heritage.

The City of Ishpeming had just paid for their sewer plant when they were advised that they would have to move the plant because it was situated on top of an ore body. The new plant cost over $5,000,000 and the debt incurred won’t be paid until the year 2004. Water lines and sewer lines have been breaking in Ishpeming since the beginning of time because the town was built around the Barnum mine shaft and located in the middle of a swamp. Other locations such as Michigamme, Champion, Diorite, North Lake, Republic, National Mine, Palmer, Gwinn and many others were built around the mine shaft because miners had to live within walking distance of the mine. Today these locations had to install expensive sewer and water systems and must provide costly transportation for school kids. In more recent times the village of Republic was divided and separated because of the Republic Mine. This division increased the cost of providing sewer, water and other services. The City of Negaunee has perhaps been impacted by mining more than any other community. Seventy five percent of the land in Negaunee has been fenced off because of caving ground. Cemeteries, Churches, and houses have been moved in Negaunee because of caving ground. Some homes have been moved more than once. Although the mining company paid for the moving of these buildings it was the City and the tax payers who paid for extending the sewer and water lines, and the streets and the other related improvements. These lands are fenced off forever and I ask; what kind of assessment can the local assessor put on these lands? These are what I consider iron ore related problems.

Other States have enacted legislation to provide for these kinds of problems. Not so in Michigan. In Minnesota a commission has been designated and funded to provide monetary assistance to communities who have been impacted by mining. The Iron Range Resource and Rehabilitation Board in Minnesota was implemented fifty years ago and now has an annual budget amounting to $43,000,000 dollars. Here in Michigan we must get our legislators to enact legislation, while the mines are still working, which will provide money for present and future needs. We have put together a proposal for our legislators to consider. One of our recommendations is to establish a trust fund whereby $.20 per ton would be levied and deposited into the fund.

When Philo Everett and the boys from Jackson came to Marquette County in 1844, I have to wonder as they stood up on the hill overlooking what is now the City of Negaunee, if they really had the right to lay claim to all of the land and all of the iron ore down to hell and back. If in fact they did I believe it’s time to recapture a small portion of the millions of dollars that have been paid in royalty fees to non-resident land owners by virtue of their claim to the mineral rights.

I want to thank Bresman for the free time here this evening and would like to ask those viewers who feel the way I do about our iron ore heritage, to contact our U.P. legislators and ask them to consider our new tax proposal. There is another side to the iron ore story.

I will not be able to attend your next regular meeting on Feb. 15th but on March 1 I want to talk about the lengthy and costly litigation that has been going on in connection with the Republic Mine because of a law which cannot be administered and is perhaps unconstitutional. Thank you and good evening.

* * * * *
There being no further public comment, Chairperson Corkin closed this portion of the meeting.

It was moved by Comm. Seppanen, seconded by Comm. Joseph, and unanimously carried by voice vote that the agenda be approved as presented.

Privileged Comment

Gerard Markey, Marquette County Equalization Director, was present to speak regarding the Affidavit for Homestead Exemption from Some School Property Taxes. Mr. Markey explained that Lansing will be sending out a Homestead Affidavit beginning February 1st. The form will allow the taxpayer who owns a homestead in Michigan to file an exemption with the State and get a reduction in their millage rate for that homestead. The law that will take effect March 15th after the election will levy 24 mills for school operating. If the taxpayer files an affidavit then they would pay either 6 mills if the 6% sales tax is in effect, or they would pay 12 mills if the 6% sales tax fails. If they don’t file an affidavit then they will be subject to the 24 mill levy for school operating. The catch is that when the taxpayer receives the affidavit it will be blank and very little explanation as far as what the taxpayer is to do with the affidavit. Mr. Markey is concerned that the taxpayer will think it is standard junk mail and not recognize how important it is for them to fill it out. The affidavit must be filed with the local assessor by March 1st, 1994. If the affidavit is mailed from Lansing on the 10th, and it takes approximately 3 days to get here, the taxpayer may not receive it until the 15th of February or later. Then they have to decipher the form and submit it back to the local assessor for filing March 1st.

Mr. Markey would like the general public to know how important this affidavit is. He has contacted Lowell McLaughlin, City of Marquette Assessor, and Bruce Waananen, City of Negaunee Assessor, and they will make an announcement on their cable channels telling the taxpayers to be aware of this affidavit and to look for it in the mail. If they don’t receive it by February 15th, contact either the County or their local assessor for the form. Mr. Markey is also going to attempt to have a broadcast over the radio and is meeting with Greg Peterson, of the Mining Journal, to do an article about the affidavit.

Mr. Markey requested the County Board fund two separate notices in the newspaper, one the second week in February, and one the fourth week in February, advertising a reduced version of the affidavit along with the instructions, and also a small paragraph or two on what the taxpayer needs to do. The approximately cost of these two notices will be $600.00. Mr. Markey does not have this money budgeted for advertising in his current budget.

It was moved by Comm. Seppanen, seconded by Comm. Potvin, and unanimously carried by voice vote that the County Board approve the $600.00 for advertising costs with money to be taken from Contingency and adopt the following budget amendment:

RESOLUTION AMENDING GENERAL FUND BUDGET
Fiscal year 1994 Amendment No. 4

WHEREAS, budgets were adopted by the County Board on October 12, 1993 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 modified as follows:
BOARD OF COMMISSIONERS  COUNTY OF MARQUETTE  FEBRUARY 1, 1994

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<th>Expense Budget Account</th>
<th>Previous Amount</th>
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<td>Equalization Dept.</td>
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<td>Equalization Dept.</td>
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<td>No Changes Made</td>
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<td>Total Revenue Changes</td>
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Motion was made by Comm. Seppanen, Seconded by Comm. Potvin, to adopt the foregoing resolution. Upon roll call vote, the following vote was recorded:

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

** * * * *

Commissioners expressed concerns with the March 1st deadline and what recourse citizens may have who miss the deadline with good cause. They also expressed concern about all citizens being informed, and asked Mr. Markey to contact our Legislators seeking relief from the March 1st deadline.

Informational Items

It was moved by Comm. Seppanen, seconded by Comm. Minelli, and unanimously carried by voice vote that the following informational items be accepted and placed on file:

9b. A letter from U.S. Senator Carl Levin regarding unfunded federal mandates.
9c. A letter from Kenneth Visser, Director, Office of Planning & Quality Management, Michigan Department of Social Services, regarding the 1993-94 Child Care Fund.
9e. Annual report of the K.I.Sawyer Base Conversion Authority.
9f. 1994 Road Commission construction program.
9g. Request from Ron Roshorek, Resource Management Director, to Administrator Aloia to hire a part-time service worker, in lieu of injured full-time worker.
9h. FY 1994 Local Emergency Planning Committee Report.
9i. A communication from Representative Jacobetti with a comparison table outlining finance mechanisms of the ballot and the statutory plan for school finance reform.
Informational Items Cont'd.

9d) The County Board considered a memo from the Michigan Association of Counties which included an analysis of the decision issued by the Michigan Court of Appeals in the case of Grand Traverse County et al vs the State of Michigan, the Governor, the Legislature and the Auditor General. Seventy-six counties joined in the lawsuit seeking damages from the State for not funding the courts as per MCL 600.9947(i). Comm. Joseph thought after reading the Court of Appeals' decision that it was nothing more than legal double talk resulting in a non-decision. If we set a similar decision from the Supreme Court than we should seriously consider to stop funding the courts.

It was moved by Comm. Joseph, seconded by Comm. Seppanen, and unanimously carried by voice vote to accept the memo for file.

Action Items

It was moved by Comm. Arsenault, seconded by Comm. Braamse, and unanimously carried by voice vote that Action Items 10a), 10c), 10d), 10e), 10f), 10g), and 10h), be approved as follows:

10a) A Committee of the Whole recommendation to establish an Ad Hoc Budget Committee. This Committee will be in effect through the FY 1995 budget process and will take a very specific, in-depth review of programs and services that Marquette County provides.

10c) A Committee of the Whole recommendation to approve agreements with Marquette and Tilden Townships for supplemental police services. This year's contract will be $26,37 per hour, with a minimum of 20 hours per week for Tilden Township police services and a minimum of 40 hours per week for Marquette Township police services.

10d) A Committee of the Whole recommendation to approve the low bid for three 1994 Sheriff patrol cars from Nelson Chevrolet-Oldsmobile-GEO of Negaunee in the amount of $33,525.00.

10e) A Committee of the Whole recommendation to approve addition to the 1992 deficit elimination fund plan. These additions include the submission of the AMCMH Employee Benefit Funds, (review and expenditure estimate) and a copy of the Marquette County Building Authority Bond Series 1992.

10f) A Committee of the Whole recommendation to adopt a resolution waiving penalties for late payment of property taxes for certain eligible citizens as follows:

RESOLUTION #94-05

BE IT RESOLVED, that the Marquette County Board of Commissioners hereby waives, for a period of one year (1994), 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 revolting fund notes or payable to the county delinquent tax revolting 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 1% 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 97d.


GERALD O. CORKIN, CHAIRPERSON
MARQUETTE COUNTY BOARD OF COMMISSIONERS

*** ***

10g) A Committee of the Whole recommendation to approve the borrowing resolutions for the 1993 delinquent taxes. (Because of the length of the borrowing resolutions they are not reprinted in these minutes, however a copy is on file in the County Clerk's Office and the County Treasurer's Office).

10h) A Committee of the Whole recommendation to adopt a resolution supporting recent increases in public health cost sharing by the State of Michigan as follows:

RESOLUTION #94-03
A RESOLUTION SUPPORTING THE RECENT $15.1 MILLION INCREASE IN PUBLIC HEALTH COST SHARING BY THE STATE OF MICHIGAN

WHEREAS a $15.1 million increase in the public health cost sharing the State will pay has now been included in the State's fiscal year 1994-95 budget, and
WHEREAS the money to fund that increase represents an 88.3% increase on the State’s part of this cost sharing item, and

WHEREAS we agree with the belief held by the Michigan Association of Counties that this is a major first step by the State of Michigan in the fulfillment of a legislative promise made some 16 years ago in the Public Health Code and we appreciate it, and

WHEREAS we are now concerned that the State Legislature may experience a great deal of pressure to use these new revenues for other purposes such as education, spending and/or tax relief, and

WHEREAS that occurrence, should it happen would deprive Michigan’s county health departments of the receipt of these long awaited new dollars.

BE IT NOW THEREFORE RESOLVED that Marquette County supports the incorporation of these new and long awaited health care dollars into the State’s budget for FY 94-95, and strongly oppose the use of those dollars by the legislature or anyone else for any other purpose, and

BE IT FURTHER RESOLVED that copies of this resolution be provided to Governor Engler, All Upper Peninsula State Legislators, the Michigan Association of Counties, and the Upper Peninsula Association of County Commissioners.

GERALD O. CORKIN, CHAIRPERSON
MARQUETTE COUNTY BOARD OF COMMISSIONERS

Action Items Cont’d.

10b) The County Board considered a Committee of the Whole recommendation to undertake a strategic planning session. It was moved by Comm. Potvin, seconded by Comm. Joseph, that the recommendation be placed on the floor for discussion.

Comm. Potvin voted no on the recommendation during the Committee of the Whole meeting and wanted to clarify why he did so. He is in favor of talking about many varied issues that the County has to face this year; however, he believes very firmly that the County does not have to hire Mr. Ken Verberg or Mr. Harvey. He believes we are bright enough and know enough about the budget and the demands on Marquette County to make good decisions on tough issues. Comm. Potvin requested that Mr. Verberg send Marquette County a proposed agenda to prove that what he wants to do, Marquette County cannot do. Marquette County has to make its own decisions, not Mr. Verberg.

Chairperson Corkin called for a voice vote. The County Board approved the Committee of the Whole recommendation to undertake a strategic planning session nine (9) ayes to one (1) nay (with Comm. Potvin voting nay), and adopt the following budget amendment:

RESOLUTION AMENDING GENERAL FUND BUDGET
Fiscal year 1994 Amendment No. 3

WHEREAS, budgets were adopted by the County Board on October 12, 1993 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 modified as follows:

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<td>Contingency Acct.</td>
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<td>(5,000.00)</td>
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<td>Total Expenditure Changes</td>
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<td>Total Revenue Changes</td>
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Motion was made by Comm. Potvin, Seconded by Comm. Joseph, to adopt the foregoing resolution. Upon roll call vote, the following vote was recorded:

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<td>C. Bergdahl</td>
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<td>G. Seppanen</td>
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<td>C. Trudell</td>
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The Chairperson declared the motion carried and the resolution duly adopted.

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10i) The County Board considered a Committee of the Whole recommendation to adopt a resolution to restore either State Revenue Sharing and/or the 2 mill property tax option.
Comm. Potvin voted no during the Committee of the Whole meeting because he is not interested in revenue sharing, as it is an unsure thing. He believes the County should ask for the 2 mill guarantee every year, then we can plan the budget accordingly. Revenue sharing is based on population and availability of money and the desire of the legislature to give it out, these are all "ifs." The Iron County resolution is not serving our best interest.

Chairperson Corkin contended that in government you don't always get what you want. This resolution at least provides some flexibility and informs the State that the money is important to us.

It was moved by Comm. Minelli, seconded by Comm. Arsenault, and carried on a voice vote nine (9) ayes to one (1) nay (with Comm. Potvin voting nay), that the County Board adopt the resolution to restore either State Revenue Sharing and/or the 2 mill property tax option as follows:

RESOLUTION #94-04
REQUESTING GOVERNOR ENGLER TO RESTORE EITHER THE STATE REVENUE SHARING (TO COUNTIES) IN HIS FY 95 BUDGET AND/OR THE THE 2 MILL PROPERTY TAX OPTION

WHEREAS it has now been reported to us that the Governor has included absolutely no State Revenue Sharing (With Counties) in his draft FY 95 Budget, and
WHEREAS it has also been brought to our attention that any legislation allowing counties to levy an additional two mills with which to replace their lost state revenue sharing payment has also been dropped, and

WHEREAS the loss of both of the above options will most certainly financially cripple Michigan's Counties.

THEREFORE BE IT RESOLVED that we, the Marquette County Board of Commissioners, do hereby encourage the governor and both Houses of the State Legislature to either restore the State's Revenue Sharing Payments to Counties in the Governor's FY 95 Budget and/or adopt legislation that would grant the counties of this State the option of levying an additional two mills in allocated property taxes as a replacement therefore, and

BE IT ALSO RESOLVED that copies of this resolution be sent to Governor Engler, all of Upper Michigan's State Senators and Representatives, the Michigan Association of Counties, and the Upper Peninsula Association of County Commissioners for consideration.

GERALD O. CORKIN, CHAIRPERSON
MARQUETTE COUNTY BOARD OF COMMISSIONERS

* * * * *

10j) The County Board took under consideration appointments to the Marquette County EDC, and nominations to the Local Emergency Planning Committee (LEPC). There are three vacancies on the EDC Board of Directors to be appointed. Two of them are unexpired terms resulting from resignations in the Transportation and Medical Categories. The third is the new category of Manufacturing. Applicants are: James J. Scullion, Marquette - Transportation Category; Karen M. Williams, Ishpeming - Medical Category; and Lawrence J. Mosca, Marquette - Manufacturing Category.

Commissioners questioned if Mr. Mosca, who has an existing loan with the EDC creates a conflict of interest? Civil Counsel Payant indicated that this would not disqualify Mr. Mosca, but Mr. Mosca would have to disqualify himself anytime his loan was discussed.

It was moved by Comm. Bergdahl, seconded by Comm. Arsenault, to appoint James J. Scullion, Marquette - Transportation Category, to the one-year unexpired term ending 12/31/94; Karen M. Williams, Ishpeming - Medical Category, to the two-year unexpired term ending 12/31/95; and Lawrence J. Mosca, Marquette - Manufacturing, to the six-year new term ending 12/31/99.

Comm. Potvin stated that he will not vote for Mr. Mosca. He feels that Mr. Mosca is a fine person, but that a conflict of interest does exist and someone should be appointed that does not have a loan with the EDC.

Chairperson Corkin called for a voice vote. James J. Scullion and Karen Williams were unanimously appointed. Lawrence J. Mosca was appointed nine (9) ayes to one (1) nay (with Comm. Potvin voting nay).

It was moved by Comm. Seppanen, seconded by Comm. Braamse, and unanimously carried by voice vote that Robert H. Manning, Marquette, and Eric J. Rose, D.O., Chocolay Township, be nominated to the Marquette County Local Emergency Planning Committee (LEPC).

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

Comm. Trudell asked the County Board to take a stand regarding the March 1st deadline for the Affidavit for Homestead Exemption from Some School Property Taxes.

It was moved by Comm. Trudell, seconded by Comm. Minelli, and unanimously carried by voice vote that the County Board direct Gerard Markey to send a letter to the Department of Treasury and our U.P. Legislators asking for an extension from the March 1st 1994 deadline.

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 1, 1994, 1994 at 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.
Resolution recognizing Lynn M. Emerick, Director, Marquette County Commission on Aging for her outstanding service.
5. PUBLIC COMMENT. (time limit 20 minutes total)
6. APPROVAL OF THE AGENDA.
7. PUBLIC HEARINGS.
8. PRIVILEGED COMMENT:
a. Gerard Markey, Equalization Director, regarding an affidavit for homestead exemption from some school property taxes.
9. INFORMATIONAL ITEMS:
b. A letter from U.S. Senator Carl Levin regarding unfunded federal mandates.
c. A letter from Kenneth Visser, Director, Office of Planning & Quality Management, Michigan Department of Social Services, regarding the 1993-94 Child Care Fund.
d. A memo from Michigan Association of Counties regarding court financing.
e. Annual report of the K.I. Sawyer Base Conversion Authority.
f. 1994 Road Commission construction program.
g. Request from Ron Koshorek, Resource Management Director, to Administrator Aloia to hire a part-time service worker, in lieu of injured full-time worker.
h. FY 1994 Local Emergency Planning Committee Report.
i. A communication from Representative Jacobetti with a comparison table outlining finance mechanisms of the ballot and the statutory plan for school finance reform.
10. ACTION ITEMS:
a. Committee of the Whole recommendation to establish an Ad Hoc Budget Committee.
b. Committee of the Whole recommendation to undertake a strategic planning session.
c. Committee of the Whole recommendation to approve agreements with Marquette and Tilden Townships for supplemental police services.
d. Committee of the Whole recommendation to approve the low bid for three 1994 Sheriff patrol cars.
e. Committee of the Whole recommendation to approve additions to the 1992 deficit elimination fund plan.
f. Committee of the Whole recommendation to adopt a resolution waiving penalties for late payment of property taxes for certain eligible citizens.
g. Committee of the Whole recommendation to approve the borrowing resolutions for the 1993 delinquent taxes.
Board of Commissioners Agenda
February 1, 1994
Page Two

h. Committee of the Whole recommendation to adopt a resolution
   supporting recent increases in public health cost sharing by the
   State of Michigan.

i. Committee of the Whole recommendation to adopt a resolution to
   restore either State Revenue Sharing and/or the 2 mill property
   tax option.

j. Appointments to the Marquette County EDC and nominations to the
   Local Emergency Planning Committee.

11. LATE ADDITIONS:
   a.
   b.

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

13. COMMISSIONER AND STAFF COMMENTS AND ANNOUNCEMENTS.

14. ADJOURNMENT.