

Minutes are Subject to Correction and Approval

The Marquette County Board of Commissioners held their Regular Meeting on Tuesday, August 4, 2009, 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, Comm. Wallace, and Chairperson. Corkin. Absent and Excused: None.

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

It was moved by Comm. Wallace, seconded by Comm. Struck, and unanimously carried by voice vote that the minutes of the County Board of Commissioners Special meeting held on July 16, 2009 and the County Board of Commissioners Regular meeting held on July 21, 2009, 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 addition of Action Item 10e) Notice of Bid Award for Hangar Projects.

Chairperson Corkin opened the meeting for public comment.

Russ Williams, Negaunee, requested to speak to agenda item 10a) Marquette County Road Commission Request to Increase the Speed Limit on Highways US-2 & M-28 in the Upper Peninsula.

Jim Knapp, Marquette, addressed Commissioners regarding the Retire/Rehire Program. He also spoke regarding salaries of County employees.

There being no further public comment, Chairperson Corkin closed this portion of the meeting.

It was moved by Comm. Arsenault, seconded by Comm. Pellow, and carried by voice vote 8 Ayes to 1 Abstention (Comm. Bergdahl) that Claims and Accounts for the period July 17, 2009 through July 30, 2009 in the amount of \$1,053,352.86, including Expenditure Check #103657 in the amount of \$141.82 made payable to Bergdahl's Inc. (Comm. Bergdahl's Affidavit of Disclosure follows), and Bi-Weekly Payroll for the period ending July 25, 2009 in the amount of \$646,314.05, 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, being duly sworn, hereby submits this Affidavit pursuant to the provisions of MCL 15.323(2)(a):

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1. *The Final Disbursement List submitted for approval at this August 4, 2009, meeting of the County Board of Commissioners includes Check No. 103657 dated June 24, 2009, payable to Bergdahl's, Inc. in the amount of \$141.82, in payment for a water/wastewater cutoff saw;*
2. *I hereby disclose that I have a personal financial interest in Bergdahl's, Inc., which is as follows:
90% 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 \$141.82.*

Dated this 4th day of August, 2009

Charles Bergdahl

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 on placed on file:

- 9a) Communication from Ishpeming Township Thanking Marquette County Sheriff's Department Employees for Assistance Received.

Chairperson Corkin commended the Marquette County Sheriff's Department and employees Lt. Kangas and Deputy Rochan for their assistance in helping Ishpeming Township Police Officer Craig Michaud.

ACTION ITEMS

10a) The County Board considered a request from the Marquette County Road Commission to increase the speed limit on Highways US-2 and M-28 in the Upper Peninsula. Russ Williams, of Negaunee and member of the Marquette County Road Commission, was present to address the County Board and answer questions. Mr. Williams distributed a resolution that he is requesting the County Board adopt and send to the Michigan State Police Traffic Enforcement Division, and also to Randy VanProfit, Regional Director of MDOT. Mr. Williams stated that the State Police has spoken at conferences regarding safety and speed limit studies. He feels that the State Police see the need to raise these speed limits, but are waiting for someone to address the issue. The Marquette County Road Commission adopted the resolution at their July 20, 2009 meeting, and forwarded it to the State Police. The resolution was also sent to all U.P. County Road Commissions, and the Cities of Escanaba, Iron Mountain, Negaunee, and Ishpeming. He feels the speed limit increase will be great for the Upper Peninsula.

Mr. Williams also explained that the decision on which parts of US-2 and M-28 to increase the speed limits on will be left to the State Police Traffic Enforcement Division and MDOT. They will determine which areas meet their criteria. If the Marquette County Board of Commissioners adopts the resolution, they will be the first to do so aside from the Marquette County Road Commission.

It was moved by Comm. Arsenault, seconded by Comm. Struck, and unanimously carried by voice vote that the County Board adopt the following Resolution Supporting a Speed Limit Increase on both US-2 and M-28 in the Upper Peninsula, and further that the Resolution be forwarded to the Michigan State Police Traffic Enforcement Division and to the Regional Director of MDOT:

*RESOLUTION OF SUPPORT TO INCREASE THE SPEED LIMIT
ON BOTH US-2 AND M-28 IN THE UPPER PENINSULA*

WHEREAS, the Board of County Road Commissioners of Marquette County are in favor of a speed limit increase to 65 mph from the currently posted 55 mph limit on both US-2 and M-28 in the Upper Peninsula; and

WHEREAS, the Board of County Road Commissioners of Marquette County has considered the impacts on public safety and welfare and believe an increase in the speed limit is warranted on both US-2 and M-28;

NOW, THEREFORE BE IT RESOLVED that the Marquette County Board of Commissioners supports the request of the Marquette County Road Commission for an increase in the speed limit to 65 mph from the current 55 mph on Highways US-2 and M-28 in the Upper Peninsula.

*Gerald O. Corkin, Chairperson
Marquette County Board of Commissioners*

10b) The County Board considered Concurrence of MDOT Bid Award for Pavement Rehabilitation. Keith Kaspari, Airport Manager, explained that the Michigan Department of Transportation opened bids for a Phase III airfield pavement rehabilitation project to Runway 1-19 and Taxiways Alpha, Charlie and Delta.

The work consists of full-depth reconstruction to 44-concrete slabs on Runway 1-19 and 66 partial-depth repairs to areas of Taxiways Alpha, Charlie and Delta. MDOT recorded three bids for this project as follows:

• Kelcris Corporation of Williamston, Michigan	\$547,589.27
• Associated Constructors of Negaunee, Michigan	\$562,014.67
• Snowden, Inc. of Bark River, Michigan	\$698,172.56
Engineer's Estimate:	\$739,116.10
Variance:	\$191,526.83 (Over/Under)-25.91%

Due to the excellent economies of scale associated with the bids received on this project, airport staff has submitted a request to FAA officials in Detroit to allow staff to conduct additional pavement repairs on the runway, taxiways, or a combination of the two with the \$191,526.83 remaining on this project. If staff is unable to complete additional pavement repairs as requested, approximately \$191,526.83 will be carried over to FY-2010, for additional work to be requested as Phase IV.

For issuance of the final application for FAA Grant No: 3109 to MDOT and the FAA, funding for this project with State and Local matching funds is approximately \$625,000, (FAA: \$593,750 / MDOT: \$15,625 / MQT CTY: \$15,625) of which, this will include the Construction Administration and Inspection fees by Mead & Hunt. Marquette County's 2.50% match will be derived via passenger facility charges.

It was moved by Comm. Cihak, seconded by Comm. Joseph, and unanimously carried by voice vote that the County Board concur with the bids received by MDOT and approve the bid as submitted for a Notice of Award, pending approval by MDOT, to Kelcris Corporation of Williamston, Michigan, for runway and taxiway pavement repairs.

Action Item 10e) was considered before Action Item 10c) & Action Item 10d).

10e) The County Board considered a Notice of Bid Award for Hangar Improvements. Keith Kaspari, Airport Manager, explained that bids were opened for a hangar improvement project to Hangars 400,423,424 & 425, and Hangar Support Buildings 608 & 627. Project elements include interior insulation and electrical lighting and service to Hangars 400, 423, 424 & 425, and a number of exterior improvements (roofing and exterior insulated siding) to Buildings 608 & 627.

At the time of the pre-application to MDOT and FAA officials, airport staff estimated a total allowable funding to include federal, state and local of approximately \$2,631,579, therefore, Mead & hunt proceeded with final design and bidding of the project.

However, late during the bidding phase, airport staff was notified by the FAA that the amount of federal funding would be reduced from \$2,500,000 to \$1,425,000, due to a reduction in overall Military Airports Program funding from FAA Headquarters – therefore, staff continued with final design and bidding to ascertain that once the bids were received, that the FAA may be able to increase the amount to proceed with construction of the full project as originally designed and bid. Total allowable funding as revised for this project with State and Local matching funds is approximately \$1,496,250.

Staff had a significant response to the bid proposal by a large number of local and regional contractors however, during discussion with FAA officials, Airport staff is not optimistic that Sawyer will receive additional funds to complete the entire project as bid. With the hangars considered a priority for completion by FAA and MDOT, Airport staff will proceed with improvements only to the airfield hangars as per the bid specifications.

Therefore, as a result of the available funding for this project as noted, Airport staff deleted all work to be completed to Hangar Support Buildings 608 & 627 (referred to as Deductive Bid Items) resulting in a revised recommendation to award the project.

It was moved by Comm. Struck, seconded by Comm. Heikkila, and unanimously carried by voice vote that the County Board approve the bid as submitted for a Notice of Award, pending approval by MDOT, to Roy Ness Contracting of Escanaba, Michigan, for interior insulation and electrical improvements to Hangars 400, 423, 424 & 425.

10c) The County Board considered a request from Comm. Cihak to discuss whether or not the Board should consider temporarily suspending the Retire/Rehire Policy until an answer from the Board's July 7, 2009 letter from Cheryl Hill to MERS which requests clarification and questions regarding this policy. He also requested a list of pros/cons, with input from Human Resources and Civil Counsel.

Chairperson Corkin called upon the members of the Ad Hoc Retire Committee, Comm. Heikkila, Comm. Bergdahl, and Comm. Struck, for comments resulting from several meetings of the Ad Hoc Retire Committee. Also addressing the issue and answering questions were Steve Powers, County Administrator, John Greenberg, Human Resources Director, and Cheryl Hill, Civil Counsel.

A lengthy discussion followed debating the suspension of the Retire/Rehire Policy. All Commissioners expressed their thoughts, concerns, and opinions, both for and against, the suspension of the policy and the policy itself. Commissioners Bergdahl, Comm. Cihak, Comm. Heikkila and Comm. Pellow spoke in favor of a suspension of the policy. Comm. Arsenault, Comm. Joseph, Comm. Struck, Comm. Wallace and Chairperson Corkin spoke against a suspension of the policy.

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Steve Powers, County Administrator, reviewed previous materials given to Commissioners including the pros and cons of the Retire/Rehire Policy. John Greenberg, Human Resources Director, discussed elected officials and the employees working in their departments, and bargaining agreement language that controls the hiring process.

Chairperson Corkin read the memo provided by John Greenberg, Human Resources Director, regarding the potential impact of a County Board decision regarding the Retire/Rehire Program as follows:

TO: Marquette County Board of Commissioners
FROM: John Greenberg, Human Resources and Risk Manager
RE: Marquette County Rehire Program

In researching the potential impact of a County Board decision regarding the rehire program, a basic question seems to be: "What authority does the County Board have relative to hiring/rehiring decisions?" Two factors affect the Board's authority in this area. The first is elected officials and the employees working in their departments, and the second is bargaining agreement language that controls the hiring process.

At a County Board meeting this past spring, I spoke of the cooperative relationship between county administration and county elected officials. Elected officials and the County Board are considered to be co-employers of staff members working within a department managed by an elected official. Unlike some other counties, we have enjoyed a good working relationship with our elected officials; differences of opinion are discussed and disagreements are resolved. We have chosen to work together rather than fight each other.

The County Board controls the budget and thus staffing levels for county departments. Other than controlling the budget, the County Board does not have authority over elected officials. Consequently, if an elected department manager or judge wants to hire or rehire an individual to either a union or non-union position in their department, the County Board does not have the authority to overrule the elected official. The Board could direct the administration not to pay the person in question, in which case the matter would likely end up in circuit court and, in my opinion, the elected official would prevail.

Likewise, if a union position were open in a department not managed by an elected official, but the relevant bargaining agreement made some provision to allow for rehiring a former employee, the bargaining agreement would prevail over any directive of the County Board. The County Board approves contracts with the unions and is, therefore, committed to the language contained in the agreements.

The Board has delegated the authority to manage personnel to the County Administrator. Hiring decisions solely in the control of the Administrator (and thus the Board) would be limited to those individuals: (1) not working in a department managed by an elected official (including judges); and, (2) those whose bargaining agreement did not make provision for the rehire process. This group would include non-union employees managed by the County Administrator, airport employees, health department employees, and central dispatch employees.

It was moved by Comm. Pellow, seconded by Comm. Bergdahl, that the County Board suspend the Retire/Rehire Policy until an answer is received from the Board's July 7, 2009 memo from Cheryl Hill to MERS requesting clarification and questions regarding this policy. The suspension would not include those employees already enrolled in the program. A roll call vote was recorded. 4 Ayes: Comm. Bergdahl, Comm. Cihak, Comm. Heikkila, Comm. Pellow. 5 Nays: Comm. Arsenault, Comm. Joseph, Comm. Struck, Comm. Wallace, and Chairperson Corkin. Motion Failed.

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10d) The County Board considered a request from Comm. Cihak to discuss referring the latest Supreme Court (MI) ruling i.e. smoking rules to the Marquette County Health Department for their review and recommendation. Comm. Cihak explained that the reason for his request is based on an article in the Detroit Free Press which stated that the Michigan Supreme Court has ruled that counties can put more stringent anti-smoking rules in place than state lawmakers. However, he spoke with Fred Benzie, Director, Marquette County Health Director, and was informed that Marquette County already has a 100% smoking in the workplace ban ordinance which covers all indoor workplaces except licensed bars and restaurants. The Michigan Supreme Court Decision merely upholds the local ordinance which has been in effect since November 1, 2005. No action was forthcoming.

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

COMMISSIONERS COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS

Chairperson gave an update regarding a U.P. 911 Committee meeting held on Thursday, July 30, 2009 in Escanaba.

Comm. Pellow reminded Commissioners of the Employee Appreciation Picnic from 11:00 a.m. to 2:00 p.m. on Thursday, August 6, 2009.

Comm. Struck gave an update regarding a meeting of the Sawyer Development Group discussion Sawyer issues. Comm. Struck commended the group and explained the highlights.

Comm. Cihak commented on the Marquette County Community Corrections Detention Center Dedication and Open House. He also reported on a Commission for Governmental Efficiency meeting held at the University Center.

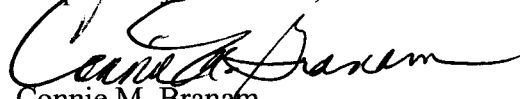
Comm. Heikkila also commented on the Marquette County Community Corrections Detention Center. He commended all those who were involved with the renovation.

Comm. Wallace announced that Dr. Kevin Piggott, the new Marquette County Health Department Medical Director, is now in place. He also announced that the influenza vaccines for this year will be available sometime in October/November.

Steve Powers, County Administrator, commented on the Jail Bed Expansion Project and the next steps.

There being no further business to come before the County Board, the meeting adjourned at approximately 7:45 p.m.

Respectfully Submitted,



Connie M. Branam
Marquette County Clerk