BOARD OF COMMISSIONERS COUNTY OF MARQUETTE JUNE 15, 1999

The Marquette County Board of Commissioners met in Regular Session on Tuesday, June 15, 1999 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. Rapport and unanimously carried by voice vote that the minutes of the June 1, 1999 Regular Board Meeting be approved.

Chairperson Corkin opened the meeting for public comment.

Arnold Sirtola, Ewing Township Supervisor, was present and expressed his concern regarding dust control on West Maple Ridge Road in Ewing Township which is the Township’s main thoroughfare. There is a three week long logging operation in the Escanaba State Forest with other logging sessions to follow. The dust from the logging trucks is creating a serious safety and health hazard. Walkers and bikers cannot be seen.

Mr. Sirtola attempted to contact Mike Etelamaki. He spoke with Dave Bleau, Road Commission Clerk who indicated the Road Commission would provide dust control for Ewing Township on a 50/50 cost basis. Ewing Township is very small with a total budget of $40,000 annually. Mr. Sirtola contended it is the Road Commission’s job to provide dust control.

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

It was moved by Comm. Bergdahl, seconded by Comm. Curto and unanimously carried by voice vote that the agenda be approved with the following additions: 8a) Privileged Comment - Sheriff Lovelace to Introduce Representatives from MSU Partnership in Community Policing. Informational Item 9e) Press Release on Sawyer International Airport: SIA Gets New Logo and Custom/Immigration Agent, and Late Action Items 11a) Lap Top Computers for KI Sawyer Development Department, 11b) Modified/Conditional Land Contract for Sawyer Arts and Crafts, 11c) Central Dispatch Radio Equipment Request, and 11d) License Agreement between the County of Marquette and the Cedarburg, Wisconsin School District.

PRIVILEGED COMMENT

Sheriff Mike Lovelace introduced Jean White and Gerry Boles from Michigan State University representing the Community Policing Partnership for Training. They are here to do a community policing planning survey of Marquette County.

Jean White extended her greetings from East Lansing. Michigan State University started the community policing program 26 years ago and are pleased that Marquette County is a participant. Currently MSU has 27 partners but Marquette County is the first one from the Upper Peninsula.

Gerry Boles noted that Jean White is the team leader while he works with Central Dispatch agencies. Community policing initiatives have been brought forth by Sheriff Lovelace and the Marquette County Board of Commissioners. It is important that the County Board be interested and involved. Ms. White and Mr. Boles will be traveling back and forth to Marquette County on several occasions and wanted to let Commissioners know who they are.

Chairperson Corkin expressed thanks for the two days of community policing partnership training at MSU in East Lansing. He noted that Gerry Boles is the former Police Chief of Lansing. The program was very informative and those involved are very knowledgeable.

INFORMATIONAL ITEMS

It was moved by Comm. Roberts, seconded by Comm. Joseph and unanimously carried by voice vote to place the following informational items on file:

BOAND OF COMMISSIONERS    COUNTY OF MARQUETTE    JUNE 15, 1999

a. Invitation to Submit an Application for Federal Assistance from the Chicago Regional EDA Office.
b. Letter from U.S. Senator Spencer Abraham regarding House Bill 111.
d. Memo from Michigan Sheriff's Association regarding Interpretation of 14 Day Health Appraisal "Rule 32."
e. Steve Powers, County Administrator, presented the Sawyer International Logo designed under contract by JBF Associates. He also announced that the U.S. Department of Treasury has assigned Reggie Gebo, U.S. Customs and Immigration Officer, to perform inspection and clearance services at Sawyer International Airport. Having a Customs Officer at Sawyer provides the opportunity for air traffic that is going elsewhere for border clearances. It gives Sawyer the competitiveness to go after international air cargo industries and other international air traffic.

ACTION ITEMS

10a) The County Board considered a Purchase Agreement for the Marquette County Airport. Steve Powers, County Administrator, previously distributed copies of the agreements which were consistent with the RFP's approved for distribution by the County Board. Also distributed in the packets were answers to a list of concerns raised at the last Committee of the Whole meeting. Attorney Dennis Girard is here to answer any further questions. Administrator Powers further noted that placing lands in trust is not a County issue or decision. That is a decision between the U.S. Government and the Keweenaw Bay Indian Community and is not part of the purchase agreements.

Attorney Dennis Girard noted a couple of items that Commissioners may be aware of but are worth repeating. The sale of the property is "as is, where is". Other items that may need to be addressed include airport leases, and if any additional environmental sites are located, which is highly unlikely. This is the sale of a parcel of land, with improvements, not contingent upon the KBIC relocating its casino or placing the lands in trust. The part of the property sold to O'Dovero Development is subject to Negaunee Township Zoning Ordinances and taxes. The KBIC purchased property, if placed in trust, will be subject to the applicable federal and tribal laws.

Attorney Girard recommended several small alternations to the Contract language since it was discussed at the Committee of the Whole meeting. First, a provision be added to the Contract requiring the KBIC Attorney, Joseph O'Leary, to provide an opinion to the County that the Tribe has taken all necessary steps to enter into this Purchase Agreement, that the Tribe is authorized to enter into the Purchase Agreement, and that upon the Contract being signed it will constitute a valid and binding agreement with the Tribe enforceable in Court. Second, if the Agreement is authorized to be signed by the County, that it be contingent upon the Agreement being executed by both of the purchasers within 10 days. The 10 day time limit seems reasonable to KBIC Attorney Joseph O'Leary and Mr. O'Dovero is ready to sign the agreement immediately.

Comm. Joseph thanked Attorney Dennis Girard, Administrator Powers, and Staff for answering his concerns. He is satisfied that the agreement with the County, the KBIC, and O'Dovero is equitable to all.

Chairperson Corkin noted the Purchase Agreement is a result of long and hard work with a sale price of $1.8 million. The project entails a proposed $30 to $50 million development providing approximately 300 to 400 jobs and will have significant impact on Marquette County. Chairperson Corkin thanked Wayne Schwartz, KBIC Tribal Chairperson, who was in attendance at the meeting.

It was moved by Comm. Curto, seconded by Comm. Arsenault and unanimously carried by voice vote that the County Board approve of the Purchase Agreement for the sale of the Marquette County Airport to O'Dovero Development and the Keweenaw Bay Indian Community noting that the Purchase Agreement is "as is, where is" and further that language be added to the Purchase Agreement with stipulates the Tribal Attorney will provide an opinion that the Contract is a valid contract with the KBIC, and further that the purchasers execute the Agreement within 10 days of the County Board's approval.

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

10b) Committee of the Whole Recommendation to approve Perkins Park Sewage Lift Station Contract with Associated Constructors, Marquette, in the amount of $37,500, funding to come from monies allocated and carried over as follows: 1997 PIF -$11,724, 1998 Forest/Recreation Fund - $12,960, and 1999 Forest/Recreation Fund $15,000, total budgeted expense $39,684.
10c) Committee of the Whole Recommendation to approve an Agreement with U.P. Engineers and Architects for the Big Bay Harbor Remediation Project, funding approved in 1998 CIP Budget in the amount of $35,000 carry forward to 1999 budget.

10d) Committee of the Whole Recommendation to proceed with the Scope of Work to seek proposals from qualified firms to provide planning services to develop a County-wide trail system, funds to come from Forest Recreation Fund, amounts determined after RFP’s.

10e) Committee of the Whole Recommendation that Marquette County adopt a Solid Waste Ordinance which provides that all solid waste generated within the County of Marquette be disposed of in the Marquette County Landfill unless transported outside the boundaries of the State of Michigan.

10f) Committee of the Whole Recommendation to approve an amendment to the Coastal Management Program Grant Application, the amendment would remove 1,800 parcels in Marquette Township from the Grant Application Budget Section and add 6,000 parcels for the City of Marquette thereby increasing GIS Grant Budget to $94,050 with $47,000 to come from the Coastal Management Program, Michigan DEQ, with the remaining $47,050 to be a local match, and further that the County Board direct Staff to seek grant funding the additional match funds required.

10g) Committee of the Whole Recommendation to approve a bid award for heat conversion of Buildings No. 730 and 741 at KL Sawyer, bid award to Industrial Piping Co. for $49,000, funding to come from Federal Heat Conversion Funds.

10h) Committee of the Whole Recommendation to adopt a resolution approving the Grant Agreement with the Michigan Department of Transportation for funding and administration of the 1999 AIP/MAP Projects, resolution as follows:

RESOLUTION


BE IT RESOLVED by the Board of Commissioners of Marquette County, Michigan:

Section I. That the County Board of Commissioners of Marquette County, Michigan shall enter into a Contract Agreement for the development of Sawyer Airport, and that such Contract Agreement shall be as set forth hereinafter;

Section II. That the Chairperson of the Marquette County Board of Commissioners is hereby authorized and directed to execute said Contract Agreement on behalf of the County of Marquette, Michigan, and the County Clerk is hereby authorized and directed to attest said execution;

Section III. That the Contract Agreement referred to herein shall be as attached.

CERTIFICATION

I, David J. Roberts, Clerk of the County of Marquette, Michigan, hereby certify that the above resolution was adopted by the Marquette County Board of Commissioners at their meeting held on the 15th day of June, 1999.

Adopted this 15th day of June, 1999
Marquette County Board of Commissioners

10i) Committee of the Whole Recommendation to approve an Agreement with URS Greiner for design engineering services for 15 T-Hangars at Sawyer International Airport, cost estimated at $20,000, funds available in Airport Fund.
10j) Committee of the Whole Recommendation to approve of an Airport Awareness Funding Request to the Michigan Bureau of Aeronautics to increase public awareness of the new Airport location, facility services, airline schedules, destinations, and fares, along with directional signage, travel agency/planner forum, strategically placed advertising, and an Airport open house. Airport Awareness Budget totals $27,778 with $25,000 coming from the Michigan Bureau of Aeronautics and a local match of $2,278, funding in the Sawyer Marketing Budget.

10k) The appointment of Carr Baldwin, Ishpeming, to the Marquette County Solid Waste Management Authority for a 3-Year term ending July 1, 2002.

LATE ADDITIONS

11a) The County Board considered the purchase of two laptop computers for the KI Sawyer Development Department. Memo from Tom Rumora, KISDD Director, noted that the OEA has approved up to $3,750 toward the purchase of the two laptop computers. Brent Nault, Information Systems Manager, reviewed required specifications and the computers are available under the State purchasing program at a cost of $5,899.28. KI Sawyer Development funds of $2,149.28 are required to complete the purchase.

It was moved by Comm. Arsenault, seconded by Comm. Rapport and unanimously carried by voice vote that the County Board approve of the purchase of two laptop computers for the KI Sawyer Development Department.

11b) The County Board considered a modified/conditional land contract for Sawyer Arts and Crafts. The terms agreed to for the modified/conditional land contract have been sent to Harley Andrews, Civil Counsel, for his review. He will draft an amendment to the existing sublease and allow it to function as a modified land contract.

Comm. Arsenault, KISEDCC Chairperson, noted that Sawyer Arts and Crafts will be an asset to Sawyer. The business is welcomed at Sawyer and they want to continue, however needed to renegotiate their lease contract which resulted in a good compromise.

It was moved by Comm. Arsenault, seconded by Comm. Roberts and unanimously carried by voice vote that the County Board approve of the Modified/Conditional Land Contract for Sawyer Arts and Crafts, amendment to the sublease to be drafted by Civil Counsel.

11c) The County Board considered a Central Dispatch request for the use of certain radio equipment under the care of the KI Sawyer Development Department. A memo from Joe Van Oosterhout, Central Dispatch Manager, indicated that Central Dispatch is interested in two Motorola MSF-5000 Base Stations and one Motorola Micor HEAR Base Station. Central Dispatch serves an important role in support of KI Sawyer by dispatching all police, fire, and EMS services to the area that once served the Air Force Base. Use of the equipment by Central Dispatch is in the mutual interest of both KI Sawyer and Central Dispatch.

Steve Powers, County Administrator, indicated that rather than a contract for the radio equipment the County will use a Memorandum of Understanding. In the year 2001 a new state-wide radio system is expected to be in place and operating and this equipment will be obsolete.

It was moved by Comm. Arsenault, seconded by Comm. Rapport and unanimously carried by voice vote that the County Board approve of the Central Dispatch Radio Equipment request.

11d) The County Board considered a license agreement between the County of Marquette and the Cedarburg, Wisconsin School District. Cedarburg Schools are interested in using the recreational field known as the Soccer Field for a term commencing the 8th day of August and continuing until the 15th day of August, 1999 for its High School Football Team. The licensee shall provide rent and security deposit, liability insurance and indemnification similar to all other license agreements.

It was further noted by Administrator Powers that the Cedarburg School District is just outside of Milwaukee in a very affluent area. This will provide excellent exposure to KI Sawyer. The team members, family, and coaches will have to spend considerable money in Marquette County for lodging and food.

It was moved by Comm. Arsenault, seconded by Comm. Tuominen and unanimously carried by voice vote that the County Board approve of the License Agreement between the County of Marquette and the Cedarburg, Wisconsin School District.
Chairperson Corkin opened the meeting for public comment. None was forthcoming.

COMMISSIONER COMMENTS, STAFF COMMENTS, AND ANNOUNCEMENTS

Chairperson Corkin noted that in support of the County-wide Trails Plan (Action Items 10d) a memo was received from Jon Sonderegger, Trails and Pathways Committee, Marquette Sustainability Council, offering their assistance to the County Board on plans to develop recreational trails in the County. This Committee has been working on trails for some time and has information that could be helpful in the process. They feel it is in the best long term interest of everyone to have recreational trails maintained and are pleased the County Board is considering bids for consulting work on the project.

Comm. Tuominen noted that the three cities and 12 out of 19 townships in Marquette County have agreed to sign the Solid Waste Plan. This means that the magic number of 15 (2/3 of the municipalities) has been reached for adoption of the Marquette County Solid Waste Plan.

It was moved by Comm. Tuominen, seconded by Comm. Rapport, and unanimously carried on a roll call vote 8 Ayes (Comm. Tuominen, Arsenault, Bergdahl, Curto, Joseph, Rapport, Roberts, and Corkin) to 0 Nays that the County Board go into closed session to discuss pending litigation: Northern Michigan Aviation vs. Marquette County et al.

Chairperson Corkin declared a brief recess to clear commission chambers.

CLOSED SESSION

The County Board came back into open session at 8:22 P.M.

It was moved by Comm. Arsenault, seconded by Comm. Tuominen and unanimously carried by voice vote that the County Board concur with the recommendation made by Civil Counsel regarding the settlement of the pending litigation during the closed session.

There being no further business, the meeting was adjourned at 8:25 P.M.

Respectfully Submitted,

[Signature]

David J. Roberts
Marquette County Clerk
MARQUETTE COUNTY BOARD OF COMMISSIONERS
Regular Meeting, Tuesday, June 15, 1999, 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 JUNE 1, 1999.
4. PROCLAMATIONS, PRESENTATIONS AND AWARDS.
5. PUBLIC COMMENT. (time limit 20 minutes total)
6. APPROVAL OF THE AGENDA.
7. PUBLIC HEARINGS.
8. PRIVILEGED COMMENT:
9. INFORMATIONAL ITEMS:
   a. Invitation to Submit an Application for Federal Assistance from the Chicago Regional EDA Office.
   b. Letter from U.S. Senator Spencer Abraham regarding House Bill 111.
   d. Memo from Michigan Sheriff's Association regarding Interpretation of 14 Day Health Appraisal "Rule 32."
10. ACTION ITEMS:
    a. Purchase Agreement for County Airport (materials previously distributed).
    b. Perkins Park Sewage Lift Station.
    c. Committee of the Whole Recommendation to Approve an Agreement with U.P. Engineers and Architects for the Big Bay Harbor Remediation Project.
    d. Committee of the Whole Recommendation to Proceed with Scope of Work and Seek RFP’s for a County-wide Trail System Plan.
    e. Committee of the Whole Recommendation to Adopt the Solid Waste Disposal Ordinance.
    f. Committee of the Whole Recommendation to Approve an Amendment to the Coastal Management Program Grant Application.
    g. Heat Conversion for Sawyer Buildings 730 and 741.
    h. Committee of the Whole Recommendation to Approve the Grant Agreement with MDOT for Funding and Administration of 1999 AIP/MAP Projects.
    i. Committee of the Whole Recommendation to Approve an Agreement with URS Greiner for Engineering Services for 15 T-Hangars.
    j. Committee of the Whole Recommendation to Approve of an Airport Awareness Funding Request to the Michigan Bureau of Aeronautics.
    k. Mid-Year Appointments.
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: Northern Michigan Aviation vs. Marquette County et al.
15. ADJOURNMENT.