The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, May 23, 2000, at 6:00 P.M. in Room 231 of the Henry A. Skewis Annex, Courthouse, Baraga Avenue, Marquette, Michigan.


It was moved by Comm. Arsenault, seconded by Comm. Bergdahl, and unanimously carried by voice vote that the minutes of the Committee of the Whole meeting held on May 9, 2000 be approve.

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

It was moved by Comm. Joseph, seconded by Comm. Arsenault, and unanimously carried by voice vote that the agenda be approved with the following additions: Item 14) Fuel Tank Evaluation at Old Airport, Item 15) Agreement with TKDA for Engineering Assistance on Old Airport Wastewater System, Item 16) Authorize a Lease with A. Voyager, Inc. for Sawyer Building 420, and Item 17) FY 2001 Community Corrections Grant Application.

It was moved by Comm. Curto, seconded by Comm. Seppanen, and unanimously carried by voice vote that Claims and Accounts for the period May 12, 2000 through May 18, 2000 in the amount of $595,887.58 be approved.

The Committee considered a communication from Steve Powers, County Administrator, regarding unmetered electrical costs at KI Sawyer. Mr. Powers explained that the County has worked with UPPCO to reduce unmetered electricity costs. The actual monthly bill was reduced from $40,000 per month to $25,000 through metering buildings, reducing use, and reducing the demand charge. Although Marquette County has not accepted title to the utilities, the Air Force has stopped paying the unmetered electrical costs.

Administrator Powers further explained that the Air Force owns the distribution system and UPPCO provides electricity. With the exception of Sawyer Lumber, all KI Sawyer electric powers is provided through a master meter located at the electric substation. From the meter master, electricity flows to buildings with individual meters. UPPCO bills the individual building users for their consumption. The difference between what is measured at the master meter and the total of all individual meters is the unmetered costs. Steps that have already been taken to lower the cost of unmetered electricity and Staff has developed a thirteen step plan to continue to reduce the cost of unmetered electricity.

Dan Turvey, UPPCO, was present and explained how demand charges works. He noted that removing the street lights will reduce the amount of kilowatts consumed at Sawyer but it will not reduce the demand charge. The street lights work mainly at night when the demand for electricity is low. Mr. Turvey emphasized UPPCO is doing everything possible to keep Sawyer development moving forward and will continue to work with Marquette County. Demand costs can be revisited on a regular basis.

Chief Civil Counsel Harley Andrews explained that in the Air Force's point of view Marquette County is now the Lessor, therefore the Air Force will not longer pay demand electricity charges for tenants at Sawyer. They do pay for their own electrical consumption at their office. Marquette County does not own the wires, the poles, and the pipes, this is the electrical system, but the electrical system is not the same as electrical consumption, and the unmetered electricity costs at Sawyer must be paid by someone.

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 plan for staff action to reduce the unmetered electrical costs at KI Sawyer, and further that a full report of the plan's progress be given at the next Committee of the Whole meeting in three weeks.

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The Committee considered a memo from Gerard T. Markey, Equalization Director, regarding an Arenac County Resolution supporting appointment of an assessor member to the State Assessor's Board. Mr. Markey was present and explained that there are five members appointed to the State Assessor's Board by the Governor representing select groups. There is currently a vacancy on the State Assessor's Board for an assessor member and this position has been vacant since December 31, 1998. Several
assessors in the State have applied for the position but there has not been any immediate action by the Governor to fill the vacancy.

The Arenac County Resolution is requesting that the assessor member be filled however Mr. Markey noted that there should be one correction made to the resolution. The resolution should state “To fill the vacant assessor member position” not the vacant “city assessor member position.” Even though the last two assessor members were city assessors, the tax law allows a city or township assessor to be a member of the state assessing board.

Mr. Markey further noted that the purpose of the State Assessor’s Board is to conduct training courses and assessment practices, certify assessing officers, and give examinations. It may also decertify assessing officers if necessary.

It was moved by Comm. Seppanen, seconded by Comm. Curto, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board adopt a resolution supporting the appointment of an Assessor Member to the State Assessor’s Board as per the Equalization Director’s recommendation.

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The Committee they considered a memo from Robert J. Lacinski, MAC President, with concerns regarding HB 4803 the Drain Code Revision. Recently the lawfirm of Miller, Canfield, Paddock, and Stone contacted MAC raising concerns in that the new revisions to the Drain Code could result in a Court decision that drain assessments are “new” or “increased” taxes that have not been approved by the electors. This would fall under the Headlee Amendment requiring a County or local municipality to pay for a project from its general funds.

Mike Farrell, Marquette County Drain Commissioner was present and contended the Drain Code amendments will not be a Headlee problem. A drain assessment is based on a benefit derived. Drain Commissioners state-wide are also concerned about the Drain Code and are very aware of any potential problems. All drain commissioners work with County government. The new Drain Code will provide a necessary update of the Drain Code and will have little affect on Marquette County. Drain Commissioner Farrell agreed that sending a letter to our legislators expressing its concern about additional liabilities might be a good idea.

It was moved by Comm. Seppanen, seconded by Comm. Joseph, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board send a letter to our Upper Peninsula State Legislators urging that any proposed amendments to the Michigan Drain Code will not result in additional liabilities to counties.

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The Committee considered an Administrator’s Recommendation to replace the computer room air handling system. Steve Powers, County Administrator, was present and explained that this recommendation has two parts, First) to relocate the information systems computer room on the Annex second floor to the Annex ground floor. The mailroom location provides more space for computer equipment and consolidates the computer room with information systems, the mail room will move to space currently occupied by information systems. Photocopiers in the mail room will be moved into the smoking room.

Administrator Powers further explained the second part of his recommendation, and that is effective June 15, 2000, revise policy 416:1 by deleting “except in the designated smoking room no. 13 located in the basement of the Henry A. Skewis Annex.” This move should benefit the County by providing more work space for information systems, making the operations more efficient. County administrative programs will be consolidated into one area. Also, closing the smoking room eliminates concern regarding indoor second hand smoke.

Two bids were received to supply and install an environmental control system with Pro-Therm Inc. being the low bidder at $14,250. The relocation plan was in the $19,500 budget approved in 1999 to replace the computer room air system.

It was moved by Comm. Arsenault, seconded by Comm. Curto, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve the relocation plan and award the bid to Pro-Therm, Inc. for the computer room air handling system: The project includes moving the information system computer room to the Annex ground floor and the mail room will move to space currently occupied by Information Systems and photocopiers will be moved into the smoking room with smoking policy 416.1 being revised to read “Smoking in prohibited throughout the Courthouse, Henry Skewis Annex, DeFant Building, and County Jail. Smoking is prohibited in all County vehicles.”

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The Committee considered a contract award for Sawyer International Airport Projects. Hal Pawley, Airport Manager, was present and explained that the projects include the rehab and construction of taxiways on the south portion of the air field, construction of taxiways for future T-hangars, replacement of failing concrete slabs and overlay of the taxiway to hangar 400, relocation of airfield perimeter fencing, earthwork grading, insulation of drain piping, and construction of two asphalt taxiways to future T-hangars.

Bid tabulations and recommendation from the Michigan Bureau of Aeronautics were distributed. Two bids were received and the recommendation is to award the contract to the low bidder Paine & Dolan in the amount of $417,946.72, 90% of the funding for the projects will be from the FY 1999 MAP Grant, with the Aeronautics Commission approving State funding for 5% of the project cost. The remaining 5% will come from Passenger Facility Charges.

It was moved by Comm. Arsenault, seconded by Comm. Bergdahl, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve of the Sawyer International Airport construction projects awarding the bid to Paine & Dolan in the amount of $417,946.72.

PUBLIC HEARING: SAWYER INTERNATIONAL AIRPORT ZONING ORDINANCE

The Committee considered the Sawyer International Airport Zoning Ordinance. Chairperson Corkin opened the Public Hearing on the Sawyer International Airport Zoning Ordinance. Chairperson Corkin explained the rules regarding the ordinance and invited all interested parties and members of the public to make comment. No comment was forthcoming.

Al Feldhauser, Senior Planner, was present to review the zoning ordinance and provide background and answer questions. The relocation of aviation activity from the Marquette County Airport to Sawyer International has necessitated actions to assure that future development does not result in aviation hazards. The Airport Zoning Act provides the authority to the County to develop a mechanism for an Airport Zoning Ordinance for review of proposed development. The current Airport Zoning Ordinance, adopted in 1966, was implemented and protected both Sawyer and Marquette air space. Moving the County Airport made protection at Negauce Township no longer necessary. Also, regulation at Sawyer while a military facility was handled differently than at a County site. These factors are the primary reason behind updating the ordinance.

The Airport Zoning Commission (Planning Commission) working in conjunction with County staff has completed the ordinance. Public hearings were held at the April 5th and May 3rd, 2000 Planning Commission meetings where comment was taken and the draft ordinance was devised. MCL 259.449 requires a public hearing to be held by the County Board. A notice of the hearing was published and was scheduled for this meeting of May 23, 2000.

Al Feldhauser further explained that the action requested of the County Board of Commissioners is two fold: First, hold a public hearing and take comments, and second, adopt the ordinance.

Chairperson Corkin closed the public hearing on the Sawyer International Airport Zoning Ordinance.

It was moved by Comm. Bergdahl, seconded by Comm. Arsenault, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board adopt the Sawyer International Airport Zoning Ordinance at its next Regular County Board Meeting scheduled for June 6, 2000.

The Committee considered the Sawyer International Airport Zoning Ordinance Fee Schedule. Al Feldhauser, Senior Planner, was present and explained that the Airport Zoning Ordinance contains an administrative process whereby development in and around Sawyer is monitored to prevent the establishment of hazards. This is accomplished by a developer obtaining an Airport Zoning Compliance Permit prior to issuance of any building permit by the County’s Building Code Division. This action is similar to a local municipality’s zoning compliance permit.

Staff recommends a low-end application fee of $10 since the fee will only be assessed in a ten mile circle and not a county-wide. The fee for an appeal is recommended to be $150. This is a new program and staff would further suggest that in a year’s time the fee schedule be revisited based on experience and adjusted if necessary. The fee schedule is not designed to cover all expenses of the procedure but Staff does not anticipate frequent appeals.

It was moved by Comm. Seppanen, seconded by Comm. Joseph, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve a resolution adopting the Sawyer International Airport Zoning Ordinance Fee Schedule.
The Committee considered approving changes to the Solid Waste Management Plan required by the Michigan Department of Environmental Quality. Al Feldhauser, Senior Planner, was present and explained that the Solid Waste Management Planning Committee and the Marquette County Planning Commission prepared a Solid Waste Plan Update. The Plan was unanimously approved by local municipalities, was approved by the Marquette County Board of Commissioners, and forwarded to the Waste Management Division of the Michigan Department of Environmental Quality. Final approval/disapproval rests with the DEQ Director.

The Waste Management Division has reviewed Marquette County’s Plan and has specific modifications that are required for the Plan to be approved. The DEQ comments were provided to both the Solid Waste Planning Committee and the Planning Commission for review. Neither body considered the changes to be of a nature that compromise the intent of the plan or would impact provisions approved by any local municipalities.

It was moved by Comm. Seppanen, seconded by Comm. Joseph, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board send a letter to the Solid Waste Management Division indicating the Marquette County Board of Commissioners agreement with the modifications to the Marquette County Solid Waste Management Plan as outlined in the Waste Management Division’s letter of April 3, 2000.

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The Committee considered a recommendation from the County Administrator to authorize up to $7,000 for underground fuel tank investigation and assessment services with Tri Media Consultants and for cleanup of the site.

Steve Powers, County Administrator explained that the Marquette County Airport used a 150 gallon underground storage tank to provide fuel for an emergency generator. The tank was located near the terminal building. The Keweenaw Bay Indian Community removed the tank and found a gasoline release may have occurred. Laboratory tests indicate that soil contamination exceeds levels established by the Department of Environmental Quality.

Tri Media Consultants will collect the contaminant information and classify the site as required by the DEQ and keep the County of Marquette in compliance with leaking underground fuel tank provisions. The work will allow the County to maintain strict compliance with recently revised regulations. Tri Media is proposing a $7,000 probable cost for the evaluation/assessment. The task will be accomplished on an on time and expense basis but in no case will the project estimate be exceeded unless authorized by writing by the County Board. Administrator Powers recommends that if the evaluation and assessment is less than $7,000, and cleanup or remedial action is necessary, the Committee authorize total expenditure for evaluation, assessment, and cleanup only up to $7,000, with funds to come from the proceeds of the Airport sale.

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 authorize an expenditure up to $7,000 for underground fuel tank investigation and assessment services and for cleanup of the site with Tri Media Consultants, and further authorize County Administrator to execute the agreement with Tri Media.

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The Committee considered an Administrator’s recommendation for an agreement not to exceed $4,600 with TKDA to provide professional engineering assistance for the wastewater system.

Steve Powers, County Administrator, explained that in 1993 the County of Marquette began operations of a public sewer collection and dump system at the former airport. The sewer replaced septic systems that did not have the capacity for growth and were possible threats to groundwater at the site. This system consists of collection laterals, pump station, and approximately two miles of pipe connected to the City of Negaunee sewer system. The onsite system was sold to O’Dovery and the KBIC. The County retained ownership of the pipe system connecting the old airport to the City of Negaunee.

Since the sale of the airport Jim Kippola has been coordinating efforts to resolve questions regarding ownership and the long term treatment of waste. The DEQ has determined that the County remains the State permittee for the system to its junctions with the City of Negaunee. The County has been facilitating an EDA Grant to assist with the upgrade of the pump station and system. As grantee the County will be required to own the system that is to be upgraded. Negaunee City has agreed to treat the waste until June 30, 2001.
In preparation for possible improvements and to address the County's future role with the system a request for professional assistance was prepared. TKDA was solicited because no responses were received and because the company is already under contract with Marquette County.

It was moved by Comm. Curto, seconded by Comm. Seppam, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board authorize an agreement not to exceed $4,600 with TKDA to provide professional engineering assistance for the wastewater system at the old Marquette County Airport.

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The Committee considered authorization of a lease with A. Voyager, Inc. for Sawyer Building 420. The lease will generate $16,500 annually ($3 per sq. ft. for 5,500 sq. ft.) for the Sawyer International Airport fund. The tenant is responsible for all utilities and maintenance costs. The building is heated. The company is requesting occupancy by June 1. If the Committee of the Whole authorizes a lease, the Company can have occupancy. The building is within the Airport property and cannot be sold.

The lease terms provide for an automatic renewal of a three year lease unless the tenant notifies the County of its intent not to renew. Comm. Joseph suggested that the County also be provided the option of notice of intent not to renew the lease.

Frank Mallette, A. Voyager, Inc., was present and explained that not being able to purchase the property presents no problem for his plans. His long term plans are someday to construct a building when property becomes available but the proposed lease is adequate for his short term plans. He also has no problem allowing the County the right to not renew the lease.

It was moved by Comm. Arsenault, seconded by Comm. Curto, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve a lease with A. Voyager, Inc. for Sawyer Building 420 at a rate of $3 per sq. ft., with Civil Counsel Harley Andrews preparing the lease documents for the June 6th Board meeting which includes the normal responsibility of the tenant for utilities, maintenance, insurance, liability, and also language providing that either party would have the ability not to renew the lease.

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The Committee considered the FY 2001 Community Corrections Application for Funding. Lyn Nelson, Community Corrections Coordinator, was present and provided and executive summary from the FY 2001 Community Corrections Application for Funding. As in prior years, the document was sent to the State office in order to make their deadline with CCAB approval. This application is for a continuation of funding for Community Corrections and requires no local match.

It was moved by Comm. Curto, seconded by Comm. Joseph, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve the FY2001 Community Corrections Application for Funding.

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

COMMISSIONER COMMENTS, STAFF COMMENTS, AND ANNOUNCEMENTS

Chairperson Corkin noted that the LIAA (Land Information Access Association) has an article in its monthly publication entitled Beyond Borders regarding Marquette County's Information Technology for Intergovernmental Cooperation Projects, Marquette County's GIS System. He will put the article in the Commissioner's mailroom.

Chairperson Corkin reminded all Commissioners interested in attending the Upper Peninsula County Commissioner’s Meeting June 9th and 10th to contact Mary in the Administrator’s Office.

There being no further business, the meeting was adjourned at 7:20 p.m.

Respectfully Submitted,

[Signature]
David J. Roberts
Marquette County Clerk
1. ROLL CALL.
3. PUBLIC COMMENT.
4. APPROVAL OF THE AGENDA.
5. Review of Claims and Accounts.
6. Sawyer Electricity.
7. Resolution: Appointment of Assessor Member to State Assessors Board.
9. Bid Award for Air Conditioning of Computer Room (Information Forthcoming at Meeting).
10. Contract Award for SIA Projects (MAP Funding).
12. SIA Zoning Ordinance Fee Schedule.
14. Evaluation Fuel Tank Investigation at Old Airport
15. Authorize agreement with FKDA Eng. assistance for old airport wastewater system
16. Authorize Lease A. Voyager for BIg. 420
17. PUBLIC COMMENT.
18. COMMISSIONER COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS.
19. ADJOURNMENT.