
MINUTES OF REGULAR MEETING – TUESDAY, DECEMBER 14, 2010 – 6:00 P.M. – ROOM
231, HENRY A. SKEWIS ANNEX, MARQUETTE, MI 49855

1. CALL TO ORDER – SALUTE TO THE FLAG – PLEDGE OF ALLEGIANCE.

- Call to Order by Chair at 6:00 p.m. – Room 231 Henry A. Skewis Annex, Marquette.
- Roll Call: Present: Commissioner Arsenault, Commissioner Bergdahl, Commissioner Cihak, Commissioner Heikkila, Commissioner Joseph, Commissioner Pellow, Commissioner, Struck, Commissioner Wallace, and Chairperson. Corkin.
Absent: None.

- **SALUTE TO THE FLAG AND PLEDGE OF ALLEGIANCE.**

2. APPROVAL OF THE MINUTES. None.

3. PROCLAMATION, PRESENTATIONS AND AWARDS. None.

4. APPROVAL OF THE AGENDA.

Board Action: Commissioner Pellow moved to approve the Agenda with the following Late Additions: 11a) 2% Distribution; and 11b) Question regarding Retire/Rehire. Second by Commissioner Cihak. Motion adopted.

5. PUBLIC COMMENT.

There was no public comment.

6. REVIEW OF CLAIMS AND ACCOUNTS.

Board Action: Commissioner Arsenault moved to approve Claims and Accounts for the period December 3, 2010 through December 9, 2010, in the amount of \$314,343.24. Second by Commissioner Pellow. Motion adopted.

7. PUBLIC HEARINGS. None.

8. PRIVILEGED COMMENT. None.

9. INFORMATIONAL ITEMS.

- a. Superior Watershed Partnership 2010 Accomplishments.

10. ACTION ITEMS.

a. Retirement Transfer Request.

John Greenberg, Human Resources and Risk Manager, was present to explain the retirement transfer as follows.

This past October I received a call from Rob Noa of MERS regarding a request made by Jim Bjorne. Jim worked for Marquette County for three years and ten months in the last 1990's and into 2000. He is asking that MERS transfer the actuarial present value of his County retirement plan to the plan he currently participates in as an employee of the City of Ishpeming. Mr. Noa advised me that such a transfer can be done pursuant to Section 6 of the Reciprocal Retirement Act, 1961 PA 88, but only if the County agrees to release the funds.

The County Board adopted "Act 88" in 1965. The Act allows service with different municipalities to be combined to satisfy vesting requirements. Mr. Bjorne is therefore entitled to a modest pension from Marquette County (\$4,771.32 per year based on 3 years, 10 months service) when he reaches retirement age, as well as a retirement allowance from the City under its pension plan. In addition, Section 6 of the Act provides that the municipalities may agree to consolidate the individual's combined service so that the benefits are paid entirely under one plan. This is accomplished by transferring the actuarial present value of benefits from one system to the other. In this case, MERS has determined that the actuarial present value of Mr. Bjorne's 3 years and 10 months of service under the County's MERS plan is \$27,254, and that Mr. Bjorne has accumulated employee contributions equal to approximately \$4,779. Thus, in order to implement the transfer of service, Mr. Bjorne would rollover his employee contributions from MERS to the City's plan, and the County would pay the \$22,475 balance.

Sue Vercoe and I have reviewed the request and, since the amount to be transferred is relatively small compared to the potential lifetime benefits that are payable from MERS, we are recommending that the transfer of Mr. Bjorne's assets and liabilities to the City be approved. Importantly, by accepting the transfer of assets, the City of Ishpeming will also be accepting full liability for Mr. Bjorne's 3 years and 10 months of County service. The County's responsibility for paying Mr. Bjorne a MERS retirement allowance will be extinguished. He will no longer be entitled to any benefits under the County's MERS plan.

Finally, the transfer can only occur if the City of Ishpeming likewise agrees, by resolution of the governing body, to accept the assets and accompanying liability.

Board Action: Commissioner Wallace moved to approve the recommendation from John Greenberg, Human Resources and Risk Manager, and transfer Mr. Jim Bjorne's MERS assets and liabilities to the City of Ishpeming, subject to acceptance by the City of Ishpeming. Second by Commissioner Arsenault. Motion adopted.

b. Proposed Planning Enabling Ordinance.

Thyra Karlstrom, Planner, was present to explain the Proposed Ordinance as follows:

The Local Zoning Analysis chapter of the County Comprehensive Plan was adopted by the Planning Commission on November 3, 2010. One recommendation of the chapter is to have "the County Board adopt a new planning enabling ordinance and appointment of a seventh member to the County Planning Commission (representative of a school district) if possible; otherwise educational interest." The original ordinance is from 1969 and should be amended to be in compliance with changes in the law, specifically the Planning Enabling Act of 2008 and the Zoning Enabling Act of 2006. The proposed ordinance will supercede the 1969 document.

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According to the Planning Enabling Act of 2008, local units of government have until July 1, 2011 to be in compliance with the new statutes. The current Planning Commission is made up of 6 members while the Act calls for an odd number. The Plan recommends adding a seventh member in order to be in compliance with the statute and to alleviate possible quorum issues. Secondly, the recommendation of the Plan is for the seventh member to be a representative of a school district or educational interest. Planning Commissions are to be representative of important segments of the community. The existing ordinance does define important sectors; however, it does not include the public school board or district representation. The statute specifically calls for counties to make a reasonable effort to ensure that membership includes this interest.

Staff recommends that the County Board of Commissioners repeal the existing ordinance, dated November 19, 1969, and adopt the proposed planning enabling ordinance.

Board Action: Commissioner Wallace moved to repeal the existing ordinance, dated November 19, 1969, and adopt the following Planning Enabling Ordinance. Second by Commissioner Arsenault. Motion adopted.

WHEREAS, The People of Marquette County did establish the Marquette County Planning Commission Ordinance of November 19, 1969, and it is now desired to repeal the existing ordinance and adopt this ordinance to insure proper record of the action is created, NOW THEREFORE, THE PEOPLE OF Marquette County DO ORDAIN THAT SAID ORDINANCE SHALL READ AS FOLLOWS:

MARQUETTE COUNTY PLANNING COMMISSION ORDINANCE

AN ORDINANCE to create a Planning Commission for the Marquette County as authorized by P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 et. seq. for the purpose of having planning in Marquette County, to create, organize, enumerate powers and duties, and coordinated and harmonious development of Marquette County.

THE PEOPLE OF MARQUETTE COUNTY DO ORDAIN:

- 101. Creation: There shall be a Marquette County Planning Commission pursuant to P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 et. seq., hereinafter referred to as the Commission with the powers and duties as therein set forth and as hereinafter provided. This ordinance shall be officially known and described as the "Marquette County Planning Commission Ordinance."
- 102. Membership:
 - A. The Commission shall consist of seven (7) members appointed by the Marquette County Board of Commissioners. To be qualified to be a member and remain a member of the Planning Commission, the individual shall be a qualified elector of Marquette County.
 - B. Members shall be appointed for three-year terms. However when first appointed a number of members shall be appointed to one-year, two-year, or three-year terms such that, as nearly as possible, the terms of □ of all commission members will expire each year. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment such that, as nearly as possible, the terms of □ of all commission members continue to expire each year.

- C. Ex officio members shall include 1 member of the Board of Commissioners. The terms of office of the ex officio member shall coincide with their elected terms of office on the legislative body or the term of office of the chief elected official who appointed him or her.
 - D. Every reasonable effort shall be made to insure that the membership of the county planning commission includes a member of a public school board, or an administrative employee of a school district included, in whole or in part, within the county's boundaries.
 - E. The membership shall be representative of the important geographic and interest segments of Marquette County, if possible, representing, but not limited to the following interests: Marquette County township and city governments, agriculture, education, conservation, recreation, forestry, construction, industry, commerce, labor, mining, transportation, public school boards, and health. Each member shall represent and advocate what is best for Marquette County as a whole, putting aside personal or special interests. MCL 125.3815(3)
 - F. A member of the County Board shall not be chair of the Commission.
 - G. The Marquette County Board of Commissioners may appoint alternate members of the Planning Commission. An alternate member of the Commission may serve as a regular member when a regular member is unable to do so due to absence, illness, conflict of interest, or any other cause. No more than two alternate members of the Commission may sit as regular members at any meeting of the Commission at one time.
103. Liaisons:
- A. The Commission, in its Bylaws, may name "liaisons" to the Commission. The purpose of liaisons is to provide certain Marquette County and quasi-Marquette County officials ability to participate in discussion with the Commission in addition to speaking in public participation, and nothing else. At a minimum liaisons shall include:
 - 1. Resource Management and Development Department staff, and their agents and consultants.
 - 2. Marquette County Administrator.
 - 3. Marquette County Civil Counsel.
104. Training:
- A. Each member is encouraged to attend training in planning and zoning during the member's current term of office if the adopted Marquette County budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training.
105. Members, Appointment and Terms:
- A. In December of each year, the Marquette County Board of Commissioners shall consider the applications and nominations received, and appoint members to the Commission by a majority vote for a three-year term of office.
106. Removal from Office:
- A. The Board of Commissioners may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure to disclose a potential conflict of interest shall be considered malfeasance in office. Failure to repeatedly attend Commission meetings shall be considered nonfeasance in office.
 - B. The secretary of the Planning Commission shall report any member who has unexcused absences from three consecutive regularly scheduled meetings to the Board of Commissioners.
107. Membership; Vacancies: The Board of Commissioners shall fill any vacancy in the membership of the Commission for the unexpired terms in the same manner as the initial appointment.

108. **Membership; Compensation:** Mileage and per diem shall be paid to members of the Commission at rates established by the Marquette County Board of Commissioners.
109. **Meetings:** The Commission shall not have less than four regular meetings per year and a majority of the Commission shall constitute a quorum for the transaction of the ordinary business of said Commission and all questions which shall arise at their meetings shall be determined by a vote of the majority of the members of the Planning Commission.
- A. The affirmative vote of a majority of a quorum shall be necessary for the adoption of motions.
110. **Powers and Duties:**
- A. The Commission shall have their powers and duties as set forth in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 et seq.; and P.A. 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 et seq.).
- B. The Commission shall have authority to apply for and receive grants from any government agency or the federal government and to receive gifts.
111. **Meetings; Records:** The Commission shall adopt Bylaws for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which records shall be a public record.
112. **Approval, Ratification, and Reconfirmation.** All official actions taken by all Marquette County Planning Commissions preceding the Commission created by this ordinance are hereby approved, ratified and reconfirmed. Any project, review, or process taking place at the effective date of this Ordinance shall continue with the Commission created by this ordinance, subject to the requirements of this Ordinance, and shall be deemed a continuation of any previous Marquette County Planning Commission. This Ordinance shall be in full force and effect from and after its adoption and publication.

c. Personnel Policy – Mileage Reimbursement Rate.

Sue Vercoe, Finance Manager, was present to explain the following:

The 2011 budget assumed a reduced mileage reimbursement rate. In order to make that change, the language in the county personnel policy and union contracts will need to be changed. The proposed rate used in the budget is 10 cents less than the optional business standard mileage rate established by the IRS. For 2011 the IRS standard rate will be \$.51 per mile, the county's 2011 mileage reimbursement rate for employees would be \$.41 per mile.

111.14 MILEAGE REIMBURSEMENT (Current Language)

Employees who during the course of employment are required to use their personal vehicle for County business will be reimbursed at the rate established as the non-taxable mileage rate by the U.S. Internal Revenue Service for all miles driven on behalf of the County. To be eligible for mileage reimbursement, the employee must submit a mileage voucher detailing the total number of miles actually driven from point-to-point, excluding any unnecessary side trips, and must be submitted to the employee's Department Head for verification and signature authorizing payment.

111.14 MILEAGE REIMBURSEMENT (Proposed Language)

Employees who during the course of employment are required to use their personal vehicle for County business will be reimbursed at the rate 10 cents less than the optional business standard mileage rate established by the U.S. Internal Revenue Service for all miles driven on behalf of the County. To be eligible for mileage reimbursement, the employee must submit a mileage voucher detailing the total number of miles actually driven from point-to-point, excluding any unnecessary side trips, and must be submitted to the employee's Department Head for verification and signature authorizing payment.

Board Action: Commissioner Heikkila moved to approve the change in the Mileage Reimbursement Rate in the County Personnel Policy and Union Contracts to 10 cents less than the optional business standard mileage rate. Second by Commissioner Pellow. Motion adopted.

d. Appointments to Various Board and Commissions.

Connie Branam, County Clerk, explained that there are a number of vacancies on various Boards and Commissions for which there is only applicant. A motion would be in order to appoint those individuals.

Board Action: Commissioner Struck moved to appoint the following. Second by Commissioner Arsenault. Motion adopted.

**incumbent*

BOARD OF HEALTH

(Two Vacancies – 3 Year Terms)

** Robert Kulisheck, Marquette*

** Karol Lautner Peterson, Marquette Township*

CENTRAL DISPATCH (Six Vacancies* - 3 Year Terms)

1 Fire Department Representative

** Andrew Lusardi, Ishpeming Township Fire Dept.*

1 MCTA Representative

** Barbara J. Mackey, Champion*

1 Sheriff's Department Representative

** David P. Lemire, Marquette*

1 City of Negaunee Representative

Michael R. VanStraten, Negaunee

**(Remaining vacancies roll call vote)*

AGING SERVICES ADVISORY COMMITTEE (Seven Vacancies* – 2 Year Terms)

1 Professional from Field of Geriatrics

** Donald D. Kristola, Skandia*

1 Social Service Professional

** Waino A. Liuha, Negaunee*

1 Business & Financial Management

** Pete Mackin, Marquette*

**(Remaining vacancies roll call vote)*

BOARD OF COMMISSIONERS COUNTY OF MARQUETTE

December 14, 2010

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MARQUETTE COUNTY TRANSIT AUTHORITY (Three Vacancies – 3 Year Terms)

1 Marquette City Representative

 Tony Tollefson, Marquette

1 Negaunee City Representative

 Richard H. Wills, Negaunee

1 MCTA Representative

 * Gloria Maki, Skandia

ECONOMIC DEVELOPMENT CORPORATION (Four Vacancies – 6 Year Terms)

1 Manufacturing

 * Peter C. Hendrickson, Chocolay Township

1 Hospitality and Retail

 * John R. Jilbert, Marquette

1 Banking

 * Tim Ryan, Marquette

1 Medical Services Provider

 * Dennis H. Smith, Marquette

AIRPORT ZONING BOARD OF APPEALS (Two Vacancies - 3 Year Terms)

 Randolph G. Dulany, III, Forsyth Township

 * Scott Schulz, Forsyth Township

AIRPORT ADVISORY BOARD (Three Vacancies*- 2 Year Terms)

1 Sawyer Control Tower Representative

 * Frank Rosado, Marquette

1 General Aviation Representative

 * Fred J. Benzie, Marquette

*(Remaining vacancy roll call vote)

REMONUMENTATION PEER GROUP (Two Vacancies – 3 Year Terms)

1 Licensed Surveyor – Private Sector

 * Robert F. Cambensy, P.S., Private

1 Public – Non Surveyor

 * Lorene Selesky, Marquette

LAND BANK AUTHORITY (One Vacancy – 3 Year Term)

 * Deborah Pellow, County Commissioner

CUPPAD (One Vacancy – 2 Year Term)

 * Gerald O. Corkin – County Board Representative

Board Action: Commissioner Struck moved to appoint Harvey Wallace to the Board of Health for an Unexpired Term Ending 12-31-12, effective January 2011. Second by Commissioner Arsenault. Motion adopted 8 Ayes to 1 Absention (Commissioner Wallace).

The remaining vacancies on Boards and Commissions were done by roll call balloting. Commissioners were called alphabetically. The first to vote was rotated with the Chair always voting last.

**incumbent*

COUNTY ROAD COMISSION (One Vacancy – 6 Year Term)

** Darryl Sundberg, Negaunee Township*

PLANNING COMMISSION (Two Vacancies - 3 Year Terms)

** Ken Kaiser, Marquette
Donald D. Kristola, Skandia*

FORESTRY COMMISSION (One Vacancy)

** Mike Touchinski, Marquette*

CENTRAL DISPATCH (Six Vacancies - 3 Year Terms)

1 Marquette County EMS

Donald Manty, Bell Memorial EMS

1 Citizen-at-Large

Paul S. Gravedoni, Negaunee

AGING SERVICES ADVISORY COMMITTEE (Seven Vacancies – 2 Year Terms)

4 Citizen-at-Large (Persons with a demonstrated awareness, concern, and interest in improving services to the aging)

** Angelo Bosio, Ishpeming*

** Debra Heinzelman, Marquette*

** Jerry Irby, Marquette*

** Edith Prosen, Marquette*

BUILDING CODE BOARD OF APPEALS (Three Vacancies- 2 Year Terms)

** James Nankervis, Ishpeming Township*

** Paul L. Nelson, Ishpeming Township*

** Lynn R. Swadley, Marquette City*

AIRPORT ADVISORY BOARD (Three Vacancies- 2 Year Terms)

*1 At-Large Representative - *John O. LaCourt, Gwinn*

11. LATE ADDITIONS.

a. 2% Distribution.

Steve Powers, County Administrator, explained the following regarding Two-Percent Funds.

Attached is a letter from Warren C. Swartz, Jr., President, Keweenaw Bay Indian Community, regarding the Fall two-percent distribution from the Ojibwa II Casino. The letter outlines the KBIC's requested distribution of \$15,221.60. Also attached is the Board of Commissioners' September 24, 2010, two-percent request.

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No county departments specifically budget two-percent funds. Aging Services and the Health Department have unspecified donation/contribution/grant revenues budgeted.

The allocation of two-percent funds is a decision of the governing body of the city, township, village, or county receiving the funds. Once the distribution is made by a tribal council, the two-percent revenues become the funds of the local government. Also, as stated in the letter to the KBIC, Marquette County will first look to fund county programs.

In the Spring 2010 two-percent distribution, the Superior Watershed Partnership (SWP) had requested \$48,000, and the KBIC Tribal Council requested that \$48,000 be distributed to the SWP. The Board of Commissioners allocated \$24,000 to the SWP. Obviously, the SWP was disappointed with the allocation and asked that the remaining \$24,000 be requested in the Fall distribution. The request was made, and the KBIC Tribal Council is asking that \$7,721.60 be allocated to the SWP.

While I usually recommend two-percent funds go to county programs, I recommend an exception be made for the second 2010 distribution. My recommended two-percent allocation is:

SWP	\$ 12,721.60
Health Department Family Health Education	2,500.00

A Marquette County two-percent request will be prepared for March 2011, which will include the SWP's remaining \$11,478.40. For 2011, consideration should be given to limiting Marquette County requests to the KBIC to Marquette County departments.

(attachments not a part of the minutes)

Board Action: Commissioner Wallace moved to approve two-percent distribution as recommended by Steve Powers, County Administrator. Second by Commissioner Arsenault. Motion adopted.

b. Question regarding Retire/Rehire.

Commissioner Cihak requested an explanation regarding the recent hiring of an employee in the Equalization Department when on February 16, 2010 the Board voted to rescind the retire/rehire program.

Steve Powers, County Administrator, explained that Lynn Anderson has returned to work in a part-time position per the union contract. She was hired in a different position than the one she retired from, and at substantially less pay. He reminded Commissioners that there are collective bargaining contracts currently in place which provide posting and bidding rights.

Discussion followed regarding the retire/rehire program with emphasis on collective bargaining contracts currently in place.

Commissioner Heikkila requested a copy of the contract that says the County is obligated once an employee retires to hire them back to work. He also wanted to know how many other positions have been filled since February 16, 2010.

No action was taken.

12. PUBLIC COMMENT.

- Mike Quayle, Marquette, addressed the Board regarding 11b.
- Pete Mackin, Marquette, thanked the Board of reappointing him to the Aging Services Advisory Committee. He also thanked Commissioner Struck and Commissioner Wallace for their service on the County Board and welcomed the new Commissioners.

13. COMMISSIONERS COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS.

- Chairperson Corkin wished all of Marquette County Happy Holidays. He also thanked Commissioner Struck and Commissioner Wallace for their service to Marquette County.
- Commissioner Cihak and Commissioner Heikkila also congratulated the new Commissioners and thanked Commissioner Struck and Commissioner Wallace.
- Commissioner Struck responded to comments by Mike Quayle. He also thanked the voters of his district, staff, administration, and elected officials. He exclaimed that it has been a privilege to work for Marquette County.
- Commissioner Wallace thanked everyone for the years he has served on the County Board. He also responded to comments by Mike Quayle. Commissioner Wallace wished all of Marquette County Happy Holidays and a Merry Christmas.
- Chairperson Corkin announced that the next meeting of the County Board will be the 2011 Organizational Meeting which will be held on January 4, 2011.

15. ADJOURNMENT.

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



Connie M. Branam
Marquette County Clerk

Gerald O. Corkin, Chairperson
Marquette County Board of Commissioners

Minutes Proposed for Approval on January 4, 2011.