BOARD OF COMMISSIONERS  COUNTY OF MARQUETTE  JULY 30, 1996

The Marquette County Board of Commissioners met in Regular Session on Tuesday, July 30, 1996 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. Rapport, seconded by Comm. Arsenault and unanimously carried by voice vote that the minutes of the July 16, 1996 Regular Board Meeting be approved.

Chairperson Corkin read the following proclamation declaring August 15th through August 25th as National Rehabilitation Week:

PROCLAMATION
DECLARING AUGUST 15TH - AUGUST 25TH AS NATIONAL REHABILITATION WEEK

WHEREAS, Upper Michigan Rehabilitation Center-MGH, Marquette, MI, is observing and celebrating National Rehabilitation Week beginning August 15; and

WHEREAS, the Marquette County Board of Commissioners recognizes and values the education, social and humanitarian contribution of its many citizens with disabilities, and

WHEREAS, those citizens have found hope, spirit and dignity through the services of rehabilitation medicine; and

WHEREAS, the rehabilitative services throughout our nation help to restore people with disabilities to independent, productive and fulfilling lives; and

WHEREAS, the Marquette County Board of Commissioners is proud and honored to have Upper Michigan Rehabilitation Center’s quality and progressive rehabilitative facilities in the County of Marquette.

NOW, THEREFORE, BE IT SO RESOLVED that the Marquette County Board of Commissioners proclaim August 15 through 25 National Rehabilitation Week and encourage all citizens to renew their commitment to people with disabilities and to the efforts of rehabilitative medicine improving the quality of life.

Adopted this 30th day of July, 1996
Gerald O. Corkin, Chairperson
Marquette County Board of Commissioners

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Chairperson Corkin opened the meeting for public comment.

Cindy Bertucci, Sunccliffe Drive, Ishpeming City, expressed concern regarding water damage at her home. She read Gordon Uren’s, Building Code Department, memo to Ron Koshorek which indicated that the drain tile had been installed as required but there was no drainage discharge, however, Mr. Sicotte, the Building Inspector, never found rock and gravel as required by code. There is also no rock or gravel underneath the floor of her home which is less than two years old. She has copies of all the permits of her home and what Mr. Sicotte listed as things that were wrong during construction. In total thirty things were listed for correction along with three extra items; the water was not properly flowing away from the foundation, the drain tile was not installed properly, and some drywall was improperly installed.
Both Mr. Sicotte and Mr. Uren were informed that all landscaping was done by the contractor. She realizes that Building Inspectors cannot be watching the contractor all the time, however, they are there to protect the homeowners and the homeowners on Sunciffe Drive were not protected. The basic four inspections, framing, rough electrical, foundation, and plumbing may have been done, but the State Bureau of Building Codes informed Ms. Bertucci that drain tile must also be inspected.

Chris Hough, Sunciffe Drive, Ishpeming, Michigan, expressed concern about the report from Mr. Uren to Ron Koshorek. The report was done by the word of Mr. Sicotte and the Contractor. Mr. Uren never contacted any of the homeowners. As far as foundation liability, these homes are built with wooden foundations. Ms. Hough has learned that this type of foundation should not have been built in these types of soils. The builder should have been following certain steps that are clearly outlined in the Building Codes, however, it passed the County Inspector’s reports. There is no gravel underneath their foundations or a sump system. She believes both the Contractor and the Building Codes Department are responsible and wants the County to assist with the repairs of their homes.

Mary Rosten, Sunciffe Drive, Ishpeming, Michigan, pointed out her house is the worst case of all the homes damaged by water. Her foundation walls are collapsing and cannot be fixed. Their home was appraised at $94,000 three weeks before the flooding. The record snowfall is not the real cause of the problem. If proper procedures were followed during the construction the water damage would not have occurred.

Ms. Rosten reported that it clearly states in the Building Code Manual, that an Inspector is supposed to carry this manual on all inspections. The proper procedures are outlined for construction of homes with wooden foundations in swampy soils. The potential problems should have been obvious to the inspector. The code calls for higher foundations, silty soil hauled out, gravel hauled in. Her home is not off by just a few inches but is off by feet. The walls of her foundation are bowing and it is very risky at this point to raise her home. The void under her foundation is filled with six to nine inches of water.

Ms. Rosten contended if her house is not corrected immediately it will be a total loss. She is concerned that some of her neighbors may be in the same situation come next spring.

Civil Counsel, David Payant, explained that it is not the Building Code Inspector’s practice to go back out after every inspection, nor can they guarantee that every phase of construction is done correctly. At the time of the inspection the drain tile was in place.

Ron Koshorek indicated that this is not a closed matter and the County will attempt to get compliance by the Contractor and cooperate with the State of Michigan.

Chairperson Corkin pointed out that the Building Codes Department usually gets complaints because they are too tough on contractors. The Building Code Department has been in place since 1975 and has a record of no lawsuits. We are not going to debate the matter but work with the State, the homeowners, and the contractor to get the matter resolved.

John Korhonen, Ishpeming City Manager, and member of the Resource Development Council of Michigan, provided a followup report on the negotiations with AMR Eagle regarding the transfer of their maintenance facility to KI Sawyer. Mr. Korhonen introduced Dr. David Skjaerlund, Deputy Director of the Michigan Department of Agriculture, and the Executive Director of the Rural Development Council of Michigan. Mr. Skjaerlund presented a summary of issues facing Marquette County from an outside prospective regarding KI Sawyer redevelopment. The major issues that must be resolved in order to continue to move forward: 1) Ownership - The restoration issue must be resolved between the State and Federal Government, 2) Governance - A clear governing authority for the Base must be established because the Michigan Jobs Commission wishes to pass on the governance to local leadership by September, and 3) Airport Relocation - A decision must be made by the County to move the County Airport to Sawyer. Without this decision, funding options will not be available. Mr. Skjaerlund further reviewed the various time tables and funding opportunities with suggestions for fiscal planning and strategy. He again emphasized it is imperative that a resolution be made to move the County Airport from the present location as soon as possible. Any delay in this decision will delay funding applications and thus delay AMR from starting their move.
Chairperson Corkin thanked the Resource Development Council of Michigan for making the KI Sawyer redevelopment their number one project and looks forward to working with them.

Bev Patrick, Snowfield Road, Negaunee Township, expressed her concern about moving the County Airport to KI Sawyer. Spending the amount of money the move will cost does not make sense. The present Airport is a beautiful Airport and in a beautiful location.

Sam Elder, Marquette, contended that the County Board must move the present Airport to KI Sawyer. He suggested Commissioners look at the two Airports and ask themselves which one has the most potential? There is no question that it is KI Sawyer. The present County Airport is totally surrounded by development, or roadways, or a rock outcropping which must be dynamited if it is expanded. Greiner estimates that huge sums of dollars are required to bring the County Airport up to proper standards. This money would be better spent at KI Sawyer. Mr. Elder has 25 years of experience in the real estate business and believes that KI Sawyer presents the biggest opportunity for County development in 25 years.

Brian Rochon, W. Nicolet, Marquette, expressed opposition to moving the County Airport. How bad the present Airport is weatherwise and safetywise is very much exaggerated. He also noted that up until now the American Eagle project has been a separate issue from moving the Airport but tonight the RC&D of Michigan is claiming it is not a separate issue. He noted the Board passed a motion over a year ago that it would move the County Airport if it was financially feasible, now it is being said that in order to make it financially feasible a decision to move must be made.

It was moved by Comm. Braumse, seconded by Comm. Trudell that the agenda be approved with the following late additions: Item 11a) Office of Highway Safety Planning "Cops in Shops" grant, and 11b) Formation of an Ad Hoc Committee to Work with the Lake Superior Jobs Commission to Identify and Procure Grant Funding.

PRIVILEGED COMMENT

Gerard Markey, Equalization Director, spoke regarding a public hearing on the proposed repeal of the Mining Reclamation Act. Mr. Markey explained that Public Act 92 of 1970 requires that when a mining operation is shut down the Mining Company is responsible to reclaim the property back to a useable state. The State Geologist wants to abolish Public Act 92 because the State does not provide the funding nor staff to enforce the Act. Mr. Markey would like to attend a public hearing being held in Lansing on Wednesday, August 7th, to speak in opposition to abolishing the Act and instead request the Act funded and enforced properly. As of 1997 the Republic Mine will be permanently closed. If this Act is abolished there will be no cleanup, no sloping, no environmental remediation, etc. We must do what we can to keep this Act on the books.

James Sodergren, Marquette County Treasurer, made the following statement regarding the Mining Reclamation Act:

Public Act 92 of 1970 became effective 26 years ago. I don't think any of us know to what extent the Chief Geologist has taken to administer the Act. With the closing of the Republic Mine now in progress I find it strange that the department is now seeking to repeal the Act.

As we head into the next century and our reserves become depleted, it is mandatory that a plan and survey, as provided for in the Act, is in place and enforced. These considerations should be made here at the local level by competent professionals administered by a Marquette Range Resource and Rehabilitation Board, similar to the Minnesota Iron Range Resource and Rehabilitation Board (IRRRB). The future and destiny of this County should be in the hands of the citizens of Marquette County and we should not be dependent on an agency in Lansing that apparently does not have the resources to administer the Act.
I believe it is necessary for Marquette County to be represented at the hearing. I also would like to suggest that David Payant, Chairperson Corkin and Rep. Prusi be contacted and asked to attend the hearing. Further discussion with Rep. Prusi regarding a royalty tax to fund and implement a Marquette Range Resource and Rehabilitation Board should be scheduled.

Submitted by,
James F. Sodergren
Treasurer

Chairperson Corkin reported that he has already spoken with Rep. Prusi. Unfortunately, Mr. Prusi has another commitment and cannot attend the hearing. Chairperson Corkin would like to attend and also recommended that Civil Counsel Payant attend the meeting.

It was moved by Comm. Seppanen, seconded by Comm. Arsenault and unanimously carried by voice vote that the County Board approve and direct that Equalization Director Gerard Markey, Civil Counsel David Payant, and Chairperson Corkin attend the public hearing in Lansing on Wednesday, August 7th to speak in opposition of repealing the Mine Reclamation Act (P.A. 92 of 1970).

INFORMATIONAL ITEMS

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

9. INFORMATIONAL ITEMS:
      (Comm. Arsenault reported that a Committee comprised of himself, Assessor Howard Robare, Township Supervisor Sarah Pelto, Equalization Director Gerard Markey, and Civil Counsel Payant are meeting every two weeks. It appears that the Huron Mountain Club has somewhat backed off, however, the Committee is trying to assess their new position. Powell Township, however, is not backing off. The Committee believes that the Huron Mountain Club has been assessed fairly.)
   b. Communication from Norman Holmes, Chairperson, Planning Commission, regarding
      Draft Soil Erosion and Sediment Control Ordinance.
   d. Communication from N. Doug Hope, Manager Corporate Real Estate, AMR Eagle, Inc.
      regarding Regional Maintenance Base Relocation.

ACTION ITEMS

It was moved by Comm. Trudell, seconded by Comm. Rapport and unanimously carried by voice vote that Action Items 10a and 10b be approved as follows:

10a) A Committee of the Whole Recommendation that the County Board adopt a resolution supporting the existing U.P. Area Agency on Aging, resolution as follows:
RESOLUTION IN SUPPORT OF THE UPPPER PENINSULA AREA AGENCY ON AGING

WHEREAS, UPCAP Services, Inc., has served as the Upper Peninsula Area Agency on Aging (U.P. AAA) since 1974, and

WHEREAS, The U.P. AAA, in conjunction with local Aging service providers, has developed a comprehensive and coordinated Aging network throughout the Upper Peninsula, and

WHEREAS, the U.P. AAA, has developed an effective working relationship with all 15 counties of the Upper Peninsula and includes representation from each county on its Board of Directors, and

WHEREAS, the existing Upper Peninsula Aging network has and continues to target services to the frail, low-income, and minority elderly, and

WHEREAS, the Aging network includes minority service provider representation from the Keweenaw Bay Indian Community, Bay Mills, Sault Ste. Marie Tribe of Chippewa Indians, and the Inter-Tribal organization, and

WHEREAS, splitting up and fragmenting this closely-knit Aging network could prove to be detrimental to the U.P. AAA, Aging service providers, and the close association and unity among Upper Peninsula counties.

THEREFORE, BE IT RESOLVED that the Marquette County Board of Commissioners wholeheartedly supports the existing U.P. AAA and Upper Peninsula Aging Network and opposes the creation of another Planning and Service Area (PSA) and development of a new Area Agency on Aging in the Upper Peninsula.

BE IT FURTHER RESOLVED, that the Marquette County Board of Commissioners urges its fellow Upper Peninsula counties to adopt a similar resolution to support and assure U.P.-wide continuity and cohesiveness.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the chairperson of each of the 15 Upper Peninsula county boards, the U.P. AAA, and the Michigan Office of Services to the Aging.

Adopted this 30th day of July, 1996
Gerald O. Corkin, Chairperson
Marquette County Board of Commissioners

10b) A Snowmobile Enforcement Grant Program Application for the Sheriff’s Department amounting to $18,147 with no local match required. Undersheriff Mike Quayle was present and pointed out that this Grant Application will give 800 plus hours of snowmobile patrolling and enforcement time. Last winter’s snowmobile season involved a number of unfortunate accidents and deaths and hopefully this grant will help prevent such occurrences.

The County Board received a report from Ron Koshorek, Interim Administrator, regarding the AMR Eagle negotiations. AMR Eagle will prepare a letter of understanding with the cooperation of Civil Counsel which should be complete in two weeks.

LATE ADDITIONS

The County Board considered a grant application to the Michigan Office of Highway Safety Planning for overtime law enforcement to conduct the “Cops and Shops” Program in Marquette County. Undersheriff Michael Quayle was present and explained that this grant is a 100% funded grant for $10,003.23 which provides for a continuation of the Marquette County Team Voice. This program is intended to increase partnership between police and store owners by targeting underaged youth attempting to purchase alcohol or adults who are attempting to purchase alcohol for youths.
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MARQUETTE COUNTY BOARD OF COMMISSIONERS  
Regular Meeting, Tuesday, July 30, 1996 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.
3. APPROVAL OF THE MINUTES OF THE COUNTY BOARD OF COMMISSIONERS REGULAR MEETING HELD ON JULY 16, 1996.
4. PROCLAMATIONS, PRESENTATIONS AND AWARDS.
   a. Proclamation Declaring August 15 through August 25 as National Rehabilitation Week.
5. PUBLIC COMMENT. (time limit 20 minutes total)
6. APPROVAL OF THE AGENDA.
7. PUBLIC HEARINGS.
8. PRIVILEGED COMMENT:
9. INFORMATIONAL ITEMS:
   b. Communication from Norman Holmes, Chairperson, Planning Commission, regarding Draft Soil Erosion and Sediment Control Ordinance.
   d. Communication from N. Doug Hope, Manager Corporate Real Estate, AMR Eagle, Inc. regarding Regional Maintenance Base Relocation.
10. ACTION ITEMS:
   a. Committee of the Whole Recommendation to Adopt a Resolution Supporting the Existing U.P. Area Agency on Aging.
   b. Snowmobile Enforcement Grant Program Application from Sheriff Joseph Maino.
   c. Report from Ron Koshorek, Interim Administrator, regarding AMR Eagle Negotiations.
11. LATE ADDITIONS:
   a. "Cops n Shoppers" grant 01/5  
   b. "Ad hoc committee to work on"
12. PUBLIC COMMENT. (time limit 20 minutes total)
13. COMMISSIONERS COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS.  
    Reminder: No County Board Meeting next Tuesday, August 6, 1996
14. ADJOURNMENT.

DON'T FORGET TO VOTE ON AUGUST 6TH!!!