

The Marquette County Board of Commissioners held their Regular Meeting on Tuesday, June 7, 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. Heikkila, Comm. Joseph, Comm. Pellow, Comm. Struck, Comm. Wallace, and Comm. Corkin. Absent: None.

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 May 17, 2005 be approved.

**PROCLAMATIONS, PRESENTATIONS, AND AWARDS**

Chairperson Corkin read the following resolution honoring Eileen M. Brooks-Laitinen on her retirement:

**MARQUETTE COUNTY BOARD OF COMMISSIONERS  
RESOLUTION  
HONORING EILEEN M. BROOKS-LAITINEN  
ON HER 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, Eileen M. Brooks-Laitinen was hired on February 5, 1985 as a temporary Unit Secretary I in Internal Services and continued in that position until November 29, 1985, and*

*WHEREAS, Eileen M. Brooks-Laitinen was re-hired on March 2, 1988 as a Unit Secretary I in Employment Programs and on February 20, 1995 transferred to the position of Secretary II in the 96<sup>th</sup> District Court Probation Department; and*

*WHEREAS, Eileen M. Brooks-Laitinen retired on May 20, 2005 after dedicating 17 years 7 months of service to Marquette County,*

*THEREFORE, BE IT RESOLVED, that the Marquette County Board of Commissioners gratefully expresses its appreciation to Eileen M. Brooks-Laitinen for her 17 years 7 months of excellent service; and*

*BE IT FURTHER RESOLVED, on behalf of all County Citizens, the Marquette County Board wishes Eileen a long, healthy, and happy retirement.*

*Proclaimed this 7<sup>th</sup> day of June, 2005  
Gerald O. Corkin, Chairperson  
Marquette County Board of Commissioners*

It was moved by Comm. Arsenault, seconded by Comm. Struck and unanimously carried by voice vote that the County Board adopt the following resolution in support of the Iron Ore Heritage Area Project:

**RESOLUTION IN SUPPORT OF THE  
IRON ORE HERITAGE AREA PROJECT**

*WHEREAS, the County of Marquette endorses the Iron Ore Heritage Area as a tool for economic development through the preservation of our history and traditions; and,*

WHEREAS, the County of Marquette endorses the network of non-motorized trails and compatible motorized trails throughout the Iron Ore Heritage Corridor; and

WHEREAS, the County endorses the development of strong commercial areas and downtowns throughout the area; and,

WHEREAS, the County of Marquette endorses the development of healthy lifestyles; and

WHEREAS, the County of Marquette endorses the celebration of our County's heritage and the growth of tourism by telling our cultural and historical stories; and

WHEREAS, the County of Marquette endorses working with our neighboring communities to include the Iron Ore Heritage Area as a project within the Mining and Maritime Heritage Area.

NOW, THEREFORE BE IT RESOLVED, that the Marquette County Board of Commissioners fully supports the grant application for the Iron Ore Heritage Project.

Adopted this 7<sup>th</sup> day of June, 2005
Gerald O. Corkin, Chairperson
Marquette County Board of Commissioners

Chairperson Corkin opened the meeting for public comment.

Sheriff Michael H. Lovelace thanked and commended the County Board for the inclusion of evaluating the Marquette County Jail Facility size and function along with insuring adequate road patrol throughout the County as two goals of the 2005 Strategic Plan. He stated the need for remedying the current jail overcrowding situation is an immediate priority and as is the desperate need for road patrol services in Marquette County. He was glad to see that the County Board of Commissioners has made these issues a priority for 2005.

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

It was moved by Comm. Joseph, seconded by Comm. Pellow, and carried by voice vote 8 Ayes to 1 Abstention (Comm. Bergdahl) that Claims and Accounts for the period May 20, 2005 through June 3, 2005 in the amount of \$468,449.70, including Check No. 63029 in the amount of \$7.00 made payable to Bergdahl's (Affidavit of Disclosure follows); and also bi-weekly payroll for the period ending May 21, 2005 in the amount of \$570,646.02 be approved.

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):

- 1. The Final Disbursement List submitted for approval at this June 7, 2005 meeting of the County Board of Commissioners includes Check No. 063029, dated May 27, 2005, payable to Bergdahl's, Inc. in the amount of \$7.00, in payment for the Community Corrections 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 \$7.00.

Dated this 7<sup>th</sup> day of June, 2005.

/S/

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 Charles Bergdahl

It was moved by Comm. Bergdahl, seconded by Comm. Wallace, and unanimously carried by voice vote that the Agenda be approved with the addition of 11c) State Republican Budget Cuts.

**INFORMATIONAL ITEMS**

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

- a. Thank You Letter from Thomas G. Friggens, Department of History, Arts, and Libraries.
- b. Letter from Sen. Carl Levin regarding Appropriations for the Airport Investment Program (AIP).
- c. Memo from Steve Powers, County Administrator, regarding Mining Meeting.
- d. Letter from Kari Beattie, Deputy Director, Governor Granholm's Office, regarding Community Services Block Grant.
- e. Letter from Humboldt Township to Harold Fitch regarding Support for the Concerned Citizens of Big Bay.
- f. Letter from James Kippola to James Mangi regarding the Navy's ELF Transmitter Operations.
- g. Letter of Congratulations from the Lake Superior Community Partnership to Connie M. Branam, County Clerk, regarding County Official of the Year Award.
- h. Michigan DEQ Air Quality Division's Pending New Source Review Application Report.
- i. Notice of Public Hearing from Pathways.

9c) Comm. Corkin announced a meeting in Humboldt Township on Saturday June 11, 2004 and in Wells Township on Friday, June 10, 2005 at 3:00 regarding Sulfide Mining issues.

Comm. Corkin commended Administrator Powers for making arrangements regarding a public meeting on Sulfide Mining.

Comm. Wallace read the following memo regarding Sulfide Mining into the record:

*Date: May 25, 2005*  
*To: County Commissioners*  
*From: Steve Powers, County Administrator,*  
*RE: Mining Meeting*

*On May 25, I spoke with Hal Fitch regarding a public meeting on mining. He is scheduling a public meeting to be sponsored by the DEQ for June or July in anticipation of a permit application from Kennecott. The purpose of the meeting will be to receive public input and explain the DEQ's oversight. The EPA will be invited to attend and answer questions. I suggested he hold the meeting at NMU.*

*Since the DEQ is sponsoring a public meeting, I believe a public meeting sponsored by the county is unnecessary. The meeting will cover and allow public input on the same issues that the board discussed when it decided to consider holding a public meeting.*

*On the same trip, Mr. Fitch will be available to meet with the county to discuss issues and answer questions.*

*The public meeting is not a formal part of the rules-making process. There will be a comment period on the rules. Mr. Fitch anticipates the comment period will be in August or September.*

9g) Comm. Cihak commended Connie M. Branam, Marquette County Clerk, for being honored County Official of the Year.

**ACTION ITEMS**

It was moved by Comm. Bergdahl, seconded by Comm. Wallace, and unanimously carried by voice vote that Action Item 10a, 10c, 10d, 10e, 10f, and 10i be approved as follows:

10a) Committee of the Whole Recommendation to appoint Lyn Nelson to serve as the EMS Representative on the Marquette County Central Dispatch Policy Board replacing the position previously held by Mr. Michael Zorza.

10c) Committee of the Whole Recommendation to send a letter of support for the relocation of the Ojibwa II Casino to the former County Airport site.

10d) Committee of the Whole Recommendation to approve the \$250,000 loan to SpaceCS according to the following terms and contingencies, waiving the maximum loan amount requirements as set forth in the loan policy:

- BORROWER: SpaceCS
- AMOUNT: \$250,000
- PURPOSE: Retrofit of Building 710, purchase of equipment and inventory.
- RATE: Borrower provided two options: Option 1) Wall Street Journal Prime, floating (prime is currently 6%; rate will be determined at closing); Option 2) 8% fixed.
- TERMS: Five-year term – monthly payments of principal and interest; eight-year amortization with balloon payment in year five. Balloon payment would be approximately \$108,000 (would vary depending on the interest rate option that is chosen).
- COLLATERAL: First position on all company assets; Personal guarantee of owner, Raghu Tandra.
- SOURCE OF PAYMENT: Revenues generated through operations.
- CONTINGENCIES: Prior to loan closing, the County must receive the following:
  - Signed purchase agreement for Building 710, and a commitment from lender to fund the transaction.
  - Verification of \$300,000 owner cash.

LOAN

**DISTRIBUTION:** Loan funds will be distributed upon receipt of invoices, or other appropriate documentation from SpaceCS, identifying expenditures directly associated with the retrofit of Building 710, or the purchase of equipment and inventory directly associated with the Sawyer operation.

**LOAN POLICY:** USDA specifies a maximum loan amount of \$250,000. The current IRP loan policy specifies a maximum loan amount of \$200,000. Approval of this loan is within USDA guidelines, but will require that the Board waive its existing loan policy. The County has waived policy in order to do a \$250,000 loan in the past.

10e) Committee of the Whole Recommendation to reduce the fuel flowage fees by a \$0.19 reduction until December 31, 2005, and further that Staff be directed to complete a detailed and comprehensive review of the current airport industry rates and charges. A recommendation to be brought back to the Board in September of 2005.

10f) Committee of the Whole Recommendation to approve the Waiver of Conflict for M. Sean Fosmire to continue representation of Marquette County in the matter of *Middleton et al vs. Marquette County*.

10i) Committee of the Whole Recommendation to grant the request for consent for the assignment of the interest of Telkite, Inc. to Telkite Enterprises LLC.

**ACTION ITEMS CONTINUED**

10b) The County Board considered a Committee of the Whole Recommendation to concur with the amendment approved by the Airport Zoning Board of Appeals Bylaws. The current By-laws restrict a member's service not to exceed six years without an interruption of one full year. The recommended amendment would eliminate this provision. Next year, 2006, would be the first year this provision had an impact on the Board. Two of the most experienced members, the Chair and Vice-Chair, would need to be otherwise replaced.

It was moved by Comm. Arsenault, seconded by Comm. Bergdahl, and carried by voice vote 6 Ayes to 3 Nays (Comm. Cihak, Comm. Joseph, and Comm. Pellow) that the County Board concur with the amendment approved by the Airport Zoning Board of Appeals Bylaws.

10g) The County Board considered a Committee of the Whole Recommendation to direct Staff to issue the Request for Proposals for the 96<sup>th</sup> District Court. Comm. Heikkila requested a letter be sent informing those that bid that their bids may not be accepted. Comm. consensus was that the Board has the final decision and that such a letter was not necessary.

It was moved by Comm. Wallace, seconded by Comm. Pellow, and unanimously carried by voice vote that the County Board direct Staff to issue the Request for Proposals for the 96<sup>th</sup> District Court.

10h) The County Board considered a Committee of the Whole Recommendation to direct Staff to negotiation the 3-way agreement as recommended by Administrator Powers regarding the Marquette County Humane Society.

It was moved by Comm. Arsenault, seconded by Comm. Struck, and carried by voice vote 8 Ayes to 1 Nay (Comm. Joseph) that the County Board direct Staff to negotiate the 3-way Agreement as recommended by Administrator Powers between the Road Commission, the County, and the Humane Society, and further that

Staff be directed to review the current Agreement between the County and the Humane Society for the care of stray animals with a report and recommendation to be brought back to the County Board.

10j) The County Board considered appointment of a Deputy Medical Examiner. Sgt. Jay Frusti is the Acting Chief of the Negaunee City Police Department and has additional training in death investigation.

It was moved by Comm. Joseph, seconded by Comm. Cihak, and unanimously carried by voice vote that the County Board appoint Sgt. Jay Frusti as a Deputy Medical Examiner.

10k) The County Board considered the County Administrator's Employment Agreement. Mr. Powers explained that he wishes to continue his employment with Marquette County. He stated he was proud of what Marquette County accomplished over the past three years. He believes his performance has been strong as evidenced by Commissioner evaluations and feedback.

Chairperson Corkin explained that Mr. Powers' Employment Agreement has been reviewed by the Board's Ad Hoc Personnel Committee and Civil Counsel.

It was moved by Comm. Joseph, seconded by Comm. Wallace, and unanimously carried by voice vote that the County Board approve the Employment Agreement for Steve Powers, County Administrator, as follows:

**Salary**

- A \$1,800 increase August 1, 2005.
- A \$2,000 increase effective January 1, 2006.

**Term**

- Term of this agreement shall be June 1, 2005 to May 31, 2006. This agreement shall renew on its anniversary date for a one year term unless notice that the Agreement shall terminate is given at least six months before the expiration date. In the event the agreement is not renewed, all compensation, benefits, and requirements of the agreement shall remain in effect until the expiration of the term of the agreement unless Employee voluntarily resigns.

**Life Insurance**

- Increase employer-provided life insurance to three time's annual salary.

**LATE ADDITIONS**

11a) The County Board considered a MERS Resolution for purchase of service credit. John Greenberg, Human Resources and Risk Manager, explained that requests were received from Probate Court/Juvenile Division Employees Renae Rosenberger and Laura Kelley to purchase generic service credit towards retirement from the County of Marquette. The MERS Plan allows employees to purchase up to five years of generic service credit to enhance their retirement benefits. Ms. Rosenberger's and Ms. Kelley's requests are consistent with the blanket resolution adopted by the County Board of Commissioners on February 19, 1997. Employees will be responsible for the full amount of the actuarial determined cost of the additional years and months of service credit.

It was moved by Comm. Cihak, seconded by Comm. Arsenault, and unanimously carried by voice vote that the County Board authorize Ms. Rosenberger to purchase 2 years 9 months of service credit and Ms. Kelly to purchase 1 year 4 months of service credit.

11b) The County Board considered a memo from Sue Vercoe, Finance Manager, regarding Hazardous Mitigation Grant – General Fund Budget Amendment No. 26. The Hazardous Mitigation Planning Grant awarded to the County provides funding to complete additional work on the County's all hazard

mitigation plan including aerial photography. In order to meet the deadline for completion established by the grant, a temporary increase in Planning Staff is required. According to Jim Kippola, Planning Manager, two part-time Planning Assistants will be needed to assist County Planners in meeting the Project deadline of August 22, 2005. County Board approval is required to increase staffing levels. There is no cost to the County for this project, the local match is being met by a relocation of existing County Staff time from the Planning Department to the Hazardous Mitigation Project.

It was moved by Comm. Pellow, seconded by Comm. Struck and unanimously carried by voice vote that the County Board approve the increased staffing levels and the following budget amendment for the Hazardous Mitigation Grant Project. Federal funding for this project is \$29,985.

Fiscal Year 2005 Amendment No. 26

WHEREAS, budgets were adopted by the County Board on October 12, 2004, to govern the receipts and expenditures of the various County funds for the next fiscal year of the County; and

WHEREAS, as a result of unanticipated changes in revenues and/or needed expenditures, it is necessary to modify the aforesaid budget; and

WHEREAS, such modification will still maintain a balanced budget between revenues and expenditures as required by P.A. 621 of 1978.

NOW THEREFORE, BE IT RESOLVED that the aforesaid budget be hereby modified as follows:

<u>Expense Budget Account</u>	<u>Previous Amount</u>	<u>Amended Amount</u>	<u>Change + (-)</u>
<b>GENERAL FUND</b>			
<u>Hazard Mitigation Grant</u>			
Salary-Regular	0.00	6493.00	(6,493.00)
Salary-Part time	0.00	7900.00	(7,900.00)
Social Security	0.00	910.00	(910.00)
Medicare	0.00	200.00	(200.00)
Hospitalization	0.00	2300.00	(2,300.00)
Life Insurance	0.00	10.00	(10.00)
Retirement	0.00	700.00	(700.00)
Workers comp	0.00	30.00	(30.00)
Prof/Contractual (Aerial Photography)	0.00	20831.00	(20,831.00)
Telephone	0.00	200.00	(200.00)
Travel	0.00	405.00	(405.00)
<u>Planning Dept.</u>			
Salary Regular	165360.00	158916.00	6,444.00
Social Security	10600.00	10190.00	410.00
Medicare	2500.00	2400.00	100.00
Hospitalization	34691.00	32391.00	2,300.00
Life Insurance	430.00	420.00	10.00
Retirement	28800.00	28100.00	700.00
Workers comp	640.00	610.00	30.00
<b>Totals:</b>	243,021.00	273,006.00	(29,985.00)
 <u>Revenue Budget Account</u>			
FEMA Planning Grant	0.00	29985.00	29,985.00

<b>Totals:</b>	0.00	29,985.00	29,985.00
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The Chairperson declared the motion carried and the resolution duly adopted this 7<sup>th</sup> day of June, 2005.

11c) The County Board discussed the State Republican Budget Cuts. Comm. Pellow requested a letter opposing the reductions to Northern Michigan University and the closing of the Correctional Facilities in the Upper Peninsula (Manistique Correctional Facility and Newberry Correctional Facility).

Comm. Struck stated there is a difference between good politics and bad government. This is a good example of that. He explained that it is unfortunate that these games have to be played.

It was moved by Comm. Struck, seconded by Comm. Pellow, and unanimously carried by voice vote that the County Board send a letter opposing the State Republican budget cuts to Northern Michigan University and the closing of the correctional facilities in the Upper Peninsula, with copies to all U.P. Counties, all Upper Peninsula House Representatives and Senators, Governor Jennifer Granholm, and leaders of the House and Senate.

Chairperson Corkin opened the meeting for public comment. John LaCourt, General Aviation Pilot, thanked the County Board for lowering the fuel flowage fees.

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

**COMMISSIONER COMMENTS, STAFF COMMENTS, AND ANNOUNCEMENTS**

Chairperson Corkin announced that he and Comm. Bergdahl visited the Kennecott Mine Site. He informed Commissioners that he received an education concerning sulfide mining. Commissioners will be contacted by John Cherry, Environmental Engineer, and John Meyers, Program Manager of Kennecott, to tour the mine site. Chairperson Corkin stated it was a very eye opening experience. There is no comparison to iron ore mining and sulfide mining.

Comm. Cihak announced that the deed transfer for the West Branch Community Center from Telkite Enterprises will be on Wednesday, June 8, 2005 at 10:00 A.M. at the West Branch Community Center. Comm. Cihak also questioned the status of Telkite. Tom Clark, Attorney for Telkite, explained the papers will be signed tonight and the \$1 million check presented to the County Board.

Administrator Steve Powers thanked the County Board for support of his employment agreement.

There being no further business to become before the County Board the meeting adjourned at approximately 7:06 P.M.

Respectfully Submitted,

Connie M. Branam  
Marquette County Clerk