The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, July 22, 2003, 6:00 P.M., in Room 231 of the Henry A. Skewis Annex, 234 W. Baraga Avenue, Marquette, Michigan.


It was moved by Comm. Arsenault, seconded by Comm. Bergdahl, and unanimously carried by voice vote that the minutes of the Committee of the Whole Meeting held on July 8, 2003 be approved.

Chairperson Corkin opened the meeting for public comment, none was forthcoming.

It was moved by Comm. Arsenault, seconded by Comm. Bergdahl, and unanimously carried by voice vote that the agenda be approved with the following additions: Item 12) Change Order No. 1 EDA Funded Water and Wastewater Improvements, Item 13) Change Order No. 1 Design of EDA Funded Water Controls, Item 14) Signage Request from the U.S. Ski Hall of Fame, and Item 14a) 2% KIBIC and Sault Tribe Request. Also, Item Number 7, 9, 12, and 13 were moved up on the agenda before the County Road Commission Report.

It was moved by Comm. Nordeen, seconded by Comm. Bergdahl, and unanimously carried by voice vote that Claims and Accounts for the period July 11, 2003 through July 17, 2003 in the amount of $460,120.17 be approved.

The Committee considered the 2003 Personal Computer Bid Awards presented by Brent Nault, Information Systems Manager. In June of 2003, bids were received for 25 personal computers. Computer Associates of Marquette met the specifications and is the low qualified bidder. The quoted price for this purchase is $29,556. Four vendors submitted bids for the PC’s and GIS workstation. Three vendors submitted qualified bids on the PC’s. Fourteen PC’s are replacements of systems that are five years old or older. Eleven are new computers to the County fleet, and eight of those are computers for the Register of Deeds Land Management System.

The 2003 Copy/Computer Fund Budget has funds to replace fourteen PC’s and purchase three new PC’s for various departments. The eight Register of Deeds PC’s will be purchased by the Copy/Computer Fund and reimbursed through the automation fund over a period of three years in the amount of $9,768. Brent Nault recommends the County of Marquette award the Personal Computer Bid to Computer Associates of Marquette in the amount of $29,556.

It was moved by Comm. Nordeen, seconded by Comm. Arsenault, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board award the 2003 Personal Computer Bid Award to Computer Associates of Marquette in the amount of $29,556.

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The Committee considered Change Order No. 1 for design of EDA Architectural Services presented by Steven J. Schenden, Project Manager, SIABC. The Change Order No. 1 is for design of EDA funded Public Safety Building lead based paint abatement, barrier free modifications, and asbestos abatement. The additional costs are for design changes the County and Townships requested on the Public Safety Building and changes to the lead based paint abatement, barrier-free modifications, and asbestos abatement. From the time Ed Bailey started this project until the work was bid the County requested the changes to adapt to the ever-changing situation to KI Sawyer.

The total amount of Change Order No. 1 is $15,427.50. The County’s share will be about $1,080 with the balance coming from EDA. Funding is available in the EDA III Grant to cover the additional expenses.

It was moved by Comm. Girard, seconded by Comm. Cihak, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board approve Change Order No. 1 for design of EDA Architectural Services.

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The Committee considered Change Order No. 1 for EDA funded water and wastewater plant improvements presented by Steven J. Schenden, Project Manager, SIABC. The additional costs are for lead abatement on the clarifiers, to design and install a guard on the sludge pump and the for the blower startup. Lead paint was found in the clarifiers after completion of the first two. Robert E. Lee, the engineer for the project, had reviewed Air Force specifications for the paint on the clarifiers. The specifications called for
non-lead paint. After the paint was removed from the first two clarifiers it was tested for disposal and found to contain lead. Disposal of the paint removed and removing the additional lead paint resulted in the higher cost as documented in the information from Jamar. A guard for the replaced sludge pump is not specified but was added as a safety measure.

The additional cost for the blower startup is from an additional trip made by the manufacturer’s representative. When the representative appeared the first time he identified problems with the electrical supply to the motor that needed correcting. The electrical problem was fixed with caretaker funding and then the representative returned to startup and warrant the new blower installation. The total amount of Change Order No. 1 is $38,081. The County’s share would be about $2,666 with the balance coming from EDA. Funding is available in the EDA III Grant to cover the additional expenses.

It was moved by Comm. Bergdahl, seconded by Comm. Nordeen, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board approve Change Order No. 1 for EDA funded water and wastewater improvements.

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The Committee considered Change Order No. 1 for design of EDA funded water controls presented by Steven Schenden, Project Manager, SIABC. The additional costs are for design changes to switch to radio controls, add controls to the second water tower, and additional expenses caused by Van Ert Electric exceeding the substantial completion date. Van Ert Electric has credited the County with $10,000 in liquidated damages so the majority of those costs have been recovered. The total amount of Change Order No. 1 is $20,040. The County’s share will be about $703 with the balance coming from EDA and the liquidated damages from Van Ert Electric. Funding is available in the EDA III Grant to cover the additional expense.

It was moved by Comm. Tuominen, seconded by Comm.Arsenault, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board approve Change Order No. 1 for design of EDA funded water controls.

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The Committee considered the requested removal of County Road Commissioner Robert Menard. At the July 16th County Board Meeting, the County Board directed Harley Andrews, Civil Counsel, to advise the County Board as to their roll, if any, in the requested removal of a County Road Commissioner. Mr. Andrews explained that a County Road Commissioner appointed in the County shall not be removed from office before the expiration of his or her term of office without being given due written notice of the charges made against him or her and an opportunity to appear before the County Board of Commissioners for a hearing on those charges.

Mr. Andrews further explained it is imperative if the County Board chooses to proceed, appropriate due process rights must be accorded to all parties in the representation of their respected positions, not only to allow those seeking removal to articulate their complaints and allegations, but also to provide the Road Commissioner whose removal is being sought the opportunity to respond to those complaints and allegations.

The County Board may consider some or all of the allegations in the petition and in the AFSCME document to be the charges upon which the requests for removal are based. He explained the County Board has the option to either 1) Accept as “charges” some or all of the allegations in the petition and the AFSCME document, provide written notice of them to the Road Commissioners, and schedule a hearing date. In this regard, the County Board may reject and refuse to schedule a hearing on some or all of the allegations, for whatever reason they feel appropriate, which could include vagueness, lack of specificity, or the fact that even if proven such allegations would not be a basis for removal from office; or 2) Refuse to accept as “charges” all of these allegations in their present form, and establish a date by which specific charges are to be filed with the Marquette County Clerk, following which the County Board would review those filed charges, determine which, if any, of them would deem to be appropriate for hearing. The County Board would thereupon provide written notice to the Road Commissioner of those charges, and would schedule a hearing date.

Mr. Menard was present and read the following introduction:

I came out of a comfortable retirement to seek an appointment to the Road Commission board because I heard from a reliable source that the Road commission was floundering and I felt that I might be able to help to rectify that situation. The record will show that what had been alleged, was in fact, true.

When I retired April 1, 1999, as the Engineer-Manager, there was a cash balance in the approximate amount of $2,000,000. Some 21 months later, when I was appointed as a commission and took office, the road
Commission was facing, in very few months, the prospect of payless paydays. This would have occurred had drastic measure not been taken.

An institutional examination was conducted to determine what had gone wrong and a recovery plan was developed and implemented. The Road Commission has now established responsible financial stability and along comes this untimely distraction. I view the recall effort as being both malicious and disruptive.

I have devoted 40 years of my life to the service of the monitoring public of which the last 27 years were with the Marquette County Road Commission and the record will show that I have served with distinction and have always conducted myself honorably. The record will also show that my actions as an employee and my vote as a commissioner have always been in the best interest of our road commission and of road commissions in general.

It is a shame that we should have to waste one minute of our time and effort on this issue when there are major issues that need our attention, the most notable of which is working to provide a responsible level of service in an economic environment where the increase in our revenues isn’t keeping pace with our cost of doing business.

Mr. Menard then addressed each accusation and gave his responses (a complete copy is available in the County Clerk’s Office). Mr. Menard concluded as follows:

I have addressed the accusations to the best of my abilities and I must now rely on your judgment as to the sufficiency of my responses.

I remind you that it takes a minimum of two votes to take official action on any Road Commission business.

My voting record as a board member will show that I have not shied from the responsible and difficult decisions and if you allow me to retain my seat on the Road Commission Board, I guarantee you that I will not shy from them in the future.

A lengthy discussion followed. Commissioners discussed the various issues. Comment was received from employees along with Road Commissioners from Delta, Dickinson, and Houghton Counties.

It was moved by Comm. Girard, seconded by Comm. Bergdahl, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board not accept as charges all of the allegations presented in their present form, and direct that any issues be formalized into actual complaints and be given to the County Clerk by Thursday, August 7, 2003 to be presented and brought back to the Committee of the Whole on August 12, 2003 for review and to determine which, if any, of them deem to be appropriate for a hearing (a copy of the recorded discussion is on file in the County Clerk’s Office).

The Committee considered a communication from Virginia Killough, 1710 Harbourview Drive, Marquette, Michigan. In her communication Ms. Killough informed the County Board that Doug Morton, CEO of Pathways Community Mental Health Agency, has violated the confidentiality rights of herself and her son. Ms. Killough was present and requested that Marquette County Civil Counsel review these charges and advise her and the County of options.

Comm. Arsenault informed the Committee of the Whole that the State has a process whereas the charge is to be directed to the Pathways Board. The Pathways Board then chooses a State or neutral agency approved or accredited by the State to investigate the allegations.

Harley Andrews, Chief Civil Counsel, explained this is a private matter between a private individual and the Pathways Board over which this Board has no authority to tell Pathways how to run its business. In that context, Mr. Andrews doesn’t feel that he as a publicly paid attorney has the standing ability or authority to give advice or advise or counsel a private citizen at taxpayers’ expense.

It was moved by Comm. Girard, seconded by Comm. Nordeen, and unanimously carried by voice vote that the Committee of the Whole direct Ms. Killough to go through the available administrative process and pursue her administrative remedies through the agency and through the oversight agency.

The Committee considered additional retirement service credit requested by Sue Girard-Jackson. The Michigan Employees Retirement System allows the purchase of additional service credit time. The purchase is at the employee’s expense. MERS requires the employers governing body to adopt a resolution granting the additional credited services.
Steve Powers, County Administrator, recommends the Board of Commissioners adopt a resolution granting additional service credit to Sue Girard-Jackson.

It was moved by Comm. Arsenault, seconded by Comm. Girard, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board adopt a resolution granting additional service credit to Sue Girard-Jackson.

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The Committee considered the Sawyer International Airport and Business Center Financial and Passenger Reports.

It was moved by Comm. Bergdahl, seconded by Comm. Girard, and unanimously carried by voice vote that the Committee of the Whole accept the SIABC Financial and Passenger Reports for file.

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The Committee considered a signage request from the U.S. Ski Hall of Fame. The U.S. Ski Hall of Fame has requested signs be placed in State highway rights-of-way. The signs would recognize the Hall of Fame’s 50th Anniversary in 2004. The Michigan Department of Transportation requires a local unit of government request message signs. Since the signs would be County-wide, MDOT is asking the Board of Commissioners to consider the request.

Freda Waara, Marketing Director, for the Ski Hall of Fame, believes the 50th Anniversary is a significant event for the County’s tourism. The Lake Superior Community Partnership has reviewed the signage request and will provide funds for the signs.

It was moved by Comm. Arsenault, seconded by Comm. Tuominen, and unanimously carried by voice vote that the Committee of the Whole recommend the County Board send a letter to MDOT requesting message signage for the U.S. Ski Hall of Fame for 2004.

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The Committee considered the second half 2% funding request to the Sault Ste. Marie Tribe of Chippewa Indians and Keweenaw Bay Indian Community.

It was moved by Comm. Tuominen, seconded by Comm. Girard, and unanimously carried by voice vote that the Committee of the Whole refer the second half 2% funding request to the August 5, 2003 County Board meeting to give Commissioners time to review.

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Chairperson Corkin opened the meeting for public comment.

Virginia Killough, 1710 Harbourview Drive, Marquette, Michigan, explained she understood the County’s reasoning and hopes the complaint process comes through and protects the rights of consumers to privacy. She brought this to the attention of the County Board because she feels it an egregious violation of confidentiality.

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

**COMMISSIONER COMMENTS, STAFF COMMENT, AND ANNOUNCEMENTS**

Chairperson Corkin thanked everyone for their comments and input regarding the Marquette County Road Commission.

There being no further business the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

[Signature]

Connie M. Branim
Marquette County Clerk
ROLL CALL.


PUBLIC COMMENT.

APPROVAL OF THE AGENDA.

Review of Claims and Accounts.

Road Commission Report (no packet materials).

Personal Computer Bid Award.

Request from Virginia Killough.

Change Order No. 1 for Design of EDA Architectural Services.

Additional Retirement Service Credit.

SIABC Financial and Passenger Reports.

Change Order #1 EDA Funded Water & Wastewater man.

15. PUBLIC COMMENT.

16. COMMISSIONER COMMENTS, STAFF COMMENTS AND ANNOUNCEMENTS.

17. ADJOURNMENT.