

Jackson County Board of Commissioners Meetings Minutes
August 6, 2007 - Special Meeting
Jackson County Commissioners Chambers: 7:30 a.m.

CALL TO ORDER:

Chairman Shotwell called the Special Meeting of the Jackson County Board of Commissioners to order at 11:01 a.m.

ROLL CALL:

County Clerk – Amanda L. Riska

(11) Present. Cmr. Lutchka, Brittain, Duckham, Poleski, Videto, Mahoney, Brown, Smith, Way, Elwell and Shotwell.

(1) Absent. Cmr. Herl. Chairman Shotwell stated that Vice-Chairman Herl is absent today because he is representing the Chairman, as well as the Board of Commissioners, at the Jackson County Fair. He is presenting the senior citizen awards for the Department on Aging.

PUBLIC COMMENT:

Public comment began at 11:03 a.m.

John Wilson, Jackson County resident, spoke about the airport property action that is on the agenda. He asked that the board clarify what land is involved with the City's reverter clause.

Public comment closed at 11:04 a.m.

SOIL EROSION AND SEDIMENTATION CONTROL:

Moved by Mahoney, supported by Videto to Concur with the Chair's Recommendation.

Cmr. Mahoney asked what amount of time the committee has been given to bring something back to the commission. Acting Administrator Treacher's hope is that if things go well, the committee should be able to report to the Board at the September meeting. Cmr. Elwell assumes that other commissioners are welcome to attend the ad hoc committee meetings. Chairman said attendance by other commissioners would be appreciated and appropriate. Roll call: (11) Yeas. Motion carried unanimously.

REPORT ON THE OPERATION OF THE JACKSON COUNTY RESOURCE RECOVERY FACILITY:

Moved by Brown, supported by Lutchka to Reconsider Release of the Report on the Operation of the Jackson County Resource Recovery Facility. Cmr. Elwell hopes that everyone will reconsider. Roll call: (11) Yeas. Motion carried unanimously.

Moved by Brown, supported by Elwell to Release the Incinerator Report. Roll call: (11) Yeas. Motion carried unanimously. Chairman Shotwell asked to have duly noted in the record that Cmr. Herl would have supported that motion as well.

AIRPORT PROPERTY ACTION:

While waiting for Attorney Kevin Thomson to arrive, Acting Administrator Treacher gave an update. He stated that there are two pieces of action to deal with, which everyone received at the meeting last Friday. One is the agreement of the release of the reverter. There were no changes that were recommended to that document. The indemnification agreement did have one change that was requested and that was that agreement had to include all of the property, not just the property north of I-94. He does not have that document; that responsibility was left to Attorney Thomson to take care of. It is his understanding that he was going to bring that today. Mr. Treacher is aware that Attorney Thompson did communicate with the City after the meeting on Friday. He stated that if the commissioners are comfortable with passing the agreement with the release of the reverter, which all commissioners have seen, and approving the indemnification agreement with the proviso that it includes all of the property, then we can move forward. Cmr. Brittain doesn't mind going forward with Chairman's recommendation even though they haven't seen the proper language. Cmr. Duckham would like to specify as a condition that it includes all of the property. Cmr. Mahoney agrees with Cmr. Brittain. She thinks there is a clear understanding of what they have asked for and as long as those documents contain that information. She has no problem with going forward at this point. Cmr. Brown also supports but reminds that they only have until the 10th of August to make a decision. He strongly supports this because it's an opportunity for our community to put some jobs on the market. Cmr. Elwell agrees with all comments but asked that the Chair and the Administrator review all the documents. *Moved by Elwell, supported by Mahoney for approval of the indemnification of the agreement as*

it has been explained. Chairman Shotwell asked that it be known in the record that this is for all of the property, which will include the property north of I-94 and the property south of I-94, which encompasses Reynolds Field. Roll call: (11) Yeas. Motion carried unanimously.

Moved by Mahoney, supported by Brittain for release of the reverter. Cmr. Poleski's understanding and expectation, as with the indemnification agreement, is that it applies to all airport lands. In other words, this is a clear cutting of the strings since the city is expecting and requesting waiver of indemnity. Acting Administrator Treacher stated that counsel is on the phone and stated he would be here in less than one minute if the commissioners want to wait to vote. Cmr. Elwell stated that he would like to wait if Attorney Thomson is on the way.

Chairman Shotwell recessed the meeting at 11:13 a.m.

Chairman Shotwell called the meeting back to order at 11:18 a.m.

Attorney Kevin Thomson apologized for his late arrival. He was sitting in court this morning and he just now got back. He talked to the City Attorney's Office with respect to the Indemnity Agreement and the City Attorney cannot agree to revise the agreement to provide for both parcel A and B until he is told to do so by the City Council. He hasn't returned Attorney Thomson's call as of this point. Attorney Thomson did complete the revision to the reverter release, which is for the full release of the reverter rights for both parcels. He reported that there is nothing else that is new since everyone met last Friday.

Acting Administrator Treacher stated that the board has already taken action on the indemnification agreement with the proviso that it includes both parcels and he asked Attorney Thomson to communicate that to the City Attorney's office. Mr. Treacher stated that what is on the floor now is a motion with for release of the reverter.

Cmr. Videto stated that we have two agreements. He asked if it going to be processed back to the city in such a manner that they both will be accepted, or neither. Attorney Thomson views it as a package deal. The indemnity was the consideration for the reverter release. The City Attorney contacted Attorney Thomson a couple of times late last week and wanted to discuss it, but he told him that he was not negotiating on behalf of the county. He did reiterate that the county's position was unequivocal that there had to be a full and complete release of reverter and that he understood that there was no room to negotiate any partial release.

Cmr. Elwell asked if there has there been any communication with the mayor. Chairman Shotwell stated that has made no attempt since Friday to try to speak to him. Cmr. Elwell's opinion is still that it needs to be sent through as everyone has discussed it, and as was the understanding in committee. He also thinks that it needs to be stressed again publicly that we are giving them a full indemnification on environmental issues for the whole property and that was the agreement in the meeting before they acted. In exchange they were to give the county a full release of the reverter. He thinks that the ball should be put back in their court on both of those actions. He also thinks that the commissioners should be contacting City Council members. Roll call: (11) Yeas. Motion carried unanimously.

Attorney Thomson stated that he will go to the City Attorney's office right now to communicate the vote that took place here this morning. He will also let them know that the ball is now in their court and it is incumbent upon them to act expeditiously to resolve this issue once and for all.

Cmr. Elwell asked when the City's next meeting is. Airport Manager, Kent Maurer stated that he spoke with the City Clerk, Lynn Fessell and she stated that the next meeting isn't until later this month. Mr. Treacher said they can always call a special meeting. Attorney Thomson's understanding after speaking with the City Attorney is that they have already resolved the issue as currently drafted, so they will have to have a special meeting with respect to the revisions that are demanded. Cmr. Elwell stated that he would assume that we would stress to them the new deadline that we are on, we've already passed one and they have graciously given us a second.

Cmr. Brown reinforced that if we let this loose on the August 10 that we are back to square one. All he has heard from city commissioners is how much they want to the community involved and they want jobs. Cmr. Brown feels it's time for them to act on this and not just talk.

Shotwell asked for clarification so everyone understands, this is indemnification of all of the property, north and south of I-94, including Reynolds Field and the project property and the land release is the same. Attorney Thomson said that actually the indemnity applies to the land at the old landfill south of the highway, but is broad enough to provide for full indemnity on both sides. He will report back.

OTHER BUSINESS:

None.

PUBLIC COMMENT:

Public comment began at 11:24 a.m.

John Wilson stated that it is now clear that the reverter clause is now null and void as far as the county is concerned. He asked to have clarified if the city will collect any money from the sale of this property.

ADJOURN:

Chairman Shotwell adjourned the August 6, 2007, Special Meeting of the Jackson County Board of Commissioners at 11:26 a.m.

James E. Shotwell – Chairman, Jackson County Board of Commissioners
Respectfully submitted by Amanda L. Riska – County Clerk