The Marquette County Board of Commissioners held their Regular Meeting on Tuesday, June 20, 2000, 7:00 P.M., in Room 231 of the Henry A. Skewis Annex, Baraga Avenue, Marquette, Michigan.


A salute to the flag was given followed by the Pledge of Allegiance.

It was moved by Comm. Arsenault, seconded by Comm. Wallace, and unanimously carried by voice vote that the Minutes of the June 6, 2000 Regular Meeting be approved.

Chairperson Corkin opened the meeting for public comment.

Attorney Tom Clark, Marquette, on behalf of WLUC-TV6 thanked the County Board for allowing the additional two weeks to review the Airport Zoning Ordinance. He distributed a review of the proposed Zoning Ordinance from Aviation Systems Associates, Inc., Torrence, California. Aviation Systems pointed out that since Sawyer International is now a civil airport, the Airport hazard area should be based upon a more "reasonable" criteria as to size of the area and height limitations.

Mr. Clark noted that he has followed up with the Michigan Department of Transportation Bureau of Aeronautics. They provided him a model airport zoning ordinance plan. In this plan the 80% threshold for reconstruction of a non-conforming use is set forth, and Mr. Clark questioned the new proposed 50% standard. He also contended that permit procedures provide for no objective criteria. The old zoning ordinance and the MDOT model provides that structures of 25 feet or less require no permit, those structures up to 100 feet or less would need permit, and those above 100 feet no permit would be allowed, only possible variances. WLUC-TV6 has a potential tower site within the ten mile zoning ordinance radius and would prefer objective standards be set forth in the ordinance to determine who must and must not get a permit.

Mr. Clark further noted that County Staff has been very helpful to him. They may feel attacked but this is not a personal matter, they have done nothing wrong. Tying the Airport Zoning Ordinance Permits to the Building Codes Department provides for administrative ease but it may not apply equally to all situations. Objective standards should be written into the ordinance before it is adopted, this ordinance goes too far.

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

INFORMATIONAL ITEMS

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


    Comm. Curto, County Board Member of the Pathways Board urged all Commissioners to attend a Public Hearing to be held Monday, June 26th at Northern Michigan University Great Lakes Room, 9:00 a.m. At this hearing State Senators Beverly Hammerstrom and Shirley Johnson will accept comment on their plan for Community Mental Health as it relates to privatization and competition. Their proposal has received overwhelming endorsement by the Michigan Association of CMH Boards and most recently UPACC adopted a resolution supporting the plan. An Attorney from Muskegon has challenged the State of Michigan contending that it cannot change the present Community Mental Health Plan at all. Regardless of this legal challenge, there will be at lease regionalization with no more than 49 mental health agencies statewide and the Upper Peninsula will probably become one agency. Comm. Curto suggested that Commissioners attend the hearing before taking a position.

b. Memo from Bill Pesola, Red Fox Properties, regarding Sands Township Disputed Tax Issue.
c. Notice from Michigan Office of Highway Safety Planning that Funding for “Operation Nightcap” has been Reduced by $4,960.

d. Memo from Robert Lacinski, MAC President, regarding AAA Decision for Services to the Aging.

e. Acknowledgement from State Senator Don Koivisto of County Board Position Taken regarding HB 4803, Drain Code Revisions.

**ACTION ITEMS**

10a) It was moved by Comm. Roberts, seconded by Comm. Seppanen, and unanimously carried by voice vote that the County Board approve the payment of Claims and Accounts for the period June 9, 2000 through June 15, 2000, excluding Check No. 004974 and 004979, total claims amounting to $249,664.84.

10b) The County Board considered an analysis of Senate Bill 1245 and 1246 regarding Agricultural Use Valuation. Gerry Markey, Equalization Director, was present to explain that the primary purpose of these Senate Bills is to provide tax relief for working farms. It would require assessors to use productivity to value farms rather than property value. This eliminates the developmental class for farming property, however this class does not exist in Marquette County but does in many counties in Michigan. The bills also redefine agricultural property which will give Assessors a definite line on how to assess farm property. SB 1245 also provides that Assessors cannot uncap agricultural property when ownership is transferred as long as it remains a working farm. Should the property change use (to residential) then the new owner would be liable for any tax gain benefits. The new laws would take effect in 2002 to allow Assessors time to get the agricultural properties on line. These bills will provide an additional burden to the local assessors in that assessors must report to the taxpayer the amount of tax they would have to pay back should the land no longer be used for farming.

Mr. Markey noted that Senate Bill 1246 has already passed and is sitting on the Governor’s desk for signature. The initial version had the payment of liability collected to go to the State Treasury however Chairperson Corkin believed that the funds will now go back to the local units. The majority of agricultural lands in Marquette County (75%) are owned by the Michigan DNR. Downstate the majority of farm lands are owned by corporations. SB 1245 has not yet passed however will see further action this fall when the legislature reconvenes.

It was moved by Comm. Seppanen, seconded by Comm. Rapport, and unanimously carried by voice vote that the County Board send a letter to the Governor and to our State Legislators regarding Senate Bills 1245 and 1246 incorporating the recommendations from Gerry Markey, Equalization Director.

10c) The County Board considered a Committee of the Whole Recommendation from May 23, 2000 to adopt the Sawyer International Airport Zoning Ordinance. Jim Kippola, Manager of Planning, noted that it is difficult to balance the needs of everyone but the Airport Zoning Ordinance is our best effort. The issue raised over the 80% threshold for nonconforming uses complies with staff philosophy to remove nonconforming uses when the opportunity arises. No ordinance is written so clearly that every case can be clearly determined. Administrative Staff will have to review permit application procedures which also requires cooperation with local units of government zoning administrators.

Rick Hammond, Airport Compliance and Zoning Specialist, MDOT, was present and noted that he has initially supplied County Staff with a model zoning ordinance and review process. He has been following Marquette County’s efforts from the very beginning and congratulated Marquette County’s Planning and Legal Staff on its proposed Airport Zoning Ordinance. The end result will be a new model for the Michigan Department of Transportation. He further noted that the enabling Airport Zoning Act provides for a minimum allowance of the 80% threshold for the rebuilding of nonconforming use structures, however any ordinance can be more restrictive. The structure requirements within the 10 mile radius of the Sawyer International Airport Zoning Ordinance are exactly what MDOT has in place at 35 airports in Michigan. There are some airports who are even more restrictive. Mr. Hammond contended this is a good Ordinance and recommends it adoption.
Harley Andrews, Civil Counsel, noted that one major objective of the Airport Zoning Ordinance is to get rid of nonconforming use violations. The 50% threshold is needed to provide for more public safety compelling a stricter approach.

Mr. Andrews further noted that there is no interconnection between the building permit and zoning ordinance process, however utilizing the building permit process will be one way to monitor construction within the 10 mile zoning ordinance radius. The law clearly requires any new structure, or remodeling of an existing structure to get a permit within the 10 mile radius. This means that potential discrepancies in enforcement are mute, everyone must have a permit. The Airport Zoning Ordinance will be published, as required by law, and people will be held to know the law. This is the same as all laws. Ignorance of the law does not absolve anybody from the responsibility to follow the law. This is not a perfect ordinance, there is no such thing, but it does provide a process for which the ordinance can be changed and variances approved. An ordinance such as this is a continual work in progress. Civil Counsel Andrews recommends its adoption.

It was moved by Comm. Seppanen, seconded by Comm. Arsenault, and unanimously carried by voice vote that the Marquette County Board of Commissioners adopt the Sawyer International Airport Zoning Ordinance.

**ACTION ITEMS CONTINUED**

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

10d) Committee of the Whole Recommendation to adopt the Sawyer International Airport Zoning Ordinance Fee Schedule, resolution as follows:

**RESOLUTION**

**AIRPORT ZONING ORDINANCE FEE SCHEDULE**

WHEREAS, the Marquette County Board of Commissioners has established the Sawyer International Airport to serve local and regional aviation needs; and

WHEREAS, the safety of the traveling public is of paramount importance to the Board; and

WHEREAS, there is a need to insure that a pattern of land use in the environs of the Airport is compatible with Airport operations; and

WHEREAS, the Sawyer International Airport Zoning Ordinance has been adopted to protect airspace from establishment of airport hazards; and

WHEREAS, the Sawyer International Airport Zoning Ordinance provides for collection of fees for the administration, permitting, variance, and appeals processes provided for under the Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Marquette County Board of Commissioners approve a fee schedule of ten dollars ($10.00) for an Airport Zoning Compliance Permit and one hundred fifty dollars ($150.00) for variances and appeals under the Airport Zoning Ordinance for establishment of any new land use; erection of any new structure; or, to replace, substantially alter or substantially repair, rebuild, allow to grow higher, or replant any Non-conforming Structure or Tree, within the Airport Hazard Area.

Adopted this 20th day of June, 2000
Gerald O. Corlin, Chairperson
Marquette County Board of Commissioners

10e) Committee of the Whole Recommendation to approve a contract agreement with the MDOT/Bureau of Aeronautics for Engineering Services and construction for the North Access Road to Sawyer International Airport.

10f) Committee of the Whole Recommendation to award the construction contract for the North Access Road to Sawyer International Airport to A. Lindberg & Sons in the amount of $1,624,528.23. (Construction will not begin until the grant funding has been approved).
10g) Committee of the Whole Recommendation to approve a Construction Contract with Allstate Electric in the amount of $687,772 to replace taxiway lighting and the installation of electrical grounding grid for Sawyer International Airport.

10h) Committee of the Whole Recommendation to approve an Engineering Services Agreement Amendment with URS Greiner Woodward Clyde for construction administration projects at Sawyer International Airport.

10i) Committee of the Whole Recommendation to award the Sawyer Roof Repair Bid Contract to Pellow Roofing of Marquette in the amount of $53,831.

10j) Committee of the Whole Recommendation to amend the Lease with Sawyer Medical Center to provide for the fencing installed by the Marquette Fence Co., Inc. to enclose an area on the south side of Building 949.

10k) Committee of the Whole Recommendation to approve the sale of three sets of bleachers from the Aircobra Street ball field at Sawyer to Forsyth Township for $1.

10l) Committee of the Whole Recommendation to approve an application for the National Institute of Corrections, Planning of New Institution (PONI) Phase I.

10n) Committee of the Whole Recommendation that the County’s current members of the CUPPAD Regional Commission which include Gerald Corkin, Lynn Coehoorn, Fran Roberts, and Gerald Anderson, be reappointed.

**ACTION ITEMS CONTINUED**

10m) The County Board considered a Committee of the Whole Recommendation to approve a Contract with the CUPPAD Regional Commission for Pre-Disaster GIS Mapping. Comm. Bergdahl questioned why the mapping proposal was not placed on bids.

Steve Powers, County Administrator, pointed out that this proposal came through the Central Dispatch Policy Board. The total cost of the project is $16,685 for which CUPPAD is paying half from an Economic Development Administration Grant. CUPPAD has experience and has done many similar projects for other municipalities.

It was moved by Comm. Bergdahl, seconded by Comm. Roberts, and unanimously carried by voice vote that the County Board approve a contract with the CUPPAD Regional Commission for the Pre-Disaster GIS Mapping, the County will pay CUPPAD $8,342 for the mapping with the source of funding being the Central Dispatch Fund with CUPPAD paying the remaining $8,343 from an EDA Grant.

10o) The County Board considered Mid-Year Appointments. County Clerk Dave Roberts noted that there are no vacancies to be filled on various County Boards and Commissions as a result of resignations. There is one regular vacancy to be filled on the Solid Waste Authority Board of Directors with a three year term expiring July, 2003. Mr. William R. Gordon was appointed last October to replace Ed Keto for the remainder of Mr. Keto’s term which expires July, 2000.

It was moved by Comm. Tuominen, seconded by Comm. Arsenault, and unanimously carried by voice vote that the County Board appoint Mr. William R. Gordon to a 3-year term expiring July 1, 2003 on the Marquette County Solid Waste Authority Board of Directors.

Chairperson Corkin opened the meeting for public comment. None was forthcoming.
COMMISSIONER COMMENTS, STAFF COMMENTS, AND ANNOUNCEMENTS

Chairperson Corkin attended the Marquette General Open House for its new Cardiac Care Unit. It is a very impressive facility and will be of great benefit to citizens of Marquette County and the Upper Peninsula.

Comm. Wallace distributed a copy of an Agenda from the National Association of Health Board’s Conference for County Board information.

Comm. Rapport reported she attended a “Project Zero” Welfare Reform Initiative meeting. The purpose of the initiative is to remove employment barriers for welfare clients. A number of state agencies including Family Independence Agency, Michigan Works, the Michigan Department of Community Development, along with local agencies, are going to assist 29 targeted cases in Marquette County to assist them in finding gainful employment.

There being no further business, the meeting was adjourned at 8:12 P.M.

Respectfully Submitted,

David J. Roberts
Marquette County Clerk
MARQUETTE COUNTY BOARD OF COMMISSIONERS
Regular Meeting, Tuesday, June 20, 2000, 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 6, 2000.
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. Public Hearing: Monday, June 26, 2000, 9:00 a.m., NMU Great Lakes Room, regarding
      Hammerstrom and Johnson Plan for Community Mental Health.
   b. Memo from Bill Pesola, Red Fox Properties, regarding Sands Township Disputed Tax Issue.
   c. Notice from Michigan Office of Highway Safety Planning that Funding for “Operation
      Nightcap” has been Reduced by $4,960.
   d. Memo from Robert Lacinski, MAC President, regarding AAA Decision for Services to the
      Aging.
   e. Acknowledgement from State Senator Don Koivisto of County Board Position Taken
      regarding HB 4803, Drain Code Revisions.
10. ACTION ITEMS:
    a. Claims and Accounts.
    b. Comments by Gerry Markey, Equalization Director, RE: SB 1245 and 1246 – Agricultural
       Use Valuations.
    c. Committee of the Whole Recommendation to Adopt the Sawyer International Airport
       Zoning Ordinance.
    d. Committee of the Whole Recommendation to Adopt the Sawyer International Airport
       Zoning Ordinance Fee Schedule.
    e. Committee of the Whole Recommendation to Approve a Contract with MDOT/Bureau of
       Aeronautics for Engineering Services for the North Access Road to SIA.
    f. Committee of the Whole Recommendation to Award the Construction Contract for the SIA
       North Access Road to A. Lindberg & Sons.
    g. Committee of the Whole Recommendation to Approve a Construction Contract with Allstate
       Electric for SIA Taxiway Lighting and Electrical Grounding Grid.
    h. Committee of the Whole Recommendation to Approve and Engineering Services Agreement
       with URS Greiner Woodward Clyde.
    i. Committee of the Whole Recommendation to Award a Sawyer Roof Repair Bid to Pellow
       Roofing.
    j. Committee of the Whole Recommendation to Amend the Lease Agreement with the Sawyer
       Medical Center to Provide for Fencing on the South Side of Building 949.
    k. Committee of the Whole Recommendation to Approve the Sale of Three Sets of Bleachers to
       Forsyth Township from KI Sawyer.
✓. Committee of the Whole Recommendation to Approve an Application for the National Institute of Corrections, Planning of New Institution, Phase I.

m. Committee of the Whole Recommendation to Approve a Contract with the CUPPAD Regional Commission for Pre-Disaster GIS Mapping.

n. Committee of the Whole Recommendation to Re-appoint the Marquette County Members to the CUPPAD Regional Commission.

o. Mid-Year Appointments.

11. LATE ADDITIONS:
   a.
   b.
   c.
   d.

12. PUBLIC COMMENT. (time limit 20 minutes total)
13. COMMISSIONERS COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS.
14. ADJOURNMENT.