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**MINUTES OF THE COMMITTEE OF THE WHOLE MEETING – TUESDAY, AUGUST 23, 2011  
– 6:00 P.M. – ROOM 231, HENRY A. SKEWIS ANNEX, MARQUETTE, MI 49855**

**1. ROLL CALL.**

- Call to Order by Chair at 6:00 p.m. – Room 231 Henry A. Skewis Annex, Marquette.  
- Roll Call: Present: Commissioner Cihak, Commissioner, Quayle, Commissioner Heikkila, Commissioner Corkin, Commissioner Joseph, Commissioner Pellow and Chairperson Bergdahl.  
Absent and Excused: Commissioner Arsenault and Commissioner Nordeen.

**2. APPROVAL OF THE MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON AUGUST 9, 2011.**

**Committee of the Whole Action:** Commissioner Corkin moved to approve the minutes of the Committee of the Whole Meeting held on August 9, 2011. Second by Commissioner Cihak. Motion adopted.

**3. APPROVAL OF THE AGENDA.**

**Committee of the Whole Action:** Commissioner Cihak moved to approve the Agenda with the following change: Consider agenda item 6h) USDA Update before 6b). Second by Commissioner Pellow. Motion adopted.

**4. PUBLIC COMMENT.**

Chairperson Bergdahl opened the meeting for public comment. Buzz Tiseo, Marquette, reserved time to speak on Agenda Item 6d) Presentation regarding Liability, Health & Property Insurance.

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

**5. REVIEW OF CLAIMS AND ACCOUNTS.**

**Committee of the Whole Action:** Commissioner Corkin moved to approve Claims and Accounts for the period August 12, 2011 through August 18, 2011 in the amount of \$536,885.32. Second by Commissioner Pellow. Motion adopted.

**6. AGENDA ITEMS:**

- a. Update from Chief Circuit Court Judge, Thomas L. Solka, regarding the State Court Administrator's Recommendation to Reduce Judgeships in Marquette County.**

Judge Thomas L. Solka and Judge Jennifer Mazzuchi, Circuit Court Judges, were present and explained the following.

*-Recommendations by State Court Administrator to Legislature is done every 2 years, the 2011 Judicial Resource Recommendations report follows a comprehensive assessment of Michigan's judicial workload by the National Center for State Courts with an advisory committee of judges and court administrators (JNAC), weighted caseload formula + a secondary analysis.*

*-11 counties and districts have a shortage of judges – a need for 31 more judges, 40 counties and districts have an excess of judges – an excess of 45 judges, **2 of the 45 are in Marquette County**, 9 of the 45 are in the Upper Peninsula.*

*-Judge Solka explained how the changes will affect Marquette County Judgeships.*

*-Judge Solka encouraged the County Board not to make short term budget or space decisions (2012 budget yr.) based on the State Court Administrator's Office recommendations.*

No Action was taken.

Judge Solka then announced that Marquette County Clerk, Connie Branam, is terminating employment effective October 31, 2011. Judge Solka invited letters of interest. The deadline is September 16, 2011.

**h. USDA Update.**

Scott Erbisch, Sawyer Operations Manager, was present to explain the following.

*Several positive steps have occurred in the advancement of Sawyer's "upgrade" project since the last update to the County Board of Commissioners. Some of the most notable items are as follows:*

- *The County has received a commitment of funding for this project. The amount(s) obligated include \$2,450,000 in loan dollars and \$822,000 in grant funding (as expected per previous discussions with the USDA RD representative).*
- *Marquette County and AECOM have entered into an Engineering Agreement which has been forwarded to the USDA RD offices. The USDA RD has reviewed the Agreement and is requesting some minor adjustments- to be handled via an Addendum.*
- *Marquette County staff and AECOM have begun the Right of Way (ROW) certification. This is a required step that verifies that the County has authority to access and maintain the wastewater collection system – holding continuous and adequate rights-of-way on County-owned land and/or necessary documentation to support operations on private land(s).*
- *Barrier Free Assessments have been completed at the Airport Services Center and the Annex Building – as the USDA requires a complete review of any facility that holds public meetings, provides employment applications, and/or access to the general public in paying utility bills. County staff is in the process of correcting the following minor deficiencies noted in the Assessments:*
  - *Miscellaneous signage*
  - *Protective wrapping on sink piping in 2<sup>nd</sup> floor bathroom of Annex*
  - *Handrail(s) in the Annex elevator and in the County Commissioner meeting room*

- *Reconfiguration of the handicapped bathroom stall(s) in the restrooms located on the 2<sup>nd</sup> floor of the Annex*
- *Miscellaneous documentation items as required by the USDA RD*

*To keep the project on track for a planned 2013 construction season, AECOM will begin the Preliminary Design phase which includes, performing necessary investigations, data compilation and analysis, surveying, soil borings, and other site work prior to winter. This phase will also provide the information needed to finalize the budget and income analysis form required by the USDA RD. This phase will cost approximately \$130,000.00. This amount has been reviewed and approved by the USDA RD. Funding is available in the WWTP reserve account to cover this expense. Once the grant and loan is formally closed, these funds are eligible for reimbursement.*

*Lastly, Bond Counsel, Miller Canfield, has not been authorized to proceed at this time, however, this step can begin at any time and it is anticipated that we will begin this process in 2011. It should be noted that Miller Canfield will not collect a fee until the closing of the loan documents.*

**Committee of the Whole Action:** Commissioner Pellow moved that the Committee of the Whole recommend the County Board begin the Preliminary Design phase for the K.I. Sawyer Water Treatment Plant Project with AECOM for an amount not-to-exceed \$130,000 to include, performing necessary investigations, data compilation and analysis, surveying, soil borings, and other site work prior to winter, and further that staff enter into a contract with Miller Canfield as Bond Counsel. Second by Commissioner Cihak. Motion adopted.

**b. Road Commission Update regarding Co. Rd. 595.**

Jim Iwanicki, Road Commission Engineering Director, updated the Board. He reported on the progress of Co. Rd. 595, and announced that County Road 595 - Alternative Analysis and Project Assessment Document – is available for Public Review at the Peter White Public Library, Marquette City, Ishpeming City, Negaunee City, various Township Offices and the Road Commission Office. Public meetings have been scheduled at the following locations:

- Citizens Forum, City of Marquette, August 30, 2011  
12:00 p.m. – 3:00 p.m. and 6:00 p.m. – 9:00 p.m.
- Ishpeming Township Hall, Ishpeming, August 31, 2011  
12:00 p.m. – 3:00 p.m. and 6:00 p.m. – 9:00 p.m.

Written Public Comment will be accepted at both meetings and at the Marquette County Road Commission Office. Answers to public comments will be addressed at the Marquette County Road Commission meeting scheduled for September 19, 2011 at 6:00 p.m. at the Ishpeming Township Hall.

No Action was taken.

**c. Public Hearing to receive comments regarding RenewaFUEL Community Development Block Grant for Machinery and Equipment.**

Chairperson Bergdahl stated the purpose of the hearing and advised the public in attendance on the rules and procedure. Chairperson Bergdahl opened the Public Hearing for comment. None was forthcoming.

Scott Erbisch, Sawyer Operations Manager and Dale Hemmila, Director of Public Affairs for Cliffs Natural Resources, were present to give a brief update regarding the RenewaFUEL Project. They explained that there are currently 28 employees and the capital investment by Cliffs Natural Resources is \$22.3 million to date. They also announced that written comments can be mailed directly to Mr. Erbisch, Sawyer Operations Manager.

Mr. Hemmila, thanked Administrator Powers for his support of the Mining Industry.

There being no further comments, Chairperson Bergdahl closed the Public Hearing.

**d. Presentation regarding Liability, Health & Property Insurance.**

John Greenberg, Human Resources and Risk Manager, was present and explained the following.

*At its August 16 meeting, the Board of Commissioners requested that an update be provided at the August 23 Committee of the Whole meeting on Marquette County's health, property, and liability insurance.*

*Vince Rose, Employee Benefits Agency, is Marquette County's agent of record for health insurance. Vince will be at the August 23 meeting to provide information on Marquette County's efforts to contain the expense of health insurance for employees and retirees and to answer questions regarding requesting proposals or bids for health insurance. Enclosed is expense information for the past 11 years, including details on number of contracts, projected premiums, BCBS rate increases, actual premiums, and the results of self-insurance plans such as were discussed on August 16.*

*Regarding property and casualty insurance, enclosed is a November 9, 2010, memorandum from John Greenberg summarizing Marquette County's recent experience with requesting bids or proposals from insurance agencies. John will be at the August 23 meeting to answer questions commissioners might have regarding property and casualty insurance. John Katona, U.P. Insurance Agency, and agent for the Michigan Municipal Risk Management Authority, is unable to attend the August 23 meeting.*

Buzz Tiseo, City Insurance Representative, addressed Commissioners regarding Health Insurance issues.

**Committee of the Whole Action:** After discussion, Commissioner Pellow moved that the Committee of the Whole recommend the County Board bid Property and Casualty insurance for 2012. Second by Commissioner Quayle. Motion adopted.

**Committee of the Whole Action:** After discussion, Commissioner Corkin moved that the Committee of the Whole recommend the County Board bid Health Insurance for 2012. Second by Commissioner Pellow. Motion adopted.

**e. Mid-Year Budget Amendments.**

Sue Vercoe, Finance Manager, explained the following.

*The following budget amendments are presented for your consideration. All departments were requested to review their revenues and expenditures. These recommendations were prepared based on requests and information from the departments and review of the June and July budget reports.*

#13- General Fund

*The recommendation is to amend the General Fund budget by a net increase of \$75,779. Budgets for the Sobriety Court Grant and the Homeland Security – Stonegarden Grant are established with revenues to offset the expenditures. The budget remains balanced.*

#14 – Health Department

*This amendment provides for the Health Departments budget amendment #1, approved by the Board of Health in June. The health department ended 2010 with a net income of \$205,055. By policy, \$151,033 or that amount would be returned to the General Fund to reduce the 2011 appropriation to the health department. After discussion with health department staff, it is recommended that amount be transferred to the Negaunee Service Center Fund to reduce their future occupancy costs.*

#15 – Negaunee Service Center Fund

*This amendment would provide for the transfer of net income from the health department and reduce the amount of their 2011 payment to the fund for their occupancy costs.*

#16 – Community Corrections Fund

*This amendment increases the budget by \$4,000 to cover various program expenses. The increase is covered by increased revenue. There is not general fund support to this program.*

#17 – OPEB Liability Fund

*It is recommended that \$100,000 be transferred from the Workers' Compensation Liability account to the OPEB fund. Because of various adjustments and credits to our Workers Compensation Insurance premiums, this amount is available to reduce current or future personnel service line items. Staff recommends these funds be transferred to the OPEB fund.*

#18 – Search & Rescue Fund

*This amendment increases the budget by \$3,900 to cover increased costs for insurance and vehicle repairs.*

#19 – Community Development Fund

*This budget amendment adjusts the budget to properly reflect anticipated program revenue and expenses.*

#20 – Friend of the Court Fund

*This amendment adjusts various personnel and expenditure line items in the budget for the Family Support division. There is no change to the budgeted appropriation from the General Fund.*

# 21 – Public Improvement Fund

*This amendment provides for the increase to the patrol vehicle replacement line item previously approved by the board. The increase is covered by \$8,000 in grant revenue from the USDA.*

#22 – Aging Services

*Millage allocations to senior centers have been based on a formula using senior population and square miles of service area. According to the 2010 Census, the 60+ population of Marquette County is now 12,583. This represents a 10.2% increase since 2000 (11,414). The change in population by senior center service area is as follows:*

<u>2000</u>	<u>% of allocation</u>	<u>2010</u>	<u>% of allocation</u>		
<i>Forsyth</i>	<i>1464</i>	<i>14.50%</i>	<i>2094</i>	<i>18.03%</i>	
<i>Ishpeming</i>	<i>3358</i>	<i>30.46%</i>	<i>3225</i>	<i>26.96%</i>	
<i>Marquette</i>	<i>4939</i>	<i>41.18%</i>	<i>5576</i>	<i>41.24%</i>	
<i>Negaunee</i>	<i>1653</i>	<i>13.86%</i>	<i>1688</i>	<i>12.87%</i>	

*The increase in population in the Forsyth Township service area and the decrease in the Ishpeming service area has again caused our millage allocations to the senior centers to be ‘out of formula.’ The aging services advisory committee has recommended additional millage allocations for the 2011 budget to start the adjustment process to allocate dollars by formula.*

**Committee of the Whole Action:** After discussion, Commissioner Corkin moved that the Committee of the Whole recommend the County Board approve the Mid Year Budget Amendments #13 - #22, 2011 as presented. Second by Commissioner Heikkila. Motion adopted.

**f. Civil Counsel.**

**Sue Vercoe, Finance Manager, presented the following information:**

*At the August 2 board meeting, a motion was made requesting information regarding the position of civil counsel being separated from the Prosecutor’s office and budget and reporting directly to the Board of Commissioners.*

- *The budget impact would be neutral if the amount currently budgeted for salary and benefits for the Chief Civil Counsel (\$108,939) were moved from the PA budget to a separate civil counsel budget. The budget could be impacted if additional compensation were offered or negotiated for the position or by the other considerations outlined below. In addition to compensation, allocations of cost for telephone, computer systems, postage, copy costs, and office supplies, witness fees, court costs, travel and training would also be charged to the separate civil counsel department budget. Most likely, these expenses would also be budget neutral and just moved out of the PA budget.*

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**OTHER CONSIDERATIONS:**

*Would all civil work and labor negotiations be assigned to the same individual:*

- *Currently Cheryl Hill spends approximately 90% of her time on county civil work and 10% on appellate work for the prosecutor*
- *Gary Walker spends approximately 10% of his time on labor issues and contract negotiations.*

*Will civil counsel be provided during absences for illness or vacations:*

- *Currently the Prosecutor is available to provide coverage during Cheryl's absences.*

*Secretarial Support:*

- *Currently a legal secretary in the Prosecutor's office spends approximately 75% of her time on civil work.*
- *If this is to be a shared position, it would need to be determined which department this individual is assigned to and who would be determining the priority of work assignments. Additionally, it would need to be determined how secretarial support would be provided during absences due to sickness and vacation. Currently other PA support staff also provide support to the civil counsel function answering telephones and other secretarial support.*
- *If a new legal secretarial position is created to support the office of civil counsel, the estimated cost for wages and benefits of a new position would be \$59,000.*

*Work space:*

- *Currently Cheryl's office is located within the Prosecutor's secured office space. Would continued use of this space be acceptable to current/future prosecutors? If not, alternative office space would need to be found.*

**TIMING**

*Staff would be concerned if the functions of civil counsel were assigned to another individual at this time. The administrator's last day is September 8. This will create a difficult void for staff to fill until a long term solution for replacement is determined. Regarding Sawyer issues in particular, Cheryl spent many hours with Harley Andrews on the transition of those items prior to his retirement. If other counsel were not sufficiently briefed on those issues, the county would be at a disadvantage in resolving the remaining outstanding issues. Retaining outside legal counsel for these specialized areas could be costly.*

*In addition, civil counsel files are maintained on numerous issues including bankruptcies, FOIA, public health, emergency dispatch, contracts (including construction, FAA, MDOT, personal service agreements, purchase contracts, leases, licenses, etc.), human resource issues (grievances, labor contract interpretation, benefit issues, general employee issues), jail issues (inmate complaints, restitution cases, policy reviews, etc), all the boards and agencies of the county. Cheryl has served the county as civil counsel for 11 years. It would be difficult, expensive, and time consuming for a new attorney to assume these responsibilities.*

**Committee of the Whole Action:** After discussion and debate, Commissioner Heikkila moved that the Committee of the Whole recommend the County Board have civil counsel be a salaried employee directly employed by the Marquette County Board on or before January 1, 2012 this position will be paid for by making a preliminary budget adjustment of \$185,000 from the Prosecuting Attorney's budget to the new civil counsel budget. This should be a budget neutral adjustment. Resumes to be considered by Personnel Ad Hoc Committee on or before October 31, 2011. Second by Commissioner Quayle. A roll call vote as recorded. Ayes: Commissioner Cihak, Commissioner Quayle, Commissioner Heikkila, Commissioner Pellow. Nays: Commissioner Corkin, Commissioner Joseph and Chairperson Bergdahl. Motion adopted.

**g. Report from Retire/Rehire Group.**

The Committee of the Whole considered a report from the Retire/Rehire Group. The group was comprised of four Commissioners, the County Prosecutor, County Clerk, County Administrator, Human Resources Manager, Courthouse Union President, two non-represented retire/rehire employees, the Deputies Union President, and Civil Counsel. The group was to meet for the purpose of recommending an acceptable plan to eliminate the remaining retire/rehire employees. Steve Powers, County Administrator, explained the following.

*The group recommends that the Board of Commissioners take the following actions:*

- 1. By Marquette County policy, restrict future retire/rehires to working for no more than 720 hours in any calendar year. The 720 hour limitation was adopted by the MERS Board of Directors after employer testimony, including from the Marquette County Board of Commissioners. The policy is enclosed with the group's report.*
- 2. By Marquette County policy, apply the 720 limit to defined contribution retirees. MERS does not restrict the employment of defined contribution retirees.*
- 3. Removal of retire/rehires in the Courthouse bargaining unit should be a priority for the 2013 contract.*
- 4. The Board of Commissioners send the enclosed letter to the MERS Board of Directors confirming the actions taken by Marquette County do not compromise the tax-favored status of MERS or the status of MERS pension recipients from Marquette County.*

**Committee of the Whole Action:** After discussion and debate, Commissioner Cihak moved that the Committee of the Whole recommend the County Board adopt the recommendation as presented by the Retire/Rehire group. Second by Commissioner Pellow. A roll call vote as recorded. Ayes: Commissioner Cihak, Commissioner Heikkila, Commissioner Corkin, Commissioner Joseph, Commissioner Pellow and Chairperson Bergdahl. Nays: Commissioner Quayle. Motion adopted.

**i. Special Winter Storage Rate Recommendation.**

Scott Erbisch, Sawyer Operations Manager, was present and explained the following.

Background:

*In an effort to generate additional revenue and provide a quality site to hangar light aircraft during the winter months, it was suggested and discussed during the Airport Advisory Committee meeting that Sawyer Airport develop a special winter hangar storage rate.*

*After reviewing the various options for winter storage, it was determined that there is available space for community storage in one of the vacant larger hangars. Furthermore, Boreal Aviation has offered to include a special rate for aircraft annuals during the winter months as well.*

*To reach the various owners of light aircraft, staff would direct mail the attached flyer to registered light aircraft owners within the Upper Peninsula and a northeastern segment of Wisconsin.*

Risk(s):

*Although, it is known that there are light aircraft owners that seek out winter storage locations, there is no guarantee that Sawyer will have any takers. Therefore, the cost of the printing of the flyers and bulk-mailing would not be recovered.*

*Another risk is that Sawyer International Airport and Boreal may have one more of its existing tenants relocate from their current storage arrangements, upon lease expiration, to take advantage of the lower rate.*

Proposed Rate(s):

- *Light classification single engine aircraft - \$80.00 per month.*
- *Light classification twin-engine aircraft - \$90.00 per month.*

Recommendation:

*Authorize staff to proceed with the proposed special winter hangar rate.*

**Committee of the Whole Action:** Commissioner Cihak moved that the Committee of the Whole recommend the County Board authorize staff to proceed with the proposed "Special" Winter Hangar Rate. Second by Commissioner Heikkila. Motion adopted.

**7. PUBLIC COMMENT.**

Chairperson Bergdahl opened the meeting for public comment.

- Gabe Caplett, Skandia, spoke regarding Co. Rd. 595. He also requested material under FOIA.

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

**8. COMMISSIONERS COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS.**

- Commissioner Quayle voiced concern with the discussion on the Co. Rd. 595 issue.
- Commissioner Heikkila announced that he will attend the public meeting regarding Co. Rd. 595. He will also speak with the City of Marquette.
- Chairperson Bergdahl expressed concerns with the City of Marquette regarding truck traffic.
- Administrator Powers announced there will be no meeting on August 30, 2011. The next scheduled meeting of the Marquette County Board of Commissioners is September 6, 2011.

**10. ADJOURNMENT.**

There being no further business to come before the Committee of the Whole, the meeting adjourned at approximately 8:25 p.m.

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Linda K. Talsma  
Duputy County Clerk

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Charles Bergdahl, Chairperson  
Marquette County Board of Commissioners

Minutes Proposed for Approval on September 13, 2011.