

The Marquette County Board of Commissioners held their Regular Meeting on Tuesday, April 20, 2004, at 7:00 P.M., in Room 231 of the Henry A. Skewis Annex, 234 West Baraga Avenue, Marquette, Michigan.

Chairperson Corkin called the meeting to order. Present: Comm. Arsenault, Comm. Bergdahl, Comm. Cihak, Comm. Coyne, Comm. Joseph, Comm. Tuominen, Comm. Wallace, and Comm. Corkin. Absent and excused: Comm. Nordeen.

A Salute to the Flag was given followed by the Pledge of Allegiance.

It was moved by Comm. Wallace, seconded by Comm. Bergdahl, and unanimously carried by voice vote that the minutes of the Regular Board Meeting held on April 6, 2004 be approved.

**PROCLAMATIONS, PRESENTATIONS AND AWARDS**

Chairperson Corkin read the following congratulations to Ishpeming City on its sesquicentennial celebration:

***John Overturn, Director, Ishpeming Sesquicentennial Committee***

***On behalf of the Marquette County Board of Commissioners, I would like to congratulate the citizens of the City of Ishpeming on their Sesquicentennial Celebration. The City of Ishpeming is rich in history, and the Board would like to take this opportunity to recognize the City's numerous contributions to Marquette County over the last 150 years.***

***Again, congratulations!***

***Gerald O. Corkin, Chairman  
Marquette County Board of Commissioners***

Chairperson Corkin opened the meeting for public comment.

Earl Yelle, Sands Township Supervisor, was present and discussed a block of timber that was put up for sale on the Honor Camp property. He explained that Sands Township and the Marquette County Road Commission just spent over \$300,000 rebuilding Silver Creek Road to the standards of a secondary county/township road. Sands Township feels that any damage because of overweight loads to the portion of Silver Creek Road that was just rebuilt should be paid for out of the proceeds of the timber sales. He further explained that the Township and the County Road Commission do not have money to spend on the road because of unnecessary damage.

Bill LaBelle, President AFSCME Union 2724 Marquette County Road Commission, was present and discussed insurance quotes.

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

It was moved by Comm. Arsenault, seconded by Comm. Joseph, and unanimously carried by voice vote that Claims and Accounts for the period April 9, 2004 through April 15, 2004 in the amount of \$209,794.51 and bi-weekly payroll for the period ending April 10, 2004 in the amount of \$568,619.83 be approved.

It was moved by Comm. Tuominen, seconded by Comm. Wallace, and unanimously carried by voice vote that the Agenda be approved with the following changes: Item 13a) Junk Vehicle/Comm. Bergdahl moved to Privileged Comment; delete Action Item 10f) Committee of the Whole Recommendation regarding a Buy-out Lease for Central Dispatch/Emergency Management; add Action Item 10h2) Loan Modification; add Late Addition 11a) Letter of Resignation from Robert Menard; add Late Addition 11b) Road Commission Assistance; and add Late Addition 11c) Lease with Department of Army Corps of Engineers for Space at the County Service Center.

**PUBLIC HEARINGS**

The County Board held a Public Hearing regarding the proposed ORV Ordinance. Chairperson Corkin stated the purpose of the hearing and advised the public in attendance regarding the rules and procedures set forth.

Chairperson Corkin opened the meeting for comments from the public.

Earl Yelle, Sands Township Supervisor, addressed the County Board and explained that Sands Township asks to be exempt from the Ordinance, along with Chocolay Township and Marquette Township, for the reason that there is no way to enforce it.

Chancey Moran, County Road 510, Powell Township, explained that if the County Board adopts the ORV Ordinance, he requests that funding be restored on the County level for enforcement.

A letter was delivered from Ishpeming Township resident Einona Heikkila citing several problems she has with the proposed ORV Ordinance.

There being no further comment, Chairperson Corkin closed the Public Hearing.

**PRIVILEGED COMMENT**

The County Board considered the Junk Vehicle Ordinance as requested by Comm. Bergdahl. Earl Robinson, Skandia Township Supervisor, was present and introduced Skandia Township's Attorney, Raymond Gregory. Mr. Robinson addressed what he feels as the County's lack of interest in this ordinance.

Raymond Gregory, Attorney for Skandia Township, explained that he came to the County Board back in February and understood that the Board was going to refer the issue of whether to contain or repeal the Ordinance to the Townships, and also to solicit opinions from the Townships whether they were interested in the continuation of the County's Ordinance or institute their own Junk Car Ordinance. Mr. Gregory also requested an accounting by the County of the six mills that are paid by Marquette County Townships.

Steve Powers, County Administrator, explained the six mill property tax revenue collection. He also explained that an Opinion from Civil Counsel was sent to each Township Supervisor and City Manager concluding that the County's Junk Car Ordinance was unenforceable.

**INFORMATIONAL ITEMS**

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

- a. Memo from Emergency Telephone Service Committee regarding Wireless Surcharge Disbursements in 2004.
- b. Memo from Jeff Knoll, Financial Specialist, Office of Community Development, MSHDA, regarding Marquette County's CDBG Grant (MSC-2000-0743-NPP).

**ACTION ITEMS**

10a) The County Board considered a Committee of the Whole recommendation to adopt the ORV Ordinance as written and consider language changes as recommended by Civil Counsel.

Harley Andrews, Chief Civil Counsel, explained that he has met and discussed editorial changes to the text. Language changes included definitions modified as to clarification and consistency with state statute. Mr. Andrews noted that if adopted, the Ordinance shall become effective on the date following publication of the notice.

It was moved by Comm. Tuominen, seconded by Comm. Arsenault, and unanimously carried by voice vote that the County Board adopt the ORV Ordinance.

Chairperson Corkin thanked all involved for their time and effort on the ORV Ordinance.

It was moved by Comm. Tuominen, seconded by Comm. Joseph and unanimously carried by voice vote that the County Board approve Action Items 10b, 10c, 10d, 10e, and 10g as follows:

10b) Committee of the Whole Recommendation to approve the new EAG (formerly Emergency Operations Plan).

10c) Committee of the Whole Recommendation to award the construction contract for improvements to Hangars 423, 424, and 425 to the low bidder, Premeau Construction, in the amount of \$293,780 and authorize the Chair to sign the contract agreement.

10d) Committee of the Whole Recommendation to award the construction contract for demolition of Hangar 668 to the low bidder, Associated Constructors, in the amount of \$89,000 and authorize the Chair to sign the contract agreement.

10e) Committee of the Whole Recommendation to approve the award of the construction contract for site work for ARFF/SRE Building to the low bidder, Associated Constructors, in the amount of \$798,400 and authorize the Board Chair to sign the Notice of Award and contract agreement.

10g ) Committee of the Whole Recommendation to approve the agreement with MDOT for firefighting training.

**ACTION ITEMS (cont.)**

10h) The County Board considered a proposed settlement of Regnos, LLC Lease issues. Harley Andrews, Civil Counsel, explained that in April, 2002 Regnos, LLC leased Sawyer Building 813 from the County for what was to be a two-year term ending April 30, 2004. Regnos vacated the building in July, 2002 but continued to pay rent through and including its payment due October 1, 2002. A security deposit of \$2,507.50 was paid, and is still being held by the County.

Regnos, LLC originally offered to allow the County to retain the \$2,507.50 security deposit in full satisfaction of its obligations under the lease. Mr. Andrews explained that the counter proposal was to retain the security deposit plus have Regnos, LLC pay an additional \$5,000. He further explained that Regnos, LLC has now agreed to the counter proposal which amounts to a total payment to the County of \$7,507.50 in full and complete satisfaction of all its remaining obligations under the lease. Mr. Andrews recommends the County Board approve this proposed settlement.

It was moved by Comm. Cihak, seconded by Comm. Tuominen, and carried on a roll call vote 5 Ayes to 3 Nays (Comm. Bergdahl, Comm. Cihak, Comm. Joseph) that the County Board approve the proposed settlement and authorize the Chair to execute any documents necessary to implement it.

10h2) The County Board considered modification of Regnos IRP Loan Collateral. Anne Giroux, Finance and Administration Manager, Sawyer International Airport and Business Center, explained that Regnos, which is doing business as Alta Surgical, has an IRP loan with a balance due of approximately \$165,000. Wells Fargo has first position on all company assets, the IRP has second position, and Northern Initiatives has third. Regnos has negotiated a lease with the University of Michigan Hospital to provide and secure the surgical instruments for their operating rooms. To finance this contract, Regnos is assigning a lease to General Funding Corporation, which will in turn assign the lease to one or more financial institutions. General Funding Corporation requires a first position on those instruments related to the U of M contract. As such, Regnos is requesting the IRP and Northern Initiatives to subordinate their security positions on the specific instruments. Regnos has indicated that Wells Fargo will be paid in full. Without the U of M contract, Regnos could be facing serious cash flow problems. Ms. Giroux recommends that the County release the security position on specific instruments relative to the U of M contract.

It was moved by Comm. Wallace and seconded by Comm. Arsenault that the County Board release security position of specific instruments relative to the U of M contract, provided: 1) Past due interest on IRP loan of approximately \$1,500 is paid in full; 2) Lease settlement is paid in full; and 3) Signed contract with University of Michigan is received.

A roll call vote was taken: 4 Ayes (Comm. Arsenault, Comm. Coyne, Comm. Wallace, Comm. Corkin) to 4 Nays (Comm. Bergdahl, Comm. Cihak, Comm. Joseph, Comm. Tuominen). Motion fails.

**LATE ADDITIONS**

11a) The County Board considered a letter of Resignation of Robert S. Menard from the Marquette County Road Commission. Mr. Menard explained the he is convinced that his continued affiliation will only prove to be counter productive in resolving the continued labor/management stalemate. His resignation is effective Wednesday, April 21, 2004.

It was moved by Comm. Tuominen, seconded by Comm. Cihak, and unanimously carried by voice vote that the County Board accept the Letter of Resignation from Robert S. Menard, Marquette County Road Commission.

11b) The County Board considered Road Commission assistance. The Marquette County Road Commission remains interested in having Anne Giroux, Finance and Administration Manager, Sawyer International Airport and Business Center, assist with financial management. The assistance would be temporary and end when the current staff can adequately manage the financial, budget, and accounting aspects of the operation. The anticipated time frame is a minimum of six months.

Steve Powers, County Administrator, explained that the expense of Anne's time while assisting the Road Commission should not be the responsibility of SIABC. Either the Road Commission should compensate the County, or the Board of Commissioners could decide to assist the Road Commission by absorbing the cost. County funds have been budgeted to help support the Road Commission's office remodeling project and the Sands storage building. The county's public improvement program has \$62,000 budgeted for the projects. Mr. Powers recommends the general fund budget be amended to transfer the capital projects funds as needed to pay for the financial management assistance.

It was moved by Comm. Tuominen, seconded by Comm. Joseph, and unanimously carried by voice vote that County Board approve the temporary assignment of Anne Giroux, Finance and Administration Manager, to the Marquette County Road Commission on part-time basis and the general fund budget be amended to transfer the capital project funds as needed to pay for the financial management assistance.

11c) The County Board discussed the Lease with the Department of Army, Corps of Engineers for space at the County Service Center. The Army Corps of Engineers will be completing work in Marquette, Baraga, and Houghton Counties. Marquette County's work, estimated at \$3,000,000 is along and in the Dead River. The Army Corps of Engineers will be using the Service Center as its office. The lease is for 1,264 square feet. When the Army Corps of Engineers began its investigation and review of the work in the three counties, it indicated funds were not available for office rental. The Army Corps of Engineers now has limited funds available for rental space.

The Federal Government will pay the County \$7,800 for April 1, 2004 to March 31, 2005. The lease includes monthly extension of \$650 per month for up to an additional 12 months. The Health Department will be responsible for utilities, snow and trash removal, and janitorial services. The Department is already incurring these expenses for the Service Center, and the expenses are budgeted. The lease revenue is not budgeted.

It was moved by Comm. Wallace, seconded by Comm. Tuominen, and unanimously carried by voice vote that the County Board authorize the lease with the Department of Army, Corps of Engineers for space at the County Service Center.

Chairperson Corkin opened the meeting for public comment.

Mike Quayle, 1700 Mildred Avenue, Marquette, addressed the County Board regarding Ishpeming District Court.

Bill LaBelle, President AFSCME Local 2724 Marquette County Road Commission, thanked the County Board for their efforts regarding the Road Commission.

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

**COMMISSIONERS COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS**

Comm. Arsenault explained the action taken by the County Board tonight regarding the Regnos Loan Modification has eliminated the ability for Regnos to pay back the County.

Comm. Cihak spoke regarding Bob Menard's resignation. He questioned the process to appoint someone to fill the vacancy.

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