The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, December 14, 2004, at 6:00 P.M., in Room 231 of the Henry A. Skevis Annex, 234 W. Baraga Avenue, Marquette, Michigan.


It was moved by Comm. Wallace, seconded by Comm. Tuominen, and unanimously carried by voice vote that the minutes of the Committee of the Whole Meeting held on November 23, 2004 be approved.

Chairperson Corkin opened the meeting for public comment. 
Neil Jandron, Marquette, was present and stated he hit a deer near the Crossroads on Saturday night at approximately 8:30 p.m. in Sands Township. 911 was called and it took 40 minutes for a patrol officer to arrive. He is concerned about Road Patrol in Marquette County. 
There being no further public comment, Chairperson Corkin closed this portion of the meeting.

It was moved by Comm. Bergdahl, seconded by Comm. Arsenault, and unanimously carried by voice vote that the agenda be approved with the following change: Delete Item 15) Proposed Land Conveyance of Honor Camp Property to Harbor View Development.

It was moved by Comm. Wallace, seconded by Comm. Joseph, and unanimously carried by voice vote that Claims and Accounts for the period December 3, 2004 through December 9, 2004 in the amount of $251,929.60 (minus Check No. 57636 in the amount of $299.00 payable to Bergdahls; Check No. 57236 in the amount of $54.55 made payable to Bergdahls; and Check No. 57602 in the amount of $360.00 made payable to Cihak Investigative Services) be approved. Also approved was bi-weekly payroll for the period ending November 20, 2004 in the amount of $634,390.34.

It was moved by Comm. Joseph, seconded by Comm. Tuominen and carried by voice vote 8 Ayes to 1 Abstention (Comm. Bergdahl) that Check #57636 in the amount of $299.00 made payable to Bergdahls and Check No. 57236 in the amount of $54.55 made payable to Bergdahls be approved. Affidavits of Disclosures follow:

**AFFIDAVIT OF DISCLOSURE**
**Pursuant to MCL 15.323(2)(a)**

**COUNTY OF MARQUETTE**

<table>
<thead>
<tr>
<th>)</th>
</tr>
</thead>
</table>

**STATE OF MICHIGAN**

<table>
<thead>
<tr>
<th>)SS</th>
</tr>
</thead>
</table>

Charles Bergdahl, a Marquette County Commissioner, being duly sworn, hereby submits this Affidavit pursuant to the provisions of MCL 15.323(2)(a):

1. The Final Disbursement List submitted for approval at this December 14, 2004, meeting of the County Board of Commissioners Committee of the Whole includes Check No. 057636, dated December 10, 2004, payable to Bergdahl’s, Inc. in the amount of $299.00, in payment for the Perkins Park Account;

2. I hereby disclose that I have a personal financial interest in Bergdahl’s, Inc., which is as follows:

   90% Shareholder

3. I hereby certify that any direct benefit I personally will receive from this payment to Bergdahl’s Inc. will be less than $250.00, and will be less than 5% of the total payment of $299.00.
Dated this 14th day of December, 2004.

/S/

Charles Bergdahl

AFFIDAVIT OF DISCLOSURE
PURSUANT TO MCL 15.323(2)(a)

COUNTY OF MARQUETTE    
)SS
STATE OF MICHIGAN     
)

Charles Bergdahl, a Marquette County Commissioner, being duly sworn, hereby submits this Affidavit pursuant to the provisions of MCL 15.323(2)(a):

4. The Final Disbursement List submitted for approval at this December 14, 2004, meeting of the County Board of Commissioners includes Check No. 057236, dated November 26, 2004, payable to Bergdahl’s, Inc. in the amount of $54.55, in payment for the KI Sawyer Account;

5. I hereby disclose that I have a personal financial interest in Bergdahl’s, Inc., which is as follows:
   90% Shareholder

6. I hereby certify that any direct benefit I personally will receive from this payment to Bergdahl’s Inc. will be less than $250.00, and will be less than 5% of the total payment of $54.55.

Dated this 14th day of December, 2004.

/S/

Charles Bergdahl

Comm. Cihak disclosed Check No. 57602 in the amount of $360.00 made payable to Cihak Investigative Services. A vote on the approval of this payment may not be held until a subsequent public meeting of this body to be held not less than seven days following today’s date (December 21, 2004). Affidavit of Disclosure follows:

FINANCIAL DISCLOSURE
PURSUANT TO MCL 15.323 (2) (a) (ii)

James Cihak, a Marquette County Commissioner, hereby makes this financial disclosure at this December 14, 2004, public meeting of the Marquette County Board of Commissioners pursuant to the provision of MCL 15.323 (2) (a) (ii):

1. The Final Disbursement List to be considered at this meeting includes Check No. 057602 dated December 3, 2004, payable to Cihak Investigative Services in the amount of $360.00 in payment for Circuit Court investigative services re: Jeffrey W. Roeder;

2. I hereby disclose that I have a personal financial interest in that I am the sole proprietor of Cihak Investigative Services, and in that capacity I performed the work for which this payment is being made;

3. I hereby certify that any direct benefit I personally will receive from this payment to James Cihak may be more than $250.00, and may be more than 5% of the total payment of $360.00;
4. I understand that having made this disclosure at this public meeting, a vote on approval of this payment may not be held until a subsequent public meeting of this body to be held not less than seven (7) days following today’s date; and, that final approval will require a favorable vote of 2/3 of the full membership of the Board of Commissioners, without my vote.

Dated this 14th day of December, 2004.

James Cihak

* * * * *

The Committee considered property tax foreclosure. Steve Powers, County Administrator, explained that in 1999, counties had the choice of managing the property tax foreclosure process or allowing the State to manage the process. The Marquette County Board of Commissioners and Jim Sodergren, County Treasurer at the time, chose the State as the foreclosing governmental unit. Statute allows one last opportunity for counties to opt-in to the foreclosure process. In December 2004, the Marquette County Board of Commissioners, with Gary Yoder’s written concurrence, can choose to have Marquette County be the foreclosing unit or choose to have the State continue as the foreclosing unit. The election is voluntary. If no election is made, the State will continue as the foreclosing unit.

Gary Yoder, County Treasurer, and John Carlson, Mine Inspector, were present to answer questions. After reviewing the revenue potential and concerns regarding the State’s sales procedures, Mr. Yoder recommends the Board consider opting in. The sales experience in Marquette County has been positive. All foreclosed properties have sold and the sale prices and fees have exceeded the taxes, interest, penalties, and expenses. The State is reducing Staff. Future sales may be held in Lansing rather than Marquette, decreasing the services available to Marquette County residents and individuals interested in purchasing property in Marquette County.

Marquette County’s mining history requires a careful review of potential problem properties the County could acquire if it were to opt-in. Mr. Yoder, Mr. Carlson, Mr. Kippola, and Mr. Powers have reviewed the properties currently delinquent. The properties were cross-referenced to known mining properties. Civil Counsel has reviewed the statute. If the County were to opt-in, there is protection from pre-existing environmental problems or conditions. There is no absolute protection for the County for the properties that are hazardous or a nuisance. If the County is the owner of the property, regardless of how the property was acquired, that is an obvious hazard or an attractive nuisance, the County could be found liable if there was an accident. The property could be fenced and posted to alleviate the liability, but there is no absolute protection.

The exact impact is unknown but is estimated to have a positive impact. Revenues from the sale of property must be used to fund the sale expenses. Sale expenses can include existing Staff in the County Treasurer’s Office and Sheriff’s Department. Sale proceeds from the first three sales conducted by the State were $38,000 more than the delinquent taxes, penalties, and interest on the 100 foreclosed parcels sold. If the County had conducted the sales instead of the State, the County could have netted an estimated $118,000 (net sale proceeds plus fees minus sale expenses).


* * * * *

The Committee considered a request from Project WEAVE to lease space at the Marquette County Youth Home. Michael Anderegg, Family Court Judge, Kitt Enniss, Juvenile Department Director, have been reviewing ways to strengthen the relationship between the County and Project WEAVE. Project WEAVE is serving many of the same youth that appear before Judge Anderegg and that are served by the
BOARD OF COMMISSIONERS          COUNTY OF MARQUETTE          DECEMBER 14, 2004
Minutes are Subject to Correction and Approval

Juvenile Division. Project WEAVE understands that the County is not in a financial position to sustain Project WEAVE after the grant funding ends in two years. The intent is for the Project WEAVE’s programs and service improvements to become part of the ongoing work with agencies serving youth.

Project WEAVE will pay the County for use of the space at the Youth Home. Project WEAVE will have exclusive use of 450 sq. ft. and have use of an additional 640 sq. ft. The lease amount will be approximately $12,000 annually. At that amount, more grant funds will be available for programs.

The lease will be budget neutral. Funds needed to implement this recommendation are included in the 2005 budget amendment.

It was moved by Comm. Nordeen, seconded by Comm. Tuominen, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board approve the request from Project WEAVE to lease space at the Marquette County Youth Home.

* * * * *

The Committee considered final adoption of the Draft Marquette County Housing Plan. On August 7, 2004 the County Board of Commissioners approved the draft Housing Plan for distribution according to new planning law requirements, which provided a 65-day review and comment period to all local units of government within and contiguous to the County, and all railroad, cable, and utility companies.

As part of the final adoption process, the Marquette County Planning Commission held a public hearing on December 7, 2004. No public was present to comment, however, written comments were submitted by Marquette Township, Chocolay Township, and the City of Negaunee and have been considered in the final draft plan. The Planning Commission is satisfied that the Final Draft Housing Plan is qualified to guide County housing policy.

It was moved by Comm. Coyne, seconded by Comm. Joseph, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board act as the Final Adopting Agency, adopt the Final Draft of the Marquette County Housing Plan 2004 and sign the Resolution.

* * * * *

The Committee considered final adoption of the County of Marquette Forest Management Plan. Resource Management Staff has been working in conjunction with the Forestry Commission in preparing the Draft. The primary focus of this Plan is the area commonly known as the County Forest. The County Forest is comprised of approximately 9,500 acres in Sands and Forsyth Townships ten miles south of the City of Marquette in the proximity of Sawyer. This area is managed as a multi-use forest producing forest products and providing recreational opportunities for residents and visitors. The planning document will provide valuable assistance in future decision making regarding County owned forestlands.

Al Feldhauser, Planner, was present to answer questions. On September 21, 2004 the Marquette County Board of Commissioners released this Plan for a 65-day public review period. The next step was for the Planning Commission to hold a public hearing. The Public Hearing was held on December 7, 2004. Public comments were received at the hearing. Written comments mailed previously were also read. The Planning Commission considered the comments and included revisions in the final plan.

It was moved by Comm. Bergdahl, seconded by Comm. Tuominen, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board adopt the Final County of Marquette Forest Management Plan and sign the resolution.

* * * * *

The Committee considered Sawyer Water and Sewer Ordinances. Scott Erbisch Sawyer Operations Manager, was present. He explained that in anticipation of the County taking full ownership of the Sawyer Water and Sanitary Sewer Systems, Staff has prepared the proposed ordinances. In drafting these ordinances Staff reviewed many ordinances in place around the State of Michigan. Staff believes that it has come up with the most succinct ordinances necessary for the safe and efficient operations of the systems. In order for the water/waste system to be able to establish rates and charges, collect fees, establish disconnecting guidelines, define lateral responsibilities/ownership, main extensions procedures, and other miscellaneous regulations for operating the water/waste systems, it is necessary that the
ordinances be adopted. Staff requests that the Board act upon these ordinances immediately so that smooth and efficient transitions can occur when the water/waste systems are transferred to the County.

Commissioners and Staff reviewed the water and sanitary sewer fee schedule, the preamble and various definitions presented.

Comm. Nordeen feels the rates are too high at Sawyer and cannot support the ordinance.


The Committee considered bids for Sheriff's Patrol Vehicles. David P. Lemire, Captain, Marquette County Sheriff's Department, was present to answer questions. On Monday, December 6, 2004 at 2:00 P.M., bids were opened from four potential vendors for three 9C1 Chevrolet Impala Police Vehicles. Nine total bid requests were sent out for the vehicles. All bid requests were sent out for the Chevrolet. Commissioners Joseph and Nordeen felt that bids should be solicited from all dealers not just Chevrolet.

It was moved by Comm. Joseph, seconded by Comm. Nordeen, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board award the bid for the three 9C1 Chevrolet Impala Police Vehicles to Frei Chevrolet in the amount of $44,590.

The Committee considered the Personal Property Audit assistance. The City of Marquette has contracted with Tax Management Associates to conduct an audit of the personal property submissions for the largest taxpayers in Marquette. These audits are now in the process of being completed. The City expects any adjustments resulting from the audits will be included in tax payments beginning in 2005. These reviews are expected to take up to two years to complete.

The State of Michigan has encouraged these audits and has provided the City with a grant of $55,872 to accomplish the work. The cost for non-grant funded audit work (contracted costs not City staff cost) is $60,528. Gerald Peterson, City Manager, is requesting the County consider paying a portion of the costs in proportion to the taxes levied. The County millage rate, including special voted millages, is 29.82% of the rate in the City. The County’s share of the non-grant funded cost is $18,049.

While there is no obligation for the County to assist the City with audit costs, Mr. Powers believes some consideration should be given to local government cooperation. He has discussed with Mr. Peterson the City’s willingness to accept payment from the County as the additional tax revenue is collected. The City will accept this modification to their request. The City has assisted the County with County-lead initiatives, most recently committing $5,000 to the Air Service Enhancement Project. Helping the City with the expense as the County receives the revenue avoids any direct cost to the County. The City would be recovering a portion of the direct contract costs. The City may be considering further audits of property valuations. With the rate caps and tax limitations imposed by the State Constitution and Statutes, local governments should take actions to ensure property is valued correctly. The audits are underway and will continue regardless of the Board of Commissioners decision.

The estimated maximum payment to the City of Marquette of $18,049 would be made from the new tax revenue collected as a result of the audit. Mr. Powers recommends the Board approve assistance to the City of Marquette with Personal Property Audit costs.

Comm. Nordeen and Comm. Bergdahl feel personal property tax is an unfair tax. Comm. Joseph explained that if the Board provides assistance to the City of Marquette other units of government will also ask for assistance. He explained that if the assistance is provided to the City of Marquette other units of government could also request assistance.

It was moved by Comm. Wallace, seconded by Comm. Cihak that the Committee of the Whole recommend the County Board approve assistance to the City of Marquette with personal property audit costs. A roll call vote was recorded. Nays (Comm. Arsenault, Comm. Bergdahl, Comm. Joseph, Comm.
The Committee discussed the Building Codes advantages and disadvantages. Steve Powers, County Administrator, explained that the Board of Commissioners on November 24 directed him to provide this information. Mr. Powers provided background information on the Building Codes Department; the advantages of Marquette County being the local unit of enforcement; disadvantages of Marquette County being the local unit of enforcement, advantages of eliminating the Building Codes Department and disadvantages of eliminating the Building Codes Department; and a 5-year financial history.

Comm. Joseph requested additional information, i.e. how many permits were issued, etc. Chairperson Corbin announced that there should be a recommendation to the Board from the Building Codes Ad Hoc Committee at the Regular Board Meeting on the 21st.

It was moved by Comm. Bergdahl, seconded by Comm. Tuominen, and unanimously carried by voice vote that the information from Mr. Powers be accepted and placed on file.

The Committee considered 2005 Budget Amendments. Sue Vercoe, Finance Manager, presented budget amendments for 2005 No. 1 through No. 11 based on requests and information from the Departments. The Budget Amendments are as follows:

#1 - General Fund
This amendment increases the total budget by $21,140. The Substance Abuse Grant was approved for $16,390 more than originally budgeted and increases both the revenue and expense side. Cigarette tax revenue is increased by $8,250 with $5,730 of this amount increasing the Health Department appropriation.

Other changes include the elimination of the K-9 program with the dollars being rolled into the Public Safety Budget.

#2 - Airport Fund
The airport budget is increased by $561,913, of which $524,250 is the repayment of the hangar loan and interest to the Delinquent Tax Revolving Fund. Airport Operating Revenues are increased by $91,750.

#3 - Airport Stabilization Fund
This amendment reflects the $250,000 SLP payment which is due 7/2005. The transfer to the Airport Fund is increased by $470,163 and includes the amount needed for repayment of the hangar loan.

#4 - Water & Sewer Fund
This amendment reclassifies various revenue projections, there is no change to the total budget.

#5 - Probate Child Care Fund
This amendment reflects various line item changes approved in the State child care budget.

#6 - P.A. 511 Community Corrections
This amendment reflects the state approved budget. There is no local match for this program.

#7 - MCTV Fund
This amendment reflects various line item changes resulting from the recently approved Child Passenger Safety Grant.

#8 - Public Improvement Fund
The budget is increased by $31,500. Included in this amount is $24,000 for remodeling the lower level of the youth home. The proposed lease with Project WEAVE provides for an annual rent payment of $12,000. Also included in this amendment is $7,500 for risk control projects.
#9 – Rescue Safety Fund

The capital outlay line item is increased by $6,200 to provide sufficient funding for both dry suit replacement and to replace buoyancy compensators.

#10 – Health Department Fund

The amendment reflects the Health Departments revised 2005 budget.

#11 – Service Center Fund

This amendment reflects the recommended change to the Health Department budget that eliminates the rent payment to the service center fund.

It was moved by Comm. Arsenault, seconded by Comm. Wallace, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board approve the 2005 Budget Amendments No.’s 1 – 11 presented by Sue Vercoe, Finance Manager.

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

COMMISSIONER COMMENTS, STAFF COMMENTS, AND ANNOUNCEMENTS

Comm. Coyne pointed out, as a result of County Board support, the State of Michigan’s first Sulfite Mining Legislation Bill has passed the House and Senate and is awaiting the Governor’s signature.

Comm. Coyne again encouraged all women to join the Women’s Winter Tour. Activities begin with a fashion show at Up Front on January 20, 2005; Women’s Health Expo at the Landmark Inn on February 5, 2005; and a Ski, Snowmobile or Skate starting Up Front Company on February 6, 2005.

There being no further business to come before the Committee of the Whole, the meeting adjourned at 7:15 P.M.

Respectfully submitted,

Connie M. Brannan
Marquette County Clerk
MARQUETTE COUNTY BOARD OF COMMISSIONERS
COMMITTEE OF THE WHOLE
Tuesday, December 14, 2004, 6:00 P.M.
Room 231, Henry A. Skewis Annex, Marquette, MI 49855
www.co.marquette.mi.us

1. ROLL CALL.
3. PUBLIC COMMENT.
4. APPROVAL OF THE AGENDA.
5. Review of Claims and Accounts.
7. Project WEAVE Request.
8. Final Adoption of the Draft Marquette County Housing Plan.
10. Sawyer Water and Sewer Ordinances.
12. Personal Property Audit Assistance.
16. 
17. 
18. 
19. PUBLIC COMMENT.
20. COMMISSIONER COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS.
21. ADJOURNMENT.