

June 23, 2009

Approved on 7-28-09

Proceedings of a regular meeting of the Board of Commissioners in and for the County of Menominee and the State of Michigan were held in the all purpose room at Pinecrest Medical Care Facility in Powers, Michigan

Chairman Eichhorn called the meeting to order at 6:00 P.M. followed by the Pledge of Allegiance.

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

Present: Coms. Anderson, Eichhorn, Furlong and Peterson. Com. Lang arrived at 6:03 P.M.

Absent: None

Chairman Eichhorn called for public comment. There was no public comment.

Moved by Com. Furlong, supported by Com. Anderson to move Action Item #14 to the July Committee of the Whole meeting. Motion to approve the amended agenda carried, 5-0.

Moved by Com. Anderson, supported by Com. Peterson to approve the minutes of the May 26, 2009 regular board meeting.. Motion approved, 5-0.

Presentations: Sheriff Ken Marks read a press release regarding a black bear in Menominee County. Sheriff Marks also reported on the upgrades needed to secure the Courthouse, not just for the upcoming murder trials, but for the future as well. Walk through metal detectors to provide for a regular search and hand held wands for a more detailed search are needed. Discussion ensued regarding using prisoner board funds to purchase these items. If the walk through detector is purchased from "metaldetector" it could be delivered next week.

Department head reports: Steve Wery, Building & Grounds Superintendent reported on Hannahville 2% grants received for the parks. Mr. Wery suggested that the County Board should apply for these 2% grants and offered his assistance in writing them.

Moved by Com. Furlong, seconded by Com. Anderson to approve the purchase of a walk through metal detector for the courthouse. Funds to be disbursed from the prisoner board fund account # 101-301-998.00. Motion approved, 5-0.

Moved by Com. Anderson, seconded by Com. Peterson to approve the sealed bid for the replacement of the Jail Building Air Conditioner Compressor in the amount of \$5,100.00 by Johnson Controls. Funds for the compressor will be disbursed from account# 101-265-934.00. (Bldg. & Grounds Equipment Repairs & Maintenance) Motion approved 3-2. Coms. Furlong and Lang voted nay.

Moved by Com. Lang, seconded by Com. Anderson to approve Resolution 09-09 ~ Support of the MI Energy Fair. Motion approved 5-0.

Moved by Com. Anderson, seconded by Com. Peterson to approve Resolution 09-10 ~ Support of Camp Manistique being reused as a Jail Facility. Motion approved 5-0.

Moved by Com. Anderson, seconded by Com. Furlong to approve Resolution 09-11 ~ Honoring Patricia E. Anderson. Motion approved 5-0.

Moved by Com. Furlong, seconded by Com. Peterson to approve Resolution 09-12 ~ Road Rage Awareness Week, July 12-18, 2009. Motion approved 5-0.

Moved by Com. Lang, seconded by Com. Furlong to appoint David Grovdahl to the Local Emergency Planning Committee (LEPC) as recommended by BAMC. Motion approved 5-0.

Moved by Com. Anderson, seconded by Com. Furlong to appoint Nancy Polasky to the Jury Board as recommended by Circuit Court Judges Barglind and Celello. Motion approved 5-0.

Moved by Com. Anderson, seconded by Com. Furlong to appoint Com. Dick Peterson to serve as a County liaison (with no voting privileges) to the Menominee County Library Board. Motion approved 5-0.

Moved by Com. Furlong, seconded by Com. Lang to approve the Interlocal Agreement to Establish an Upper Peninsula State Fair Authority. Motion approved 5-0.

Moved by Com. Furlong, seconded by Com. Anderson to approve the Hazardous Material Emergency Planning Grant Agreement for the Local Emergency Planning Committee Motion approved 5-0.

Moved by Com. Peterson, seconded by Com. Anderson to approve the General Appropriations Act of the 2008-09 County Budget. Motion approved 5-0.

Moved by Com. Furlong, seconded by Com. Peterson to approve Attorney Andrew Brege's recommendation to accept the plaintiff's settlement offer and pay \$500 to settle FOIA court file #08-660-CZ ~ Deputy Sheriff's Association of MI v Dan Lane, et al. Motion approved 5-0.

Moved by Com. Furlong, seconded by Com. Anderson to omit item #14 on the agenda. Motion approved 5-0.

Moved by Com. Furlong, seconded by Com. Anderson to approve payment of Commissioner Per Diems & Expenses as recently submitted. Motion approved 5-0.

Moved by Com. Anderson, seconded by Com. Peterson to approve the miscellaneous bills as paid on May 13 & 28, 2009 in the amount of \$101,182.23. Motion approved 5-0.

Motion by Com. Anderson to go into closed session at 6:46 P.M. to consult with Attorney, Haider Kazim regarding trial and settlement strategy in connection with the case of Jason Lauzer, Kathleen McNeely and Michael P. Lyons v Menominee County Board of Commissioners, Gary Eichhorn, Garry Anderson, and Dick Peterson, Case No. M-09-12727-AW pending in the Menominee County Circuit Court pursuant to Section 8(e) of the Open Meetings Act since discussion in an open meeting will have a detrimental financial effect on the trial and settlement position of the County. Supported by Com. Peterson. Kathy Betters, Clerk is to remain with the Commissioners and Attorneys in the closed session. Motion approved 5-0 with a roll call vote.

Moved by Com. Anderson, seconded by Com. Peterson to return to open session at 8:20 P.M. Motion approved 5-0.

Moved by Com. Anderson, seconded by Com. Eichhorn that we do not settle the case with Jason Lauzer and we continue on for reasons that we discussed at closed session. Motion died 2-3 with a roll call vote. Coms. Furlong, Lang and Peterson voted nay.

Moved by Com. Furlong, seconded by Com. Lang to authorize our attorneys to proceed with settlement as discussed in closed session. Motion approved 3-2 with a roll call vote. Coms. Anderson and Eichhorn voted nay.

Moved by Com. Furlong, seconded by Com. Peterson to place all Miscellaneous Boards/Committees/Commissions Report on file. Motion approved 5-0.

Com. Lang questioned if we need to appoint someone to fill the position of fiscal officer and FOIA officer. Discussion in regards to FOIA as it relates to news reporters. It was decided to put this on the agenda for the next Committee of the Whole meeting.

Sheriff Ken Marks offered an invitation to visit the new Sheriff Dept. office on the second floor of Pinecrest.

Com. Eichhorn called for public comment. There was none.

Moved by Com. Anderson, seconded by Com. Furlong to adjourn at 8:26 P.M. Motion approved 5-0.

Gary Eichhorn, Chairman

Kathy Betters, Chief Deputy ROD