

Minutes are Subject to Correction and Approval

The Marquette County Board of Commissioners met in Regular Session on Tuesday, July 7, 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. 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. Pellow, seconded by Comm. Struck, and unanimously carried by voice vote that the minutes of the County Board of Commissioners Regular Meeting held on June 16, 2009 be approved.

PROCLAMATIONS, PRESENTATIONS AND AWARDS

3a) Chairperson Corkin read the following Resolution Honoring Kenneth David Kent on his Retirement:

MARQUETTE COUNTY BOARD OF COMMISSIONERS  
RESOLUTION  
HONORING SERVICE OF KENNETH DAVID KENT  
ON HIS RETIREMENT

*WHEREAS, Government has an obligation to provide its citizens with services of the highest quality;*  
and

*WHEREAS, quality services can only be provided by employees of the highest caliber; and*

*WHEREAS, Kenneth D. Kent was hired as a Deputy Sheriff/Corrections in the Marquette County Sheriff's Office on April 5, 1983; and*

*WHEREAS, Dave was transferred to the position of Deputy Road Patrol/Public Safety in November 1985 and then as the D.A.R.E. Program Officer in November 1988; and*

*WHEREAS, Dave was promoted to Corporal/Road Patrol on May 5, 1993; and Sergeant/Road Patrol on February 29, 2004. Officer Kent has been with the Road Patrol for Marquette County for over 23 years;*  
and

*WHEREAS, Dave he has received many commendations for his conscientious and professional work as a law enforcement officer. He has been instrumental as a firearms trainer and in the implementation and instruction of criminal justice courses as NMU and other police agencies in the Upper Peninsula. He was the Marquette County Police Officer of the year in 1988 and 2001 and a graduate of the FBI National Academy in 2004; and*

*WHEREAS, when Sergeant Kent served as the D.A.R.E. (Drug Abuse Resistance Education) Officer was well known for his rapport with the students in the classrooms. He showed true concern for the young people of Marquette County as a very dedicated and effective D.A.R.E. Officer. Dave finished as the top graduate in the D.A.R.E. Mentor Training and received the 1999-2000 Training Center Award. He was named the Michigan D.A.R.E. Officer of the year in 2001.*

*WHEREAS, Marquette County thanks Dave for his super job with the young people of the community and for his dedication to the safety of the citizens while an officer with the Marquette County Sheriff's Office.*

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*THEREFORE, BE IT RESOLVED, that the Marquette County Board of Commissioners gratefully expresses its appreciation to Kenneth David Kent for over 26 years of excellent service to Marquette County; and*

*BE IT FURTHER RESOLVED, on behalf of all County Citizens, the Marquette County Board wishes Dave and his wife Susan a long, healthy, and happy retirement.*

*Proclaimed this 7<sup>th</sup> day of July, 2009  
Gerald O. Corkin, Chairperson  
Marquette County Board of Commissioner*

*Vice-Chairperson Wallace presented the plaque to Mr. Kent. Mr. Kent explained that he enjoyed working for Marquette County and already misses the job.*

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

Chairperson Corkin opened the meeting for public comment. Jim Gallant, Skandia, addressed the County Board regarding Pathways and project parenting time. He made comments and statements directed at individual Commissioners. 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 June 19, 2009 through July 2, 2009 in the amount of \$330,081.30, including Expenditure Check No. 103042 in the amount of \$142.22 made payable to Bergdahl's Inc. (Affidavit of Disclosure follows), Electronic Payments for the period totaled \$592,568.06, Bi-Weekly Payroll for the period ending June 13, 2009 and June 27, 2009 in the amount \$614,989.98, and \$647,655.86 respectively, 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):

1. The Final Disbursement List submitted for approval at this July 7, 2009, meeting of the County Board of Commissioners includes Check No. 103042, dated June 26, 2009, payable to Bergdahl's, Inc. in the amount of \$142.22, in payment for Perkins Park Equipment Repairs;
2. I hereby disclose that I have a personal financial interest in Bergdahl's, Inc., which is as follows:

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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 \$142.22.

Dated this 7<sup>th</sup> day of July, 2009.

/S/

\_\_\_\_\_  
Charles Bergdahl

**INFORMATIONAL ITEMS**

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

- 9a) Iron County Communication regarding Prison Closures in the U.P.
- 9b) City of Ishpeming Communication regarding U.P. Crime Lab.
- 9c) Correspondence from the Michigan Association of Counties regarding Budget Reductions to the Michigan Office of Services to the Aging.
- 9d) Health Care Forum Announcement.
- 9e) United States Census Information 2010.

**ACTION ITEMS**

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

- 10a) Committee of the Whole recommendation adopt the following resolution to Support Maintaining the Existing Number of Judgeships in the County of Marquette:

**RESOLUTION  
ADOPTED THIS 7<sup>th</sup> DAY OF JULY, 2009**

*The Marquette County Board of Commissioners, having been informed that the courts of Marquette have been selected for a secondary analysis of judicial need by the State Court Administrator's Office;*

*And the Board of Commissioners finding and concluding that a reduction of judges available to serve the people of Marquette County may result in a decrease of services to the people of the county, and possible increase in costs to the county;*

*NOW, THEREFORE, BE IT RESOLVED, that the Marquette County Board of Commissioners supports maintaining the existing number of judgeships in the County of Marquette.*

*Proclaimed this 7<sup>th</sup> day of July, 2009  
Gerald O. Corkin, Chairperson  
Marquette County Board of Commissioners*

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10b) Committee of the Whole recommendation to approve the FY-2009 Emergency Management Performance Grant (EMPG) Agreement.

10c) Committee of the Whole recommendation to send an inquiry to MAC questioning why there were no sites identified in the Upper Peninsula by the Wind Energy Resource Zone (WERZ) Board for regions in the state with the highest level of wind energy and harvest potential.

10d) Committee of the Whole recommendation to approve the request to amend the Lease Agreement with Argonics to require lease payments to begin May 1, 2010, removing the condition to begin lease payments upon substantial occupancy, and further that: 1) Argonics will make a monthly 2% interest payment on the County funds used for this project; 2) the payment will be calculated by County staff at the end of each month and Argonics will be invoiced; and 3) review the going interest rate in six (6) months.

**ACTION ITEMS CON'T**

10e) The County Board considered a Committee of the Whole recommendation regarding the Rehire Program. The recommendation directs Civil Counsel to write a letter to MERS questioning whether or not MERS is complying with the IRS regulations for both regular employees and elected officials in relation to a bonafide termination of employment.

The County Board discussed the memo to MERS prepared by Cheryl Hill, Chief Civil Counsel. Ms. Hill also provided information again regarding the Municipal Employees Retirement System in Michigan (MERS), the Marquette County Rehire Program, and the inter-relationship between the two.

Ms. Hill also explained that subsequent to completing the memo provided to Commissioners regarding the MERS issues, she received a return phone call from Mike Moquin, Chief General Counsel, Michigan Employees Retirement System. Ms. Hill had inquired as to whether or not there was any additional information regarding MERS compliance with IRS regulation. Mr. Moquin advised that on September 30, 2008, the MERS Board approved his filing a new letter with the IRS to request a letter of compliance of all amendments to the plan after 2005 as well as compliance of all Pension Protection Act of 2006 changes. The IRS advised MERS that the letter of request was docketed on October 1, 2008. There has been no response from the IRS as of today's date, and Mr. Moquin does not anticipate receiving a response in the very near future.

Comm. Cihak requested that two questions be added to the memo prepared by Ms. Hill to Mike Moquin, Chief General Counsel (MERS). Commissioner consensus was to vote on the Committee of the Whole recommendation first and then vote on the inclusion of the two questions thereafter.

Discussion followed.

It was moved by Comm. Pellow, seconded by Comm. Cihak, and carried by a voice vote 5 Ayes (Comm. Bergdahl, Comm. Cihak, Comm. Heikkila, Comm. Pellow and Comm. Struck) to 4 Nays (Comm. Arsenault, Comm. Joseph, Comm. Wallace and Chairperson Corkin) that the County Board direct Civil Counsel to write a letter to MERS questioning whether or not MERS is complying with the IRS regulations for both regular employees and elected officials in relation to a bonafide termination of employment.

Discussion followed.

It was then moved by Comm. Cihak, seconded by Comm. Pellow, and carried by a voice vote 5 Ayes (Comm. Bergdahl, Comm. Cihak, Comm. Heikkila, Comm. Pellow and Comm. Struck) to 4 Nays (Comm. Arsenault, Comm. Joseph, Comm. Wallace and Chairperson Corkin) that the County Board include in the letter to MERS the following questions:

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- *If a regular employee agreed to return to work and/or the supervisor agreed to rehire him/her prior to retirement, does the said employee qualify for MERS retirement benefits?*
- *If an individual files to run for an elected office in May of an election year, wins the primary August, wins the general election in November, and retires between the November election and December 31<sup>st</sup> of the election year does that employee qualify for MERS retirement benefits?*

*Do these two examples meet IRS rules and regulations concerning "a complete separation of employment with no intent to return to work" – as cited in Barrus vs. United States AFTR 2<sup>nd</sup> 990 (DCNC 1969) (Page 4 of July 1, 2009 Cheryl Hill memo to Marquette County Board of Commissioners re: MERS).*

10f) The County Board considered a Letter of Support from the Marquette City Board of Light and Power for the Upper Peninsula Wind Development Demonstration Project. The Marquette Board of Light and Power is in full support of the 2010 appropriations request submitted by the Superior Watershed Partnership (SWP) for \$1.3 million. The MBLP is committed to providing the property and technical expertise to insure the successful installation of the first community wind power project in the Upper Peninsula of Michigan. The Board of Light and Power has already identified several development sites within the city limits of Marquette with good wind regimes and excellent public education potential. It should also be noted that this project has none of the transmission problems encountered by many wind development ventures in the Upper Peninsula.

In addition, the MBLP staff will work with the Superior Watershed Partnership and other partners to disseminate information about the project to other communities in the Upper Peninsula for possible replication. If funded, this project would provide an exciting clean energy opportunity for the City of Marquette. The project also helps further sustainable economic development and serves as an excellent demonstration for other communities interested in clean, renewable energy.

Discussion followed. Comm. Bergdahl explained that several ordinances have been brought to the Planning Commission regarding wind energy projects and the requirements and restrictions that apply. Comm. Pellow stated that we should be moving more and more toward wind and solar and getting away from the fossil fuels as much as possible. Comm. Joseph explained that the City of Marquette has to contribute 15% of an alternate energy source.

Commissioners feel that if funded, this project would provide an exciting clean energy opportunity for the City of Marquette. The project could also be used as a demonstration for other communities in the Upper Peninsula for possible replication.

It was moved by Comm. Arsenault, seconded by Comm. Wallace, and unanimously carried by voice vote the Marquette County Board of Commissioners support the \$1.3 million 2010 appropriations request submitted by the Superior Watershed Partnership for the Upper Peninsula Wind Development Demonstration Project, with the understanding that the \$1.3 million be used for three primary expenses: 1) field studies to determine appropriate sites for potential wind development; and 2) meteorological studies including a "met" tower to determine if there is adequate wind; and 3) development/construction of a community wind power project (estimated at 100-300 kw).

10g) The County Board considered appointment to a vacancy on the Solid Waste Management Authority. The appointment is for a one year term ending July 1, 2010. Two applicants have applied, Carr W. Baldwin, (Incumbent), Ishpeming, and John F. Marshall, Marquette. Commissioners were called alphabetically and the following roll recorded:

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\*Carr Baldwin – 1 vote

Comm. Pellow

\*John F. Marshall – 8 votes

Comm. Arsenault, Comm. Bergdahl, Comm. Cihak,  
Comm. Heikkila, Comm. Joseph, Comm. Struck,  
Comm. Wallace, Chairperson Corkin

John F. Marshall was appointed to the one year term on the Solid Waste Management Authority ending July 1, 2010.

Chairperson Corkin opened the meeting for public comment. Jim Gallant, Skandia, addressed Commissioners regarding Pathways, Project Parenting Time, and the Pathways Budget. He again made comments and statements directed at individual Commissioners.

*Chairperson Corkin instructed Mr. Gallant to address the Board as a whole and not direct comments and statements to individual Commissioners.*

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

**COMMISSIONERS COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS**

Chairperson Corkin addressed comments made during public comment. He announced that any decisions made for the County of Marquette are made by all Commissioners. No individual makes any decisions. Any comments made apply to all Commissioners.

Chairperson Corkin also announced a Regional Jail Meeting to be held on July 17, 2009 in Escanaba at 9:00 a.m. and again at 1:00 p.m. regarding both jail studies. He welcomed all Commissioners.

Comm. Struck announced that under public comment any citizen has a right to address Commissioners within reason. He resents when a speaker makes implications to any member of the County Board, indicating that they are doing anything inappropriate with funds or concerns of the citizens or Pathways. He defended Comm. Wallace and his actions as liaison to the Pathways Board. The implication made that any member of this Board has control over any other member is wrong. Comm. Struck stated that all members of this County Board are concerned with the finances of Pathways and what Pathways does, and no member of this County Board is doing what is implied.

Comm. Cihak also responded to comments made during public comment. He explained that the speaker often addresses this Board. His comments are difficult to address, especially when information is distributed at the last minute. Personally attacking individual Commissioners is not a way to influence anyone to your way of thinking. The history of this speaker hurts his own cause more than anything else.

Comm. Bergdahl announced that at the last Planning Commission meeting, a discussion was held regarding an A-95 review on a project titled Upper Peninsula Eco-Regional Land Consolidation submitted by the Michigan Department of Natural Resources (DNR) for funding from the Michigan Natural Resource Trust Fund. Comm. Bergdahl stated that the Planning Commission voted unanimously to not support the funding of this project for several reasons, one being that the Michigan DNR does not currently pay taxes for land they own and two several state-owned parks are closing while the DNR continues to purchase new land.

It was moved by Comm. Bergdahl, seconded by Comm. Pellow, and unanimously carried by voice vote that the County Board again send a letter to the Department of Natural Resources urging them not to acquire anymore land until they pay taxes for the land they own (PILT - Payment in Lieu of Taxes).

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Comm. Wallace thanked Commissioners for their support and comments regarding the public comment speaker. He reminded Commissioners that as liaison to Pathways, he is not a voting member of the Pathways Board. He also explained that the document distributed during public comment was an Attorney General's Opinion. Comm. Wallace explained the process provided by Pathways in relation to the Opinion.

It was moved by Comm. Arsenault, seconded by Comm. Cihak, and carried on a roll call vote 9 ayes (Comm. Arsenault, Comm. Bergdahl, Comm, Cihak, Comm. Heikkila, Comm. Joseph, Comm. Pellow, Comm. Struck, Comm. Wallace and Chairperson Corkin) to 0 Nays that the County Board go into Closed Session to discuss Collective Bargaining to wit: Deputies 2009 Contract Pursuant to MCL 15.268.

Chairperson Corkin declared a 2 minute Recess to clear Commission Chambers.


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CLOSED SESSION  
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The County Board came back into Open Session.

It was moved by Comm. Pellow, seconded by Comm. Arsenault, and carried by a voice vote 7 Ayes (Comm. Arsenault, Comm. Heikkila, Comm. Joseph, Comm. Pellow, Comm. Struck, Comm. Wallace and Chairperson Corkin) to 2 Nays (Comm. Bergdahl and Comm. Cihak) that the County Board Ratify the Collective Bargaining Agreement for the Deputies 2009 Contract.

There being no further business to come before the County Board, the meeting adjourned at approximately 7:00 P.M.

Respectfully Submitted,



Connie M. Branam  
County Clerk