

The attached minutes are subject to correction and approval

The Marquette County Board of Commissioners held their Regular Meeting on Tuesday, October 16, 2007, at 6:00 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. Heikkila, Comm. Joseph, Comm. Pellow, Comm. Struck and Comm. Corkin. Absent and Excused: Comm. Wallace.

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

It was moved by Comm. Pellow, seconded by Comm. Joseph, and unanimously carried by voice vote that the minutes of the County Board of Commissioners Regular meeting held on Tuesday, October 2, 2007 be approved.

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

It was moved by Comm. Arsenault, seconded by Comm. Joseph, and unanimously carried by voice vote that Claims and Accounts for the period October 5, 2007 through October 12, 2007 the amount of \$197,643.19 and bi-weekly payroll for the period ending October 6, 2007 in the amount of \$595,631.32 be approved.

It was moved by Comm. Cihak, seconded by Comm. Pellow, and unanimously carried by voice vote that the agenda be approved with the following late additions: 11a) Pathways Authority – Quitclaim Deed of Marquette County/Alger County Property to Pathways; and 11b) Conveyance of Parcel C31-A-Sorensen Development, Inc.

INFORMATIONAL ITEMS

It was moved by Comm. Struck, seconded by Comm. Heikkila, and unanimously carried by voice vote that the following Informational Items be accepted and placed on file:

- a. Rural Transportation Planning Process: Annual Rural Elected Officials Meeting, 10:00 A.M., Thursday, November 8, 2007, Heirman University Center, Bay College, Escanaba.

Comm. Heikkila requested a copy of Road Priorities from the Michigan Department of Transportation and the Marquette County Road Commission.

- b. Thank You from U.S. Senator Carl Levin regarding the Proposed Mining Activities of Kennecott Eagle Minerals Company in Marquette County.

ACTION ITEMS

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

10a) Committee of the Whole Recommendation to send a letter to our Legislators requesting they become involved in the Guatemala 5000 and take action to help the children at risk.

10b) Committee of the Whole Recommendation to send a letter to our Federal and State Legislators reminding them of the importance of the repealer and passing the Governor’s budget as it relates to the Friend of the Court.

10c) Committee of the Whole Recommendation to adopt the following Resolution to Advocate for Prioritization of Public Health Services When the State’s Share of the Cost is Less than 50% for the Services:

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*RESOLUTION TO ADVOCATE FOR PRIORITIZATION OF
PUBLIC HEALTH SERVICES WHEN THE STATE’S SHARE
OF THE COST IS LESS THAN 50% FOR THE SERVICES*

WHEREAS, Michigan’s local public health departments support the provision of quality public health services mandated to be provided on a statewide basis; and

WHEREAS, the funding provided by the Michigan Departments of Agriculture, Community Health, and Environmental Quality to conduct these mandated services has not kept pace with inflation rates for the past ten years; and

WHEREAS, local funds appropriated to support the delivery of these mandated services now comprise over 70% of the total funding for these services; and

WHEREAS, the local funds appropriated to support the delivery of the mandated services should comprise of no more than 50% of the total costs; and

WHEREAS, local funds appropriated to support these services are declining; and

WHEREAS, Michigan’s local public health departments will no longer be able to provide these mandated services if state funding appropriated for these services is not increased to 50% of the total cost of these mandated local services as required in Section 333.2475 of the Michigan Public Health Code;

THEREFORE BE IT RESOLVED, That the Marquette County Board of Commissioners will advocate for increases in state and federal funding; and

LET IT BE FURTHER RESOLVED, That the Marquette County Board of Commissioners will advocate for local health departments not to be held accountable for meeting minimum performance standards for state mandated services unless the state is able to cover 50% of the total costs for these services; and

LET IT BE FUTHER RESOLVED, That the Marquette County Board of Commissioners supports a process whereby MALPH will work with the Michigan Departments of Agriculture, Community Health, and Environmental Quality to convene a group co-chaired by an equal number of state and local representatives to annually develop and present to the Governor and Legislature a proposed set of basic and required services and documentation of the cost of delivering those services beginning in 2009 as required by Part 23 of the Public Health Code.

*Adopted this 16th day of October, 2007
Gerald O. Corkin, Chairperson
Marquette County Board of Commissioners*

10d) Committee of the Whole Recommendation to approve the following Resolution Authorizing Intergovernmental Transfers (IGT) to Support the Medical Care Access Coalition (MCAC) Indigent Care Program:

IGT AUTHORIZING RESOLUTION

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WHEREAS, Marquette County is committed to supporting programs that provide access to appropriate health care services for low-income residents of all fifteen (15) Upper Peninsula Counties;

WHEREAS, the Federal government has approved Michigan’s Medicaid State Plan Amendment TN No. 05-13, effective June 1, 2006, which creates an “Indigent Care Agreements Pool” for hospitals qualifying for Medicaid Disproportionate Share (“DSH”) payments to receive DSH payments under the Indigent Care Agreements Pool so long as: (a) the hospital has an Indigent Care Agreement with a local health care entity, such as Medical Care Access Coalition; and (b) the Indigent Care Agreement stipulates that direct or indirect health care services be provided to low-income patients with special needs who are not covered under other public or private health care programs;

WHEREAS, Medical Care Access Coalition purposes include promoting, organizing, managing and administering programs to create a system for providing or arranging and paying for health care services in a cost effective manner for persons unable to pay for such health care services;

WHEREAS, Medical Care Access Coalition has entered into an Indigent Care Agreement with Keweenaw Memorial Medical Center, Portage Health, Grandview Hospital, Bell Hospital, Marquette General Health System, and Chippewa War Memorial Hospital, requiring Medical Care Access Coalition to directly or indirectly operate a program of arranging and paying for health care to low-income individuals with special needs who are not covered under other public or private health care programs and who are unable to pay for such services;

WHEREAS, both the Federal government and the State of Michigan participate in the financing of the Indigent Care Agreements Pool, with the Federal government matching the State’s portion pursuant to the Federal medical assistance percentage formula;

WHEREAS, certain intergovernmental transfers of public funds from Marquette County may be made to the State of Michigan to be used as the State’s share in claiming the Federal match.

NOW, THEREFORE, BE IT RESOLVED, that that the Marquette County Board of Commissioners hereby authorizes intergovernmental transfers in an amount of \$346,014.00 to the State of Michigan for the purpose of participating in the financing of the non-federal share of DSH payments made under the Indigent Care Agreements Pool to Keweenaw Memorial Medical Center, Portage Health, Grandview Hospital, Bell Hospital, Marquette General Health System, and Chippewa War Memorial Hospital, so long as Medical Care Access Coalition maintains a current Indigent Care Agreement with Keweenaw Memorial Medical Center, Portage Health, Grandview Hospital, Bell Hospital, Marquette General Health System, and Chippewa War Memorial Hospital.

BE IT FURTHER RESOLVED, that this resolution shall be effective commencing on October 1, 2007 and ending September 30, 2008.

Adopted this 16th day of October, 2007
Gerald O. Corkin, Chairperson
Marquette County Board of Commissioners

10e) Committee of the Whole Recommendation to approve the Lease Agreement with Happel Enterprises, LLC for Building 731 in accordance with the following terms:

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- Size: 4,088 sf
- Rate: \$1,000.00 per month which equates to approximately \$2.936 psf
- Escalation: 5% annually
- Term: 3 years
- Lease Commencement Date: November 1, 2007

ACTION ITEMS CONTINUED

10f) The County Board considered a PFC Program Update (information only) from Keith Kaspari, Airport Manager. Mr. Kaspari explained that for many years, the Federal Aviation Administration has allowed Airports to impose a Passenger Facility Charge, or PFC, to be used as a funding mechanism for the payment of sponsor match of Airport projects. When the program began, a \$1.00, \$2.00, or \$3.00 PFC could be imposed for enplaned or outbound passenger.

When Congress approved an increase to \$4.50, the \$4.50 PFC was project specific – yet over the last few years the \$4.50 eligibility has been approved for use on all projects. Marquette County also uses the PFC Program to pay for Sawyer’s 2.50% or 5.0% local share of projects, and is currently imposing \$4.50 per outbound passenger.

A great deal of debate in Washington surrounding a future multi-year FAA Reauthorization Bill is the topic of increasing the cap on PFC’s to \$7.00. The reason for increasing the cap is to allow airports to keep up with annual and/or inflationary costs for capital projects, such as new or full reconstruction of airport pavements, the construction of terminal buildings, hangars or other airport support facilities, as the airport industry has seen significant increases in costs for materials such as concrete and structural steel.

Mr. Kaspari noted that if the FAA receives approval to allow airports to increase collection authority to \$7.00, Marquette County will not be required to raise the PFC, although the County will be encouraged to maximize Sawyer’s collection authority to \$7.00.

The benefit to Marquette County for an increased PFC would allow Sawyer to expedite the payment of our required 2.50% or 5.0% local match, and for projects funded with Military Airports Program funding, and pending PFC eligibility, reimburse the County for funds that were historically funded with the sale proceeds of the former Negaunee Airport.

Mr. Kaspari stated that Marquette County has an agreement with Mead & Hunt to provide administrative services to Sawyer’s PFC Program. To remain at \$4.50, or any future increases to \$7.00 that may be approved by the County Board of Commissioners, will allow Mead & Hunt to continue the development of future PFC applications or application amendments.

Mr. Kaspari is recommending that the County Board support the approval of the Reauthorization Bill.

Discussion followed. Comm. Joseph stated that this is a healthy increase. He feels the PFC increase will be a hidden charge to our customers and the County should be cautious.

It was moved by Comm. Cihak, seconded by Comm. Struck, and unanimously carried by voice vote that the County Board support the approval of a multi-year Reauthorization Bill that includes an Airport industry-wide PFC increase to \$7.00, via a letter to our Congressional Representatives in the United States Senate.

10g) The County Board considered a memo from Connie Branam, County Clerk, regarding October appointments to County Boards and Commissions. Ms. Branam explained that the term of Caroline Bridges, Negaunee, from the Department of Human Services Board expires October 31, 2007. Ms. Bridges has reapplied for another 3-year term ending October 31, 2010. The terms of Fran Baldasari (Democrat), Gwinn, and Joe Pietro (Republican), Gwinn, from the Marquette County Board of Canvassers expire on October 31, 2007. Michigan Election Law provides that the expired terms be filled as follows:

- The County Committee of each political party is required to provide the County Clerk with names of three nominees for the party’s expiring seat on the board.

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- The County Board is required to fill the two vacancies on the Board by appointing a Republican member and a Democratic member from the submitted names.

The Democratic Party only nominated Fran Baldasari for another term. The Republican Party nominated three: Joe Pietro, Bob Hanson, and Pete Mackin, but with strong consideration that Joe Pietro be appointed to serve another 4-year term. Joe has served well and the Republican Party would like to see him continue on the Board of Canvassers.

Clerk Branam recommends the appointment of these three individuals.

It was moved by Comm. Pellow, seconded by Comm. Struck, and unanimously carried by voice vote that the County Board appoint Caroline Bridges to a 3-year term on the Department of Human Services Board expiring October 31, 2010; and Fran Baldasari (Democrat) and Joe Pietro (Republican) be appointed to 4-year terms on the Marquette County Board of Canvassers expiring October 31, 2011.

LATE ADDITIONS

11a) The County Board considered a memo from Cheryl Hill, Civil Counsel, regarding Pathways Authority – Quitclaim Deed of Marquette County/Alger County property to Pathways. Ms. Hill explained that in November, 1997 a Resolution was passed by the Marquette County Board of Commissioners creating the Pathways Authority, a Community Mental Health Authority, with powers and duties defined in MCL 30.1205. The Authority serves Alger, Delta, Luce, and Marquette Counties. The Authority is governed by its enacting resolution and the State law.

Pathways has approached Civil Counsel recently with regard to a piece of property that is still held by the County of Alger and the County of Marquette as tenants in common. The property has been used and managed by Pathways since 1997. At this point the Pathways Authority is seeking the release of the property from the County of Alger and the County of Marquette so that it can sell the property if it so desires. Pathways is requesting the County of Alger and the County of Marquette execute a quitclaim deed so that the property will be transferred from Alger/Marquette to Pathways Authority.

Within the Resolution of 1997 is paragraph “K” which provides, “The Authority shall be responsible for any and all costs, liabilities, and expenses associated with real or personal property purchased or leased by participating county for the use of the Pathways Authority. Further, paragraph “N” of the Resolution provides for the transfer of assets and states:

Upon the effective date of the creation of the Pathways Authority, all assets, debts and obligation of the existing Delta County CMHSP and Superior Behavioral Health Authority including, but not limited to, equipment, furnishings, supplies, cash, and other personal property, shall be transferred to the Pathways Authority. The Pathways Authority shall indemnify and hold harmless Alger, Delta, Luce, and Marquette Counties from any liabilities in regard thereto. All contracts for the provisions of mental health services will be transferred to Pathways Authority. The Authority, where necessary, shall obtain a novation of contracts.”

Ms. Hill stated that finally, within the powers of the Pathways Authority identified in Paragraph “P” of the Resolution, the Authority has the power: (5) To acquire, own, operate, maintain, lease or sell real or personal property, including the power to determine the location of property purchased, leased, and/or operated...”

Civil Counsel recommends the quitclaim deed be signed so as to cooperate with the 1997 Resolution and allow Pathways to control the property in question. She distributed a Resolution for review. Discussion followed.

Steve Powers, County Administrator, provided a brief history explaining that when the Mental Health Authority was first created they were prevented by statute from owning real property, so the counties that made

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up the Mental Health Authority actually acquired the property. He stated that the cost of acquisition, the cost of maintenance, and operation was all funded by Mental Health. This has now changed, but there were still some properties, primarily group homes, that are still in County ownership. The quitclaim deed will release the County from that, and allow Pathways to sell the property and recover the costs that they incurred from purchasing the real property.

It was moved by Comm. Struck, seconded by Comm. Arsenault and unanimously carried by voice vote that the County Board adopt the following Resolution and authorize Chairperson Corkin to sign the Quitclaim Deed so as to cooperate with the 1997 Resolution and allow Pathways to control the property in question.

RESOLUTION

WHEREAS, the Marquette County Board of Commissioners has been asked to quitclaim deed property presently in the name of the County of Alger, a Michigan municipal corporation of 101 Court Street, Munising, MI 49862, and the County of Marquette, a municipal corporation, of 234 W. Baraga Avenue, Marquette, MI 49855, however as tenants in common to Pathways Authority, a Michigan mental health authority of 200 W. Spring Street, Marquette, MI 49855, based upon the 1997 Resolution creating the Pathways Authority.

WHEREAS, said property is more particularly described as

Part of the Southeast Quarter of the Southeast Quarter (SE ¼ of SE ¼) of Section 9, Township 48 North, Range 25 West, in the City of Marquette, County of Marquette, and State of Michigan, described as follows: Commencing at the Southeast corner of said Section 9; thence North 01°23'51" East, 33.03 feet along the East line of said Section 9 to the point of beginning; thence continuing North 01°23'51" East, 226.97 feet along the same East line of Section 9; thence South 89°05'00" West, 130.00 feet; thence South 01°23'51" West, 226.97 feet; thence North 89°05'00" East, 130.00 feet along the North right of way line of Wright street, parallel with the South line of said Section 9, to the point of beginning.

NOW, THEREFORE, BE IT RESOLVED, that the above stated property will immediately be deeded to the Pathways Authority via Quitclaim Deed to be executed by the Chairman of the Marquette County Board of Commissioners.

BE IT FURTHER RESOLVED, that this Resolution shall be effective October 16, 2007.

*Adopted this 16th day of October, 2007
Gerald O. Corkin, Chairperson
Marquette County Board of Commissioners*

11b) The County Board considered a memo from Harley Andrews, Chief Civil Counsel, regarding the conveyance of Parcel C31-A-Sorenson Development, Inc. Mr. Andrews explained that this is one of a couple of remaining "catch up" matters with respect to conveyances in the Sawyer housing area. Parcel C31-A is a small parcel, less than ¼ acre, which was split off from what was originally designated as Parcel C-31. It has no buildings or other structures. It adjoins property previously conveyed to KI Sawyer Development, Inc., and should have been conveyed to that company at the time it was created as a separate parcel. Mr. Andrews would now like to take care of that detail. Because this was originally intended to be included in prior conveyances, there is no additional money being paid to the County for this parcel.

The other parcel created by this division, Parcel C-31B, does have residential structures on it, and was conveyed to Robert Neal, Jr., in February, 2007.

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Mr. Andrews recommends the County Board authorize the conveyance. Discussion followed.

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 authorize the conveyance of Parcel C31-A to Sorenson Development, Inc. (the successor to KI Sawyer Development, Inc.) for no additional consideration, and that the Board Chair execute all necessary documents to implement that conveyance.

Chairperson Corkin opened the meeting for public comment. Scott and Lorinda Jandron, 14 Pine Run, Negaunee, thanked the County Board for their letter of support regarding the Guatemala 5000. Commissioners wished Mr. and Mrs. Jandron good luck.

COMMISSIONERS COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS

Chairperson Corkin reported on the U.P. County Commissioners Conference held in Baraga County October 12-13, 2007. Conference discussion included PILT funding, S410 and S411 (bills that fund local and state 911), FOC funding, and the State budget. Chairperson Corkin stated it was a very productive session. He stated that there is a big need for more people from the U.P. in the State Legislature.

Comm. Arsenault announced an upcoming Road Commission meeting with our Legislators. The meeting is scheduled for Friday, October 26, 2007. Commissioners engaged in a brief discussion regarding Road Commission issues. Comm. Arsenault felt that there should be Commissioner presence at this meeting.

Comm. Arsenault also discussed the State budget regarding the recent sales tax. He stated that this tax will radically effect small businesses.

Comm. Pellow stated that the MCTA is not happy with recent Road Commission discussions. She was invited by the MCTA to attend the Road Commission Meeting. Discussion followed. Comm. Pellow, Comm. Joseph, and Comm. Arsenault will attend the meeting.

Comm. Struck announced a MAC Transportation Committee Meeting scheduled for Friday, October 26, 2007. He also commented on the U.P. County Commissioners Conference.

Comm. Joseph reported on a Road Commission Meeting that was held on October 15, 2007. They discussed snowplowing among other issues. He explained that the Road Commission is requesting patience and support from residents with the upcoming changes. He also discussed a pending media release regarding the Road Commission budget.

There being no further business to come before the County Board, the meeting adjourned at approximately 6:35 P.M.

Respectfully Submitted,

Connie M. Branam
Marquette County Clerk