The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, November 28, 1995 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. Trudell, and unanimously carried by voice vote that the minutes of the Committee of the Whole meeting held on November 14, 1995 be approved.

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

It was moved by Comm. Seppanen, seconded by Comm. Rapport and unanimously carried by voice vote that the agenda be approved with the following late additions: Item 19) Judges Salaries, Item 20) Michigan County Road Association Statement regarding the Gas Tax, Item 21) Renaissance Zone Response for the Media, and Item 22) Resolution for U.P. Person of the Year.

It was moved by Comm. Minelli, seconded by Comm. Rapport and unanimously carried by voice vote that Claims and Accounts for the period November 10, 1995, through November 22, 1995 in the amount of $1,060,383.13 be approved.

* * * * *

The Committee of the Whole considered a memo from Carolyn L. Hanson, Friend of the Court, regarding a Special Medical Enforcement Cooperative Reimbursement Program Contract. Carolyn Hanson was present and explained that the State Legislature appropriated for Fiscal Year October 1995 through December 30, 1996, over $4 million to provide 100 percent State funding for medical support enforcement program. This is because the State Medicaid Program is the most costly welfare program in the State and these special funds will provide a medical enforcement staff in local Friend of the Court Offices to help assure that noncustodial parents provide medical insurance for their needy children, thus reducing medical costs to the taxpayers.

Ms. Hanson further explained that the State has allocated each County a specific amount of money. Marquette County was allocated $23,741 which will provide enough money to hire one part-time staff member. If the program is successful it may be continued by the State Legislature.

It was moved by Comm. Rapport, seconded by Comm. Seppanen, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve of the Medical Support Enforcement Contract Application which provides enough State funding to hire one part-time person.

* * * * *

The Committee considered a request from James Sodergren, County Treasurer that the County Board restore the position in the Treasurer’s Office before January 1, 1996 and take the needed funds of $32,442 from the Delinquent Tax Revolving Fund. Treasurer Sodergren’s memo explained that he has spent a considerable amount of time trying to determine which task/procedures can be eliminated from his office. Nearly all jobs are mandated and the effects of Proposal A has increased the work load for County Treasurers far more than anybody in Lansing ever realized. His office has never been over staffed. The position being eliminated in his office oversees the collection and distribution of delinquent property. Since 1981 the Delinquent Tax Fund has provided over $6 million to the general fund. Mr. Sodergren contends that the budget adopted by the County Board will not allow him to honor his oath of office which is to uphold the laws of the United States and Michigan.
Comm. Angeli made a motion to restore the position in the Treasurer’s Office and fund it by the 4% Tax Delinquent Revolving Fund administrative fee. A lengthy discussion followed. Comm. Arsenault could not support funding the position from the Delinquent Tax Revolving Fund but suggested the position be funded from the $78,000 owed Marquette County in MISHDA Funds. His priority would also be to fund the Register of Deeds position first.

Comm. Corkin, Minelli and Seppanen concurred. If any positions are to be restored the funding should come from the MISHDA monies and not the Tax Delinquent Revolving Fund.

County Administrator Dennis Aloia explained that the $78,000 owed Marquette County is a six-year total. On an annual basis these funds would amount to approximately $10,000 to $11,000. These funds are yet to be collected and should the various municipalities refuse to pay then the matter will have to go into Court.

Comm. Angeli contended that we have utilized the Tax Delinquent Revolving Fund in the past when we needed the money, he sees no problem with it now, however, he could support funding the Treasurer’s position out of the MISHDA funds.

It was moved by Comm. Seppanen, seconded by Comm. Rapport, and carried by voice vote 7 Ayes (Comm. Seppanen, Angeli, Joseph, Minelli, Rapport, Trudell and Corkin) to 3 Nays (Comm. Arsenault, Bergdahl, Braamse), that the Committee of the Whole recommend the County Board restore the position in the County Treasurer’s Office for 1996 with the funds to come from the $78,000 MISHDA monies owed Marquette County by various municipalities.

It was moved by Comm. Arsenault, seconded by Comm. Minelli and carried by voice vote 9 Ayes to 1 Nay (Comm. Braamse) that the Committee of the Whole recommend the County Board restore the position in the Register of Deed’s Office out of the $78,000 MISHDA monies.

It was moved by Comm. Seppanen, seconded by Comm. Minelli and unanimously carried by voice vote that the Committee of the Whole recommend the County Board direct the Register of Deeds to determine a reasonable increase in the tract index fees in order to help offset the costs of restoring the position in the Register of Deeds office.

* * * * * *

It was moved by Comm. Seppanen, seconded by Comm. Trudell and unanimously carried by voice vote that the Committee accept and place on file a copy of a letter from James Sodergren, County Treasurer, to Richard Reed, P.C., Kalamazoo, Michigan, regarding the agreement between CCI and Republic/Humboldt Township.

* * * * * *

The Committee considered an update on the 1995/1996 Community Adjustment and Economic Diversification Planning Project. Jim Kippola, Senior Planner, was present and explained that in January of 1995 the Resource Management/Development Department along with CUPPAD begin work on the HUD funded planning project. The Planning Department is currently 10 months into an 18 month project and all tasks are underway. Several documents were distributed to Commissioners in their packets which included the “Scope of Work”, outlining tasks to be performed by CUPPAD and tasks to be performed by the County Resource Management/ Development Department. A progress report was also provided from CUPPAD.

Steve Enright, County Planner, was present and provided a comprehensive plan update regarding the issues of housing, community services, and facilities. Alan Feldhauser, County Planner, provided the Committee of the Whole a comprehensive plan update regarding the issues of transportation, community services (communication, fire protection, solid waste management). Commissioners were invited to ask questions and provide input regarding the plan. As the Resource Management Staff nears completion of the County comprehensive planning tasks in May or June of 1996, a public hearing will be conducted by the Planning Commission. The County Board will be presented the final plan for its review and approval after that.
Commissioners thanked the Planning Staff for their presentation and commended them on the work that has been done so far.

It was moved by Comm. Seppanen, seconded by Comm. Trudell and unanimously carried by voice vote that the Committee of the Whole accept the plan and place the Update Report on file. (A copy of the County Comprehensive Plan Update Reports are available for public inspection in the County Clerk’s Office or the Resource Management/Development Department Office).

* * * * * *

The Committee considered two grant agreements offered by the Michigan DNR for improvements and repairs for the Big Bay Harbor. One grant provides a $15,000 State share with no local match for modifications to the restroom/shower facility. The other grant provides for a $25,000 State share with no local match for the replacement of the fuel storage tank.

It was moved by Comm. Rapport, seconded by Comm. Arsenault, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve the grant and authorize its Chair to execute the agreements.

* * * * * *

The Committee considered a recommendation from George Wright, Facilities Manager, to award the jail painting project bid. The project was first bid in August with only one company, Pro-Tect Paining, responding with an over budget bid. At that time the bid was rejected for being over budget and a lack of competitive bids. We have since rebid the project using a base bid and added alternatives, to be able to selectively choose what is to be painted within the budget. Staff conducted a walk through of the building with contractors, however, once again Pro-Tect Painting Co. returned the only bid which is attached. The total base bid along with the added alternatives comes to $14,400 which is $4,444 over the $10,000 budget.

Staff recommendation is to transfer $2,679 remaining in the completed Telescoping Maintenance Platform Capital Budget Account and $1,675 from the completed Resource Management Development Vehicles Capital Project Account to complete this project.

County Administrator Dennis Aloia pointed out that we have been cited by the State and have been working for years on painting the jail. We see no savings by holding off and rebidding the project or waiting for another year. It is his recommendation that the County complete the project for the additional $4,000 and be done with it.

It was moved by Comm. Arsenault, seconded by Comm. Minelli, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board award the Jail Painting Project to Pro-Tect Painting Co. in the amount of $14,400 and approve the necessary budget amendments.

* * * * * *

The Committee considered a recommendation from Hal Pawley, Airport Manager, regarding the prioritization of the Airport Improvement Program (AIP) Projects. Mr. Pawley was present and distributed a list of four projects for rehabilitation of different airfield pavement areas which reflects the projects relative priority and program year up to the year 2000 as recommended by the Airport Board. These projects are in lieu of the Crosswind Runway project which the County could not fund because of the $6.2 million cost. It may also be possible that the FAA will allow the County Airport to reprogram the AIP Program so it could ask for more passenger facility charges (PFC) for other projects. It also possible that AIP funds and PFC dollars may disappear in future years and Congress would place the financial burden for such projects on Counties.

It was moved by Comm. Minelli, seconded by Comm. Rapport, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve of the reprioritization of AIP projects for the Marquette County Airport.

* * * * * *
The Committee considered a recommendation from Dennis Aloia, County Administrator, regarding the relocation of the Soil Survey Project to the County Airport. Administrator Aloia explained that the County Health Department needs the space in the basement of the Service Building. The Soil Survey Project should have been done but they are two years behind. This is a valuable project for which the County has spent no dollars but has provided soft in-kind services amounting to about $20,000. The Health Department has agreed to pay one-half of the cost to relocate the Soil Survey Project at the County Airport at a cost of $9 per square foot. This would mean the County Board would need to provide approximately $4,950 a year for two years in order to allow the transition to take place. Administrator Aloia will continue to negotiate with Hal Pawley to see if that cost can be lowered further.

Comm. Rapport further added that Dr. Johnson, Health Department Director, has gone the extra mile to help resolve this problem and believes this to be a reasonable solution.

It was moved by Comm. Seppanen, seconded by Comm. Rapport, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board authorize the relocation of the Soil Survey Project to the County Airport and with the funds to come from contingency with the appropriate budget amendment.

* * * * * *

The Committee considered a communication from West Branch/Skandia Townships regarding some concerns of the membership of the Marquette County Central Dispatch Policy Board, along with the procedures in place that establish this Committee. Comm. Seppanen suggested that this letter be tabled until the Central Dispatch Policy Board can review it and speak to the issue. Comm. Bergdahl would like the matter placed on next week’s County Board Agenda. The Townships have referred their concerns to the Central Dispatch Board but received no response.

It was moved by Comm. Seppanen, seconded by Comm. Rapport and unanimously carried by voice vote that the Skandia/West Branch Townships’ concerns be sent to the Central Dispatch Policy Board and also that the letter be placed on next week’s County Board Agenda.

* * * * * *

The Committee of the Whole considered a letter from James Scherbenske, Executive Director, Marquette County EDC indicating that the EDC stands ready to cooperate with any entity in the redevelopment efforts at K.I. Sawyer, however, it is the desire of the Board of Directors of the EDC to remain in the lead agency roll with regards to the EDA grant.

Jay Scherbenske, Executive Director, Marquette County EDC, was present and distributed a faxed letter from Kathryn Huth, Chief Economic Adjustment Division, U.S. Department of Commerce, Chicago, regarding the status of the request for defense conversion assistance at K.I. Sawyer Air Force Base. The letter indicated the following: On April 28, 1995 the EDC submitted a proposal to the EDA for $2.5 million in Title IX grant assistance for a total of twelve project components. They were informed that the proposal would not be funded for FY 1995 for several reasons, including the level of funds available to the EDA at the time. This proposal has not been formally denied by the EDA but is considered an inactive proposal at this time.

The Marquette County EDC may elect to do several things: 1) Withdraw the proposal, 2) withdraw and submit a new proposal, or 3) modify the existing proposal to reflect current needs and availability of other funds and to provide necessary additional information which will enable the EDA to review the request for FY 1996.

Mr. Scherbenske further explained that the window for preapplication on a defense conversion grant is wide open. The EDA needs reaffirmation if it is the County’s plan to proceed with the EDC’s grant proposal. If the EDA likes the proposal they will ask for final plans. Mr. Scherbenske has also met with Brian Swift, the Governor’s U.P. Representative, and explained that the EDC wants to remain the lead agency. It is not known at this time whether or not the Michigan Jobs Commission will pursue an EDA grant on its own. Mr. Scherbenske will also speak to the Base Conversion Authority/Michigan Jobs Commission regarding the EDA grant. He believes it
would not be in the best interests of Marquette County should both agencies present an EDA grant application. The Marquette County EDC is prepared to start tomorrow on a list of modifications to the grant proposal.

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

* * * * * *

The Committee considered a recommendation from Dennis Aloia, County Administrator, regarding the Renaissance Zone study by a newly formed seven member committee. Administrator Aloia reported that the CRC (Citizens Research Council) has expressed an interest in doing an analysis, also Northern Michigan University and the University of Michigan, however, there will be a cost involved with these. CUPPAD will do both an analysis and help prepare an application at no cost to the County. Administrator Aloia recommends that he will pass his information onto Comm. Bergdahl and Minelli, to take to its committee meeting. Any cost to do a study that would be recommended by this committee would have to receive approval from the County Board.

It was moved by Comm Rapport, seconded by Comm. Minelli and unanimously carried by voice vote to place the information on file.

* * * * * *

The Committee considered a resolution from Saginaw County opposing cuts in the Older American Act. As part of the budget deliberations of FY 1996 there is a proposal in Congress to cut funding for the Older Americans Act by $121 million. Four programs providing services for Older Americans would be totally eliminated, along with all research and training funded through the Act. In addition to cuts in the Older Americans Act, Congress is proposing to cut or eliminate a number of other programs providing assistance to the low-income elderly, including the low income home energy assistance program, senior volunteer programs, and low income and senior housing.

It was moved by Comm. Braamse, seconded by Comm. Rapport, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board adopt a similar resolution opposing cuts in the Older Americans Act.

* * * * * *

The Committee considered a notice from the Honorable Raymond J. Jason, 25th Circuit Court Judge, that it is his intention to retire for current health related reasons effective January 1, 1996.

It was moved by Comm. Arsenault, seconded by Comm. Rapport, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board accept Judge Jason's resignation with regret and provide the proper appreciation for Judge Jason at the appropriate time.

* * * * * *

The Committee considered the Marquette County Trial Court Judges salary increases. Civil Counsel David Payant explained the two main issues involved: First, the statutory scheme for compensating State Trial Court Judges shows that it was the intention of the Legislature that Trial Court Judges always be compensated according to a "tie bar" percentage of the State Supreme Court Justice's Salaries. The history of the "tie bar" statute show that in every case since 1981 judicial pay has been increased so that it always tracks with a fixed percentage to the salaries of the State Supreme Court Justices. The State Officers Compensation Commission's decision to raise salaries for Supreme Court Justices could have been rejected by the State Legislature, they have 60 days to do so. Once the State Legislature fails to reject these pay increases, the "tie bar" statute requires that the increases be passed along, which is a legal requirement that the Supreme Court cannot refuse to implement. Therefore, the "tie bar" creates a legal obligation, and is not retroactive pay.
Second, the Michigan Supreme Court moved funds within the judiciary budget in order to provide for the pay increases. Under the State Constitution Michigan has one unified Court of Justice, therefore, the Supreme Court has the authority to determine matters concerning the administration of lower courts. That power includes the power to determine the reasonableness of expenses which lower courts find necessary for judicial administration and for which County Officers have declined to pay.

Commissioners noted that in a letter to Michael Anderegg, Probate Judge, from Jack Crandall, Region IV Administrator, State Court Administrative Office, Mr. Crandall is recommending that standardization payments made to Marquette County be stopped. If this recommendation is implemented the County would then be liable for each Judge’s entire salary. Mr. Crandall also contends that if the County fails to pay the salary within 15 days of it having been earned, the penalty for failing to pay the salary is 2-1/2 times the amount due.

County Administrator Dennis Aloia noted that Marquette County has not yet received the “pass through” funds for the salary increase of the Marquette County Judges. He does not believe it is because of Mr. Crandall’s recommendation but rather that the State is just late in distributing the funds.

It was moved by Comm. Seppanen, seconded by Comm. Arsenault, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve the 3% State funded salary increase for Marquette County Judges and pay the increase when Marquette County receives the State funds.

* * * * * *

Comm. Bergdahl was excused from the Committee of the Whole meeting at 6:32 P.M.

* * * * *

The Committee reviewed an "Information Alert" provided by Robert Menard, President of the Michigan County Road Commission Association. The alert contends that because the Governor has been unable to get his way with the Gas Tax he has decided to try to eliminate the source of his opposition. Some of the ideas being considered are eliminating Road Commissions all together or consolidating several into one. The Governor has enlisted some influential and high profile people including Richard Studley, Senior Vice President of Government Relations for the Michigan Chamber of Commerce and Pat Nowak, Director, Michigan Department of Transportation, who are working on ways to eliminate Road Commissions.

What the Governor has been successful in doing in his latest attack is to draw attention away from the irresponsible way he has reacted to the need for an increase in the Gas Tax and is instead playing politics at the expense of our local road systems. This means the Governor has so muddied the waters that we can expect political paralysis in our State Legislature. If nothing gets done before the end of 1995, nothing is likely to be done in 1996 because it is an election year.

The Michigan County Road Commission Association intends to continue to make a case for the need to increase revenue substantially so that they can begin to address the many delayed improvements needed to our local road systems. They also intend to get the message out to the general public and to our Legislators.

It was moved by Comm. Trudell, seconded by Comm. Minelli, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board send Mr. Menard’s “Information Alert” to our State Legislators.

* * * * *

Chairperson Corkin read a letter entitled “Response Concerning County Airport Move and Approval of Renaissance Zone.” Comm. Joseph felt the letter had a negative tone to it, which would only aggravate the situation. He felt that we should express our concerns in a more positive way. Several Commissioners agreed with Comm. Joseph.

Comm. Arsenault believed the letter to be mostly factual. He recently presented similar information to a group of businessmen and once they knew the facts they understood the situation. He felt it important for the County Board to get this information out.
It was moved by Comm. Seppanen, seconded by Comm. Arsenault, and carried by voice vote 6 Ayes (Comm. Seppanen, Angeli, Arsenault, Rapport, Trudell and Corkin) to 3 Nays (Comm. Braamse, Joseph and Minelli), that the Committee of the Whole recommend the County Board submit the "Response Concerning County Airport Move and Approval of Renaissance Zone" to the media as a guest editorial.

* * * * *

The Committee considered UPCAP naming Bernard Bouschor, Chairman and Executive Director of the Sault Ste. Marie Tribe of Chippewa Indians, as U.P. Person of the Year.
It was moved by Comm. Arsenault, seconded by Comm. Seppanen, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board direct the County Clerk to write a resolution honoring Bernard Bouschor for the December 5, 1995 County Board meeting and for presentation to Mr. Bouschor at the dinner in his honor on Friday, December 8, 1995 at the Sault Ste. Marie Ramada Inn.

* * * * *

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

It was moved by Comm. Arsenault, seconded by Comm. Trudell and unanimously carried on a roll call vote 9 Ayes (Comm. Arsenault, Angeli, Braamse, Joseph, Minelli, Rapport, Seppanen, Trudell and Corkin) to 0 Nays that the Committee of the Whole go into closed session to discuss pending litigation RE: Williams vs. Marquette County Health Department et al.

Comm. Minelli and Comm. Rapport were excused from the meeting at 6:56 P.M.

Chairperson Corkin declared a brief recess in order to clear commission chambers.

........................................

CLOSED SESSION

........................................

The Committee of the Whole came back into open session. No action was forthcoming as a result of the closed session.

There being no further business, the meeting was adjourned at 7:12 P.M.

Respectfully Submitted,

........................................

David J. Roberts
Marquette County Clerk

........................................

Z
1. ROLL CALL.
3. PUBLIC COMMENT.
4. APPROVAL OF THE AGENDA.
5. Review of Claims and Accounts.
6. Special Medical Enforcement Cooperative Reimbursement Program Contract from Carolyn L. Hanson, Friend of the Court.
7. Request from County Treasurer, James Sodergren, to restore the position in the Treasurer's Office before the January 1, 1996 Layoff.
8. Information from James Sodergren, County Treasurer, regarding Tax Agreement between CCI and Republic/Humboldt Townships.
10. Recommendation from Ron Koshorek, Director, Resource Management, to Accept Two Grant Agreements from the Michigan DNR for Big Bay Harbor Projects.
11. Recommendation from George Wright, Facilities Manager to Award the Jail Painting Project.
12. Prioritization of Airport Improvement Projects from Hal Pawley, Airport Manager.
13. Memos regarding Soil Survey Contract Extension and Move to the County Airport.
14. Concerns from Skandia/West Branch Townships regarding Membership of the Marquette County Central Dispatch 911 Policy Board.
15. Lead Agency for EDA Grant?
16. Recommendation from Dennis Aloia, County Administrator, regarding Renaissance Zone Study (Materials Forthcoming).
17. Resolution from Saginaw County Opposing Cuts in the Older Americans Act Program.
19. 
20. 
21. 
22. 
23. PUBLIC COMMENT.
24. ANNOUNCEMENTS.
25. CLOSED SESSION: To Discuss Pending Litigation RE: Williams vs. Marquette County Health Department, et al.
26. ADJOURNMENT.

HAPPY THANKSGIVING!!!