The Marquette County Board of Commissioners met in Regular Session on Tuesday, March 15, 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. Arsenault, seconded by Comm. Braamse, and unanimously carried by voice vote that the minutes of the March 1, 1994 County Board meeting be approved.

Presentations, Proclamations and Awards

Chairperson Corkin, on behalf of the County Board of Commissioners, presented a plaque to Mr. James Russell-Parks recognizing him for his contribution as an active member of the Local Emergency Planning Committee (LEPC) since it began in March of 1988.

Mr. Russell-Parks thanked the County Board and stated that he served on the LEPC not to receive recognition, but because he believes in the importance of hazardous material assessment and disaster preparedness for Marquette County. He knows that the task will be, and will continue to be, very challenging. The County Board has seen the fruits of the LEPC’s labor in recent years and he strongly encourages the County Board to continue with their financial support of this important public health and safety planning group. The volunteers of this Committee are dedicated and proud of their accomplishments.

Chairperson Corkin opened the meeting for public comment. James F. Sodergren, Marquette County Treasurer, and Ishpeming Township Resident, made the following remarks:

C.C.I.'S PROFITS AT THEIR NORTH AMERICAN MINES

C.C.I. operates and receives profits from six mines in North America. The most recent information will show that the Empire and Tilden Magnetite are the most profitable C.C.I. mines. The Tilden and Empire generate 36.5 million dollars or 79% of C.C.I.'s profit. The biggest part of these profits are attributable to a management fee of .40 per ton together with a royalty fee of -.27 per ton which C.C.I. charges its corporate partners. These fees and royalties are added to the cost per ton. Costs per ton vary in America. It cost Hibbitt in Minn. $27.00 per ton delivered to lower lake ports. Brazil costs are $44 per ton. Tilden magnetite at $28.50 per ton, Tilden hematite at $29.50 per ton and Empire at $32.50 per ton, all enjoy a good competitive position. There are six mines where costs are higher than mines in Marquette County. These mines vary from $35. per ton up to $44. per ton. Because of C.C.I.'s profitability and financial condition C.C.I.'s stock has increased from $28.75 per share on Sept. 1, 1993 to a more recent quote of $45.00 per share. This strong financial position in the market has prompted financial take over wizards such as Mr. Bolger from New Jersey and Tiger Oil Company to try and gain control over C.C.I.

C.C.I.'s claim that increasing the specific tax will destroy their competitive position in the market and jeopardize the jobs of 2,200 employees in Marquette County is unfounded. The specific tax is in lieu of the property tax. In Michigan the Empire and Tilden mines pay
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9g. Notice from the Marquette County Planning Commission that the Dickinson County Solid Waste Plan Amendment has no impact on Marquette County.

9h. Announcement that the Six County Consortium will be offering Academic Enrichment Programs for youth throughout the Central Upper Peninsula this summer.

9i. Letter from Gerald Corkin, Chairperson, to Jimmie Walker, Manager, Minneapolis ARTCC, FAA, regarding Utilization of K.I. Sawyer Air Force Base Radar.

9j. Letter from State Senator Don Koivisto to Governor John Engler regarding abandoned mine pits in Marquette County and the response from the National Guard.

9k. Thank you from Ed Sloan, Executive Director, EUPSAS, for distribution of the liquor tax funds for substance abuse and prevention programs.


9m. Letter from Larry D. Seratti, Executive Director, Public Enrichment Foundation, explaining their services to distribute free reading and educational materials to less-fortunate people.

9n. Final Environmental Impact Statement from the Army Corps of Engineers regarding the Spring opening date of the Soo Locks.

Action Items

It was moved by Comm. Seppanen, seconded by Comm. Minelli, and unanimously carried by voice vote that Action Items 10d), 10e), and 10f), be approved as follows:

10d) A Committee of the Whole recommendation to appropriate $1,000.00 from Contingency into a Court Funding Litigation Account and pay the present invoice of $488.27. Budget amendment as follows:

RESOLUTION AMENDING GENERAL FUND BUDGET
Fiscal Year 1994 Amendment No. 9

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 hereby modified as follows:

<table>
<thead>
<tr>
<th>Expense Budget Acct.</th>
<th>Previous Budget Amt.</th>
<th>Amended Budget Amt.</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td></td>
<td></td>
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<tr>
<td>Special Approp.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Court Funding Litigation</td>
<td>0.00</td>
<td>1,000.00</td>
<td>1,000.00</td>
</tr>
<tr>
<td>Contingency</td>
<td>134,321.00</td>
<td>132,321.00</td>
<td>(1,000.00)</td>
</tr>
<tr>
<td>Total Expenditure Changes</td>
<td>134,321.00</td>
<td>134,321.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>


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General Fund  0.00  0.00  0.00  +(-)
Special Appropriations

No Changes Made

Total Revenue Changes  0.00  0.00  0.00

Motion was made by Comm. Seppanen, Seconded by Comm. Minelli, to adopt the foregoing resolution. Upon roll call vote, the following vote was recorded:

L. Angeli  X  Aye  Nay
P. Arsenault  X  Aye
C. Bergdahl  X  Aye
P. Bramme  X  Aye
G. Corkin  X  Aye

N. Joseph  Absent
J. Minelli  X  Aye
D. Potvin  X  Aye
G. Seppanen  X  Aye
C. Trudell  X  Aye

The Chairperson declared the motion carried and the resolution duly adopted.

* * * * *

10e) A Committee of the Whole recommendation to eliminate Room #215 located on the 2nd floor of the Geraldine DeFant Building as a designated smoking room and amend the Marquette County Smoking Policy.

10f) A Committee of the Whole recommendation to concur with the appointment of Special Agent, Bruce Mahler, as a Deputy Medical Examiner Investigator for Marquette County.

Action Items Cont'd.

10a) The County Board considered a recommendation from Ron Koshorek, Resource Management Director, regarding a request from the State of Michigan for Release of Reverter. The County Board of Commissioners deeded 35 acres on Cherry Creek in Chocolay Township to the State of Michigan in 1922 for the construction of the Fish Hatchery. The deed provides that "shall this property cease to be used by the State as Fish Hatchery for one year the land...shall revert back to the County..." The State is in the process of bonding for improvements to the Fish Hatchery. The State Building Authority says the presence of the reverter prevents them from financing this project. The State is requesting that the County Board quit claim right of reversion as described in the original deed.

In Mr. Koshorek's opinion the State has operated a Fish Hatchery in this location for a very long time and has given its commitment for improvements to that property. He recommends the County Board should agree to the request.

Comm. Potvin thought that if the State has every intention of keeping the Fish Hatchery they shouldn't mind a reverter clause being in there.

Dennis Aloia, County Administrator, explained that the this is a $40 million bond issue that they are going for on a Statewide basis. A reverter that at some point could cause that land to revert back to the County would prevent them from selling the bonds. His experience is that any time bonds are sold to build on a piece of property, a clear and free title of that land is necessary.
BOARD OF COMMISSIONERS  COUNTY OF MARQUETTE  MARCH 15, 1994

It was moved by Comm. Seppanen, seconded by Comm. Arelaunet, and carried by voice vote nine ayes to one nay, with Comm. Potvin voting nay, that the County Board release the reverter clause by execution and recording of a quit claim deed on the 35 acres sold to the State of Michigan in 1922 for the Fish Hatchery on Cherry Creek as follows:

QUIT CLAIM DEED

The Grantor(s) County of Marquette, a Michigan Municipal Corporation, whose address is 234 West Baraga Avenue, Marquette, Michigan 49855 quit claim(s) to State of Michigan whose address is Mason Building, 530 West Allegan, Lansing, Michigan 48909 the following described premises situated in the Township of Chocolay, County of Marquette, and State of Michigan:

The East twenty five (25) acres of the Northeast quarter of Southwest quarter and the north seven (7) acres of the west fifteen (15) acres of the east twenty-five (25) acres of the Southeast quarter of Southwest quarter, and the East 2 Rods of that part of the West 30 acres lying north of Cherry Creek in the Southwest quarter, Section 18, Township 47 North, Range 24 West.

This Deed is given to extinguish a reverter held by the County of Marquette and recorded in Liber 97 of Deeds, Page 587 at the Marquette County Register of Deeds. This Deed is given pursuant to a Resolution adopted by the Marquette County Board of Commissioners on March 15, 1994.

This Deed is exempt from real estate transfer taxes pursuant to MCLA 207.505(h).

for the sum of One Dollar ($1.00) and other good and valuable consideration.

Signed by:

GERALD O. CORBIN, CHAIRPERSON
MARQUETTE COUNTY BOARD OF COMMISSIONERS

* * * *

10b) The County Board considered a recommendation from the Committee of the Whole to send a letter to our State Legislators expressing concern about the lack of discretion used by the Michigan DNR and the Attorney General enforcing the Environmental Response Act in the community of Rock. Comm. Potvin expressed concern regarding the last two sentences in the second paragraph of the letter which state: "In addition, interest penalties are added at a rate of 12% per year. Wouldn't it make more sense to charge current interest rates?" He felt that when a citizen's back is against the wall any interest at all is a problem. The State is here to help us when we are in trouble. At this time Rock Township is in real trouble, and any penalty by the way of interest rate is unnecessary and uncalled for. Comm. Potvin wished the letter included the possibility of no interest charged at all.

Comm. Angeli felt that 12% is extremely high, this is a situation where every dollar is very meaningful, Rock Township just doesn't have it. He felt the County Board should do whatever they can to try to reduce that.
Comm. Seppenren suggested that the wording in the letter be changed to the effect that the rate of interest be another area where discretion should be used, and also whether or not there should be a penalty. It was moved by Comm. Arsenault, seconded by Comm. Minelli, and unanimously carried by voice vote that the County Board change the last two sentences in the second paragraph to read: "This is another area where discretion should be used, even to include the possibility of no interest charge in cases such as this where no money is available."

10c) The County Board considered a recommendation from the Committee of the Whole to adopt a resolution to hold the State to the 31.5% court funding as per P.A. 189 of 1993. Dennis Aloia, County Administrator, supports this action, but requested that the County Board postpone this item for two weeks until he can contact Attorney, Douglas W. Van Essen, for further legal and financial investigation.

It was moved by Comm. Potvin, seconded by Comm. Braamse, and unanimously carried by voice vote that the County Board table this item until the next Regular County Board meeting.

Late Additions

11a) The County Board considered a Proposal for Construction of a Soil Remediation Facility at the Marquette County Landfill as follows:

PROPOSAL FOR CONSTRUCTION OF A SOIL REMEDIATION FACILITY AT THE MARQUETTE COUNTY LANDFILL

This proposal is being presented by a joint committee of the Marquette County Solid Waste Authority and Marquette County Board of Commissioners representatives who met to try to find a solution to the soil remediation problem that exists in Marquette County for your consideration. It is suggested that if the Board concurs, an appropriate action today would be to give conceptual approval to this arrangement and direct staff to prepare the appropriate contracts and loan documents for consideration in the very near future by the respective boards.

It is proposed that the Marquette County Solid Waste Authority will build a soil remediation facility on the site of the Marquette County Landfill. This project, which will cost approximately $240,000, will be financed by an interest-free loan from the Marquette County Board of Commissioners for a period of ten years. (Staff recommends that this money be taken from the Tax Delinquent Fund and be repaid to that fund.) Payments will be made in equal annual installments on December 1 of each year, beginning on December the 1st of 1994. The Marquette County Solid Waste Authority will dedicate approximately $7 per ton of soil brought into the facility to be put into an interest-bearing debt retirement account. All revenues collected, plus interest, will be dedicated for repayment of this loan. Revenues generated in excess of the $7 tipping fees will be used to pay the loan off early.

To insure that this facility is built for the most reasonable cost, the Solid Waste Authority has agreed to allow County representatives to be involved in the review of construction, specifications, and in the bid process, to insure the most cost effective facility will be built at the lowest cost possible.

Note: The Solid Waste Authority is working with the DNR to temporarily store waste on-site until construction is complete. Negotiations with the DNR have been positive in this regard. Also, it is estimated that the cost of disposal per ton will be between $50 and $55 per ton, which
will make the cost of using this facility very cost competitive in comparison with other options. The Solid Waste Authority will be looking for the County Board to assist in any way possible to insure enforcement of this process along with the DNR.

Chairperson Corkin explained that Comm. Seppanen and himself have worked on this proposal along with Dennis Aloia, County Administrator, David Payant, Civil Counsel, and Jim Kippola, Senior Planner. He recommends going forward with the concept in having these documents drawn up.

Comm. Seppanen indicated that very shortly this committee will be able to give those that have contaminated soil a very specific time frame for removing the soil.

Comm. Angeli felt that the committee should be applauded for their efforts in finally moving forward on this issue.

Comm. Potvin emphasized that this project is on an interest-free basis. It's a County-wide problem that must be taken care of, and he supports it.

Comm. Minelli also supports this project, and questioned if all the contaminated soil would be taken care of.

David Payant, Civil Counsel explained that some soils cannot be taken if there is excessive lead content. There are also some very large sites where it will be too costly to transport them. They must be remediated on site. This project will be mainly for the small to medium size spills.

It was moved by Comm. Seppanen, seconded by Comm. Angeli, and unanimously carried by voice vote that the County Board give conceptual approval to this arrangement and direct staff to prepare the appropriate contracts and loan documents for consideration in the very near future by the respective boards.

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

Commissioners Comments, Staff Comments and Announcements

It was moved by Comm. Seppanen, seconded by Comm. Potvin, and unanimously carried by voice vote that the meeting between the County Board and C.C.I. be postponed for three weeks until Comm. Joseph returns. Comm. Joseph initially wanted this meeting and is out of the Country.

Comm. Potvin urged anyone who hasn't voted yet to do so before the polls close.

Dennis Aloia, County Administrator, announced he needed a decision from the County Board on the May 13-14, 1994 date for the Strategic Planning Session.

It was moved by Comm. Bergdahl, seconded by Comm. Arsenault, and unanimously carried by voice vote that the May 13-14, 1994 date be approved.

Dennis Aloia, County Administrator, also announced that Comm. Potvin set up a meeting with Senator Roivisto for Friday, March 18, 1994 at 1:00 p.m. in the Administrator's Office and would like two or three Commissioners to attend.

David Payant, Civil Counsel, announced that on Thursday, March 17, 1994, at 11:30 a.m. and again at 4:00 p.m., special computer training will be given on how to use CD Rom's and encouraged interested Commissioners to attend.

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, March 15, 1994 at 7:00 p.m.
Room 231, Henry A. Skewis Annex
Marquette, Michigan 49855

ROLL CALL.

SALUTE TO THE FLAG AND PLEDGE OF ALLEGIANCE.

APPROVAL OF THE MINUTES OF THE COUNTY BOARD OF COMMISSIONERS REGULAR
MEETING HELD ON March 1, 1994.

PROCLAMATIONS, PRESENTATIONS AND AWARDS:

a. Presentation of a plaque recognizing Mr. James Russell-Parks for
his contribution as an active member of the Local Emergency
Planning Committee (LEPC) since it began in March of 1988.

PUBLIC COMMENT. (time limit 20 minutes total)

APPROVAL OF THE AGENDA.

PUBLIC HEARINGS. (None).

PRIVILEGED COMMENT.

INFORMATIONAL ITEMS:

a. Notice of approval from the DNR for the Sheriff's Dept. 1994
Marine Safety Grant.
b. Marquette County Team Voice (MCTV) First Progress Report
covering the period 10-1-93 thru 12-31-93.
c. Notice from Gerard Markey, Equalization Director, that Mr. Henry
deGroot is now Level II Certified and will be certifying the
evaluation roll for Forsyth Township.
d. Marquette County Housing Rehabilitation Program request for
Release of Funds.
e. Memo from Ron Koshorek, Resource Management Director, itemizing
staff time cost to assess damage associated with water freeze-ups
in Marquette County.
f. Memo from the Michigan DNR Environmental Response Division
explaining amendments to the Environmental Protection Bond
Implementation Act (Site Reclamation Program).
g. Notice from the Marquette County Planning Commission that the
Dickinson County Solid Waste Plan Amendment has no impact on
Marquette County.
h. Announcement that the Six County Consortium will be offering
Academic Enrichment Programs for youth throughout the Central
Upper Peninsula this summer.
i. Letter from Gerald Corkin, Chairperson, to Jimmie Walker,
Manager, Minneapolis ARTCC, FAA, regarding Utilization of
K.I.Sawyer Air Force Base Radar.
j. Letter from State Senator Don Koivisto to Governor John Engler
regarding abandoned mine pits in Marquette County and the
response from the National Guard.
k. Thank you from Ed Sloan, Executive Director, EUPSAS, for
distribution of the liquor tax funds for substance abuse and
prevention programs.
m. Letter from Larry D. Seratti, Executive Director, Public
Enrichment Foundation, explaining their services to distribute
free reading and educational materials to less-fortunate people.
n. Final Environmental Impact Statement from the Army Corps of
Engineers regarding the Spring opening date of the Soo Locks.
County Board Agenda
March 15, 1994 - Page 2

10. ACTION ITEMS:
   a. Recommendation from Ron Koshorek, Resource Management Director, that the County release the reverter clause on 35 acres sold to the State of Michigan in 1922 for the Fish Hatchery on Cherry Creek.
   b. Committee of the Whole recommendation to send a letter to our State Legislators expressing concern about the lack of discretion used by the Michigan DNR and the Attorney General enforcing the Environmental Response Act in the community of Rock.
   c. Committee of the Whole recommendation to adopt a resolution to hold the State to the 31.5% court funding as per P.A. 189.
   d. Committee of the Whole recommendation to appropriate $1,000.00 from Contingency into a Court Funding Litigation Account and pay the present invoice of $480.27.
   e. Committee of the Whole recommendation to eliminate Room #215 located on the 2nd floor of the Geraldine DeFant Building as a designated smoking room and amend the Marquette County Smoking Policy accordingly.
   f. Committee of the Whole recommendation to concur with the appointment of Special Agent, Bruce Mahler, as a Deputy Medical Examiner Investigator for Marquette County.

11. LATE ADDITIONS:
   b. 12. PUBLIC COMMENT. (time limit 20 minutes total)
   13. COMMISSIONERS COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS.
   14. ADJOURNMENT.