

July 18, 2014

APPROVED on 8/12/14

Proceedings of a Special Meeting of the Board of Commissioners in and for the County of Menominee and the State of Michigan were held in Courtroom B, Courthouse, Menominee, Michigan.

Chairman Meintz called the meeting to order at 10:00 A.M. followed by the Pledge of Allegiance.

A call of the roll indicated that the following Commissioners were present/absent:

Present: Coms. Hafeman, Krienke, Lang, Meintz, Nelson, Piche, Plutchak, and Schei.

Absent: Com. Furlong (excused)

Public Comment:

- Garry Anderson – Commented about the hanger lease at the airport and that Mr. Lakari does not understand the language in the lease.

Moved by Com. Nelson, seconded by Com. Hafeman to approve the agenda. Motion was approved 8-0.

Discussion:

- Discussion of Twin County Airport Commission, Menominee County Appointee. Com. Nelson stated that he has several questions. The airport had Mr. Coleman fill out an L4260 form. He read the directions as to when this form is to be filled out, and by whom. The form states that when the lease is transferred the form is to be filled out. He is trying to figure out why the TCAC had him fill out the form if they are claiming the lease has not happened yet. The form clearly states the form is to be filled out after the transfer of the lease. He would like to know what all the rules are when it comes to selling or transferring property at the airport. Com. Nelson also stated that Menominee County Prosecuting Attorney Dan Hass reviewed this and everything is ok. Com. Meintz agrees with Com. Nelson and asked Dan Hass to speak in regards to it. Dan stated that it is his interpretation that paragraph 8 and 13 of the lease has been followed in regards to the notification of Mr. Anderson assigning the lease to Mr. Coleman. Com. Plutchak asked if everyone was up to speed and asked if anyone else had questions. Com. Piche commented that he thought when Com. Plutchak and Com. Meintz left the TCAC meeting the other day that it was the right thing to do. Com. Piche thinks that maybe they could meet again and resolve this issue before our next meeting. Maybe the airport's executive committee could meet on this issue since they do not need a quorum. Com. Nelson commented about Menominee County handling the payroll and other issues for the airport. He feels we should have equal representation on the board and they should just take a vote and either approve or disapprove of the appointment. Com. Meintz did not like the comments made regarding Dan Hass not being a reputable source for the legal advice on this matter. Com. Nelson commented on Dan's 30 years of legal experience and the work he has done for the airport in the past. He also asked why we are funding the airport and their legal cost. We should not be sending them anymore money until we know what our cost is going to be. Com. Lang questioned

why we are spending over \$500 to hold a special meeting when we meet in 4 days. Com. Meintz commented that he addressed this issue earlier when he explained that Dan Hass would not be able to attend the meeting on Tuesday, and that was the reason for the Special Meeting today. Com. Lang commented about Com. Plutchak and Com. Meintz walking out of the Airport Commission meeting, and the fact that it was childish. Com. Plutchak explained that later on in that meeting there was going to be financial decisions made and we did not have the full representation needed to make those decisions. Com. Lang also commented that he felt Garry Anderson is not the person for this job. Com. Schei stated that it isn't about a personal issue whether you like Garry Anderson or not. This is about the fact that the County Board voted on an appointee that is not being accepted by the Airport Commission. He also supports Com. Plutchak and Com. Meintz's decision to leave.

Moved by Com. Nelson, seconded by Com. Schei to authorized Menominee County Prosecuting Attorney to file a legal action to resolve the Twin County Airport Commission refusal to accept Menominee County Board of Commissioners' appointment of Garry Anderson to the Twin County Airport Commission. Discussion ensued. Dan Hass addressed the board and explained that there are two different options. The board can either do nothing or be proactive and make sure the Menominee County residents have equal representation. Mr. Hass is the one that recommended that Mr. Anderson divest himself of the lease interest to eliminate any perception of a conflict. We could let the Airport Commission work this out, or the board could file a Writ of Mandamus and ask a Judge to resolve this issue. Dan passed out a draft lawsuit for all commissioners to read. Com. Nelson asked about Dan's cost involved in this. He explained he does not charge anything additional. He is just paid a straight salary. But, there would be filing fees and other associated cost. Com. Schei asked if the lease dated 1996 is the current and valid lease. Com. Nelson feels that any and all cost associated with this case should come from the appropriation that was asked for by the Airport. Com. Schei stated that he just does not want to see us violate any agreements by doing that. Com. Piche stated that he has learned a lot from being at this meeting. He is concerned that Com. Furlong is not here today and he would like to see the board wait until Com. Furlong is available before we vote on this. Motion was approved 6-2. Com. Lang and Piche voted nay.

Public Comment:

- Merrill Zelm – Commented about how hardworking Garry Anderson is and how much he has done for the airport.
- Don Bust – Commented on Garry Anderson and how he has tried to make the airport self funded.
- Mike Kangas – Asked if the two commissioners are going to try and ask for a meeting before this lawsuit is initiated.

Moved by Com. Hafeman, seconded by Com. Nelson to adjourn at 10:42 a.m. Motion was approved 8-0.

Charlie Meintz, Chairman

Marc Kleiman, County Clerk