

The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, March 9, 2010, 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. Wallace, seconded by Comm. Cihak, and unanimously carried by a voice vote that the minutes of the Committee of the Whole Meeting held on February 23, 2010 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 additions: Item 11) Resolution of Support for Ontonagon County Re: Smurfit-Stone; and Item 12) Airport Advisory Committee Recommendation for Additional Member.

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

It was moved by Comm. Pellow, seconded by Comm. Wallace, and unanimously carried by voice vote that Claims and Accounts for the period February 26, 2010 through March 4, 2010, in the amount of \$1,498,741.65, be approved.

The Committee considered Fixed Food Service Fee Proposal for Risk Based Inspections. Fred Benzie, Health Officer, was present and explained the following:

- The method for calculating current fixed food facility fees has been in place for more than 20 years and is based upon the amount of time an inspector spends in the establishment as part of total program expenses.
- Staff have expressed concerns regarding how they are received when operators know they are “on the clock” and the poor potential for developing a good working relationship between the inspector and operator. Our goal is to promote better working relationships and better educational opportunities for our facility operators.
- The Michigan Department of Agriculture (MDA) supports applying a risk based inspection approach to focus limited resources on areas that are of the greatest public health significance. A proposed new fee structure is based on dividing all fixed food service establishments into three risk categories. Those categories are: Category X (Low Risk), Category Y (Medium Risk), and Category Z (High Risk). Each of these categories will have a different inspection frequency based upon their risk to public health. Inspection frequency for low risk (X) establishments will be reduced to one inspection per 18 months, for medium risk (Y) facilities the inspection frequency will decrease to one inspection per year, and for high risk (Z) facilities the inspection frequency will remain unchanged at two inspections per year. Facility types are clearly and specifically defined by MDA.

- The Board of Health approved this new fee structure at their February 24, 2010, meeting and made a recommendation that it be forwarded to the Board of Commissioners for formal approval as required by Michigan’s Public Health Code and BOC Resolution on Clarification of Board of Health Responsibilities approved on August 21, 1997.
- Food Service Facility Fee invoices must be distributed on March 31, 2010, in order to give facility owners 30 days to pay their fees before they expire. Therefore, in order to implement any new fee structure, BOC approval is required by mid-March.
- This fee proposal is revenue neutral and 73% of ALL facilities will see a decrease in their base rate fee: 91% of Type Xs, 82% of Type Ys, but only 40% of Zs.
- This fee proposal will essentially charge lower base rate fees and then additionally charge only those facilities a penalty fee for non-compliance when the law requires us to return.

Proposed Fee Structure

The Department is currently authorized to collect 60% of the previous year’s expenses in the food service program through annual licensing fees. No change is being proposed in the percentage or amount of overall fee revenue to be collected in this risk based inspection program. This proposed change is revenue neutral. The risk based fee proposal would set license fees based upon inspection frequency and then charge an additional fee (\$75) for the additional inspection costs associated with return visits for follow-up inspections on critical violations. Critical violations which can be corrected at the time of the routine inspection would not require a follow-up visit and consequently have no additional cost or fee. It is proposed there would also be a \$100 charge for visits whenever the department must respond to a food related complaint which is found to be justified. There would be no charge to facilities whenever the complaint investigation determines the complaint was not justified. In rare instances where a facility has demonstrated a history of extreme non-compliance as defined by MDA, the facility shall have their inspection frequency increased and be charged \$100 for each additional inspection. Category fees would be automatically adjusted annually just like they have always been but the adjustments would be based upon risk category instead of inspection time.

Mr. Benzie recommends the Board approve the new fixed food service fee proposal which establishes license fees by risk category. The 2010 Food License Fees would be as follows:

Category (X) Low Risk	\$222 per year	Last Year’s Average Fee \$400
Category (Y) Medium Risk	\$330 per year	Last Year’s Average Fee \$440
Category (Z) High Risk	\$660 per year	Last Year’s Average Fee \$685

Vending location license fees are to be treated as a fixed food location Category Y and will be inspected annually.

The fees for these categories and vending locations shall adjust annually and capture up to 60% of the previous year's expenses in the Food Service Sanitation Program. A category fee shall be calculated using the minimum inspection frequency for each category.

Additionally, the Department shall charge all facilities \$75 for each follow-up inspection when required by law and \$100 for each justified complaint investigation or any additional inspection required due to enforcement.

Discussion followed. Commissioners questioned whether the establishments would be notified of the new fixed food service fee proposals. They also raised questions as to how the establishments were divided into the three risk categories.

It was moved by Comm. Pellow, seconded by Comm. Cihak, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve the new fixed food service fees as proposed.

The Committee considered Review and Adoption of the MNRTF Grant Application for Little Trout Lake Park Phase I. The Marquette County Planning Commission explained that last month the Marquette County Board of Commissioners adopted an amendment to the County of Marquette Recreation Plan to include Little Trout Lake Park as a county owned recreation facility. The recreation plan amendment now makes Little Trout Lake Park eligible for Department of Natural Resources Trust fund grant opportunities. The application deadline for 2010 is April 1, 2010.

Little Trout Lake Park Phase I is a development project for the 111 acre park that proposes to enhance its usability with the following improvements:

- Provide new ADA accessible, male and female restrooms with an exterior drinking water fountain, located in close proximity to the playground, beach area, pavilion, and parking lot. This new location will not require park patrons to cross any of the roads while in route to the restrooms.
- Provide accessibility to new playground equipment by placing it on a stable and secure surface, create accessible trails to and from the playground area, provide a soft protective surface surrounding the use zone, and provide wheel chair accessible swings.

On March 3, 2010, during the regularly scheduled Marquette County Planning Commission meeting, a public hearing was held to gather public comment on the proposed Michigan Natural Resources Trust Fund Grant Application for Little Trout Lake Park Phase I. A notice of the public hearing was placed in the Mining Journal on Tuesday, March 1, 2010. Several members of the public were present to speak specifically about the benefits of Little Trout Lake Park to the community as well as the entire county. A member of the public also stated that enhancements to Little Trout Lake Park will have a positive impact on economic development at Sawyer because it will make Sawyer a more desirable place to live and work.

The Marquette County Planning Commission discussed components of the proposed project, and voted unanimously in support of the proposed grant.

Discussion followed. Dottie Lewis, Planner, was present to answer questions. She also explained the grant process.

It was moved by Comm. Bergdahl, seconded by Comm. Struck, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board support the Michigan Natural Resources Grant Application for Little Trout Lake Park Phase I and designate the Board Chair to sign the resolution committing up to \$59,500 or 25% of the matching funds for the project. Funding to come from the Forestry Fund.

The Committee considered Support for the Iron Ore Heritage Recreation Authority. An initiative supported by the LSCP and Marquette County is the development of trails, specifically the IOHRA. The work of the Authority continues despite the defeat of the millage proposal in November 2008. The LSCP is requesting \$20,000 to assist with the cost of operations of the IOHRA for 2010. Funding constraints at the LSCP could jeopardize continued support and success of the IOHRA. 2010 is a critical year for the IOHRA as it plans a millage election for November 2010.

Rather than jeopardizing the progress of the Iron Ore Heritage Trail effort and the IOHRA, consideration should be given to approving the request. The funding would be limited to 2010 through an amendment to Marquette County's agreement for services with the LSCP. The amendment will include a plan that specifies what would be accomplished with the funding. The amendment could also require the LSCP provide in-kind services and that the LSCP and IOHRA request funding from IOHRA members.

The request for funds is reasonable considering the IOHRA's overall benefits. The Iron Ore Heritage Trail includes non-motorized transportation, trail development specific to ORV's, recreation, community health benefits, and preservation of our local history. The Marquette County Health Department has been promoting use of the Heritage Trail for personal fitness. The location makes it accessible to a large number of Marquette County residents, and use is year-round, with cross-country skiing and snowshoeing in the winter.

The trail capitalizes on our area's natural amenities. Future economic and community development depend on being able to attract new residents to the area. The Heritage Trail is an asset for potential new residents. Motorized and non-motorized trails are enjoyed by residents and visitors. Marquette County has received national recognition for its trails.

The IOHRA has succeeded in securing land for trails and grants from the State of Michigan with very little assistance from local government. The IOHRA continues to work closely with property owners and the Michigan Department of Natural Resources and the Environment to provide alternate routes where property ownership barriers exist along the trail. The IOHRA meets monthly and continues to plan ways to move the Iron Ore Heritage Trail initiative forward.

The IOHRA will be requesting \$500 from each of the seven municipalities that are authority members: Tilden, Marquette City and Township, Chocolay, Ishpeming City (\$500 approved by the city council on March 2, 2010), Negaunee city and township.

The LSCP and IOHRA have a contract for services for \$17,000. The Marquette County Forestry Commission considered a proposal from the IOHRA and support county funding of the IOHRA.

The recommended amendment would provide up to \$20,000 in 2010. The recommended funding source is the Forest Recreation Fund. Whole support for the IOHRA is not specifically budgeted in 2010, the Forest Recreation Fund's unreserved ending 2009 fund balance is \$633,000. The one-time expenditure of up to \$20,000 will not compromise the Marquette County Forestry Commission's ability to manage the Marquette County forest lands or staff's ability to operate Perkins Park, Big Bay Harbor, or Little Trout Lake.

Jim Thomas, Chairperson, IOHRA, was present to answer questions and explain the project. Discussion followed. Commissioners commended and thanked Jim Thomas, Carol Fulsher, and Don Britton for their efforts, and also for including concerns of the citizens in the West-end of Marquette County.

It was moved by Comm. Wallace, seconded by Comm. Struck, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board authorize the Amendment to Marquette County's Agreement with the Lake Superior Community Partnership (LSCP) to provide up to \$20,000 for the Iron Ore Heritage Recreation Authority (IOHRA). Funding to come from the Forestry Fund.

The Committee considered the Airport Terminal Secure Area Bathroom Update. The Airport Advisory Committee has identified looking into alternatives for a restroom in the secure area of the terminal as a high priority. Airport staff, with the assistance of Building Codes and contractor John LaCourt, started the process of determining the feasibility and potential cost of constructing a restroom in the secure area.

Based on the review of "as constructed" terminal drawings and several site visits, all indications are that the sanitary sewer waste line is near the proposed location and that there is available space to build one, and if so desired, two restrooms. The initial estimated cost, without any engineering expenses included, is in the range of \$20,000-\$25,000 for a single restroom.

On Friday, February 12, 2010, Mead & Hunt's architect and engineer were at Sawyer for another airport project and took time to review our findings and inspect the secure area of the terminal. They concur with our initial findings that one or two restrooms will fit in the secure area. Mead & Hunt were asked to prepare a cost estimate for engineering services. M&H prepared a cost estimate for the engineering fees, but also prepared an opinion of cost for the project and drawings. As you will note, the engineers cost estimate is higher than the original projections.

Options for Project Financing:

1. According to Mead & Hunt, it is felt that the restroom construction costs may be paid for using 100% Passenger Facility Charge (PFC) funds. However, that would mean that the county would be required to pay for the project and then get reimbursed later. The reimbursement is assuming that the FAA will ultimately approve the request for use of the PFC funds.
2. The terminal restroom(s) project could also be included for review with the 10-year Airport Capital Improvement Projects. However, assuming the project would be approved as a high enough priority by the FAA, it may not receive consideration for several years.
3. Lastly, the project could be entirely funded by the county without seeking reimbursement.

If the decision is to proceed with either option #1 or #3, then a funding source will need to be identified.

Summary:

A restroom appears to be a feasible project in the secure area of the airport terminal. The cost estimates to construct the restroom range from \$20,000 to \$127,534. There are several options for financing the project with the approval of the FAA, but there is not a guarantee that the county will be reimbursed if the project is funded with the expectation of seeking 100% PFC funding.

Prior to proceeding further, airport staff is seeking direction from the County Board of Commissioners. Discussion followed. A question was raised whether using another engineering firm would disqualify the County from receiving PFC funds for the Terminal Bathroom Project. Commissioners were also concerned about the range of the cost estimate. They felt that \$127,000+ to construct a restroom was excessive. It was stated that prior to 9/11, restrooms in the secure area was not an issue.

It was moved by Comm. Struck, seconded by Comm. Wallace, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board direct Staff to proceed with hiring an engineer to prepare a formalized cost estimate and bid specifications for a single or double restroom in the secure area of the terminal.

The Committee considered a Letter of Support for the Upper Great Lakes Health Center. The Upper Great Lakes Family Health Center (UGLFHC) was established in 2009 to provide comprehensive primary health care services to low-income residents of Marquette County (specifically in the Gwinn and K.I.Sawyer communities). UGLFHC operates two service delivery locations and provides a full complement of primary health care services across the lifecycles regardless of ability to pay. On January 1, 2010, UGLFHC assumed control of the K.I.Sawyer and Gwinn health clinics. The K.I.Sawyer and Gwinn clinics previously operated as independent practices, with a brief period (June 2009-December 2009) as part of the Marquette General Health Systems outpatient practice group.

UGLFHC provides the full complement of comprehensive primary health care services, across the lifecycles, regardless of language, gender, socio-economic status, sexual orientation, physical and mental capacity, age, religion, housing status, or the ability to pay. Particular attention is directed at reaching the low-income, uninsured, underinsured, Medicaid, Medicare, and vulnerable populations.

UGLFHC is seeking Federally Qualified Health Center Look-Alike (FQHC-LA) designation to maintain, expand, and improve the availability and accessibility of essential primary and preventive health care services to the low-income and vulnerable populations in Marquette County Michigan. If this designation is granted, benefits will include enhanced Medicare and Medicaid reimbursement, eligibility to purchase prescription and non-prescription medications at reduced cost, access to the National Health Service Corps, and eligibility for various other federal grants and programs.

If the UGLFHC receives this designation, residents of Marquette County will certainly benefit from the expanded access to health care.

Comm. Struck voiced his support of this designation.

It was moved by Comm. Heikkila, seconded by Comm. Struck, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board support the application of the Upper Great Lakes Family Health Center (UGLFHC) to receive Federally Qualified Health Center Look-Alike designation.

The Committee considered a Resolution to Support Ontonagon County. Ontonagon County is undergoing an economic crisis due to the closure of the Smurfit-Stone Paper Mill. The Smurfit-Stone Container Corporation has filed for relief under the Chapter Eleven of the United States Bankruptcy Code. The County of Ontonagon desires to have the Mill sold and utilized as quickly as possible. Smurfit-Stone has not been forthcoming with necessary financial information which would allow a potential purchaser to formulate a purchase offer.

Ontonagon County is requesting the support of all U.P. Counties in their efforts to maintain their economic viability and the services provided to its citizens.

Comm. Cihak explained that five of the Western Counties in the Upper Peninsula have already supported the resolution and encouraged Marquette County to provide their support.

It was moved by Comm. Cihak, seconded by Comm. Heikkila, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board support Ontonagon County in their effort to encourage Smurfit-Stone Container Corporation to fully disclose necessary financial information to interested parties, and that the Mill be sold as quickly as possible so as to enable the County of Ontonagon to maintain its economic viability and the services it provides to its citizens.

The Committee considered a recommendation from the Airport Advisory Committee for an additional member. The Airport Advisory Committee at their March 4, 2010 meeting reviewed and discussed a request for consideration by Commissioner Jim Cihak to become a member of the Airport Advisory Committee. The Committee understood that the addition of a new member to the Committee would require an Amendment to the Bylaws and that any decision to amend the Bylaws would be by the County Board of Commissioners (Section V. Amendments).

After a detailed discussion the Airport Advisory Committee supports amending the Bylaws, and further recommends a modification to the existing MDOT member designation.

Comm. Struck felt it appropriate to discuss the issue with the Airport Advisory Committee. He also explained that they had no problem with the request.

Comm. Pellow stated that Comm. Cihak's 45 years as a private pilot speaks for itself. She recommends he be appointed to the Airport Advisory Committee.

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 amend the Airport Advisory Committee Bylaws to add a second County Board member, modify the existing MDOT member designation from "One representative of the MDOT" to "One representative of Highway Transportation," and further that Comm. Jim Cihak to appointed as the second County Board member.

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

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

Chairperson Corkin updated Commissioners on the recent meeting of the U.P. 911 Authority held in Escanaba on March 5<sup>th</sup>.

Comm. Pellow announced an informational meeting with Kennecott to be held on Thursday, March 11, 2010 at 7:00 p.m. at the Westwood High School. Chairperson Corkin encouraged all Commissioners to attend.

Comm. Cihak thanked Commissioners for supporting the additional County Board Member to the Airport Advisory Committee and recommending his appointment as the second Commissioner.

Comm. Cihak also reported on County Jail Reimbursement.

There being no further business to come before the Committee of the Whole, the meeting adjourned at approximately 7:00 p.m.

Respectfully Submitted,

Connie M. Branam  
Marquette County Clerk