The Marquette County Board of Commissioners held their Regular Meeting on Tuesday, October 7, 2003, at 7:00 P.M., in Room 231 of the Henry A. Skewis Annex, 234 W. 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 Regular Meeting held on September 16, 2003 and the Special Meeting held on September 23, 2003 be approved.

PROCLAMATIONS, PRESENTATIONS, AND AWARDS
Chairperson Corkin read the following resolution honoring Kim V. Nebel on his retirement:

MARQUETTE COUNTY BOARD OF COMMISSIONERS
RESOLUTION
HONORING KIM V. NEBEL ON HIS RETIREMENT

WHEREAS, Government has an obligation to provide its citizens the best services possible by hiring employees of the finest quality; and

WHEREAS, Kim V. Nebel was hired on April 1, 1976 as a Deputy Sheriff in the Marquette County Sheriff’s Department, promoted to Deputy Sheriff/NETCOM in September, 1980, reassigned to Deputy/Road Patrol on January 1, 1981, then promoted to Corporal/Road Patrol on March 18, 1988 and finally to Sergeant/Road Patrol on April 2, 1993; and

WHEREAS, Kim V. Nebel will retire on September 28, 2003 after 27 years 6 months of service to Marquette County,

THEREFORE, BE IT RESOLVED, that the Marquette County Board of Commissioners gratefully expresses its appreciation for the dedicated service of Kim V. Nebel since April of 1976; and

BE IT FURTHER RESOLVED, on behalf of all County Citizens, the Marquette County Board of Commissioners wishes Kim a long, healthy, and happy retirement.

Proclaimed this 7th day of October, 2003
Gerald O. Corkin, Chairperson
Marquette County Board of Commissioners

Chairperson Corkin opened the meeting for public comment.
Don Bedwell, Richmond Township, spoke regarding the Marquette County Sheriff’s Department Road Patrol and what plans the County Board has if Road Patrol funding is cut.
Don Poupore, Commander, Michigan State Police, also spoke regarding Road Patrol cuts.
James Loosfoot, Deputy, Sheriff’s Department, spoke in support of Road Patrol.
Carl Lindquist, Central Lake Superior Watershed Partnership, thanked the County Board for past and continued support.
Virginia Killough, Marquette, addressed the County Board regarding Pathways.
Phyllis Loosfoot, Marquette, addressed the County Board regarding support of the Sheriff’s Department Road Patrol.

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

It was moved by Comm. Nordeen, seconded by Comm. Bergdahl, and unanimously carried by voice vote that Claims and Accounts for the period September 19, 2003 through October 2, 2003 in the amount of $2,500,947.65 and by-weekly payroll for the period ending September 30, 2003 in the amount of $581,225.53, check No. 45988 payable to Bergdahl’s Farm & Equipment in the amount of $16,48 be approved.

Comm. Cihak disclosed to the Marquette County Board of Commissioners that he operates an independent business called Cihak Investigative Services and informed the County Board there may be future Court appointed cases and he will abstain from voting on any bills submitted by Cihak Investigative Services.

It was moved by Comm. Wallace, seconded by Comm. Cihak, and unanimously carried by voice vote that the agenda be approved with the following additions: Item 11a) City of Marquette Support Letter, 11b) Consideration of Closed Session to Discuss Collective Bargaining Strategies, 11c) Discussion from Comm. Nordeen regarding Sheriff Deputies at Sawyer, 11d) Discussion from Comm. Nordeen regarding the YMCA Funding, and 11e) Discussion from Comm. Nordeen regarding Sheriff Accusations.
INFORMATIONAL ITEMS

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

a. Response from Joseph Van Oosterhout, Central Dispatch Manager, regarding Oakland County Resolution – Radio Towers.
c. Thank You from Congressman Bart Stupak regarding the Work Force Reinvestment and Adult Education Act (HR 1261).
e. Communication from the Department of Consumer and Industry Services regarding Joint Application for Delegation of School Inspection Authority to a Local Unit of Government Enforcement Agency.
f. Negauance Iron & and UP Steel Invitation to Attend a Presentation of the Former Pelletech Plant, Friday, October 10th.
g. Medical Care Access Coalition Second Annual Conference, November 6th and 7th.
h. Appeal Denial Letter from FEMA.
i. Upcoming Vacancies on Various County Boards and Commissions.

ACTION ITEMS

10a) The County Board considered a Committee of the Whole Recommendation regarding a proposed zoning amendment at KI Sawyer. Forsyth Township Zoning Staff has submitted an application to change approximately 24 acres from Commercial – Two (C-2) to Public Area (PA). The area includes the proposed BMX Course and Recreation Fields. The Committee of the Whole recommended the County comment against the proposed rezoning. After extensive review and input by County Staff the County Planning Commission and Forsyth Township, the land was zoned commercial by Forsyth Township. Less than six months later, Forsyth Township is proposing a change. County Staff is unaware of any changes in land use that require a zoning amendment. Public recreation is allowed as a conditional use in a commercial zone. The area is undeveloped property, in close proximity to the Airport Terminal, in a tax free zone, and with utilities available. The land’s highest and best use is commercial. Rezoning the land to public use restricts the County’s future options, hinders future sales, and limits development opportunities. There are other areas available at KI Sawyer for public recreation.

Comm. Nordeen explained the only control the Township has over the County is through zoning. They want to use 20 acres at Sawyer for recreation. He explained the County has thousands and thousands of acres at Sawyer. He feels when the County uses up those acres then we can worry about these 20 acres.

Comm. Cihak explained public recreation is allowed as a conditional use in a commercial zone. He feels that until it is developed, Forsyth Township has the ability to use these 20 acres, and until such time as the County gives them notice. There are no immediate plans for development.

It was moved by Comm. Arsenault, seconded by Comm. Wallace, and carried on a roll call vote 7 Ayes to 1 Nay (Comm. Nordeen) that the County Board deny the zoning request at KI Sawyer.

10b) The County Board considered a Committee of the Whole Recommendation to implement a Citizens Friend of the Court Advisory Committee. Comm. Bergdahl gave Administrator Steve Powers written questions he would like answered prior to the development of the Committee.

It was moved by Comm. Bergdahl, seconded by Comm. Arsenault, and unanimously carried by voice vote that the County Board direct Steve Powers, County Administrator, to develop a summary plan to implement a Citizens Friend of the Court Advisory Committee and report back to the County Board in 60 days.

10c) The County Board considered a request from the American Indian Coordinating Council regarding 2003 2% distribution. The Board of Commissioners 2002 2% request included the American Indian Coordinating Council. Funds were received and the County and Council entered into an agreement. The American Indian Coordinating Council used the funds to provide education and training to the public, communities, and schools in Marquette County on the topics of Native American culture and the importance of cultural diversity. The Board of Commissioners may choose to accept 2% revenues for services, programs, and purposes that counties are legally able to fund. In 2002, Civil Counsel reviewed the American Indian Coordinating Council’s proposed use and prepared an agreement that allows the Board to pass through the funds. The same agreement will be used if funds are provided in 2003. The Keweenaw Bay Indian Community is required to distribute 2% revenues to local governments in Marquette County because of the Ojibwa II Casino. The Sault Tribe of Chippewa Indians is not required to distribute casino revenues, but the Tribal Council has chosen to use 2% funds to help support local government services and programs.
It was moved by Comm. Wallace, seconded by Comm. Nordeen, and unanimously carried by voice vote that the County Board approve the request with provisions that Keweenaw Bay Indian Community 2% distribution be first used to fund County programs. No provision is recommended for the Sault Ste. Marie Tribe of Chippewa Indians.

10d) The County Board considered a Lease Agreement between Range Telecommunications and the County of Marquette Central Dispatch.

It was moved by Comm. Tuominen, seconded by Comm. Wallace, and unanimously carried by voice vote that the County Board approve the Lease Agreement between David and Joyce Savolainen Sr., Range Telecommunications, and the County of Marquette Central Dispatch.

10e) The County Board considered the FY 2004 Emergency Management Work Agreement for Marquette County.

It was moved by Comm. Joseph, seconded by Comm. Arsenault, and unanimously carried by voice vote that the County Board approve the FY 2004 Emergency Management Work Agreement for Marquette County submitted by Teresa Schwalbach, Emergency Management Coordinator.

10f) The County Board considered Enhanced Access Fee Waiver from Al Feldhauser, Senior Planner. The Marquette County Board of Commissioners in July adopted an Enhanced Access to Public Records Policy. This Policy was designed to control the distribution of public records and to recoup costs of creation, production, maintenance, and distribution of digital information. The policy recognizes that there would be instances where output from the Marquette County Geographic System (GIS) may be needed by another governmental body for official use. A request has been received from Gary Koski, Site Manager for the Air Force, requesting data and a fee waiver. The Air Force proposes to setup a web based GIA System with regards to environmental cleanup sites at KI Sawyer. The GIS will include basic infrastructure information, aerial photos, and data collected for the Air Force’s environmental consultants. In recognition of the importance of perpetuating the environmental data which has been gathered at Sawyer, Staff recommends support of the requested fee waiver.

It was moved by Comm. Cihak, seconded by Comm. Tuominen, and unanimously carried by voice vote that the County Board approve the Enhanced Access Fee Waiver and provide requested data to the Air Force and authorize Chairperson Corkin to sign an Interlocal Agreement with the Air Force for release of digital data.

10g) The County Board considered appointments to the Marquette County Board of Canvassers. Two members of the Marquette County Board of Canvassers terms will expire October 31, 2003. They are Joseph Pietro, Republican, and Fran Baldasari, Democrat. Per MCL 168.24c, the County Committee of each political party is required to provide the County Clerk with the names of three nominees for the party’s expiring seat on the Board. The Republican Party has nominated incumbent Joe Pietro, Gwinn, Lori Keto, Skandia, and John Trudeau, Marquette. The Republican Party recommends the reappointment of Joe Pietro. The Democratic Party has nominated incumbent Fran Baldasari, Gwinn, Larry Linna, Marquette, and Sue Tollefson, Marquette. The Democratic Party recommends the reappointment of Fran Baldasari.

It was moved by Comm. Bergdahl, seconded by Comm. Tuominen, and unanimously carried by voice vote that the County Board reappoint Joe Pietro and Fran Baldasari to the Marquette County Board of Canvassers to 4-year terms expiring 10/31/07.

LATE ADDITIONS

11a) The County Board considered a request from the City of Marquette for support of the City of Marquette’s efforts to protect the Lake Superior shoreline. Lake Superior is a national treasure that has provided beauty, commerce, and sport for generations. The lake’s beaches and parks draw tourists and are sources of pride for Marquette County. Unfortunately, the upper breakwall has caused wave action that threatens beaches and Lakeshore Boulevard. As a protective measure, unsightly and inaccessible rubble lined the road. A better solution than discarded rock would be stone revetments. Revetment stonework would protect access to the Iron Bay Business Park, Presque Isle Park, the Ore Dock, and the Upper Marina. Beach Access would also improve, and views of the Lake would be enhanced for County residents and visitors.

It was moved by Comm. Wallace, seconded by Comm. Joseph, and unanimously carried by voice vote that the County Board approve a Letter of Support for the City of Marquette’s efforts to protect the Lake Superior Shoreline.

11b) The County Board considered a request from Comm. Nordeen to discuss Sawyer Deputies. Comm. Nordeen clarified a Mining Journal article that was incorrect regarding funds at Sawyer.

Comm. Nordeen explained that he misunderstood the Committee of the Whole Recommendation regarding no general fund support for Sawyer Deputies. He would like to address the Sawyer budget again.
Chairperson Corkin explained the recommendation will be brought to the Annual Meeting on October 14, 2003 at which time he could request to reinstate the two Sawyer Deputies.

11c) The County Board considered a request from Comm. Nordeen to discuss YMCA funding.
Comm. Tuominen would like to see a subcommittee to discuss the YMCA issues and the rezoning at Sawyer.
Comm. Wallace explained he once supported the YMCA Board but at this time he would much rather fund the nine positions at the Sheriff's Department. He further explained that any surplus money found he would vote to give to the Sheriff's Department.
It was moved by Comm. Cihak, seconded by Comm. Nordeen, and unanimously carried by voice vote that the County Board discuss the YMCA funding at the Annual Meeting.

11d) The County Board considered a request from Comm. Nordeen to discuss Sheriff accusations. Comm. Nordeen explained that at a recent meeting the Marquette County Sheriff made accusations to a County Commissioner. He asked if the County were under some obligation to discuss the issue.
Comm. Wallace explained that if the Sheriff is going to file a complaint or request an investigation by the State Attorney General's office it is a legal issue that should not be discussed.

Chairperson Corkin declared a five minute recess to clear commission chambers.

The County Board came back into open session.

It was moved by Comm. Bergdahl, seconded by Comm. Arsenault, and unanimously carried by voice vote that the County Board approve the recommendation regarding collective bargaining for Sheriff's Deputies.

Chairperson Corkin opened the meeting for public comment.

Virginia Killoough, Marquette, once again addressed the Board regarding Pathways and self-determination. She stated this is not an issue about money.
Don Bedwell, Marquette, again addressed the County Board requesting Commissioners search their hearts and wallets to support law enforcement in Marquette County for the safety of our children and our grandchildren.
Sheriff Lovelace explained that tomorrow there is a meeting with law enforcement agencies regarding Mutual Aid Agreements regarding discussion of pulling out of the Mutual Aid Agreements.
Bill Phillips, Ishpeming, spoke in support of the Sheriff's Department.
Debra Winkler, Skandia, supports Road Patrol and the Marquette County Sheriff’s Department.
James Gallant, Marquette, addressed Commissioners regarding the Friend of the Court Advisory Committee and thanked Commissioners for the action they took to implement this Committee.

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

There being no further business to come before the County Board, the meeting adjourned at 8:30 P.M.

Respectfully Submitted,

Connie M. Branam
Marquette County Clerk
MARQUETTE COUNTY BOARD OF COMMISSIONERS
Regular Meeting, Tuesday, October 7, 2003, 7:00 P.M.
Room 231, Henry A. Skewis Annex, Marquette, Michigan 49855

1. CALL TO ORDER - SALUTE TO THE FLAG - PLEDGE OF ALLEGIANCE.
2. APPROVAL OF THE MINUTES OF THE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING HELD ON SEPTEMBER 16, 2003 AND THE SPECIAL MEETING
HELD ON SEPTEMBER 23, 2003.
3. PROCLAMATIONS, PRESENTATIONS AND AWARDS.
   a. Resolution Honoring Kim V. Nebel on His Retirement.
4. PUBLIC COMMENT. (time limit 20 minutes total)
5. REVIEW OF CLAIMS AND ACCOUNTS.
6. APPROVAL OF THE AGENDA.
7. PUBLIC HEARINGS.
8. PRIVILEGED COMMENT:
9. INFORMATIONAL ITEMS:
   a. Response from Joseph Van Oosterhout, Central Dispatch Manager, regarding Oakland County
      Resolution - Radio Towers.
   c. Thank You from Congressman Bart Stupak regarding the Work Force Reinvestment and Adult
      Education Act (HR 1261).
   d. Memo from the United States Department of Agriculture regarding Forest’s Land and Resource
      Management Plan.
   e. Communication from the Department of Consumer and Industry Services regarding Joint
      Application for Delegation of School Inspection Authority to a Local Unit of Government
      Enforcement Agency.
   f. Negaunee Iron & and UP Steel Invitation to Attend a Presentation of the Former Pelletech
      Plant, Friday, October 10th.
   g. Medical Care Access Coalition Second Annual Conference, November 6th and 7th.
   h. Appeal Denial Letter from FEMA.
   i. Upcoming Vacancies on Various County Boards and Commissions.
10. ACTION ITEMS:
    a. Committee of the Whole Recommendation regarding Proposed Zoning Amendment at Sawyer.
    b. Committee of the Whole Recommendation to Implement a Citizens Friend of the Court
       Advisory Committee.
    c. Request from American Indian Coordinating Council regarding 2% Distribution.
    d. Lease Agreement between Range Telecommunications and the County of Marquette (Central
       Dispatch).
    e. FY 2004 Emergency Management Work Agreement for Marquette County.
    f. Enhanced Access Fee Waiver.
    g. Appointments to Marquette County Board of Canvassers.
11. LATE ADDITIONS:
    a.  
    b. Consideration of C.S.S. to discuss collective bargaining strategies.
12. PUBLIC COMMENT. (time limit 20 minutes total)
13. COMMISSIONERS COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS.
14. ADJOURNMENT.