

The Marquette County Board of Commissioners held their Regular Meeting on Tuesday, April 5, 2005, at 6:30 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. Pellow, Comm. Struck, Comm. Wallace, and Comm. Corkin. Absent and Excused: Comm. Heikkila.

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

It was moved by Comm. Wallace, seconded by Comm. Pellow, and unanimously carried by voice vote that the minutes of the County Board of Commissioners Regular Meeting held on March 15, 2005 be approved.

Chairperson Corkin opened the meeting for public comment.

Vikki Kulju, Telkite, Inc., requested permission to speak regarding Item 10m) Telkite recommendation.

Bill Pesola, Marquette, requested permission, on his behalf and on behalf of other interested persons in attendance, to speak regarding Item 10m) Telkite recommendation.

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 March 18, 2005 through March 31, 2005 in the amount of \$268,251.72, and bi-weekly payroll for the period ending March 26, 2005 in the amount of \$574,915.06 be approved.

It was moved by Comm. Wallace, seconded by Comm. Joseph, and unanimously carried by voice vote that the agenda be approved as presented.

INFORMATIONAL ITEMS

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

- a. Champion/Humboldt Joint Township Public Meeting.
- b. Notice of Hearing for the Michigan Customer's of Upper Peninsula Power Company.
- c. Upper Peninsula Power Company Order Approving Modification to Approve Water Quality Monitoring Plan.
- d. Thank You from Pathways regarding Distribution of the Liquor Tax Funds.
- e. Memo from the Michigan State Housing Development Authority regarding Environmental Release Letter.
- f. Memo from CUPPAD regarding Public Review of the Dickinson County Hazard Mitigation Plan.
- g. Memo from CUPPAD regarding Republic Township Water Storage Tank Project.
- h. Memo from MAC regarding PILT Payments.
- i. Memo from MEDC Offering Training Workshops.
- j. Memo from Marquette County Road Commission regarding Silver Lake Dam Failure, Legal Representation.
- k. Memo from the DEQ regarding Air Quality Division's Pending New Source Review Application Report.

- l. Memo from Department of Transportation Announcing Transportation Informational Meeting.
- m. Communication from the DEQ regarding the Taxation of Metallic Resources and Mining Operations.

Comm. Wallace addressed item 9a. He advised that on Wednesday, April 6, 2005 DOT Director Gloria Geoff will be having an informational meeting at Tailwinds at Sawyer at 12:00 p.m. Various commissioners will be attending.

Comm. Pellow addressed Item 9i. She wondered who would be attending the workshop. Comm. Bergdahl advised that EDC members would be attending. Comm. Pellow advised she would also attend on behalf of the Commission.

Comm. Pellow addressed Item 9m. She has concerns about the vagueness of the response from Mr. Fitch and taxation issues. Chairperson Corkin requested Administration to address these concerns in a letter to Mr. Fitch, with copies to the Director and Deputy Director of the DEQ.

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 10a, 10b, 10c, 10d, 10e, 10f, 10g, 10h, 10i, 10j, 10k, and 10l as follows:

10a) Committee of the Whole Recommendation to Authorize Contract with STS Consultants for Remonumentation Survey Work.

10b) Committee of the Whole Recommendation to Appoint Comm. Struck to the MAC Transportation Committee. Comm. Wallace advised that Comm. Struck should be “nominated”, not “appointed”, to the MAC Transportation Committee.

10c) Committee of the Whole Recommendation to Distribute Mr. Sodergren’s Letter regarding Annual Specific Tax and State Payment on Commercial Forests.

10d) Committee of the Whole Recommendation to Invite Mr. Steve Hoffman from the EPA to Speak at a Future Meeting regarding Sulfite Mining.

10e) Committee of the Whole Recommendation to Send a Letter to Mr. Fitch Addressing Taxes and What Value Might Be Placed on the Sulfite Mining Operation. Comm. Arsenault requested Civil Counsel and the County Treasurer also be involved in writing this letter.

10f) Committee of the Whole Recommendation to Support Washtenaw County Resolution Urging the Federal Government to Maintain Community Development Funding.

10g) Committee of the Whole Recommendation to Sell Light Poles to Forsyth Township.

10h) Committee of the Whole Recommendation to Allow Approval to Northwest Airlines to Schedule Passenger Service to Minneapolis.

10i) Committee of the Whole Recommendation to Approve Bid Award to Premeau Construction for Hangar Improvements.

10j) Committee of the Whole Recommendation to Sell Paint Booth/Sandblasting Unit to Great Lakes Meter Proving, Inc.

10k) Committee of the Whole Recommendation regarding a Request from Wells Fargo to Terminate and Disburse Trust Funds.

10l) Committee of the Whole Recommendation to Proceed with Civil Counsel's Recommendation as Discussed in Closed Session.

ACTION ITEMS (Cont.)

10m) The County Board considered a Committee of the Whole Recommendation to Approve an Amendment to the Agreement for Sale, Purchase, Lease and Development of Real Estate with Telkite, Inc.

Vicki Kulju, Telkite, Inc., addressed the Board, thanked the Board for their support, and promised to continue to work hard to promote Sawyer.

Various business owners, investors, and companies currently located at Sawyer addressed the Board, including Bill Pesola, William Carr (B-3 Computers), Kerry Sorenson (K I Sawyer Development, Inc.), and Frank Gustella (R & G Management). Approximately 10 to 12 individuals addressed the Board. The general consensus of the individuals who addressed the Board was that while an investor/manager/marketer at Sawyer is a good idea, rushing in to an agreement with Telkite may not be the right choice. Those individuals who addressed the Board wanted more time taken, more due diligence performed, and other possible options or investors considered.

Barry Bahrman, West Branch Township Supervisor, addressed the Board, requesting a deed to the Fitness Center Building so that the Township may move forward and apply for and receive various grants.

Tom Clark, attorney for Telkite, advised that Telkite is ready and able to proceed with the terms of the Agreement.

Following a lengthy discussion, it was moved by Comm. Wallace, seconded by Comm. Cihak and carried on a roll call vote 5 Ayes (Comm. Bergdahl, Comm. Cihak, Comm. Joseph, Comm. Pellow, and Comm. Wallace) to 3 Nays (Comm. Arsenault, Comm. Struck, and Comm. Corkin) that the County Board approve the recommendation for an amendment to the Agreement for Sale, Purchase, Lease and Development of Real Estate with Telkite, Inc., and authorize the Chairperson to execute the necessary documents.

Commissioners supporting the recommendation felt that while the specifics have been changed from what was initially discussed or planned, it was time to proceed, move forward, and look long range at Sawyer. Commissioners voting against the recommendation felt that the while the basis for the recommendation was a good idea, the specific language of the Agreement was not in the best interests of the County. For the record, Comm. Corkin is not confident with Telkite's financial wherewithal.

Addressing Supervisor Bahrman's concerns, it was moved by Comm. Pellow, seconded by Comm. Wallace, and unanimously carried by voice vote that the County transfer the Fitness Center Building to Telkite who in turn should deed the building to West Branch Township, with the transfer to be completed in two weeks.

10n) The County Board considered Amended Bylaws for the Marquette County Commission on Aging. The Commission on Aging Board approved the amendments at their March 28, 2005 meeting. The Commission on Aging is requesting the County Board also approve the amendments. The amendments pertain to Election of Officers and Dissolution of Assets.

It was moved by Comm. Joseph, seconded by Comm. Wallace, and unanimously carried by voice vote that the County approve the amendments as presented, to-wit: *Section 2: Election of Officers: The method for electing officers shall be by alphabetical voice vote to comply with the Freedom of Information Act and the Open Meetings Act. and Article X: Dissolution of Assets: All assets of the Commission revert to Marquette County should the Commission dissolve.*

10o) The County Board considered a State of Michigan Performance and Indemnification Resolution. The County submits an application and permit for operations within the state trunkline each year, even though no projects are currently planned. This document is required for the application. The document has been reviewed by Risk Management and Civil Counsel.

It was moved by Comm. Joseph, seconded by Comm. Wallace, and unanimously carried by voice vote that the County adopt the following resolution:

*PERFORMANCE
RESOLUTION FOR GOVERNMENTAL BODIES*

RESOLVED WHEREAS, the County of Marquette hereinafter referred to as the "GOVERNMENTAL BODY" periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT" for permits, referred to as "PERMIT", to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right of way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL BODY agrees that:

Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law.

This Agreement is not intended to increase either party's liability for, or immunity from, tort claims.

This Agreement is not intended nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

- 1. Any work performed for the GOVERNMENTAL BODY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL BODY and not as a contractor or agent of the DEPARTMENT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL BODY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL BODY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.*
- 2. The GOVERNMENTAL BODY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.*

Minutes are Subject to Correction and Approval

- 3. *It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL BODY'S facilities according to a PERMIT issued by the DEPARTMENT.*
- 4. *With respect to any activities authorized by PERMIT, when the GOVERNMENTAL BODY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.*
- 5. *The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.*
- 6. *This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL BODY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL BODY with regard to any PERMIT which has already been issued or activity which has already been undertaken.*

BE IT FURTHER RESOLVED that the following position(s) are authorized to apply to the Michigan Department of Transportation for the necessary permit to work within state trunkline right of way on behalf of the GOVERNMENTAL BODY.

<i>Name</i>	<i>and/or</i>	<i>Title</i>
<i>Scott Erbisch</i>		<i>Operations Manager</i>
<i>Keith Kaspari</i>		<i>Airport Manager</i>

*Adopted this 5th day of April, 2005
 Gerald O. Corkin, Chairperson
 Marquette County Board of Commissioners*

10p) The County Board considered a Lease to Superior Processing, Inc. for 150 sq. ft. office space in Building 500, with occupancy to occur in mid-April, 2005. Building 500 is a facility that is incorporated under the Development Agreement with Telkite and currently occupied by Telkite, Marquette County, Appleton Papers, and the Sawyer Operating Authority. Upon closing the Agreement, Telkite will own the building, but the County is obligated as the Landlord under the Agreement or if the closing does not occur. The County will retain the rent until the title is conveyed to Telkite.

Dave Derouin is an independent contractor who services and sells credit card and ATM machines. The business is growing rapidly, and he would like to lease office space. Lease terms include 3-year term at \$300 per month full service with 3% annual rent increase with a security deposit of \$300. The tenant will provide phone service lines, office equipment, supplies, and insurance for space and equipment. The landlord will provide utilities, janitorial and maintenance of common areas, building insurance, snow removal and lawn care. The tenant has the right to expand to a bigger office if available, with rent to be adjusted accordingly.

It was moved by Comm. Bergdahl, seconded by Comm. Wallace, and unanimously carried by voice vote that the County Board enter into a Lease Agreement with Superior Processing, Inc. for 150 sq. ft. of office space in Building 500.

10q) The County Board considered a Hazard Mitigation Planning Grant. Staff has been working with the Emergency Management Division of the State Police to secure funding to transition the County's Flood Mitigation Plan to an All Hazard Mitigation Plan. Work to be performed includes working with local jurisdictions to develop a Capital Improvement Schedule which can be used to apply for state and federal funding that would mitigate natural hazards, identification of structures, facilities, and values of property in high risk hazard areas, and acquisition of digital orthophotography to facilitate the inventory and assessment of high risk hazard areas.

The total grant amount is \$39,979 with required local match of \$9,994 which will be made using already appropriated General Fund revenue for staff salary. This program will assist local and county governments in their preparedness for dealing with natural hazards and satisfy the planning requirement for future eligibility for mitigation project funding.

It was moved by Comm. Wallace, seconded by Comm. Bergdahl, and unanimously carried by voice vote that the County Board approve the Hazard Mitigation Planning Grant and authorize the Chairperson to sign the grant agreement.

Chairperson Corkin opened the meeting for public comment.

Joe Pietro, Gwinn, addressed the Board regarding Telkite.

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

COMMISSIONERS COMMENTS, STAFF COMMENTS, AND ANNOUNCEMENTS

Comm. Pellow questioned the status of the Wastewater Meeting. Comm. Corkin advised that a meeting has been scheduled for Monday, April 11, 2005 at 1:00 p.m. at Sawyer.

Comm. Wallace advised that the Governor's Executive Order will affect local public health operations in Michigan in the amount of approximately \$677,000. Marquette County could lose \$3,500 to \$4,500 for this year and \$15,000 to \$16,000 next year, eliminating the vision and hearing screening program.

Chairperson Corkin advised that he attended a breakfast with CCI executives and provided an update on the year for CCI. 2004 was a good year. The next 1 to 3 years look good for the steel industry. Longevity for the Tilden Mine could be 30 plus years, with the Empire being 10 plus years.

Comm. Struck commented that he attended a very successful community meeting in Ewing Township regarding roads and road improvements which was attended by local, state and federal officials and the County Road Commission. The outcome of the meeting was to continue a dialog between local, state and federal agencies to improve the roads in Ewing Township.

There being no further business to become before the County Board the meeting adjourned at approximately 8:00 P.M.

Respectfully Submitted,

Laurie A. Skytta
Marquette County Deputy Clerk