

The attached minutes are subject to correction and approval

The Marquette County Board of Commissioners held their Regular Meeting on Tuesday, June 6, 2006, 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. Joseph, and unanimously carried by voice vote that the minutes of the County Board of Commissioners Regular Meeting held on May 16, 2006 be approved.

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

It was moved by Comm. Pellow, seconded by Comm. Arsenault, and carried by voice vote 8 Ayes to 1 Abstention (Comm. Joseph) that Claims and Accounts for the period May 20, 2006 through June 2, 2006 in the amount of \$603,235.46, including expenditure Check No. 73770 in the amount of \$75.00 made payable to Joseph's (Affidavit of Disclosure follows), and Bi-Weekly Payroll for the period ending May 20, 2006 in the amount of \$283,478.74 be approved.

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 June 6, 2006, meeting of the County Board of Commissioners includes Check No. 073770, dated May 26, 2006, payable to Joseph's in the amount of \$75.00 in payment for Soldier's Sailor Relief Commission Food order;**
- 2. I hereby disclose that I have a personal financial interest in Joseph's Foodland, Inc., 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 \$75.00.**

Dated this 6th day of June, 2006

/S/

Nick Joseph

It was moved by Comm. Bergdahl, seconded by Comm. Struck, and unanimously carried by voice vote that the agenda be approved with the addition of Item 11a) License Agreement for West Branch Township Rodeo.

INFORMATIONAL ITEMS :

It was moved by Comm. Wallace, seconded by Comm. Pellow, and unanimously carried by voice vote that the following Informational Item be accepted and placed on file:

- a. Thank You Letter to Chairperson Corkin from Tom Friggins, Regional Manager, Michigan Iron Industry Museum, for Participating in the May 7th Ribbon Cutting Ceremony.
- b. Memo from Connie M. Branam, Marquette County Clerk, regarding Mid-Year Vacancies to the Commission on Aging, Road Commission, and the Solid Waste Authority.
Comm. Wallace announced that the vacancy created by the resignation of Michael Kuopus is a human resources position.
- c. Communication from the Department of Environmental Quality regarding Proposed Type II Landfill Expansion, Marquette County Solid Waste Management Authority Landfill, Sands Township, Marquette County.

ACTION ITEMS

It was moved by Comm. Pellow, seconded by Comm. Arsenault, and unanimously carried by voice vote that Action Items 10a, 10b, 10d and 10e, be approved as follows:

10a) Committee of the Whole Recommendation to accept a Letter of Resignation with regret from Michael P. Kuopus as a member of the Marquette County Road Commission effective May 31, 2006, and further, that a Letter of Appreciation be sent to Mr. Kuopus for his excellent service on the Road Commission Board.

10b) Committee of the Whole Recommendation that the County Board and/or the Commission on Aging submit a Letter of Intent to apply for UPCAP funding for Respite Programs as presented by Sue Vercoe, Finance Manager.

10d) Committee of the Whole Recommendation to award the Bid for Airport Runway Area to J. Ranck Electric Company of Sault Ste. Marie, Michigan in the amount of \$285,248.00 and authorize Chairperson Corkin to sign all copies of the Notice of Award.

10e) Committee of the Whole Recommendation to approve the Attorney recommendation regarding settlement in *Twork vs. County of Marquette* (15.268).

ACTION ITEMS CONTINUED

10c) The County Board considered a Committee of the Whole Recommendation to purchase a building to house the Ishpeming District Court with the present range of services. Comm. Bergdahl explained the intent being that the present range of services was to downsize the Court and not hold jury trials, leaving space for other services along with the Court.

Steve Powers, County Administrator, explained that there were only two jury trials held in Ishpeming last year. He stated that it is the Court's intent to hold jury trials in Marquette. He further explained that the Judge's may very well recommend a jury room for a backup. He explained that before there is any final decision whether there is a jury room or not, it should be looked at in a sense of whether it is cost effective.

Comm. Wallace stated that when he supported the motion it was done so with the understanding that there would not be jury trials. He explained that he would change his support if the County Board were to maintain a full range of services. He questioned who has the ultimate authority, the County Board or the Judges.

Harley Andrews, Chief Civil Counsel, explained that the County Board decides what type of facility to provide, and the Judges would decide how to use it. He believes the intent of the County Board is not to prohibit jury trials but to not provide space for jury trials.

Comm. Arsenault agreed with the intent to downsize trying to use as much of that space for other community services that could be provided for the west end of the County.

Comm. Heikkila explained he will maintain his no vote. He believes it would not be cost effective. He doesn't believe Marquette County can afford two courthouses.

Comm. Cihak stated that except for Small Claims once a month it is a non-mandated function to hold a Court in Ishpeming. He believes the motion should be tabled.

It was moved by Comm. Wallace, seconded by Comm. Joseph and carried by voice vote 7 Ayes (Comm. Arsenault, Comm. Bergdahl, Comm. Joseph, Comm. Pellow, Comm. Struck, Comm. Wallace, and Chairperson Corkin) to 2 Nays (Comm. Cihak and Comm. Heikkila) that the County Board approve the Committee of the Whole Recommendation to purchase a building to house the Ishpeming District Court. (Removing the words *with the present range of services.*)

LATE ADDITIONS

11a) The County Board considered a Proposed License Agreement for the West Branch Township Rodeo. Harley Andrews, Chief Civil Counsel, explained that West Branch Township has requested a no cost License Agreement to use the recreational fields at the corner of Fifth Street and Avenue B for a rodeo. This will include use of water, electricity, bleachers, and the concession building. The Township would be responsible for the cost of the utilities, and would assume all liability for the use of the bleachers and the land.

Having only recently received necessary information from the Township, a Draft License Agreement has now been prepared between the County, and licensor, and the Township and the Prairie Creek Rodeo Company, Inc. as Lessees, which is currently being reviewed by the Licensees. It incorporates provisions regarding liability, insurance requirements, responsibility or security and crowd control, compliance with applicable laws (including any zoning requirements), provision of portable toilet facilities, and notification to and cooperation with law enforcement officials with regard to traffic control, and cleanup after the event.

The Agreement as drafted prohibits possession or consumption of alcoholic beverages on the licensed premises. Barry Bahrman, West Branch Township Supervisor, explained that it has been planned that the Skandia Township Lyons Club will be selling beer during the event. If the County Board approves, Staff will incorporate necessary insurance and liability requirements into this, or into a separate agreement.

The review and modification of the License Agreement will be continuing, but because this is the last County Board meeting before the scheduled event, Mr. Andrews recommends approval.

Comm. Struck encouraged the Board to approve the License Agreement. He explained that a lot of work has been put into the planning of this rodeo. He believes it will be a very good event for the community as well as Marquette County. He stated that the proceeds are going to support the "W" and other community events.

It was moved by Comm. Struck, seconded by Comm. Pellow, and unanimously carried by voice vote that the County Board authorize use of the requested property by the proposed Licensee for a rodeo, and authorize the County Administrator to execute a license agreement and all other necessary documentation to implement this use after review by Civil Counsel and is deemed satisfactory to protect the County's interest,

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and further that authorization be given approving the sale and consumption of beer on the premises during the event, subject to the same requirement and documentation to protect the County's interest.

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

COMMISSIONERS COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS

Comm. Heikkila announced the lawsuit between the Fair Board and Marquette County has been settled. Step 1 which was the issuance of a permit has been accomplished. Step 2 is to complete the work. He thanked Wanda Bergdahl, Bob Cambensy, Cheryl Hill, and Greg Sicotte for the time they put into this issue.

Comm. Wallace announced that in Commissioners mailboxes was notification that the Department of Public Health accreditation review by the State has been accomplished. He explained that the accreditation occurs every three years. The County Health Department has to pass 100% of approximately 185 requirements. The Health Department came up short by about 10, and will submit their corrective action plans to get the accreditation accomplished within the next month. He indicated that the Department of Public Health is doing a really great job.

Comm. Joseph updated Commissioners regarding discussion at Road Commission meetings regarding millage. He explained it is a good alternative but it has to be sold to the users.

Comm. Pellow explained that at an MCTA meeting discussion regarding Road Commission millage, the intent was for the County Road Commission to bring a presentation to the County Board. She feels the County Road Commission should come to the County Board, not the County Board going to the Road Commission.

There being no further business to come before the County Board, the meeting adjourned at approximately 7:55 P.M.

Respectfully Submitted,

Connie M. Branam
County Clerk