

The Marquette County Board of Commissioners held their Regular Meeting on Tuesday, August 3, 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, and Comm. Corkin. Absent and excused: Comm. Nordeen and Comm. Wallace.

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

It was moved by Comm. Tuominen, seconded by Comm. Arsenault, and unanimously carried by voice vote that the minutes of the County Board of Commissioners Regular Meeting held on July 21, 2004 be approved.

Chairperson Corkin opened the meeting for public comment. None was forthcoming.

It was moved by Comm. Joseph, seconded by Comm. Arsenault, and unanimously carried by voice vote that Claims and Accounts for the period July 23, 2004 through July 29, 2004 in the amount of \$173,643.35 be approved.

It was moved by Comm. Cihak, seconded by Comm. Bergdahl, and unanimously carried by voice vote that the agenda be approved with the following changes: delete Item 10b) Committee of the Whole Recommendation for Contract Award of VHF Antenna Work for Marquette County Central Dispatch and add Item 11a) County/Semco Agreement.

INFORMATIONAL ITEMS

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

- a. Communication from Paul R. Argall, President, PCBM Management Co., regarding U.P. Snowmobile Trails.
- b. Memo from Rich Brown, State Rep. 110th House District, regarding FIA Budget for Fiscal Year 2005.
- c. Communication from the DEQ regarding Air Quality Division's Pending New Source Review Application Report.
- d. Memo from Michigan Association of Counties Service Corporation (MACSC) announcing Michigan Association of Counties (MAC) On-Line HIPAA Security Self-Assessment Tool.

ACTION ITEMS

It was moved by Comm. Coyne, seconded by Comm. Arsenault, and unanimously carried by voice vote that Action Item 10a) Committee of the Whole Recommendation to Approve the Mid-Year Budget Amendments be approved as follows:

Attached files:

Budget Amendments 15-16-17

Budget Amendments 18-19-20

Budget Amendments 21-22-23-24-25

Motion made by Comm. Coyne, supported by Comm. Arsenault, to adopt the foregoing resolution; upon roll call vote, the following vote was recorded:

	AYE	NAY		AYE	NAY
P. Arsenault	<u>X</u>	_____	N. Joseph	<u>X</u>	_____
C. Bergdahl	<u>X</u>	_____	B. Nordeen	Absent	_____
J. Cihak	<u>X</u>	_____	K. Tuominen	<u>X</u>	_____
G. Corkin	<u>X</u>	_____	H. Wallace	Absent	_____
E. Coyne	<u>X</u>	_____			

The Chairperson declared the motion carried and the resolution duly adopted this 3rd day of August, 2004.

ACTION ITEMS CONTINUED

10c) The Board considered a letter from Edward J. Sloan, Director, Pathways Substance Abuse Services regarding current appointments to the Pathways Substance Abuse Oversight Council which expire September

30, 2004. The current appointees are Edward L. DeWitt, Georgianna Maynard, and Don Mourand, all of whom are recommended for reappointment.

It was moved by Comm. Cihak, seconded by Comm. Tuominen, and unanimously carried by voice vote that the County Board reappoint Edward L. DeWitt, Georgianna Maynard, and Don Mourand to the Pathways Substance Abuse Oversight Council.

10d) The County Board considered a memo from Cheryl Hill, Civil Counsel, regarding the Dead River Flood. As a result of the flood, Marquette County experienced cost and estimated losses in an amount of \$1,139,539. Grant funding and assistance either pledged or expected totals \$748,801 leaving unrecovered costs believed to be \$390,738.

Several months ago, Gary W. Erickson, Vice President for Upper Peninsula Power Company, solicited from the County a damage estimate request. On March 10, 2004 County Administrator Steven Powers submitted a letter to Mr. Erickson enumerating the significance of damages experienced by the County that were unrecovered costs and losses.

There has been no official response to the letter sent by Mr. Powers. On July 15, 2004 James Caragher, of the law firm of Foley and Lardner, on behalf of UPPCO sent a letter to the Prosecutor's Office. The letter explained that UPPCO was interested in exploring the possibility of resolving claims arising from the release of Silver Lake without resorting to litigation. Mr. Caragher, on behalf of UPPCO, would like to host a meeting for legal counsel for certain interested parties at the Foley and Lardner offices in Milwaukee, Wisconsin during the month of August, 2004.

The purpose of the meeting is to discuss a process of claims resolution. The meeting is intended to provide parties with sufficient information to make decisions regarding settlement without incurring costs or delay associated with litigation. Other parties that have been invited to the meeting include attorneys for Marquette Board of Light and Power, Moyle Construction, the City of Marquette, WE Energies, CCI, and MWH America.

The meeting would be voluntary, non-binding and confidential. Any and all exchanges will be for settlement purposes only. Ms. Hill is not requesting settlement authority, but would request authority to attend and participate in the meeting and discuss settlement, with any proposed settlement offers being brought back to the Board for approval.

It was moved by Comm. Tuominen, seconded by Comm. Coyne, and unanimously carried by voice vote that the County Board approve Ms. Hill's attendance and participation at the meeting at Foley and Lardner's offices in Milwaukee, Wisconsin.

10e) John Blemberg, CPA, of Anderson, Tackman & Company, P.L.C. presented the 2003 Audit Presentation. Commissioners were provided a complete copy of the Audit Report. Mr. Blemberg also provided fund information in the form of graphs and tables to use in conjunction with the tables in the Audit Report. Mr. Blemberg stated that the County's net assets were reported for the first time under GASB 34. Mr. Blemberg stated that the County's financial standing is stable, and there were no extraordinary changes noted. The General Fund, which increased slightly, is stable. Mr. Blemberg noted that the Audit went well and all parties involved were very helpful and cooperative.

It was moved by Comm. Bergdahl, seconded by Comm. Arsenault, and unanimously carried by voice vote that the County Board accept the 2003 Audit Report for filing.

LATE ADDITIONS

11a) The County Board considered an agreement between the County and SEMCO. In March, the County Board approved a recommendation to accept SEMCO Energy's \$250,000 purchase offer and proposed Contingent Payment Plan and authorized staff to finalize the sale. Staff and counsel have been involved in negotiating and drafting the actual Agreement. The documentation is now essentially in final form.

As the actual Agreement was not prepared at the time of the Board's prior action, the Board has not yet approved the Agreement, but only approved the purchase offer. The documents contain affirmative assertions that each party has taken all necessary and appropriate action to duly and validly approve the documents and the transaction and to authorize the execution and performance thereof. In order to meet that requirement it is necessary that the Board now take formal action to approve the actual Agreement and related documentation and to authorize the execution, delivery, and performance thereof.

The actual closing and payment of the \$250,000 is scheduled for August 5, 2004 in Lansing, Michigan.

It was moved by Comm. Cihak, seconded by Comm. Arsenault, and unanimously carried by voice vote that the County Board (1) approve the Agreement and all related documentation relating to the sale by the County to SEMCO of the Sawyer natural gas distribution system for the sum of \$250,000 plus potential additional annual payments based on consumption growth; (2) authorize the Board Chair to execute any and all of said documents on behalf of the County; and (3) authorize the delivery and performance of this Agreement and all related documentation as binding obligations of the County.

Chairperson Corkin opened the meeting for public comment.

David Savolainen Sr., Negaunee Township, Jeff Paul, Ishpeming Township, Joe VanOosterhout, Central Dispatch, and David Savolainen Jr., Negaunee Township, all spoke regarding the recent bid/contract for antenna work for Central Dispatch.

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 8:10 p.m.

Respectfully Submitted,

Laurie A. Skytta
Marquette County Deputy Clerk