

The Marquette County Board of Commissioners held their Regular Meeting on Tuesday, April 6, 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. Joseph, Comm. Tuominen, Comm. Wallace, and Comm. Corkin. Absent and excused: Comm. Coyne and Comm. Nordeen.

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

It was moved by Comm. Wallace, seconded by Comm. Arsenault, and unanimously carried by voice vote that the minutes of the Regular Board Meeting held on March 16, 2004 and the Special Meeting held on March 23, 2004 be approved.

PROCLAMATIONS, PRESENTATIONS AND AWARDS

Chairperson Corkin read the following resolution honoring Larry Lee DeParois on his retirement:

*MARQUETTE COUNTY BOARD OF COMMISSIONERS
RESOLUTION
HONORING LARRY LEE DesPAROIS ON HIS RETIREMENT*

WHEREAS, Government has an obligation to provide its citizens with services of the highest quality; and

WHEREAS, quality services can only be provided by employees of the highest caliber; and

WHEREAS, Larry Lee DesParois was hired on October 7, 1977 as a Airport Maintenance Technician at the former Marquette County Airport and then at the new Sawyer International Airport; and

WHEREAS, Larry Lee DesParois will retire on April 14, 2004 after dedicating 26 years and 7 months of service to Marquette County,

THEREFORE, BE IT RESOLVED, that the Marquette County Board of Commissioners gratefully expresses its appreciation to Larry Lee DesParois for his excellent service since October of 1977; and

BE IT FURTHER RESOLVED, on behalf of all County Citizens, the Marquette County Board wishes Larry and his wife Julie a long, healthy, and happy retirement.

*Proclaimed this 6th day of April, 2004
Gerald O. Corkin, Chairperson
Marquette County Board of Commissioners*

Chairperson Corkin read the following Proclamation: Get Moving UP – Worksite and Community Physical Activity Incentive Program.

*PROCLAMATION
GET MOVING UP*

WORKSITE AND COMMUNITY PHYSICAL ACTIVITY INCENTIVE PROGRAM

WHEREAS, only a third of Marquette County residents are physically active; and

WHEREAS, regular physical activity reduces the risk of developing heart disease, hypertension, and diabetes, all of which are among the leading causes of death and illness; and

WHEREAS, companies with health and fitness programs report improvement in energy level, job attitude, work performance, absenteeism, turnover and overall moral—all critical factors in enhancing productivity; and

WHEREAS, the mission of the Governor's Council on Physical Fitness and Health and the Wellness Council of the Upper Peninsula is to promote a healthy workforce that is physically fit and healthy by implementing programs that will help the citizens of Marquette County develop a physically active lifestyle; and

WHEREAS, the purpose of the "GET MOVING UP" Physical Activity Program is to encourage all residents to incorporate more moderate and/or vigorous activity into their daily routine, creating the healthiest workforce in the Nation.

NOW THEREFORE, I, Gerald O. Corkin, by virtue of the authority vested in me as Chair of the Marquette County Board of Commissioners, do hereby proclaim the next nine weeks as "GET MOVING UP" in Marquette County.

FURTHERMORE, I urge all residents to participate in the "GET MOVING UP" program.

*Adopted this 6th day of April, 2004
Gerald O. Corkin, Chairman
Marquette County Board of Commissioners*

Chairperson Corkin opened the meeting for public comment.

Mike Quayle, 1700 Mildred Avenue, Marquette, addressed the County Board regarding the Ishpeming District Court and the Committee of the Whole Recommendation to renew the Employment Agreement with Hal Pawley.

Carol Pelkola, 894 Cherry Creek Road, Marquette, addressed the County Board regarding the Marquette County Road Commission.

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

It was moved by Comm. Wallace, seconded by Comm. Arsenault, and unanimously carried by voice vote that Claims and Accounts for the period March 19, 2004 through April 1, 2004 in the amount of \$742,740.49 (less Check No. 49913 made payable to Joseph's in the amount of \$100.00) and bi-weekly payroll for the period ending March 27, 2004 in the amount of \$557,709.75 be approved.

It was moved by Comm. Cihak, seconded by Comm. Bergdahl and carried by voice vote 6 Ayes and 1 Abstention (Comm. Joseph) that Check No. 49913 made payable to Joseph's in the amount of \$100.00 be approved. (See attached Affidavit of Disclosure).

It was moved by Comm. Cihak, seconded by Comm. Tuominen, and unanimously carried by voice vote that the Agenda be approved as presented.

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. Memo from Jeff Knoll, Financial Analyst, Office of Community Development, regarding Closeout of Grant #MSC-2000-0743-HOA.
- b. Memo from UPRC&D regarding Recent Payment of 2004 Dues.

ACTION ITEMS

It was moved by Comm. Arsenault, seconded by Comm. Bergdahl, and unanimously carried by voice vote that the County Board approve Action Items 10c, 10e, 10f, and 10h as follows:

10c) Committee of the Whole Recommendation to approve and execute a License Agreement between the County of Marquette and Mike Wills Excavating and Gazan Timber Contracting for a easement to access County land.

10e) Committee of the Whole Recommendation to name John Greenberg as the Privacy Officer for HIPPA Compliance.

10f) Committee of the Whole Recommendation that the County Board not approve distribution of the Mining Industry Assessment and Strategy Development Plan and it be sent back to the Planning Commission Staff for revisions. Commissioners may provide comments or suggestions to the Planning Commission.

10h) Committee of the Whole Recommendation to support the following Resolution to support Consumer Prescription Protection Legislation:

**RESOLUTION TO SUPPORT THE
CONSUMER PRESCRIPTION PROTECTION LEGISLATION**

WHEREAS, the Marquette County Board of Commissions is concerned for the health, safety and welfare of the members of our County and fully supports efforts to maintain or improve the care provided to residents of our County; and

WHEREAS, guaranteeing the opportunity for the residents of our County to choose the pharmacy of their choice is critical to maintaining quality health care; and

WHEREAS, keeping business in this County and this State is a high priority of the County; and

WHEREAS, this year \$1.5 billion in prescription revenue was mailed out of this State, and the number is expected to exceed \$2 billion in 2004; and

WHEREAS, local community pharmacies are willing to provide the same services for the same price as mail order pharmacies located outside this State with no increase in cost to the employer or to the patient; and

WHEREAS, the Consumer Prescription Protection Package (House Bills 4987, 5435, 5436, 5437, 5438) has been introduced in Lansing, and the bills are currently before the House of Representatives' Health Policy Committee; and

WHEREAS, the Consumer Prescription Protection legislation preserves consumer choice for prescription services, allow Michigan community pharmacies to provide a 90-day supply of medication for the same copay as mail order pharmacy, and assists small businesses to better evaluate pharmacy costs.

NOW THEREFORE BE IT RESOLVED that the Marquette County Board of Commissioners fully supports the Consumer Prescription Protection Package of legislation.

Adopted this 6th day of April, 2004

Gerald O. Corkin, Chairman

Marquette County Board of Commissioners

ACTION ITEMS CONTINUED

10a) The County Board considered a memo from Joe Van Oosterhout, Central Dispatch Manger, regarding contract review – Suicide Tower. A contract had been negotiated at the end of 2003 that was signed by the County Board Chair. Unfortunately, when the signed originals were sent to AMCI for their signature, they realized they were charging the wrong lease amount (too low). This new contract incorporates two changes. First, the monthly rental is \$889 (instead of \$450), and second the term is for one month at a time (which is what is preferred). Mr. Van Oosterhout explained he realizes this goes back to January 1, 2004.

It was moved by Comm. Tuominen, seconded by Comm. Joseph, and unanimously carried by voice vote that the County Board approve the contract for lease of the Suicide Radio Tower from AMCI.

10b) The County Board considered a Committee of the Whole Recommendation to purchase the Delinquent Tax System Modules and the County Tax System Modules from BS&A Software in East Lansing, MI.

Comm. Tuominen questioned the cost breakdown and rational used by BS&A Software for the Equalizer Tax System to be used by the local jurisdictions. It was explained that the software cost is based on the parcel count in each unit. The Tax Administration Department provided BS&A Software with the parcel counts.

It was moved by Comm. Wallace, seconded by Comm. Joseph and carried by voice vote 6 Ayes to 1 Nay (Comm. Tuominen) that the County Board purchase the Delinquent Tax System Modules and the County Tax System Modules from BS&A Software in East Lansing, Michigan.

10d) The County Board considered a Committee of the Whole Recommendation to renew the Employment Agreement with Hal Pawley, SIABC Director. Steve Powers, County Administrator, explained there are several reasons for extending Mr. Pawley's Employment Agreement for one year. First of all, there is a large amount of work that remains to be done at Sawyer, specifically, the work on the Caretaker Program. The Air Force is under tremendous pressure from the Department of Defense to reduce expenses. That pressure is ultimately exerted at the local level. The Department of Defense is imposing several conditions on projects that the County had thought were approved (for example, heat conversion, mold, roof replacements). Mr. Powers further explained that Hal Pawley is the lead on negotiating and can help translate the details of the Caretaker Project into priorities that our Congressional Staff can understand. Mr. Powers feels the budget impact is slight compared to the potential reward or potential loss.

Comm. Joseph stressed that nothing has changed since the budget was set last fall. The only change has been the utility sales. He stated the budget is tight, we knew Mr. Pawley's Employment Agreement was going to end. Other staff should have been prepared to carry on his duties.

Mr. Powers further explained that if Mr. Pawley's Agreement isn't renewed he will have to come back to the Board at a later date with a recommendation to obtain a professional engineer.

Comm. Arsenault explained that Staff has done a tremendous job in the redevelopment of Sawyer. He stated one negotiation will pay for Mr. Pawley's salary ten times over. If Telkite fails, we would have to re-evaluate our decision.

It was moved by Comm. Arsenault, seconded by Comm. Wallace to renew the County's Employment Agreement with Hal Pawley, SIABC Director, as recommended by Mr. Powers. A roll call vote was taken, 3 Nays (Comm. Bergdahl, Comm. Cihak, and Comm. Joseph) to 4 Ayes (Comm. Arsenault, Comm. Tuominen, Comm. Wallace, and Comm. Corkin). Motion failed because final action by County Board requires majority of County Board Members elected and serving.

10g) The County Board considered a Committee of the Whole Recommendation to approve the Extension of the DEQ Short Term Rental Agreement for the period May 1, 2004 through December 31, 2004 and authorize the Chair and the Clerk to execute the necessary documents.

It was moved by Comm. Bergdahl, seconded by Comm. Cihak and carried by voice vote 6 Ayes to 1 Nay (Comm. Joseph) to approve the extension of the DEQ Short Term Rental Agreement.

10i) The County Board discussed Ishpeming District Court. Steve Powers, County Administrator, presented an investigation of options and a recommendation regarding District Court services. Honorable Dennis Girard, Chief Judge for the 96th District Court is out of the area. Commissioners may wish to consider postponing action until Judge Girard is able to attend a Committee or Board meeting.

On November 4, 2003 the Board of Commissioners directed County Staff and District Court Administration to investigate the options of District Court services and formulate a recommendation to the Board regarding District Court operations. The first step in formulating the recommendation was Dennis Girard, 96th District Court Judge, and Jennifer Bennon, 96th District Court Administrator, reviewing feasible options. They spent considerable time exploring options for services in Ishpeming and determined that four possibilities were worth further consideration. Other possibilities were discussed, but only the four were prudent when balancing resources saved and services offered. The four options for Ishpeming District Court:

- **Option I:** Provide current services in same facility, with security and space modifications.
- **Option II:** Provide current services in a smaller, reconfigured facility.
- **Option III:** Provide current services, except for jury trials, in a smaller, reconfigured facility.
- **Option IV:** Provide the statutorily mandated small claims hearings.

The second step was for finance, planning, human resources, and facilities to estimate costs, savings, customer impact, and facility needs for each option. From this analysis, the advantages and disadvantages for each option were identified.

A significant factor in the analysis is the need for the County to balance its budget. The current projected starting budget gap for 2005 is \$705,000. Reviewing advantages and disadvantages, and reviewing mandated services and discretionary services becomes more important and difficult when facing a budget that is 4% out of balance.

Judge Roger Kangas was present to discuss the recommendations and answer any questions.

Steve Powers, County Administrator, recommends Option IV. The need to balance the budget and the declining Court activity result in Option IV being a prudent management decision. While maintaining a service center in one area of the County (Options I, II, and III) may be preferable, the difficult financial conditions of County government require a review of what is desirable and what is required.

If the Board of Commissioners agrees with the recommendation, notice should be provided to Pioneer Square LLC and to the State of Michigan (FIA). The County should request space in Ishpeming to house a Small Claims Court, with room for a possible traffic payment center.

Commissioners engaged in a brief discussion regarding the various options and had questions for Judge Kangas.

It was moved by Comm. Wallace, seconded by Comm. Arsenault, and unanimously carried by voice vote that the County Board postpone discussion regarding the Ishpeming District Court until the next Committee of the Whole Meeting when all Commissioners are present.

Chairperson Corkin opened the meeting for public comment.

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

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

COMMISSIONERS COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS

Chairperson Corkin announced he attended a MAC Board Meeting on Friday. He participated in a discussion regarding revenue sharing. He stated the Governor wants to work with Counties to resolve the Revenue Sharing issues. He explained the discussion was positive and will keep everyone informed.

Comm. Tuominen announced there will not be an increase in tipping fees at the landfill. He also spoke briefly regarding the Marquette County Road Commission Task Force Report and explained that he has only received one memo from the Townships.

Comm. Cihak announced that there is a possibility of a BMX track at Sawyer. He also discussed a meeting in Lansing regarding Department of Corrections Sentencing Guidelines.

Steve Powers, County Administrator, explained that they are in fact reducing positions at Sawyer International Airport and Business Center, but based on the Board's decision this evening he needs to re-evaluate what staffing resources are at Sawyer.

There being no further business to come before the County Board, the meeting adjourned at 8:15 P.M.

Respectfully Submitted,

Connie M. Branam
Marquette County Clerk

AFFIDAVIT OF DISCLOSURE

PURSUANT TO MCL 15.323(2)(a)

COUNTY OF MARQUETTE)
)SS
STATE OF MICHIGAN)

Nick Joseph, 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 April 6, 2004, meeting of the County Board of Commissioners includes Check No. 049913, dated March 26, 2004, payable to Joseph's in the amount of \$100.00, in payment for Soldier's and Sailor's Relief Supplies;
2. I hereby disclose that I have a personal financial interest in Joseph's Foodland Incorporated, d/b/a Joseph's Super Valu, which is as follows:

Sole Shareholder
3. I hereby certify that any direct benefit I personally will receive from this payment to Joseph's will be less than \$250.00, and will be less than 5% of the total payment of \$100.00.

Dated this 6th day of April, 2004.

/S/

Nick Joseph

Subscribed and sworn to before me
this 6th day of April, 2004.

/S/

Connie M. Branam
Notary Public
Marquette County, Michigan
My Commission Expires: 03/07/06