The Marquette County Board of Commissioners met as a Committee of the Whole on Tuesday, August 29, 1995 at 4:30 p.m. in Room 231 of the Henry A. Skewis Annex, Marquette, Michigan.


It was moved by Comm. Arsenault, seconded by Comm. Trudell, and unanimously carried by voice vote that the minutes of the Committee of the Whole meeting held on August 15, 1995 be approved with the following correction: In the first paragraph of the minutes, the date says August 22, 1995 and it should read August 15, 1995.

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

It was moved by Comm. Seppanen, seconded by Comm. Joseph and unanimously carried by voice vote that the agenda be approved as presented.

It was moved by Comm. Seppanen, seconded by Comm. Minelli and unanimously carried by voice vote that Claims and Accounts for the period August 11, 1995, through August 25, 1995 in the amount of $2,540,627.12 be approved.

The Committee considered an agreement between Marquette County and the Marquette County Economic Development Corporation. Chairperson Corkin reported that himself along with Administrator Aloia, Comm. Bergdahl, and EDC Director Jay Scherbenske, recently met to review policy and accounting procedures. The EDC Board of Directors will review the Agreement one more time with consideration of the final document to take place in two weeks at the next Committee of the Whole meeting.

It was moved by Comm. Seppanen, seconded by Comm. Rapport and unanimously carried by voice vote to place the communication on file.

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The Committee considered a memo from Hal Pawley, Airport Manager, regarding an Airport Awareness Grant extension. The Airport currently has an Airport Awareness Grant from the Michigan Bureau of Aeronautics for an amount not to exceed $23,611. They have expended $12,968 to date, with $10,643 remaining. The grant agreement expires September 13, 1995, however, the Bureau of Aeronautics has provided a proposed amendment (MDOT95-1265) extending the grant for six months to allow additional time to utilize the remaining funds. The grant is used to publicize the Airport and available services and urge the public to "fly from nearby."

It was moved by Comm. Minelli, seconded by Comm. Joseph, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve the Airport Awareness Grant extension with the appropriate resolution.

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The Committee considered a memo from David A. Payant, Civil Counsel, regarding a lawsuit filed against Darryll Sundberg as County Drain Commissioner by Joe Gibbs. The original lawsuit began when Sundberg, Carlson and Associates sued Mr. Gibbs for $20,000 in fees for survey work done in preparing the plat of the Chocolay Downs Golf Course. In response to this lawsuit Attorneys for Mr. Gibbs filed a counter claim against Darryll Sundberg as County Drain Commissioner. The Counter Claim alleges that Darryll Sundberg conspired with Robert Menard to steer Mr. Gibbs into hiring Sundberg, Carlson and Associates to do the survey work. Originally, Glen VanNeste was doing the survey work for Mr. Gibbs. Mr. Gibbs alleged that he was
pressed by Mr. Menard and Mr. Sundberg into hiring Sundberg, Carlson and Associates at greatly increased expenses.

Civil Counsel Payant believes that Mr. Gibbs' allegations are false. Mr. Gibbs has been convicted of fraud in Federal Court concerning his last golf course venture in Lower Michigan. In addition, there are unsatisfied judgments against Mr. Gibbs concerning a previous venture. Mr. Gibbs has also been prosecuted for building without a proper electrical permit and was convicted at a jury trial. Currently there are several other counts of building code violations pending against him including failure to obey a stop work order and occupying various buildings without final inspections.

Mr. Payant further explained that Darryll Sundberg was acting within the scope of his official capacity as Marquette County Drain Commissioner and in good faith. Our insurance company will automatically represent Mr. Sundberg in this action. The Road Commission in the person of Robert Menard has also been sued but they have their own counsel to represent them.

It was moved by Comm. Rapport, seconded by Comm. Arsenault, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board request our insurance company to represent Mr. Darryll Sundberg in this lawsuit, as he was acting in good faith within the scope of his official duties as Marquette County Drain Commissioner.

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The Committee considered a letter from Melissa Luttrell and Cliff Clark, 410 Spruce Street, Marquette, written to the Marquette County Board of Commissioners in care of Commissioner Rapport, urging that the County Board contact our State Representatives and ask them to reject the order by Governor Engler of splitting the DNR to two agencies. The Governor's executive order will place the Environmental Quality Division into a separate department known as the Department of Environmental Quality (DEQ). The Governor will appoint the DEQ Director who will be in complete charge of environmental programs. There will be no commission representing both political parties to guide the DEQ. The lack of such a commission eliminates significant opportunity for public input and places the Governor in the position to directly control environmental policy and decisions.

A memo from Fred Benzie, Environmental Health Supervisor, Marquette County Health contends that, initially there will be very little, if any impact, on local environmental programs as they relate to the Marquette County Health Department.

James Kippola, Senior Planner, also pointed out that claims are being made both pro and con regarding the split, however they deal with the philosophy of the reorganization and the reassignment of authority rather than direct measurable changes in the services. Because the issue is so complex time will be needed to determine whether the new structure is responsive to the public's environmental regulation and natural resource management needs.

Chairperson Corkin pointed out that the key issue is the concentration of more power in the hands of the Governor. This deserves a serious review and he believes we should contact our Legislators with our concerns.

It was moved by Comm. Rapport, seconded by Comm. Sappanen, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board send our concerns to our State Legislators asking them to oppose a Department of Environmental Quality administered by a DEQ Director serving at the pleasure of the Governor, and further that a bipartisan commission be appointed to guide the DEQ.

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The Committee considered a recommendation from George Wright, Facility Manager, to reject the Jail Painting Project Bid. The Jail Painting Project an approved capital improvement project this year to paint portions of the jail interior. Bid specifications were prepared, the project advertised and a project walk through was conducted with four painting contractors attending. Lump sum sealed bids were due on Wednesday, August 23rd resulting in the receipt of only one bid from ProTech Painting Company for $14,900 which is over the budgeted amount of $10,000.

Mr. Wright further explained that in the past we had bids from three larger companies for previous jail painting projects. Only one of them, ProTech Painting, was a repeat bidder for the project. The majority of the contractors attending the walk through were small companies. We have been contacted by two other painting contractors that missed the bid advertisement or were unable to attend the walk through but were interested in bidding the project.

Mr. Wright recommends the County Board reject the bid and then allow the project to be rebid in an attempt to bring the project into the budget range approved.

It was moved by Comm. Rapport, seconded by Comm. Braamse, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board reject the Jail Painting Project bid from ProTech Painting Company and then rebid the project.

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The Committee considered a recommendation from George Wright, Facility Manager, regarding the Circuit Court Sound System. This project, installing a sound system in the south or large Circuit Courtroom, was comprised of installing speakers, amplifier, compatible recording equipment, microphones, an assisted listening transmitter, wireless headphones, and all cables, wiring and labor to complete the project. Specifications for the project were written by Mark Lessard, Electrical Engineer, with Integrated Designs, Inc. Bids for the project were due on August 24th at 4:00 P.M., with only one bid received from Dictation Systems, Inc., 620 Forest Park Drive, Marquette, to provide the service for $8,789. The approved amount for this capital project is $13,000. After consulting with the Engineer about the bid received, staff recommends that the bid be awarded to Dictation Systems.

It was moved by Comm. Rapport, seconded by Comm. Braamse, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board approve of the Circuit Court Sound System Project bid award to Dictation Systems in the amount of $8,789.

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The Committee considered a fax alert from Timothy McGuire, Executive Director, Michigan Association of Counties, regarding the Michigan Supreme Court decision on Court funding. On August 23, 1995 the Michigan Supreme Court ruled against Michigan Counties in their efforts to get the State to fund out-state Courts. MAC is deeply disappointed with the decision which comes as another crushing blow to Counties after the Governor’s veto of the $25 million in court funding which the Legislature passed this spring. The Michigan Association of Counties will continue to keep the Court funding and restructuring issue at the top of its legislative agenda in the upcoming session.

It was moved by Comm. Angeli, seconded by Comm. Braamse, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board send letters to our State Legislators to indicate Marquette County’s continuing support for full Court funding from the State of Michigan.

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The Committee considered a letter and packet on information from John F. Machowski, Meteorologist in Charge, National Weather Service Office in Marquette. Mr. Machowski officially is notifying the County Board that the National Weather Service will commission the Marquette WSR-88D Dopler Weather on or shortly after February 6, 1996. In the meantime the WSR-88D will undergo rigorous testing and adaption to local use. Upon commissioning, the WSR-88D will become the "official" NWS radar, covering Michigan's western and central Upper Peninsula.

It was moved by Comm. Seppanen, seconded by Comm. Braamse, and unanimously carried by voice vote, that the Committee of the Whole recommend the County Board send a letter of appreciation to the National Weather Service office in Marquette and encourage any interested Commissioner to attend the seminar that will be held at the Marquette County Airport this fall.

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

There being no further business, the meeting was adjourned at 5:10 p.m.

Respectfully Submitted,

David J. Roberts
Marquette County Clerk
MARQUETTE COUNTY BOARD OF COMMISSIONERS
COMMITTEE OF THE WHOLE
TUESDAY, AUGUST 29, 1995, 4:30 P.M.
Room 231, Henry A. Skewis Annex, Marquette, MI 49855

1. ROLL CALL.
3. PUBLIC COMMENT.
4. APPROVAL OF THE AGENDA.
5. Review of Claims and Accounts.
6. EDC Agreement.
7. Airport Awareness Grant Extension.
8. Lawsuit Filed Against Darryl Sundberg, Marquette County Drain Commissioner.
9. Splitting the DNR Into Two Agencies by Governor Engler.
10. Jail Painting Project.
11. Circuit Court Sound System (Materials Forthcoming).
12. Michigan Supreme Court Decision on Court Funding.
13. Information regarding the New Marquette DSR-88D Doppler Weather Radar Station.

14.

15.

16. PUBLIC COMMENT.
17. ANNOUNCEMENTS.
18. ADJOURNMENT.