The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, March 23, 1999 at 6:00 p.m. in Room 231 of the Henry A. Skewis Annex, Marquette, Michigan.


It was moved by Comm. Tuominen, seconded by Comm. Arsenault, and unanimously carried by voice vote that the minutes of the Committee of the Whole meeting held on March 9, 1999 be approved.

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

It was moved by Comm. Roberts, seconded by Comm. Joseph and unanimously carried by voice vote that the agenda be approved with the following late additions: Item 14) Forsyth Township Request for Waiver of the Tract Index Fee, Item 15) Commission on Aging Director Information, Item 19(2) Additional Closed Session, Update on the Duck Stop Litigation.

It was moved by Comm. Wallace, seconded by Comm. Rapport and unanimously carried by voice vote that Claims and Accounts for the period March 5, 1999, through March 18, 1999 the amount of $837,213.33 be approved.

The Committee considered an Agreement with JBF Associates for Professional Services for Sawyer Airport Marketing. Steve Powers, County Administrator, noted that the Agreement has been reviewed by himself, Civil Counsel Harley Andrews, Larry Coelhoorn, Sawyer Airport Development Manager, and Herb Parsons, a member of the Sawyer Marketing Proposal Review Team.

Commissioners noted that the Agreement provides for timelines for specific work and protections for the County. The County Board will get quarterly reports. The marketing potential for Sawyer is tremendous with about 40 trade shows throughout the United States providing a forum.

It was moved by Comm. Joseph, seconded by Comm. Arsenault, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve the Agreement with JBF Associates for Professional Services for Sawyer Airport Marketing, total cost of services and expenses amounting to $165,000 which is funded by the Economic Development Administration.

The Committee considered the Title IV-D Cooperative Reimbursement Agreement Amendment No. 1 with the Family Independence Agency/Friend of the Court for 1999. Chairperson Corkin noted that the Agreement for the funding year January 1, 1999 through September 30, 1999 shall be increased by $24,749 to a new total of $336,454.

It was moved by Comm. Seppanen, seconded by Comm. Tuominen, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve of the Family Independence Agency Title IV-D Cooperative Reimbursement Agreement Amendment No. 1.

The Committee considered a memo from Patricia L. Micklow, District Court Judge and Chair of the Marquette County Judicial Council, regarding the issue of lost jail reimbursement for unsentenced felons. Judge Micklow invited Lyn Nelson, Community Corrections Coordinator, along with any interested Community Corrections Advisory Board Member, to attend a Judicial Council Meeting on April 16th at noon in the North Circuit Court Jury Room.

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

The Committee considered a letter from Richard Baldermann, CPA, Administrator, Local Audit and Finance Division, Michigan Department of Treasury, regarding Sheriff’s Sale - Accounting and Deposit of Proceeds for Unclaimed Recovered Stolen Property. Lt. Bruce Belisle, Marquette County Sheriff’s Department, was present and explained that the Marquette County Sheriff’s Department sells very little unclaimed recovered stolen property. Most contraband is evidence which is usually returned to the victim after the Court proceedings are over. Under the new weapon laws the Sheriff’s Department is required to hold a weapon until after the conviction, the weapon is then turned over to the State Police to be destroyed.
BOARD OF COMMISSIONERS  COUNTY OF MARQUETTE  MARCH 23, 1999

Gary Yoder, Finance Manager, concurred with Lt. Belisle. He pointed out the last time the County sold any unclaimed property it was bicycles in conjunction with the City of Marquette’s Annual Sale. It could not be established if the bicycles were even stolen.

Chairperson Corkin noted that the law requires that Sheriff report in writing to the County Board any recovered stolen property, including money, which remains unclaimed for six months after the recovery. The Sheriff must then request in writing the authority to dispose of the recovered property in accordance with MCL 434.171.

It was moved by Comm. Curto, seconded by Comm. Arsenualt and unanimously carried by voice vote that a copy of the communication be forwarded to Sheriff Lovelace and put on file.

The Committee considered an Extension Agreement with the Escanaba Paper Company for Central Dispatch Tower Space (Champion Tower). Steve Powers, County Administrator, noted that the Agreement is an extension for one year at the same rate as last year which is $2,400. The Agreement would be for the period April 1, 1999 through March 31, 2000.

It was moved by Comm. Wallace, seconded by Comm. Tuominen, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve of the Champion Tower Lease Agreement Extension with the Escanaba Paper Company.

The Committee considered a request from Tilden and Forsyth Townships for funding to upgrade the Charlie Lakes Road. Chairperson Corkin explained that the County Road Commission held a meeting February 27, 1999 regarding upgrading the Charlie Lakes Road to a standard acceptable for the Marquette County Road Commission to take over its jurisdiction. Presently the road is under the jurisdiction of the Michigan Department of Environmental Quality.

At the meeting it was pointed out that a substantial part of the cost to upgrade the road is attributed to the need to mitigate sedimentation of a one-quarter mile stretch along Poplar Creek that flows in close proximity to the road. If the Road Commission assumes jurisdiction of the Charlie Lakes Road they will also assume future liability for the degradation to Poplar Creek which may result from the road and/or its maintenance.

Bob Menard, County Road Commission Superintendent/Manager, did an excellent job presenting an alternative which lowers cost of improvements required down from $770,852 to $132,000. The $132,000 figure includes a $25,600 estimated cost for blacktopping a one-quarter mile stretch along Poplar Creek. The Road Commission will benefit from eight gravel pits established throughout Marquette County. This could be a win-win situation for those utilizing the Charlie Lakes Road, the Road Commission, and the Michigan DEQ if they agree to cover the estimated cost of $25,600 for the one-quarter mile blacktop.

It was moved by Comm. Tuominen, seconded by Comm. Roberts, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board send a letter to Kevin C. Swanson, Michigan Department of Environmental Quality, Ishpeming, requesting that the Michigan DEQ cover the estimated cost of $25,600 for mitigating the sedimentation of a one-quarter mile stretch along Poplar Creek prior to the Marquette County Road Commission taking over jurisdiction of the 4.2 mile Charlie Lakes Road.

The Committee considered an Opinion from Harley Andrews, Civil Counsel, regarding the applicability of soil erosion permit requirements to existing operations. The opinion was made as a result of a March 1, 1999 letter to the County Board from Mr. Roger Crimmins, A. Lindberg & Sons. He claimed that the permitting for existing pits is exempt and should be grandfathered due to operations prior to the new Marquette County Soil Erosion Program.

In Civil Counsel’s statutory analysis of MCL 324.9112(1), which became effective May 24, 1995, he determined the statute specifically applies to persons who undertake or maintain a land use or earth change. In Civil Counsel’s opinion the permit requirements of the statute applies to any person who begins a new operation, or who wishes to continue an existing operation. Existing operations are not "grandfathered" or exempt from the permits required by law.

It was moved by Comm. Tuominen, seconded by Comm. Arsenualt, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board send a copy of Harley Andrews, Civil Counsel, opinion regarding the applicability of soil erosion permit requirements for existing operations to Roger Crimmins, A. Lindberg & Sons, Inc.
The Committee considered an update on Sawyer Welding from Steve Powers, County Administrator. Sawyer Welding has been requesting a lease with the County for Building 824, the Auto Hobby Building, which is 10,000 sq. ft. located on Avenue A. Because of questions about the Company's ability to pay rent, a security deposit, and utilities, Sawyer Welding was referred to First Step to develop a business plan. A third draft was submitted on March 11 and the Plan shows that Sawyer Welding can be profitable. Staff has questioned the appropriateness of a welding operation on the main thoroughfare of Sawyer and the Company’s long term success in a 10,000 sq. ft. building, however if Sawyer Welding pays the $2 per sq. ft. lease rate, and can meet the lease terms over several years their operation could be an asset to KI Sawyer.

Commissioners noted several facts regarding Sawyer Welding: They are not a startup company but have been in the welding business for 16 years. The other buildings being recommended for their location do not have heat. There is a need of maintenance on the building, however, the Andersons who operate Sawyer Welding are hard workers and will make such repairs themselves. They want to stay in Building 824.

Chairperson Corkin noted the proposed lease will require Sawyer Welding to pay $1.50 per sq. ft. for the first six months, $1.75 per sq. ft. for the second six months, and $2 per sq. ft. after one year. The County Board would like to give Sawyer Welding the chance to make their business successful. Sawyer Welding has recommendations from 50 businesses and individuals attesting to the quality of their work. If the County Board approves a lease for Building 824 with Sawyer Welding they will have to meet the terms and conditions of the lease like everyone else.

It was moved by Comm. Roberts, seconded by Comm. Arsenault, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve the Lease for Building 824 at Sawyer with Sawyer Welding.

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The Committee considered a request from Forsyth Township for a Tract Index User Fee Waiver. Henry DeGroot, Forsyth Township Assessor, was present and explained that the purpose of the request is to provide some relief for the thousands of dollars expended by Forsyth Township in an attempt to correct many deed and boundary overlaps on Horseshoe Lake. The problem came to a head when a young couple, stationed at the former Sawyer Air Force Base, transferred out of the area and tried to sell their home on Horseshoe Lake, but were unable to because of discrepancy between the deed and the survey. As a result, banks will not finance the purchase. The Township Board was approached to assist in resolving property description inaccuracies for approximately 60 parcels of property around Horseshoe Lake. The Township contracted with Aero-Metric for aerial mapping of the Lake and Engineering Consultants of Ishpeming to perform the necessary ground control work. The ECI bid price did not include charges for deed copies or the Tract Index user fees.

Patricia Manley, Register of Deeds, was present and noted that when assessors or employees of Cities or Townships use the Tract Index there is no charge. This case is a little different because Forsyth Township has hired ECI because of their expertise involved in Tract Index investigations. Normally assessors plats are placed out for bids and the Tract Index user fees are included in the preparation for subdivisions. In this case Forsyth did not go out on bids. They are actually investigating the boundary problems to present evidence to the land owners in order to convince them that an Assessor’s Plat is necessary. Estimated costs of the Tract Index User Fee would be $350 to $400. Register Manley said this type of use is very rare and it should not set a precedent.

It was moved by Comm. Seppanen, seconded by Comm. Roberts, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve the Waiver of the Tract Index User Fee for ECI while investigating the Forsyth Township (Horseshoe Lake) property descriptions, and further, if it is determined that there is a need in Forsyth Township for an Assessor’s Plat then the user’s fee will be reimbursed through the bidding process.

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Comm. Tuominen, County Board Member of the Commission on Aging, reported that the Commission on Aging recently voted to offer its Directorship position to Jacki Boxer-Silta. The matter will be becoming before the County Board in the near future.

Steve Powers, County Administrator, further noted that the Constitution and Bylaws of the Commission on Aging allow the Commission on Aging to hire its Director with the approval of the terms of employment by the County Board. A recommendation is forthcoming to the County Board.

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

COMMISSIONER COMMENTS, STAFF COMMENTS, AND ANNOUNCEMENTS

Chairperson Corkin reported that he recently attended a MAC EDC/Labor Committee Meeting in Lansing. He had the opportunity to speak with Brian Swift and other representatives of the Michigan Jobs Commission, and thanked them for their continuing efforts with KI Sawyer Development.

Chairperson Corkin also noted that snowmobile enforcement is being shifted to Michigan counties from the Michigan DNR. This is a big issue in our State, especially for northern counties, snowmobile enforcement requires a lot of funding. He has requested the MAC EDC Committee discuss it at their next meeting.

Comm. Wallace, the MAC Appointee to the Michigan Commission for Local Health Department Accreditation, participated in a teleconference for local public health. He will be attending a meeting in Lansing on June 15, 1999. The accreditation of Health Departments, including Marquette County's, is an ongoing process.

Comm. Roberts reported that he attended a UPAA Advisory Council and UPCAP meeting in Escanaba. Marquette County will receive additional funding for senior meals and in-house services. He will leave the report in the Commissioners' mailroom.

Comm. Rapport along with Comm. Joseph and Administrator Powers attended a recent Airport Board meeting. She noted that the County Airport Board is willing to do whatever the County Board wants it to do. It is not their intent to delay any of the Sawyer Airport processes but believe it is a good idea for Hal Pawley and Larry Coelhoorn to request their advice when they feel necessary.

Comm. Rapport further reported that four tenants have voluntarily terminated their leases at the Marquette County Airport.

Comm. Rapport noted that the Lake Superior Community Partnership has announced a special meeting on April 30th at the Ramada Inn to discuss snowmobile problems and encourages all citizens interested to attend.

Comm. Joseph noted that the Road Commission indicated that each township should have their own ordinance regarding snowmobiles with the cost for signage to be borne by each township. This could be very confusing to snowmobile users because each township may develop a different ordinance. It would be much easier for a county-wide ordinance which opens all county roads.

Comm. Tuominen reported that the Michigan Department of Transportation has announced its 1999-2000 road construction calendar and a copy of it is in the Commissioners' mailroom.

Steve Powers, County Administrator, reported that Harley Andrews, Civil Counsel, sent a draft of the proposed County ORV Ordinance to the Law Enforcement Association and the County Township Association for their review and comment.

It was moved by Comm. Tuominen, seconded by Comm. Roberts and unanimously carried on a roll call vote 9 Ayes (Comm. Tuominen, Arsenault, Curto, Joseph, Rapport, Roberts, Seppanen, Wallace, and Corkin) to 0 Nays that the Committee of the Whole go into closed session to discuss pending litigation RE: 1) Northern Michigan Aviation vs. Marquette County et al, and 2) Marquette County vs. The Duck Stop.

Chairperson Corkin declared a brief recess to clear commission chambers at 7:03 P.M.

.......................................................... CLOSED SESSION ..........................................................

The Committee of the Whole came back into open session at 8.05 P.M. No action was forthcoming as a result of the Closed Session.

There being no further business, the meeting was adjourned at 8:06 P.M.

Respectfully Submitted,

[Signature]

David J. Roberts
Marquette County Clerk
MARQUETTE COUNTY BOARD OF COMMISSIONERS
COMMITTEE OF THE WHOLE
Tuesday, March 23, 1999, 6:00 P.M.
Room 231, Henry A. Skewis Annex, Marquette, MI 49855

1. ROLL CALL.
2. APPROVAL OF THE MINUTES OF THE COMMITTEE OF THE WHOLE
MEETING HELD ON MARCH 9, 1999.
3. PUBLIC COMMENT.
4. APPROVAL OF THE AGENDA.
5. Review of Claims and Accounts.
6. Agreement for Professional Services for Sawyer Airport Marketing with JBF
Associates.
7. Title IV-D Cooperative Reimbursement Agreement with Family Independence
Agency/Friend of the Court FY 99 Amendment No. 1.
8. Memo from Judge Patricia Micklow to Timothy Quinnell, Chair, Community
Corrections Advisory Board, regarding Loss of Jail Reimbursement for Unsentenced
Felons.
9. Memo from Richard Baldermann, CPA, Michigan Dept. of Treasury, regarding
Sheriff Sale/Accounting/Deposit of Proceeds for Unclaimed Stolen Property.
10. Extension Agreement from Escanaba Paper Company for Lease of Champion
Tower.
11. Request from Tilden and Forsyth Townships for Funding to Upgrade Charlie Lakes
Road.
12. Civil Counsel Opinion regarding Applicability of Soil Erosion Permit Requirements
for Existing Operations.
13. Update on Sawyer Welding.
14. Tract Index
15. Update Pack Shop
16. PUBLIC COMMENT.
17. COMMISSIONER COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS.
18. CLOSED SESSION to Discuss Pending Litigation RE: Northern Michigan Aviation
vs. Marquette County, et al.
19. ADJOURNMENT.