

Minutes are Subject to Correction and Approval

The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, September 27, 2005, at 6:30 P.M., in Room 231 of the Henry A. Skewis Annex, 234 W. Baraga Avenue, Marquette, Michigan.

Chairperson Corkin called the meeting to order. Present: Comm. Bergdahl, Comm. Cihak, Comm. Heikkila, Comm. Joseph, Comm. Pellow, Comm. Struck, and Chairperson Corkin. Absent: Comm. Arsenault and Comm. Wallace.

It was moved by Comm. Pellow, seconded by Comm. Heikkila, and unanimously carried by voice vote that the minutes of the Committee of the Whole Meeting held on September 13, 2005 be approved.

Chairperson Corkin opened the meeting for public comment, none was forthcoming.

It was moved by Comm. Bergdahl, seconded by Comm. Struck, and unanimously carried by voice vote that the Agenda be approved with the following change: move Item 11) DEQ Financial Assessment of Water/Wastewater Systems to Item 5a).

It was moved by Comm. Joseph, seconded by Comm. Pellow, and unanimously carried by voice vote that Claims and Accounts for the period September 16, 2005 through September 22, 2005 in the amount of \$1,160,899.41 be approved.

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The Committee considered a DEQ Financial Assessment of Water/Wastewater Systems at Sawyer. Scott Erbsch, Sawyer Operations Manager, stated that this is a draft document for Commissioners to review. No action is necessary at this time. Upon request, the DEQ offers assistance to review rate structures or improve rates structures. West Branch and Forsyth Townships requested the review, and the County agreed. Mr. Erbsch introduced Bob Schneider of the DEQ who performed the assessment. Mr. Schneider reiterated that this assessment is a draft document with further finetuning required. He made four recommendations to be considered by the Board:

- The Townships felt overcharged. Mr. Schneider felt the operating expenses were appropriate. Rates are high but reasonable. This is an expensive system with few users. More customers need to be added to the system.
- There is a question of enforceability of the County ordinance in the Townships. Per an attorney opinion obtained by Mr. Erbsch, the ordinances are enforceable. The attorney will be providing documentation regarding this issue in the near future.
- There should be a rate methodology or basis for the rates being charged. This basis or methodology should be made available to the Townships and all customers.
- The County should look at developing a Water/Wastewater Authority to manage this system.

Comm. Struck stated that the various groups are working together on this issue. Working together is a good idea.

Comm. Pellow questioned a split of funds for water and wastewater. Mr. Schneider stated that while this issue was not directly addressed, he feels it is a good idea. Comm. Pellow requested Mr. Schneider look into the idea for inclusion in any subsequent assessments. She also stated that an Authority Board works well, and she would be happy to participate on that Authority.

Comm. Heikkila had questions regarding utilization of the system. Mr. Schneider stated that the systems is about 25% utilized at this time. Comm. Heikkila also requested information from other U. P. plants, which Mr. Schneider stated could be included in future assessment reports.

Scott Erbisch will provide the Board with an action plan/memo after additional discussions with the Townships and further revision of the assessment by Mr. Schneider.

It was moved by Comm. Struck, seconded by Comm. Heikkila, and unanimously carried by voice vote that the Committee of the Whole accept the DEQ Financial Assessment of Water/Wastewater Systems at Sawyer for filing.

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The Committee considered a Resolution Opposing House Bill 5124. HB 5124, "An act to facilitate the inspection and reproduction of the records and files in the offices of the Registers of Deeds", alters the intent of MCL 565.1. Pat Manley, Marquette County Register of Deeds, is requesting a Resolution opposing House Bill 5124 be adopted to support the Register of Deeds Office and their ability to generate revenue and protect their records.

It was moved by Comm. Cihak, seconded by Comm. Joseph, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board adopt the Resolution Opposing House Bill 5124.

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The Committee considered a letter from John Ennett regarding the Bridge over the Carp River on Heritage Drive in Negaunee Township. The Township has been looking for ways to replace the bridge and has had the Road Commission put it on the critical bridge replacement list. The Road Commission has informed the Township that it will be years before the bridge will work its way up the replacement list. The bridge has deteriorated to the point that the Road Commission has put a 4-ton load limit on the bridge, which restricts school buses, fire and garbage trucks, and snow plows from crossing the bridge.

As a temporary solution, the Road Commission yard has an old bridge that can be placed over the bridge on Heritage Drive. This temporary bridge would have no load restrictions and would open the road to all traffic until the bridge can be replaced by Critical Bridge Funding. The Road Commission states it would cost \$60,000 to complete the project, and wants the Township to pay for one half the cost.

Wayne Johnson, Supervisor of Negaunee Township, was present and addressed the Board. He states that the Township does not have \$30,000 to pay for replacement of the bridge. The Township does not think

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they should be responsible for bridge repair/replacement/maintenance on bridges maintained by the Road Commission. Mr. Ennett and Mr. Johnson are requesting the County Board request the Road Commission to replace the bridge on Heritage Drive with a temporary bridge.

It was moved by Comm. Pellow, seconded by Comm. Struck, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board direct staff to send a letter to the Road Commission requesting the Road Commission replace the Bridge on Heritage Drive with an old bridge currently in their yard as a temporary solution until such time as the bridge can be replaced through the Critical Bridge Replacement List.

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The Committee considered a Memo to State Representatives Steve Adamini, Rich Brown, and State Senator Mike Prusi regarding Senate Bill 528 – Telecommunications. Brent Nault, Information Systems Director, was present and addressed Commissioners. He feels this Bill would not be in the best interests of the County. This Bill would prevent local governments from providing any telecommunication services to citizens. While Marquette County is not planning to provide internet services, local governments should at least have this option if necessary for the benefit of the communities they serve.

It was moved by Comm. Bergdahl, seconded by Comm. Pellow, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board oppose Senate Bill 528.

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The Committee considered a letter from Paul R. Argall, President, PCBM Management Company, regarding the DNR’s Draft ORV Plan. This Plan would conflict with current county ordinances and limit access. Mr. Argall is requesting the County Board oppose any DNR changes.

It was moved by Comm. Struck, seconded by Comm. Heikkila, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board oppose any changes to the DNR’s Draft ORV Plan.

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The Committee considered Approval of MDOT Airport Awareness Grant for Fiscal Year 2006. MDOT Multi-Modal Transportation Services Bureau (formerly known as the Bureau of Aeronautics BoA) annually provides funding to airport sponsors to provide an increased or enhanced awareness of the airport and its services to potential airport users.

Staff requested and received approval for the maximum of \$25,000. Marquette County will be required to provide a sponsor match of \$2,778 which has been budgeted for.

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Staff recommends approving the two MDOT Agreements, adopting the Resolution, and authorizing the Board Chairperson to sign the Agreements.

It was moved by Comm. Joseph, seconded by Comm. Arsenault, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board approve the two MDOT Agreements, adopt the Resolution, and authorize the Board Chairperson to sign the Agreements.

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The Committee considered a Memo from Harley Andrews, Chief Civil Counsel, regarding County of Marquette Wastewater Treatment Bond and Transfer of Property. In 1984 the County of Marquette issued \$4.5 million in bonds on behalf of the City and Township of Ishpeming to finance the construction of the Ishpeming Area Joint Wastewater Treatment Facility. In conjunction with the Bond issue, the City of Ishpeming, by warranty deed dated June 21, 1984, conveyed to the County of Marquette the 15.33 acre parcel of land upon which the Wastewater Treatment Facility was situated. The deed contained a provision by which ownership of the property would transfer to the Ishpeming Area Joint Wastewater Treatment Board upon payment in full of those bonds.

The bonds were subsequently refinanced in 1991 and again in 1998, and paid in full in May 2004. Title to the 15.33 acre parcel should now be conveyed to the Ishpeming Area Joint Wastewater Treatment Board. The Board's attorney has prepared and forwarded to Mr. Andrews a Quit Claim Deed for this parcel which he has reviewed and finds to be proper in form and substance.

Mr. Andrews recommends the Board authorize the Board Chair to execute and deliver on behalf of the County the Quit Claim Deed conveying title to the 15.33 acre parcel to the Ishpeming Area Joint Wastewater Treatment Board.

It was moved by Comm. Joseph, seconded by Comm. Cihak, and carried by voice vote 6 Ayes (Comm. Bergdahl, Comm. Cihak, Comm. Heikkila, Comm. Joseph, Comm. Struck, and Comm. Corkin) and 1 abstention (Comm. Pellow) that the Committee of the Whole recommend the County Board authorize the Board Chair to execute and deliver on behalf of the County the Quit Claim Deed conveying title to the 15.33 acre parcel to the Ishpeming Area Joint Wastewater Treatment Board.

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The Committee considered the 2005-2006 Department of Natural resources (DNR) Budget which includes a 4.5% reduction for Payments in Lieu of Taxes (PILT). The original version of the DNR Budget that passed the House in June had fully funded PILT for next year. The Senate passed version included a \$700,000 cut in this line item. This compromise agreement means that under current law, local units of government will receive pro-rated PILT payments.

Last year the legislature passed, and the Governor approved, Senate Bill 1105 which froze assessments and millage rates on DNR owned property at 2004 levels through 2008. The Bill also allowed

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payments to be pro-rated if the legislature did not appropriate sufficient funds to cover all of the tax bills in full. The Bill also included a provision that says partial payments do not satisfy payments obligated by the state.

Senate Bill 1105 included a commitment to local units of government to fully fund PILT. In return for freezing assessments and millage rates, there was an implied promise to provide adequate funding for these payments.

On Tuesday, September 20, the Democratic members of the joint House and Senate Appropriations Conference Committee supported an amendment that would have made PILT funding whole if General Fund Revenues exceed current projections. If this amendment had been adopted, local units of government would not have to wait until a supplemental appropriations bill is negotiated. That amendment was defeated along party lines.

It was moved by Comm. Pellow, seconded by Comm. Struck, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board direct staff to send a letter to all Upper Peninsula Legislators and Senator McManus expressing the County's displeasure with the 4.5 percent reduction in PILT Payments.

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Chairperson Corkin opened the meeting for public comment, none was forthcoming.

COMMISSIONER COMMENTS, STAFF COMMENTS, AND ANNOUNCEMENTS

There was no Commissioner Comments, Staff Comments, or Announcements.

There being no further business to come before the Committee of the Whole, the meeting adjourned at approximately 7:15 P.M.

Respectfully submitted,

Laurie A. Skytta
Marquette County Deputy Clerk