

Minutes are Subject to Correction and Approval

The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, December 8, 2009, at 6:00 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, Comm. Wallace, and Chairperson Corkin. Absent and Excused: Comm. Arsenault.

It was moved by Comm. Cihak, seconded by Comm. Wallace, and unanimously carried by a voice vote that the minutes of the Committee of the Whole Meeting held on October 27, 2009 be approved.

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

Chairperson Corkin opened the meeting for public comment. Art Lauren, Community Corrections Coordinator, updated Commissioners regarding the Marquette County Community Corrections Work Crew Program and highlighted various sites that utilized the work crew from June 2003 through November 2009. He explained that all of the work crew is staffed with non-violent offenders. The individuals however, are supervised by a Deputy. Mr. Lauren requested that Commissioners inform any agency needing assistance to contact Art Lauren, Community Corrections Coordinator, at 906-249-1041, Ext. 203. Commissioners thanked Mr. Lauren for his commitment to the Work Crew Program. There being no further public comment, Chairperson Corkin closed this portion of the meeting.

It was moved by Comm. Pellow, seconded by Comm. Wallace, and carried by voice vote 7 Ayes to 1 Abstention (Comm. Bergdahl), that Claims and Accounts for the Period November 26, 2009 through December 3, 2009 in the amount of \$216,739.57, including expenditure check #107102 in the amount of \$3,409.10 made payable to Bergdahl's Inc.(Affidavit of Disclosure follows), Electronic Payments for the period Totaled \$13,491.59, and Biweekly Payroll for the period ending November 28, 2009 in the amount of \$668,682.44, 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, hereby makes this financial disclosure at this December 8, 2009, public meeting of the Marquette County Board of Commissioners, pursuant to the provisions of MCL 15.323(2)(a)(ii):

1. The Final Disbursement List to be considered at this meeting includes Check No. 107102 dated December 4, 2009, payable to Bergdahl's, Inc. in the amount of \$3,409.10, in payment for a Cadet riding mower.

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2. I hereby disclose that I have a personal financial interest in Bergdahl's, Inc., which is as follows:
51% 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 \$3,409.10.
4. I understand that having made this disclosure at this public meeting, a vote on approval of this payment may not be held until a subsequent public meeting of this body to be held not less than seven (7) days following today's date.

Dated this 8th day of December, 2009.

/S/

Charles Bergdahl

The Committee considered Building Code Permits for Richmond Township Water Meter Installation. Steve Powers, County Administrator, explained that on Sept. 15, 2009, the County Board moved that the Michigan Department of Environmental Quality and the Michigan Bureau of Construction Codes provide guidance on the apparent duplication of regulatory and permitting requirements for municipal water systems. Both agencies have responded that each has regulatory responsibilities for municipal water systems. Cheryl Hill, Civil Counsel, has provided a memo summarizing the agencies' responses and provides a chronology of earlier communication. Mr. Powers also distributed a memo reminding Commissioners of the action already taken regarding the issue of jurisdiction over municipal water systems, specifically water meters.

Comm. Pellow explained that she feels there is a duplication of jurisdiction. She does not understand why Richmond Township does not fall under the exemption. She stated that she has discussed the matter with two attorneys, who disagree with Cheryl Hill, Civil Counsel. Kevin Koch, Attorney for Richmond Township, has sent a letter to the Michigan Township Association asking them to comment on the issue. Comm. Pellow has also discussed the matter with Sen. Prusi, Rep. Lindberg and Rep. Lahti.

Discussion followed. It was suggested that Greg Sicotte, Building Codes/Project Manager, be asked to attend the December 15, 2009 County Board meeting.

It moved by Comm. Pellow, seconded by Comm. Struck, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board send all the information regarding this issue, including the section on exemptions, to State Legislators Sen. Prusi, Rep. Lindberg and Rep. Lahti, for clarification regarding duplication of regulatory and permitting requirements for municipal water systems.

The Committee considered an Airport Snack Bar Concessionaire Agreement. Scott Erbisch, Sawyer Operations Manager, explained that in September of 2006, the Board approved a three-year Concession Agreement with Double E & M, Inc., for the Airport Terminal Snack Bar.

At that time, a lease rate of \$415.00/month was established, which included utilities and a standard provision for annual 3% adjustments. The current fixed monthly rent is \$462.52.

In addition to the fixed rental rate, Double E & M, Inc., elected to impose surcharges of 10% on all non-taxable items, and 4% on taxable items. (This sum is paid to the County on or before the 15th day of each succeeding calendar month).

This Agreement is set to expire on December 31, 2009. Staff met with representatives of Double E & M, Inc., and proposed the following terms:

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- Two-year lease term;
- A January 1, 2010, lease rate of \$466.97 followed by a 3% increase in year two, beginning January 1, 2011;
- Double E & M, Inc. will continue to impose surcharges at a rate of 10% on all non-taxable items and 4% on taxable items;
- Authorization to adjust monthly rent up or down with the addition or deletion of appliances (based on actual electric consumption).

Discussion followed regarding the 10% surcharge on all non-taxable items, and the 4% on taxable items. Comm. Pellow questioned the revenue per year on the sucharges. Mr. Erbisch will provide the information next week. Mr. Erbisch recommends approval.

It was moved by Comm. Heikkila, seconded by Comm. Bergdahl, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve the Airport Snack Bar Concessionaire Agreement and authorize the Board Chair to sign the agreement based upon the terms outlined above.

The Committee considered a communication from Dwight P. Dean, Regional Director, United States Department of Commerce, thanking the County Board for their continued cooperation and support with the many programs conducted within the County by the U.S. Census Bureau.

Paul Garber, Assistant Manager for Field Operations, and Scott A. Smith, Assistant Manager for Recruiting, were present to explain census recruitment and promotion efforts. They also explained that once the recruitment and hiring of the largest group of part-time temporary census staff is complete, space will be needed for testing and training of the Non-Response Follow-up Enumerators.

Eric Anderson, Planner, was also present for comment. Commissioners thanked Mr. Garber, Mr. Smith, and Mr. Anderson for their involvement in the 2010 Census.

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

COMMISSIONER COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS

Chairperson Corkin reported that he had an opportunity to listen to, and visit with, the MEDC Director today. He discussed the Director's vision of what needs to be done in the State; the MEDC's position on mining, and the economic benefit of the Kennecot Mine in the U.P.; and how CDBG monies have been spent at Sawyer.

Comm. Pellow report on a recent DEQ hearing regarding the Humboldt Mill opening for Kennecot. She explained that the DEC has two more hearings scheduled, possibly in January or early February. These hearings will concern the road and the wetlands that have to be crossed.

Comm. Cihak reported on a recent Regional Jail Meeting held in Escanaba. The meeting was attended by Chairperson Corkin, Sheriff Lovelace, Planner Eric Anderson, the Jail Administrator, and many other representatives of the U.P. An extensive review of the status of regional jails was discussed. Comm. Cihak also discussed a recent e-mail regarding concerns of the proposed Humboldt Mine facility.

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Comm. Struck reported on a recent meeting of the Mackinac Bridge Authority. He also announced that several commissioners on the MAC Committee are in support of the mining proposal. Comm. Struck also announced that for the first time the Mackinac Bridge Authority had a joint meeting with the Sault Ste. Marie International Bridge Authority. The Authority will be working on joint activities to make transportation easier in the Eastern U.P. A brief discussion was held on the ballot initiative for Mining in the U.P.

Steve Powers, County Administrator, updated Commissioners regarding Renewafuel.

It was moved by Comm. Pellow, seconded by Comm. Cihak, and unanimously carried on a roll call vote 8 Ayes (Comm. Bergdahl, Comm. Cihak, Comm. Heikkila, Comm. Joseph, Comm. Pellow, Comm. Struck, Comm. Wallace, and Chairperson Corkin) to 0 Nays, that the Committee of the Whole go into Closed Session to discuss pending litigation LaPointe Vs. Marquette County MCL 15.268.

Chairperson Corkin declared a two-minute recess to clear Commission Chambers.

CLOSED SESSION

The Committee of the Whole came back into Open Session.

It was moved by Comm. Cihak, seconded by Comm. Pellow, and unanimously carried by voice vote that the recommendation of Civil Counsel be followed regarding pending litigation - LaPointe Vs. Marquette County.

There being no further business to come before the Committee of the Whole, the meeting adjourned at approximately 7:30 p.m.

Respectfully submitted,



Connie M. Branam
County Clerk