BOARD OF COMMISSIONERS  COUNTY OF MARQUETTE  SEPTEMBER 15, 1998

The Marquette County Board of Commissioners met in Regular Session on Tuesday, September 15, 1998 at 7:00 p.m. in Room 231 of the Henry A. S. C. Annex, Marquette, Michigan.


Chairperson Corkin declared a moment of silence in honor of Comm. Leonard (Mike) Angeli, District 1, who passed away Saturday, September 12, 1998.

MOMENT OF SILENCE

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

It was moved by Comm. Arsenault, seconded by Comm. Tuominen and unanimously carried by voice vote that the minutes of the Special County Board Meeting held on August 25, 1998 and the Regular Board Meeting held on September 1, 1998 be approved.

PROCLAMATIONS, PRESENTATIONS AND AWARDS

Chairperson Corkin read the following proclamation:

DECLARATION IN OBSERVANCE OF
September 21-27, 1998
as
POLLUTION PREVENTION WEEK

WHEREAS, the County of Marquette takes great pride in the state’s natural resources and supports a clean and safe environment; and

WHEREAS, pollution prevention, also known as source reduction, is a progressive approach that eliminates or reduces pollution at its source; and

WHEREAS, pollution prevention is the most environmentally sound method of protecting our natural resources; and

WHEREAS, pollution prevention can improve environmental conditions and maintain the health and safety of workers in the workplace; and

WHEREAS, pollution prevention can increase industrial efficiency, commercial competitiveness, and can save participating businesses time and money; and

WHEREAS, by focusing proactively on pollution prevention, Michigan can meet the challenges of having both a healthy community and business environment for its citizens; and

WHEREAS, Pollution Prevention Week is an opportunity for government to join forces with business, industry, environmental groups, community organizations, and the citizenry at large to take action toward a prosperous and sustainable future;

NOW, THEREFORE, be it resolved that September 21-27, 1998 is POLLUTION PREVENTION WEEK and the County of Marquette does hereby urge all community members and business of Marquette County to participate in local and regional celebratory and educational activities.

Adopted this 15th day of September, 1998

Gerald O. Corkin, Chairperson
Marquette County Board of Commissioners

Chairperson Corkin opened the meeting for public comment. Chuck Pierson, Hematite Drive, Ishpeming, distributed packets of information to Commissioners regarding Building Code requirements. He will be at next week’s meeting for further discussion. Mr. Pierson also noted that Administrator Powers in a recent newspaper interview mentioned that does not have control over all County employees. Mr. Pierson contended that if Administrator Powers cannot control all County employees then he should not get a raise in pay.

There being no further public comment, Chairperson Corkin closed this portion of the meeting.
BOARD OF COMMISSIONERS       COUNTY OF MARQUETTE       SEPTEMBER 15, 1998

It was moved by Comm. Arsenault, seconded by Comm. Seppanen and unanimously carried by voice vote that the agenda be approved with the following deletions: 10b) Committee of the Whole Recommendation that the County Board Approve Proposed Various Health Department Fee Adjustments and Item 14) Closed Session to Discuss Pending Litigation RE: Carlson vs. Marquette County et al.

PRIVILEGED COMMENT

John Fallon, IBF, Inc., provided an update on the County Airport Reuse Committee. Mr. Fallon noted that 400 solicitations were sent to various companies and agencies around the midwest, these solicitations included 10 major newspapers in Michigan and the six state surrounding area. Four proposals were received and two bidders have been dropped with two proposals being considered for further evaluation. A recommendation on the proposals will be forthcoming to the County Board on November 12, 1998. He will be meeting again next week by phone with the bidders to review and solidify conclusions.

On behalf of the County Board, Chairperson Corkin thanked Mr. Fallon for the update.

INFORMATIONAL ITEMS

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

a. Letter from U.S. Senator Carl Levin regarding His Recent Trip Through the U.P.
b. Sawyer Airport Relocation Projects.
c. Thank You Letter from Michael Allkins, Ed.D, President, Bay de Noc Community College, for Marquette County’s Support for a Regional Technical Training Center.
d. Reception Marking the Transfer of the Cliffs Shaft Mine from Cleveland-Cliffs to Marquette Range Iron Mining Heritage Theme Park, Inc., Thursday, September 17th, 5:00 to 7:00 P.M., US Ski Hall of Fame, Ishpeming.

ACTION ITEMS

It was moved by Comm. Seppanen, seconded by Comm. Rapport and unanimously carried by voice vote that Action Items 10c, 10d, 10e, 10f, 10g, 10h, 10i, and 10j be approved as follows:

10c) Committee of the Whole Recommendation to approve a $2.1 million EDA Financial Assistance Grant, which requires no local match, for the development and operation of a marketing program for Marquette County, land surveying, subdivision and related record development for property on the former Sawyer Air Force Base, and design of a GIS System for the Base and surrounding area.

10d) Committee of the Whole Recommendation to approve of a Heat Conversion Bid to Dresseler Mechanical for Building No. 504 (Naval Reserve Building), bid amount $28,990.

10e) Committee of the Whole Recommendation to approve of the Lease Amendment to the Sawyer 25 year lease by adding Buildings No. 400 and 407.

10f) Committee of the Whole Recommendation directing Staff to negotiate a purchase price for the acquisition of real estate (forest lands in Forsyth Township) for up to the appraised value with funds for purchase to come from the County Forestry Fund.

10g) Committee of the Whole Recommendation to award a bid to Pellow Roofing for the Annex and Barrier Free Connective Roof Replacement Project, bid total amounts to $67,857 which includes architect fee, construction alternate 1, and voluntary alternate 2. The roof has a 20 year life with a five year warranty and Pellow Roofing will repair any leaks during that five year period free of charge.
10h) Committee of the Whole Recommendation to approve the 1999 Medical Support Enforcement Contract Application with the State of Michigan for the Friend of the Court in the amount of $28,767, resolution as follows:

RESOLUTION

TITLE IV-D MEDICAL SUPPORT ENFORCEMENT CONTRACT AGREEMENT

The Friend of the Court has received approval of a Title IV-D Medical Support Enforcement Agreement with the Family Independence Agency beginning October 1, 1998 and ending September 30, 1999.

BE IT RESOLVED THAT:

1) The Family Independence Agency Title IV-D Medical Support Enforcement Agreement, be and hereby is approved in its entirety; and

2) The Chairperson of the County Board of Commissioners is hereby authorized to execute said Agreement on behalf of the County Board of Commissioners.

Adopted this 15th day of September, 1998
Gerald O. Corkin, Chairperson
Marquette County Board of Commissioners

10i) Committee of the Whole Recommendation to approve the draft copy of the FY 1999 Emergency Management Work Agreement for forwarding to the Michigan State Police Emergency Management Division.

10j) Committee of the Whole Recommendation to approve the Secondary Road Patrol and Traffic Accident Prevention Program Grant Application, total allocation for FY 1999 would be $104,190 requiring a local match of $4,000 which is already consistent with the 1999 budget recommendation.

ACTION ITEMS CONTINUED

10a) The County Board considered a Committee of the Whole Recommendation to request that the Building Codes Department use the higher exposure factor of .9 x 60 (the ground snowload factor) throughout Marquette County, direct County staff to work with the Home Builders' Association to compile the information needed to change the State Construction Code, and further request our Legislators to allow for more local authority to change the Construction Code based upon climatic conditions.

Harley Andrews, Chief Civil Counsel, provided a written opinion regarding roof snowload standards. Mr. Andrews briefly summarized his opinion by noting that the County Board does not have the authority to amend the Building Code nor does it have the power to direct the Building Code Department on how to interpret the Construction Code. The administration and enforcement of the Michigan Construction Code shall be the responsibility of the enforcing agency. Therefore, it is his recommendation that the County Board not "recommend or request" the Building Codes Enforcement Officials as to how they should exercise their professional judgment in the administration and enforcement of the State Building Code. The most appropriate way for the County Board to become involved with the issue is to seek, to initiate, or support revisions to the State Construction Code which would either require the higher snowload standard or would restore to the local code enforcement officials the discretion to require the higher standard in situations that deem appropriate taking into account the local climatic conditions. Mr. Andrews also recommended that the Board make a detailed inquiry into the need for such modifications to the Building Code which would enhance its credibility on the issue.

Gary Niemala, Skandia Truss, was present and explained that the Home Builders' Association is not asking the Board to amend the Code but to use the higher exposure factor that is already in the Code. Mr. Niemala contended that from information he has received local government has always had the authority to override the State Code if the necessary climatic conditions exist. The public assumes that Building Codes are fail-safe and that all buildings should withstand the snowloads. The existing code is adequate if it is enforced properly and he urged the County Board to direct the Building Codes Department to adopt a local snowload increase. Roof failures are too serious to be ignored and the ultimate authority lies with the County Board.
Chuck Pierson, Hematite Drive, Ishpeming, also was present and contended that in Section 106.4 of
the BOCA Code it provides that alternatives to the Code can be approved by the local government. He
contended that if the Code provides a minimum electrical standard for a very thin wire if this does not prevent
using a wire as thick as his finger.

Don Paulosky, Executive Director of the Home Builders' Association noted that Alger County uses both
the 70 pound and 60 pound ground snowload factor but enforces a .9 exposure factor throughout the County.
Houghton County uses a .9 exposure factor, and L'Anse Township uses a .9 exposure factor.

Jorma Lankinen, Contractor, spoke in favor of increasing Code requirements for the utilization of
stronger trusses rather than following bare minimum standards.

Gordon Uren, Marquette County Building Official, was present and explained that the section being
quoted by the Home Builders' Association was amended by the State Construction Code of 1993 and noted that
the State ground snowload must be used. The Code also defines exposure factors and the .9 is to be used in
dense pine forests and sheltered areas where no solar or wind sweeping is available. The exposure factors are
site specific. Mr. Uren further explained that the Building Codes Department could tell everyone that they
must use the .9 exposure factor but then citizens could easily accuse the Building Codes Department of causing
them extra expense in the construction of their buildings, homes, or businesses. The BOCA Code provides
for specific formulas that must be followed.

Mr. Uren also noted that the Building Code Department does not design buildings. Any contractor can
design and build anything stronger and he encourages them to do so. The snowload factors are based upon
recurrence rates. For a garage it is 25 years, a house it is 50 years, and for heavy use buildings it might be
100 years. That means for a garage the snowload factors might exceed the minimum standards once every 25
years and twice in 50 years for a home. The record shows that occurred in the winters of 1995/96 and 1996/97
may not occur again for 100 years or may occur again this winter. If we have heavy snows then people should
take precautions and shovel their roof.

Mr. Uren is not against amending the Construction Code, however, the appropriate course of action
would first be to gather technical information which includes compiling insurance claim information,
information from tax assessors, contractors, and snowfall data. Most roofs that collapsed recently in Marquette
County were older buildings which were built prior to the current code requirements. Also, many structures
have had their roofs altered through various remodeling projects. Mr. Uren does not argue that stronger roof
trusses may be more desirable but before the County Board can support any changes to the existing Code there
should be some strong technical support for its position.

It was moved by Comm. Rapport, seconded by Comm. Seppanen, and unanimously carried by voice
vote that the County Board direct County Staff to work with the Home Builders' Association to compile the
technical information needed to amend the State Construction Code and further request that legislation be
allowed to provide more local authority to change the Construction Code based upon local climatic conditions.

10b) The Board considered the Wetland Mitigation Plan for the Marquette General Hospital Assisted
Living Facility. Jim Compton of Sundberg, Carlson, Associates, provided the Plan and requested County
review. The Plan shows a .225 acre portion of wetland to be destroyed and mitigated by creating a .46 acre
wetland contiguous to the site's existing wetland.

A memo from Al Feldhaus, Senior Planner, notes that County Staff does not oppose the development
Plan as currently proposed for the Marquette General Hospital Assisted Living Facility. They recommend a
communication which indicates that the County waives further review and comment if the DEQ Notice indicates
the same development plan as provided by Sundberg, Carlson, Associates.

It was moved by Comm. Tuominen, seconded by Comm. Arsenault, and carried by voice vote 8 Ayes
to 0 Nays, 1 Abstention (Comm. Rapport), that the letter be sent to Ms. Joan Duncan, Michigan Department
of Environmental Quality, indicating that Marquette County does not oppose the development plan as currently
proposed for the Marquette General Assisted Living Facility.

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

There being no further business, the meeting was adjourned at 8:07 P.M.

Respectfully Submitted,

David J. Roberts
Marquette County Clerk
1. ROLL CALL.
2. SALUTE TO THE FLAG AND PLEDGE OF ALLEGIANCE.
4. PROCLAMATIONS, PRESENTATIONS AND AWARDS.
5. PUBLIC COMMENT. (time limit 20 minutes total)
6. APPROVAL OF THE AGENDA.
7. PUBLIC HEARINGS.
8. PRIVILEGED COMMENT:
   a. County Airport Reuse Committee Update (no packet materials).
9. INFORMATIONAL ITEMS:
   a. Letter from U.S. Senator Carl Levin regarding His Recent Trip Through the U.P.
   b. Sawyer Airport Relocation Projects.
   c. Thank You Letter from Michael Allkins, Ed.D, President, Bay de Noc Community College, for Marquette County's Support for a Regional Technical Training Center.
   d. Reception Marking the Transfer of the Cliffs Shaft Mine from Cleveland-Cliffs to Marquette Range Iron Mining Heritage Theme Park, Inc., Thursday, September 17th, 5:00 to 7:00 P.M., US Ski Hall of Fame, Ishpeming.
10. ACTION ITEMS:
   a. Committee of the Whole Recommendation that the County Board Request the Building Codes Department Use a Higher Exposure Factor for Snow Loads.
   b. Committee of the Whole Recommendation that the County Board Approve Proposed Environmental Health, Personal Health, and Dental Clinic Fee Adjustments.
   c. Committee of the Whole Recommendation to Approve a $2.1 Million EDA Financial Assistance Grant for Surveying and Marketing KI Sawyer.
   d. Committee of the Whole Recommendation to Approve the Heat Conversion Bid by Dresseler Mechanical for Building 504 at KI Sawyer.
   e. Committee of the Whole Recommendation to Approve a Lease Amendment to the Sawyer 25 Year Lease by Adding Buildings No. 400 and 407.
   f. Committee of the Whole Recommendation to Direct Staff to Negotiate the Purchase of Real Estate.
   g. Committee of the Whole Recommendation to Award a Bid to Pellow Roofing for the Annex and Barrier Free Connector Roof Replacement Project.
   h. Committee of the Whole Recommendation to Approve the FY 1999 Medical Support Enforcement Contract Application with the State of Michigan for the Friend of the Court.
   i. Committee of the Whole Recommendation to Approve the FY 1999 Emergency Management Annual Work Agreement to be Forwarded to the Michigan State Police Emergency Management Division.
   j. Committee of the Whole Recommendation to Approve the Secondary Road Patrol and Traffic Accident Prevention Program Application.
   k. Comments on Wetland Permit for Marquette General Hospital Assisted Living Facility at Former Brookridge Site.
11. LATE ADDITIONS:
   a.
   b.
   c.
12. PUBLIC COMMENT. (time limit 20 minutes total)
13. COMMISSIONERS COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS.
14. CLOSED SESSION TO DISCUSS PENDING LITIGATION RE: Carlson v. Marquette County, et al
15. ADJOURNMENT.