The Marquette County Board of Commissioners met as a Committee of the Whole on October 23, 2001, 6:00 P.M., in Room 231 of the Henry A. Skewis Annex, 234 W. Baraga Avenue, Marquette, Michigan.


It was moved by Comm. Arsenault, seconded by Comm. Moore, and unanimously carried by voice vote that the minutes of the Committee of the Whole Meeting held on October 9, 2001 be approved.

Chairperson Corkin opened the meeting for public comment, none was forthcoming.

It was moved by Comm. Tuominen, seconded by Comm. Joseph, and unanimously carried by voice vote that the agenda be approved with the following changes: Item 11) Third Quarter Budget Report and Amendments be tabled until the next meeting, and the following additions: Item 10a) Domestic Violence Grant Award from the U.S. Department of Justice, Item 13) ACN Call Center Lease Amendment, Item 14) Sawyer Service Center Lease Amendment, and Item 15) Design Bid for Sawyer Building 725 Improvements.

It was moved by Comm. Seppanen, seconded by Comm. Moore, and unanimously carried by voice vote that Claims and Accounts for the period October 12, 2001, through October 18, 2001, in the amount of $307,837.96 be approved.

A presentation was made to the County Board of Commissioners of the Next Generation Model Trial Court Project. Circuit Court Judge Thomas Solka, Chair of the Marquette County Judicial Council, introduced Circuit Court Chief Judge John R. Weber, District Court Judges James Collins and Dennis Girard. Also present was Retired District Court Judge Patricia L. Micklow, who is the Next Generation Trial Court Plan Administrator.

Judge Solka noted for the past year the Trial Courts Staff with assistance from Administrative Staff and Information Systems Staff have worked to address a number of issues including: Court security, court technology, administration, etc. The project was conducted with the assistance of State Court Administrative Office Consultant Niall Raen. Mr. Raen is a former Washtenaw County Court Administrator who worked on the 21st Century Project in Washtenaw County.

Niall Raen, SCAO, made the formal presentation of Marquette County’s Next Generation Model Trial Court Project. Mr. Raen noted this presentation marks the end of the planning phase and the beginning of the implementation phase. The Next Generation Project is designed to assist the Court to coordinate activities, modernize management technology, coordinate administration, provide family focus delivery of trial services, streamline the docket process, consolidate case file management operations, and improve access to justice by making courts less confusing.

Why was Marquette County chosen? Marquette County has a past record of innovation and has participated in the previous 21st Century Trial Court Improvement Project. Marquette County utilizes collaborative governance with funding support and cooperation from the County Board of Commissioners.

Mr. Raen outlined the planning phase of the project which included five planning teams convened to work in the following areas: Court services, facilities, technology, judicial resources, and court administration. Each team developed an implementation plan using the following processes: Identify issues and goals, develop preliminary options, conduct a cost/benefit analysis, develop final recommendations, specify tasks and timelines to complete, and identify tasks for implementation funding.

Mr. Raen noted the Marquette County Next Generation Trial Court Project has resulted in an award of $136,800 divided as follows: $67,700 for space utilization, improve signage, video arraignment, and portable magnetometers; $61,600 to be used for central court collections, access automation of a financial system, evidence display and court reporting upgrade; with $7,500 going toward project management.

The Commissioners thanked the Judicial Counsel and Mr. Raen for its presentation and especially acknowledged Retired Judge Patricia Micklow for coordinating the grant project.
The Committee considered the Marquette County Medical Care Facility (MCMCF) Policy on Hospice Services. Ms. Cindy Nyquist, Executive Director of U.P. Home Health and Hospice, was present and noted that Marquette County has two excellent hospice services: Lake Superior Hospice and the U.P. Home Health Hospice. She emphasized that her comments in no way are critical of the Lake Superior Hospice. The U.P. Home Health Hospice has been Medicare certified for over 25 years and has never had a Medicare difficulty. The issue Ms. Nyquist would like to address is patient access at the MCMCF. If the U.P. Home Health Hospice serves a patient and then the patient is to be admitted to MCMCF the patient must change to the Lake Superior Hospice. This is very stressful to the patient who has built a bond with their hospice provider. If a patient residing in the MCMCF requests hospice services their only choice is Lake Superior Hospice.

Ms. Nyquist noted that in the last six months four patients have been directly affected by this policy. Mr. Joseph Baker, Lake Superior Hospice Director, has given Ms. Nyquist permission to report that Lake Superior Hospice supports full patient choice. Patients should never be asked to switch hospices. There is no cost differentiation between the two hospices. They are governed by Medicare.

The U.P. Home Health and Hospice filed suit against the Marquette County Medical Care Facility and its Administrator. The case was not won or lost, but Lake Superior Home Hospice chose to dismiss the matter. We cannot afford to continue the litigation. Ms. Nyquist decided to come to the County Board for its review of the matter and whether or not the MCMCF policy should continue.

Dr. Michael Grossman has been practicing medicine for 21 years in the City of Negaunee. Of the 120 residents at the MCMCF he provides medical services to 50 of them. He can understand the MCMCF contracting for dietary, lab, therapy services, etc., however hospice is like choosing a doctor. All other nursing homes in Marquette County allow their patients a choice and hospitals are not allowed to promote any particular hospice by law. Apparently nursing homes are not bound by this. The Medical Care Facility Administrator may not be doing anything illegal, however it is not ethical for a patient to have no choice.

Chairperson Corkin read a letter from Brad Cory, Administrator MCMCF, which noted the legal case resolved a very important issue that cuts to the heart of whether a medical care facility has the right to contract with whatever clinician, vendor, or outside corporation they deem necessary to make prudent business and quality care decisions. Had this case been lost it would have opened the door to any speech therapist, physical therapist, occupational therapist, and others demanding their services be offered to the patients. The decision by Judge Stark, Alger County Circuit Court, allows the MCMCF to have the freedom and ability to contract with those entities that they may choose.

Several Commissioners expressed concern about the policy at the MCMCF of allowing only one hospice. This is a public facility paid for by taxpayer dollars and a patient in the final days of their life should have a choice. Comm. Moore, County Board Liaison to the Medical Care Facility Board, noted they are meeting tomorrow, Wednesday, October 24, 4:00 P.M. and invited Ms. Nyquist and Dr. Grossman to attend to address the issue.

Caroline Bridges, Chairperson of the Medical Care Facility Board, appreciates the fact that Commissioner Moore and the County Board would like to know more about the MCMCF contract with Lake Superior Hospice. She would be happy to review the litigation with Commissioners. She is unaware of any patient being denied their right to choose a hospice. Patients are told before entering the Medical Care Facility that hospice services are provided by Lake Superior Hospice. There are many other issues involved in this litigation that was dismissed by Judge Stark. Ms. Bridges finds this method of promoting business to be appalling.

Gary Walker, Marquette County Prosecutor, presented a letter from U.S. Senator Carl Levin announcing that Marquette County will receive a $175,845 grant from the U.S. Department of Justice for 2002 to encourage arrest policies and enforcement of protection orders. The U.S. Department of Justice has established a permanent Violence Against Women Office and the funds that Marquette County receives will continue providing services to Marquette County victims of domestic violence. Mr. walker noted that Marquette County has received a total of $823,000 over the past four years for this effort, which has been a cooperative effort amongst law enforcement agencies and women’s organizations. He is very happy to receive this grant and will continue to do this work. He noted the leading cause of emergency medical service visits by women is domestic violence which is a crime and can be stopped.

It was moved by Comm. Tuominen, seconded by Comm. Seppanen, and unanimously carried by voice vote to place the communication on file.
The Committee considered an Agreement between Sawyer International Airport and the United States Department of Agriculture to provide a Wildlife Hazard Assessment to satisfy FAA Regulation Part 139.337. Hal Pawley, SIABC Manager, was present and explained that the USDA Wildlife Hazard Assessment Agreement is for $18,485 with 90% funded by the FAA and 10% from Sawyer International Airport. The proposal involves a two-step process: The first step is to make periodic but extensive site visits to the Airport over a 12 month period to observe wildlife on or near the airport at all times of the day, during all seasons, and in different weather conditions. The second step is to develop and provide a written report, which would include analysis of observations and recommendations for reducing wildlife hazards to aviation at SIA. This Wildlife Hazard Assessment is an FAA requirement for certification to operate and Airport.

It was moved by Comm. Arsenault, seconded by Comm. Tuominen, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve of the Cooperative Service Agreement between Sawyer International Airport and the United States Department of Agriculture for the completion of a Wildlife Hazard Assessment for SIA in the amount of $18,485 (90% FAA funded).

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The Committee considered “Collective Bargaining Authority and Guidelines.” The Public Employment Relations Act (PA 336 of 1947 as amended) requires that negotiators must bargain in good faith. Bargaining in good faith being defined as being empowered to negotiate on wages, fringe benefits, hours and conditions of employment.

Steve Powers, County Administrator, noted the Board of Commissioners through its Ad Hoc Bargaining Committee must give direction to the negotiating team. The committee must be available on short notice to meet with the negotiating team at critical points in the bargaining process.

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 Collective Bargaining Authority and Guidelines by adopting the “Statement of Bargaining Philosophy – County of Marquette.”

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The Committee considered an Amendment to the Lease Agreement between the County of Marquette and ACN Communication Services. A communication from Lance A. Beck, V.P. Call Center Operations, explained that currently ACN Communications employs 100 people full-time, offering competitive wages and fringe benefits. ACN has operated as a good corporate citizen for 21 months and are pleased with the relationships enjoyed with the County of Marquette, Northern Michigan University, and local service providers. While ACN is pleased with its growth several unexpected events have impacted forecasted staffing levels. As a result ACN has revised the staffing forecast with an anticipated delay in reaching the target of 165 employees by December 31, 2001. On behalf of ACN Mr. Beck requested that any obligations in its terms related to the December 31, 2001 date and the current lease agreement be amended to reflect the date of December 31, 2002. This delay will allow ACN the time needed to prudently move forward with long-range corporate goals.

Hal Pawley, SIABC Manager, and Vikki Kulju, SIABC Marketing Director, were present to discuss the lease amendment and answer questions. On June 1, 2000 ACN entered into a lease with Marquette County for approximately 30,800 sq. ft. and as part of the lease ACN agreed by December 21, 2001 it would employ not less than 165 full-time employees at the leased premises. If ACN fails to meet this job creation objective ACN was to pay Marquette County the sum of $500,000 in liquidated damages for the breach of this condition. In return the lease restricted Marquette County's ability to recruit additional call center facilities within the boundaries of the former KI Sawyer Air Force Base. This particular agreement was made between Marquette County and ACN with no restrictions being placed on the Community Development Block Grant or loan process. ACN has agreed that should the County grant the 1-year job creation extension the restrictions on recruitment of another call center at Sawyer would be forfeited.

It was moved by Comm. Moore, seconded by Comm. Arsenault, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve of the Amended Lease Agreement between the County of Marquette and ACN Communication Systems to allow the extension of the job creation objective of 165 employees to be extended to December 31, 2002 and in exchange ACN will forfeit its exclusivity rights.

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The Committee considered a Lease Amendment with the Sawyer Service Center for Buildings 824 and 826. Steve Powers, County Administrator, noted on June 5, 1998 the Sawyer Service Center entered into a lease agreement with Marquette County for Building 826 (the original facility). On August 1, 2000 Sawyer Service Center entered into a lease agreement with Marquette County for Building 824 (the new facility). The agreement for the new facility was structured as to provide a rent-free period for construction improvements. Rent payments were to begin at the new facility at the time the Sawyer Service Center began either full or partial operations. Rent payments would continue on the original facility until that location was vacated. Also, the agreement for the new facility contained a purchase option. The Sawyer Service Center intends to exercise the purchasing option immediately after occupancy thus eliminating any rental payments due the County. The closing was scheduled for September 13th and at that time the Sawyer Service Center was in arrears by approximately $1,500. Staff informed the Sawyer Service Center that pursuant to the Lease Agreement closing could not occur until the Service Center became current.

The Sawyer Service Center Business Plan cannot support the operation of the two facilities and they have asked that the County assist them as follows: Closing is scheduled for January 7, 2002 with Marquette County waiving rent on the new facility until that time (total amount waived - $5,006.46) provided the following conditions are met:

- Utilities on both buildings are current by closing
- Natural Gas Service in building 824 must be in Sawyer Service Center’s name by November 1, 2001
- The existing IRP Loan is current as of November 1, 2001
- Receipts for IRP funds released for construction improvements are provided to the Business Manager by closing
- Rent on Building 826 for October, November, and December will be paid in full by closing

It was moved by Comm. Arsenault, seconded by Comm. Moore, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve the Lease Amendment with the Sawyer Service Center following the terms outlined by Staff.

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The Committee considered a Staff recommendation for the design and construction administration for Sawyer Building 725.

Hal Pawley, SIABC Manager, was present and explained the County is leasing the southern portion of Sawyer Building 725 to Marinette Yachts. Building 725 requires basic renovations which will consist of Building Code and Michigan Barrier Free Law requirements, including requirements caused by the building’s change in use. URS will evaluate code compliance, design any work required, schedule and conduct review meetings, pre-construction meetings, and inspection meetings. County employees will complete the work.

Commissioners expressed concern as to whether County employees have the time and expertise to complete the construction work. Hal Pawley noted the original construction project for Building 725 was for $40,000 which included mold abatement. The mold abatement work has been done by an outside contractor. The work remaining amounts to approximately $10,000 to $15,000 and by utilizing County employees the work can begin immediately allowing Marinette Yacht to occupy the building before winter sets in. Otherwise, the project will have to go through the bidding process.

Vikki Kulju, SIABC Marketing Director, noted the URS low bid of $1,110 for the design and construction administration is a result of a URS being on site and very familiar with this building. URS meets all bid requirements.

It was moved by Comm. Moore, seconded by Comm. Arsenault, and carried by voice vote 6 Ayes to 1 Nay (Comm. Joseph), that the Committee of the Whole recommend the County Board approve the Design and Construction Administration Bid for Sawyer Building 725 with URS Greiner in the amount of $1,110.

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Chairperson Corkin recessed the Committee of the Whole Meeting at 7:35 P.M for the continuation of the County Board of Commissioners Annual Meeting.

CONTINUATION OF ANNUAL MEETING

(Annual Meeting Minutes are Separate from the Committee of the Whole Minutes)
The Committee of the Whole came back into open session at 7:40 P.M.

Chairperson Corkin opened the meeting for public comment, none was forthcoming.

COMMISSIONER COMMENTS, STAFF COMMENTS, AND ANNOUNCEMENTS

Steve Powers, County Administrator, distributed a letter from Steven M. Johnson, Captain, Northwest Airline, Napa, California, which was written to Mr. Don Curto of An American Place at KI Sawyer. The letter thanks Mr. Curto, everyone in the community of Gwinn for the tremendous hospitality provided to the Northwest passengers and crew during the unfortunate tragedy of September 11th.

There being no further business, the meeting was adjourned at 7:45 P.M.

Respectfully Submitted,

[Signature]

David J. Roberts
Marquette County Clerk
MARQUETTE COUNTY BOARD OF COMMISSIONERS
COMMITTEE OF THE WHOLE
Tuesday, October 23, 2001, 6:00 P.M.
Room 231, Henry A. Skewis Annex, Marquette, MI 49855

1. ROLL CALL.
3. PUBLIC COMMENT.
4. APPROVAL OF THE AGENDA.
5. Review of Claims and Accounts.
6. Next Generation Trial Court Plan Presentation (Plan Previously Distributed).
7. Marquette County Medical Care Facility Policy on Hospice Services (No Packet Materials).
8. Agreement with U.S. Department of Agriculture for Wildlife Assessment at Sawyer International Airport to Satisfy FAA Regulations.
9. Possession and Use Agreement with Michigan Department of Transportation for M-94.
13. 
14. 
15. 
16. CONTINUATION OF ANNUAL MEETING
   • Certification of Millages for Taxing Units (Information Forthcoming at Meeting).
17. PUBLIC COMMENT.
18. COMMISSIONER COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS.
19. ADJOURNMENT.

10a) Grant re: Violence Against Women

R 12) ACN Lease
R 14) Sanger Senior Care Lease
R 15) Design for B18 725