

COMMITTEE OF THE WHOLE

Tuesday ~ April 13, 2010
Menominee County Courthouse - Courtroom B
Menominee, MI 49858

Approved May 11, 2010

The meeting was called to order at 6:00 p.m. (CST) by Chairman, Gary Eichhorn

The Pledge of Allegiance was recited.

Roll call was taken with the following in attendance:

Present: Commissioners Furlong, Anderson, Lang, & Eichhorn
Excused:

Public Comment: None

Department Head Reports/Comments: Diane Lesperance – Dog licensing going very well. We sold 82 licenses since the penalty has been suspended. I will sell them again on Sat. from 9-1. Also, we had a request from a title company for a file of the delinquent tax role. Normally we charge for these requests by the sheet, but I've found out that they'll pay .25 per parcel. I'll check with the other counties and see what they do. We may be able to make more revenue from these requests. I recommend we change some of the policies to include these changes if this is something that we want to do.

Approval of the Agenda: Com. Lang moves to bring up a few things under other matters. He would like to request a report to the board concerning the discrepancies John Nelson was concerned about; Administrator's budget and MERS account. I'd like to discuss DNR's request to receive copies of foreclosed property to purchase Foreclosed property and I would like to see a budget timeline, so we can stay on track during the budget process. Com. Lang moves on the approval of the amended agenda. Support by Com. Furlong. All commissioners concur.

Approval of the Previous Meeting Minutes: Moved by Com. Furlong, seconded by Com. Anderson to approve the previous meeting minutes of March 9, 2010. Motion carried, 4-0.

Presentations: **Sheriff Kenny Marks** - Emergency Response Services 24 Hour Road Patrol Loss of Millage Impact ~ Sheriff Marks presented a PowerPoint presentation providing information to the board on what will happen if the Road Patrol Millage does not get voted in. A question from the crowd was asked about the two percent Hannahville grant. How does it work? Sheriff Marks responds: The two percent is approx. two percent of the casino's profits that's set aside to help Communities throughout the area. There's two different cycles per year that we can apply for the two percent grants, depending on the profits. When we apply and are approved for a grant, it doesn't have to be paid back. But it does help to have an-kind contribution. Admin. Bousley stated that we do currently have an attorney looking at the ballot language for the Road Patrol Millage. We should have more information for the county board meeting. Consensus it to move it to the board for approval.

Brian Helfert – Marine Law, Boston Whaler Boat – Anti Fouling Paint, additional funding – In the 2009/10 budget process, Brian Helfert asked for additional monies (\$1,250) for the Anti Fouling paint to preserve the Marine law boat, which was a guess on his part. A re-evaluation of the project was completed and additional monies are necessary to preserve the boat. He asks the board for an additional amount of \$1,534.88 to complete the project. The Coast Guard grant process calls for a

70/30% calculation. Salaries to ancillary costs/expenses. So we can't ask for the additional amount through the grant process. Anderson – what amount are you asking for from the county? Helfert – the budgeted \$1,250 is going to be paid for by the Coast Guard Grant. I'm asking for an additional \$1534.88. Furlong- so you're asking for an extra \$2,700 to do this, and the grant hasn't been funded yet? Helfert – Yes, but in twenty two years, I've never been denied for a grant.

Agenda Items:

1. Personnel Items:

- a. CDBG Housing Grant Administrator – Agreement between Larry Wall and Menominee County to administer the Housing grant. This contract should be done on a two year grant basis. Furlong – my concern is there's a lot of money being given out to one person. One of the stipulations is a quarterly report. Maybe it's time for a change and bidding out to all, instead of just one. Larry should come in and give us quarterly reports. Anderson, I agree with James, we need a change. Eichhorn -Brian, maybe that's something we should look at doing for next year; Look into the bidding process. Consensus is to move it to the board for the remainder of this grant cycle.

2. Building and Grounds/ Parks Items:

- a. River Park use for Menominee River Century Bicycle Ride – Administrator Bousley informed the commissioners of the letter received from the Menominee River Century Committee. They are requesting use of the Menominee River Park on River Road and the Chapee Rapids Historical Marker on June 27, 2010 for their annual bike ride. Com. Lang states this is an important community activity. They've always left the park the same way they found it. Consensus is to move this item forward for a vote.

3. Miscellaneous Items:

- a. County Computer Usage Policy – This is something that was drafted due to the corrective action plan as a result of the software installed on Sherry's computer. Basically we don't have a policy, or if we do it's not signed or dated. So we're drafting a new one. We're open to any changes. Com. Lang asked, "Is this over restricted?" Furlong – there are a lot of "shoulds" in there. If we're making a policy that people should adhere to, then it should read "shall" which means MUST.
- b. Road Patrol Millage – Ballot Language – Administrator Bousley stated that there were three options for the ballot language in the packet. "#1, the first one, is the language we're going with." This would come up on Jan. 1, 2012. It is currently with the lawyers to make sure the wording is correct. We do need to have it approved by May 11th, and the final wording has to be approved by the 25th. Furlong – as far as the 1.79 mill rate, we're not sure about this right now? Bousley - We're looking at the 1.79 mill rate, but we'll need to sit down with the equalization director tomorrow, after the report is approved and make sure the numbers are correct. That may change that number somewhat depending on the taxable value. Furlong – So if we make a consensus to move number one's language to the board with the understanding that the rate may change. Bousley – actually the language may change a little bit as well. I want to make that clear to everyone. Furlong – Ok, I recommend we move number with the understanding we may change the language, to the board. Eichhorn – I myself didn't care to have two and three, it looked like the Sheriff was trying to skirt something; instead of just coming out with number one and saying, this is what I need. I don't have a problem moving it to the board meeting, once it's cleaned up. The consensus is to move it forward to the board meeting.
- c. Resolution 2010-06 ~ April - Head Start Month ~ We received a letter from the Community Action Agency asking the county to proclaim April as "Head start Month". We've done this in the past to provide support for the agency. Anderson -

recommends to move forward to the board. All commissioners concur.

- d. Resolution 2010-07 ~ Supporting Transfer of Fire Fighter Training Credentials ~ We received a letter from the UP Association of County Commissioners asking for our support of this resolution. Lang – Is the UP Association in favor of this resolution? Bousley – Yes, that’s who we received it from. Furlong – Well, it makes sense. A fire is a fire whether it’s in Wisconsin or Michigan. I’m not a fire fighter, but I would imagine a fire is put out the same way in Wisconsin and Michigan. Whatever credentials are needed in WI should also be able to be used in MI. Eichhorn – As long as there’s no liability issues. Lang – It was the same thing when I was a paramedic. You had to have different qualifications on each side of the state line so you had to certify in each state. That’s not uncommon on state lines. Eichhorn – Brian, on the liability issue. If they’re fighting a fire over here and one of them is hurt, are they covered under their firefighters group? Bousley – that’s questionable. I can get someone to investigate it. Eichhorn - Personally I don’t mind moving it forward, but before we pass it, I’d like to have that answer. Furlong – it’s not a local agreement, it’s basically helping out local fire departments with training credentials. Consensus is to move forward to the board.
- e. Planning Commission Ordinance ~ Furlong – we re-looked through the ordinance that was passed two years ago but was not published. The planning commission met two times and have come up with the new ordinance. There were a few things changed since the last ordinance. Eichhorn – I think that was the biggest hang up for the planning commission to get this done. Everyone had input. It was a good meeting. Lang – I apologize then if I have some concerns with it. The timeline – the original ordinance was discussed in Feb. 4, 1974 by the agriculture committee. The County board adopted the ordinance on August 4th 1975. Now on March 19th, the committee submitted a revised plan that was dated Feb. 11, 1974. Where’s that come from? All the pertinent actions that occurred to developing an ordinance and bringing it forward, nothing says Feb. 11, 1974 so where did this come from? Furlong – because the last ordinance from a year and one half ago, the ordinance was rewritten by a template from MSU because of changes in the public act. That ordinance was adopted by the planning commission and adopted by the board...Lang – on August 4, 1975. Furlong – No, when it says Feb. 11, 1974 this is the original ordinance. Lang – that was adopted on August 4, 1975. If you want to adopt the ordinance, you need do some research into that. Eichhorn – That first paragraph under the heading Feb. 11, 1974, it says, and it is now desired to repeal the existing ordinance, and adopt this ordinance, we’re still working under the existing ordinance. Lang – my point is, the original ordinance was adopted on August 4, 1975, not Feb. 11, 1974. Furlong – well, so we don’t have a problem like we had a couple of years ago. If the original document was adopted in Aug. 1975, it should say that. Brian, can you research that? Bousley – Yes. Lang – I have another concern. 102-A2 – the individual shall meet the following qualifications. Shall not hold any elected office or employment with the county of Menominee unless an ex-officio member. How do you get to be an ex-officio member if you’re not holding an elected office? That’s a redundant statement. Anderson – what is that actually saying? Furlong - One of the biggest reasons that was put in there was because of issues that came up in the lawsuit. The ordinance that was passed two years ago said you couldn’t hold any office. Some people were looking at being a volunteer or being an elected official somewhere. The planning commission decided on “shall not hold any elected office” and we also put in “employment with the county”. Lang – so then you put in “except ex-officio”. Furlong - to be brutally honest with you Bernie, I really don’t exactly know what ex-officio means. Lang – I Googled it...an ex-officio member is a member of a body, a board, committee, council etc. who is part of it by virtue of holding another office. Furlong explained we wanted to define

an elected official or employee of the county but didn't want to exclude the county board members from holding their rightful seat. Lang – on page one of six it says the commission shall consist of seven members. Then on page two of six it starts categorizing the various interests that these members need and it enumerates ten categories. Furlong – we basically looked at ten categories within the county that basically represent our demographics. We didn't think we'd get seven members from seven categories, so we made ten categories to have a bit more flexibility. We will fill only seven of the ten. Lang - page four of six says the Menominee County clerk shall determine which terms of office expire...then it says the Menominee county board has the responsibility to make that determination...who does that now? Does the clerk determine that? Doesn't that come from the Administrator's office Sherry? Smith – Yes. Lang – Maybe we ought to say what we're doing. Lang – I think you're right Bernie. That should be changed. Lang – Members shall meet four times per year. The prior ordinance said they should meet once every three months. They didn't meet four times last year. So what happens then? What if they don't meet? Eichhorn – 105-A – I don't disagree with you Bernie. We should take out the Menominee County Clerk and put in the Menominee County Administrative office. That change should be there. As far as when they meet, it should be at their discretion when they meet. Furlong - I recommend we send this back to the planning commission for corrections and then back to the board for approval.

- f. Investigation Report - Sonar Monitoring Software – Bousley – a couple things that need to be added. There were disks or logs that were generated from UES that I can not find. I do have those logs via email on the server. So I do have access to the information that was on those disks. It came out that the Administrative Assistant was suspected of a security leak. I think it should be stated that there was no evidence of any malfeasants on her part. I think there should be some type of acknowledgment saying that nothing was found and her name should be cleared/cleaned. Furlong – I would have to agree whole heartedly that something should come from this board that unanimously shows our support for the administrative assistant, for the job that she's done for the last few years, especially in the absence of an administrator or helping Mr. Erdman during the interim. I did talk to Dan Hass about the report of the monitoring software. I did tell him that I am not fully satisfied with the investigative effort and made references to the police doing an investigation and forwarding it back to his office for prosecution. I don't think an adequate investigation was completed. I do however agree that Sherry Smith should be acknowledged for the work that she's done and I also think that as far as board members violating board rules...dissemination of information again. Where one board member was privy to information, I can understand prior to...but once it was found out that nothing was going on, there was no hanky panky going on, or any kind of conspiracy going on, it should have been shared with all board members. Withholding information is wrong. It's a violation to our board rules. But in our board by-laws, there no sanction for violating the rules. Hopefully the executive committee can take a look at this. Maybe some sort of progressive discipline in place. Lang – I think there are holes in the report that need to be filled so it doesn't look like a cover up. I have people ask me questions that I can't answer. Maybe it would be helpful for each commissioner to write down a couple of questions that concern him so it can be looked into. It looks like the county has invested \$1,460 in this thing. I have a whole sheet of questions that I can't answer. These questions should be answered. Eichhorn – I disagree with both of you, I think the report was adequate. My own opinion, I think you guys are trying to beat this thing to death. You're wasting the prosecutors' time in trying to work on the murder trial, your wasting the Administrators time. James by demanding all of this, maybe you should step forward and pay for it. That's what Garry's done before. Furlong - I didn't

put this out Gary. Eichhorn – well you're demanding it. Furlong – I am demanding it, there are people out there who want answers. I want some answers. I proposed my six questions, and what I got was the report. I don't think it's an adequate investigation. I don't know who made Brian Bousley our Administrator and investigator. And I don't see our prosecutor out investigating things. He normally sends out a trained investigator to investigate. You look at the open meetings violation report done by the state police, that was turned in at the same time as the software. That was done by an investigator. Went out and looked for clues, didn't find any evidence of a violation. But at least it was looked into by a trained investigator. Eichhorn – was that the report from the newspaper? Furlong – it was handed to us at the last meeting. Eichhorn – that was the one from the newspaper. Yah, they were wasting state's time and everyone else's time again. Anderson – You know we hired Mr. Erdman as the administrator and I think Mr. Erdman did his job. There was no policy available for him to deal with this and I think he did what he thought was the right thing to do. I got no problems with it. Eichhorn – he asked me, when he was on he felt there were leaks coming out. Brian and I talked about this at one of the board meetings a while back. He's the administrator, he's gotta do what he's gotta do. He's gotta protect the county, that's the first thing. Lang – that's one of the questions, what was the suspected information breach? Eichhorn – he didn't get into any detail. Lang - Evidentially you authorized downloading information onto some discs. Eichhorn – He asked me about it, and I said you've gotta do what you've gotta do. Lang - Where are those discs? Eichhorn – You'll have to ask Mike. Lang – I'd like to find those disks and see what's on those disks. I'd like to know who accessed those disks? If you accessed the information on those disks, that's a violation of P91-3. Eichhorn – If I did then everyone should, I agree. Are we ready to move on with it? Furlong – I think we should have a resolution at our county board meeting to basically acknowledge our administrative assistant that her name has been cleared of any possible wrongdoing and basically publicly recognize the effort that she has done and continues to do even despite all this distraction. Anderson – were there any allegations at all? Eichhorn – just the reference that there was information leaking out, perhaps. Anderson – I think that was his job to do that. I'm sure out in the real world there is no policy how to handle that, it's just normal that you're not to do that. I don't know of any allegations. Furlong – then what was the reason for putting on the software? Anderson – I don't know you'll have to ask Mike. Furlong – That's why we asked for an investigation, so we can ask Mike, and we got nothing. Eichhorn - I don't think that Mike did anything out of order. Furlong – If he's doing it for county business, then why is he paying for it? Eichhorn – I think that was answered here in the report. I think Dan and Brian did just fine on the report. I believe it's time to leave it lay and move on. Lang – A lot of people are calling it a whitewash. Eichhorn – well I wish they would call me with it then Bernie. Dan Hass – (to Bernie) What questions do you have? We've been done with this investigation for a few weeks. I never heard one word from you. That's why we got this report out early so if anyone had questions that you wanted followed up on, my door was open, Brian's door was open...Lang – I don't mean to be accusatory either, but I didn't think it was up to me to tell you what questions to ask. Hass – then what do you think is a white wash? What do you think was covered up? We tried to verify any information that we got. In most cases, everything was collaborated. Again, if there are questions that you want looked into, pass them on to Brian and I. Lang – I think Mike made a mistake by authorizing UES to go into one computer without board knowledge or authorization. I think that was a mistake on his part. Was Mike reimbursed for the software in any fashion? Is it common practice for executives of the county to fund expenditures for official activities from their own resources? Why did that occur? Hass – I don't believe that he should have paid for that, my

recommendation to the board is that Mike should be reimbursed so that there is no precedent set for someone on the outside paying for county business. My recollection of Mike's reason for paying the bill is; when that bill came across he was no longer the county administrator and he didn't want to cost the county any money. Eichhorn – are we done with this? Furlong – recommend that the county board pass a resolution honoring Sherry Smith for her dedication and service to the county. Eichhorn – We can move it to the board meeting if you like, it's not on the agenda unless you want to put it on the agenda somewhere. I don't disagree with it, but I think we should also thank Mike for the service that he gave the county. Furlong – we're talking about a valued employee here. I'd hate to dilute what Sherry has done for the county with “lets recognize everybody for everything” I think we gave Dr. Erdman a resolution at one time this year. Instead of diluting a valued employee with a whole bunch of other things, I think that's wrong. Eichhorn – Ok so should we put it on the board packet, Garry do you agree? Anderson – yah, I guess I agree.

4. Finance Items:

- a. BS&A Server bids – Bousley – We got three bids, two have a three year warranty and one has a one year warranty. They all have similar costs. Anderson – I'd like to move it forward to the board, but I'd like Brian to recommend to the board what he feels is best.
- b. Finance Committee Chairman – There was a discrepancy at an executive committee meeting who was the Finance Committee Chairman. The question was, is Commissioner Lang or Commissioner Anderson the chairman? According to Dan, because this is something new to us he recommends we have someone appointed as the Chairman. Furlong – Bernie was assigned to replace Dick Peterson on the Finance Committee. Dick Peterson was the Finance Chair. Eichhorn – you have two people on a committee, the chair and the assumption of a vice chair. When one committee leaves, the vice chair assumes that responsibility and duty. I asked Bernie to sit on the committee with Garry. Lang - I don't kneel by my bed at night and say, please god, let me be chair of the finance committee. What it is with me, I am sick up to here with the manipulations and the bullying and the vindictiveness against anyone that gets in the way. That's what I'm angry about right now. That's gotta stop. Eichhorn – anything else Bernie? Lang – you look so calm Gary, but you're the guy I'm talking about. Eichhorn – I know who you're talking about Bernie. Why should I even respond? You've been here long enough to know the rules. You've certainly been around the block more than once and if you think somehow that you're being manipulated, I believe it's not true. You've got a lot of people working in the background that I believe are working contrary to the county. I think you're very disruptive whenever you have a chance to be, to discredit this board. I agree, it's time to quit. Furlong – In the meantime, we've lost another month and haven't met as the Executive committee. Anderson – I remember this is a temporary position till a new board member is on; it's really a mute issue. You and Eichhorn should have held the meeting, me and Bernie should have left.
- c. Commissioner per diems and expenses – Anderson – recommend we move it forward to the meeting. Furlong – the only comment I have is everyone is turning them in on a monthly basis except the board chairman. I thought we were putting the stuff on the web to compare who's getting what, and it's pretty hard to compare who's getting what when someone's not submitting his bills for comparison I would ask the board chairman to submit his bills and expenses in a timely fashion. Eichhorn – noted.

Other Items Members may wish to present:

- a. Bousley – DMG study. Some department heads have asked for reclassification of some of

their employees. (9-1-1, Treasurer, Clerk) It has not been done in a while and job descriptions have changed. This would be paid for by the department heads and it's \$167.00 per job description. Bottom line is that the board has to agree to allow the new job description/classification. It is the consensus of the board to allow the DMG study and bring back to the committee for discussion and board approval at a later date.

- b. Building Inspector – Update on hiring new employee ~ Bousley - We did hire a new employee. It's Dan Viau, he has worked with the city of Gladstone doing inspections. He is on board and will meet with Kandace. We will get his training done as far as Soil Erosion. There is a test offered on May 11th at Sawyer AB, after that we'll move on with him, otherwise his paperwork is being sent downstate for approval.
- c. Budget Process – this week we're giving all the budget packets to the department heads. They will get the numbers in and back to us for any discussion and we'll go through the budget process with them. When we have all that information in, then we can move forward with any changes that need to be made. Furlong – whatever happened with the audit process and the adjustments that needed to be made? When do we make adjustments for that? Bousley – that is the deficit elimination plan. That has to be done within the next month. The letter was dated April 5, we have thirty days to complete that.
- d. DNR request to receive copies of foreclosed properties with the intent to purchase and payment in lieu of taxes are currently outstanding. Lang – Diane Lesperance told me that the state is requesting a list of foreclosed property in Menominee County. The purpose of this being to decide if they want to inquire any of that property. I don't know what the numbers are, but the County property that is owned by the state now, the payment in lieu of taxes (PILT) is a very minimal amount of money and they're paying a small percent of what they're supposed to pay. Until they start paying what they owe, why acquire new property when they can't pay the PILT on the property that exists. Diane Lesperance – She received a letter from the state saying I have to send them a list of foreclosed property. The state has first choice to the foreclosed property, this year we have thirteen properties; last year we had seven. I have concerns with the numbers and I'd like to look into it a bit further. My intention is to send a letter with the list, saying that they should pay what they owe before acquiring new properties. Eichhorn – Is there a statute that we're supposed to respond to their BS? Diane – Yes, this is a state statute, they have first priority. Eichhorn – Bernie, are you going to be going to the UP conference? Maybe we can get some kind of resolution put together for this and bring it up at the UP conference. Lang – Yes, I think that's a good idea.
- e. Report to the Board of questioned discrepancies by John Nelson ~ Lang – he asked some good questions. The admin. budget was overdrawn by \$263,000 in 2007. There was a discrepancy in the MERS funding; it was \$23,000 in 08, it was \$39,000 in 09 and \$4,500 in 2010. He wanted me to get him some answers. I think the question is pertinent enough that it be answered in a public meeting. Eichhorn – If Mr. Nelson would like to be on the agenda then we can hear him. I'll try to get hold of him and see if he wants to be on the agenda or not. Maybe it's time to address it.

Correspondence: Bousley – the only other thing is the invoice for annual membership dues from UPRC&D for \$300. I don't remember seeing that come across my desk, but I recommend we pay it. Eichhorn – we got that application from Deb Wormwood ~ Deb Wormwood - basically what it is the quarterly report that has to go to the state. We have to have certain things accomplished through the year. By completing this we also submit the cost of the position and we then get the reimbursement from the federal government. Eichhorn – When is it due? Wormwood – Today. Eichhorn – so I need to sign off on this? Wormwood – Yes, just the board chairman needs to sign this quarterly. Eichhorn – does anyone have a problem if I sign off on this?

- f. **Public Comment:** Bob Desjaralis – The zoning enabling act of 2006 is where the

planning commission ordinance changes came into play. It states that the commission only needs two meetings per year. Ruby Ivens – My dealings with Sherry Smith have been productive, she’s friendly and helpful. I think in the past a resolution for employees was after they left their employment. Sherry do you want to leave? I don’t think so. The executive committee meeting, I was one of the very few public members there that was opposed to them meeting. But it did say there may be a quorum, if I remember, it was for a discussion, there were four board members there and the discussion could have been held. Disappointed they didn’t hold the meeting. Hope commissioners don’t put it on their expense forms for reimbursement. Kandace Curran – problems with the planning commission ordinance. I work at the MSU and have been working on this ordinance since mid 2008. I feel the negligence of the county board going back to 2000 neglected to appoint or re-appoint planning commission members that year. I feel that led to our litigation to Menominee County last year with the planning commission number. Ex-officio member is exactly what you read; it describes yourself, a Menominee County Commissioner. I can take that out and put Menominee County Commissioner on there if that makes you feel more comfortable. I have posted all meeting minutes and ordinances on the Menominee County website. If you want to go back in history Bernie, I’ve done the work for you. As far as the meetings and meeting quarterly, you don’t want to limit them to quarterly. You may need to meet three times in one month. I’ve gone back for 36 years in the minutes, in 2000 there was neglect to re-appoint Bob Meintz. I think it should be kept in the clerk’s office or redo the administrator’s office as far as the appointments. Because of the neglect of the county board to appoint, the administrator’s office neglected to publish the ordinance and the administrator’s office also sent out for an appointment for somebody that was not there. I think it should be taken over by the clerk’s office.

Adjournment: Moved by Comm. Anderson, supported by Comm. Lang to adjourn this meeting at 8:03 pm. Motion carried, 4-0.