

# COMMITTEE OF THE WHOLE

Tuesday ~ July 13, 2010  
Nadeau Township Hall  
Carney, MI

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 & Meintz

Excused:

Com. Eichhorn thanks the public for coming to the Nadeau Township Hall.

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**Public Comment:** Charlene Peterson, Lake Township – support of agenda item #3a (Resolution 2010-15 – Resolution requesting Investigation by the MI Attorney General, Mineral Rights) asks the board to support this also. Dan Dziedzic, Nadeau Township – Resolution 2010-15 concerns about the proposal. Have any property owners come to the county board with questions? Has anyone gone to the prosecuting attorney? Is it not the responsibility of the property owner to look into mineral rights of their property? Has the board seen a document from the Attorney General as referenced in paragraph two of the resolution? Ala Tuinstra, Daggett – Attorney Tinti’s, comments made to Lake Township board in reference to the mining project. Bill Borener, Men. Co. – Asks for permission to pass out a copy of the Notice of interest filed by VMS that was the beginning of the process that took the mineral rights the board is asking to be investigated. Two separate were passed out – Menominee County and Marinette County. Ted Perron, Nadeau Township – Resolution says a signed copy be submitted by the board to a number of people and organizations. What do UPCAP and other organizations have to do with the mineral rights in Menominee County? Bob Desjaralis, Lake Township – Aquila resources provided the township with a stack of approx. 150 letters and signed documents in support of the mine. Less than five of those letters are from residents of Lake Township, where the mine will be located. A better response may be to receive a letter from the attorney general.

**Department Head Reports/Comments:** Diane Lesperance: Tax foreclosure auction will be held on Tuesday at 4:45 at the courthouse. Packets are available. The county website has a link to the properties.

**Approval of the Agenda:** Eichhorn, would like to add the updated versions of resolution 2010-15. Lang - it’s only two other versions of the resolution. I don’t think it should be added. It’s just another option for the commissioners to take a look at. Consensus of the board is to NOT add the additional versions of the resolution to the agenda. Bousley – The DNR release of land in Menominee and Delta County should be added to item D, miscellaneous items. Com. Furlong moves to add the DNR Release of land to item D, under miscellaneous items to the agenda. Support by Meintz. Motion carried 5/0.

**Approval of the Previous Meeting Minutes:** September 11, 2009 minutes – Eichhorn: if we do include public comment on page 8, Jason Lauzer, in reference to not handling a complaint correctly. The letter read should also be part of the minutes. Com. Anderson moved to approve the previous minutes with the addition of the letter, support by Com. Furlong. Motion carried 5/0. June 8, 2010 minutes - Moved by Furlong to approve the minutes of June 8, 2010 as written support by Anderson. Motion carried 5/0.

**Presentations:** Leslie Serletic: Back Forty Project: - Admin. Bousley said the Back Forty sent a letter stating that they would not attend the meeting tonight. Richard Lassin – VMS Development Co., LLC – VMS History, VMS acquired the rights through the Stephenson Lumber Co. via quit claim deed. The notices of interests were filed approx. ten years ago. In 2007 VMS made a policy that they would reassign the mineral interests to the surface owners of Menominee County for one dollar. This policy is still in place. If people are interested in finding their mineral rights, they can contact us at P.O. Box 704, Iron Mt., MI 49801. If we have the mineral interests, they send us a copy of their current tax bill with legal description and an address where they can be reached and a check for a dollar. VMS is disappointed they weren't able to discuss this with the county before the resolution was prepared. Meintz asks if the county could put the info. and address on the county website for the people to obtain information. Mr. Lassin doesn't have a problem with that.

**Agenda Items:**

**1. Personnel Items:**

- a. Resolution 2010-14 – Honoring Mary Reines' service to Menominee County:  
Bousley: Mary just recently retired from the FOC office after 17 years of service. Consensus is to move forward to the county board for a vote.

**2. Building and Grounds/ Parks Items:**

- a. Bids for the upgrade of the Jail telecommunications system: Bousley: All bids are not within the guidelines of the specifications. Furlong: Which one followed the bid specs? Bousley: All of them, Yes and No. Lang: Can the projects be separated? Do they have to be completed by the same contractor? Bousley: No. Anderson: Are the Twin City Electric phone system and Stiegler phone system the same? Bousley: Yes, same system. Meintz: the telecommunications system, is that the same as the others? Bousley: No, that's just the intercom system. Eichhorn: What did the bid say? Did any of the contractors bid a complete package? If none of them did, we should go out for re-bids. Furlong: If we're going to have bid specs. and they're not going to follow the specs, then how can we make a wise decision on what's best? Meintz: Maybe we're not actually putting the right kind of bids out there for what needs to be done. Is that the problem? Bousley: No, we may have to bid separately. Eichhorn: Normally, if you can't handle a certain project, you sub-contract it out. Meintz: Questioned the data cabling bid. Is this something we'll have to look into? Is this a reality? Anderson: I think we should re-bid. All commissioners concur, to have Administration go out for re-bids and have the companies follow the specifications completely.
- b. **Bids for Jail HVAC system, timeline:** Bousley: We had a walk through on the 8<sup>th</sup>. We had about 5 or 6 vendors. The bids are due on July 22<sup>nd</sup> at 2:00 pm. I spoke with an engineer and he asked me a question about price. I told him we had \$200,000 to spend. He asked if that was including USDA money, I replied, yes it is. He said that's not enough money. What they will have to do is use a manual system. The system control will be upstairs in the jail, where our maintenance will have control of it. And some of the dismantling of the present system will stay where it won't interfere with the new system, to get us down to the \$200,000 mark. Once we get the bids, we could vote on this as well. UP Engineers should specify that it our ceiling would be only \$200,000. Eichhorn: We should wait to see what the bids come in at. The plans showed the demolition of everything and you're going to get bids according to those plans. After the fact, we can ask for deductions for certain parts of it, but then, the money, I think initially we had enough money, but then we reduced it to trim the budget up. Anderson: It seems to me Gary that we wanted to budget more money for it but they thought we were putting too much money into it. Eichhorn: Yes, inflated the budget. Anderson: Brian, do you have any idea how short we are? Bousley: He said if we went from the remote system to the manual system, we'd probably save between

\$50-60,000 Eichhorn: I think UP Engineers should put out an Addendum to the bid specs. Then everyone can bid in accordance to the addendum. Anderson: Do you have any idea how many dollars we're short to have an automatic system? Bousley: The engineer said that he could make a guess. Anderson: we've got to be sure what we do works. Are we having trouble right now? Is this thing creating a lot of problems yet? Bousley: When it's hot out it's a problem. Al just spent a lot of time getting that thing going causing the county overtime. There have been a few times he's had to call Zeratsky. We've had our paperwork in since March. Lang: I wonder if this is going to solve all of our problems. The basic problem is the design of the jail. Furlong: Let's let the bidders bid and get on with the project. Just make sure they are all bidding on the same thing so we don't have the same problem we just had with the telecommunications bids.

3. **Miscellaneous Items:**

- a. **Resolution 2010-15 – Resolution requesting Investigation by the MI Attorney General, Mineral rights.** Lang: I got a sense from the board that they wanted an answer to some of these issues. So I put together a resolution. We ended up with three drafts of pretty much the same thing. I don't believe this is a pro-mine or anti-mine issue. It's an issue where we want to get some answers as it relates to mineral rights. I don't have any ownership in this thing. If the board decides to pass a resolution, that's fine. If the board decides not to pass a resolution, that's fine with me also. I just wanted to provide a tool to work with if you think it's necessary. Eichhorn: Who drafted this Bernie? Lang: One and two, I did on my own. The third is a suggestion from Mr. Borener that isn't far from what I drafted. The county board has a responsibility to find out if the mineral rights were collected legally. Everyone should be comfortable with who owns the mineral rights to their property. There is confusion on the three drafts. Lang: I propose we go with number 2. This is the one that was handed out by Smith at the meeting. Meintz: In the resolution, there are documents referenced. We should see the "real" documentation. Eichhorn: until we have something actual/factual, perhaps we should table this. Lang: We should get some legal answers. Meintz: I like this Bernie, I'm impressed. Anderson: If the county board is going to do a resolution, shouldn't the county board do the resolution? Shouldn't we all agree that we're going to have a resolution and send it in to the Attorney General's office instead of using somebody else's resolution? Meintz: I thought that's what we're doing. Anderson: Well we're looking at what Bernie put together. Eichhorn: Well this is a start. Certainly if we want to put something together, we'll need a draft. But it'll have to go through some legal minds in order to be put together properly. Lang: I'm not even sure if the entire board agrees this is a good idea, to get an outside opinion. Meintz: I think this a good idea, but if we're going to put something together, we've got to have all of our facts in line. Furlong: Bernie did the initial work, where do we go with it now? Anderson: I think there are enough questions out there that it deserves being looked into. If it should withstand an investigation, it's only to find out if everything was done properly, that's all. Furlong: Having a third party from the outside look at it to say it was done right is what should be done. Eichhorn: We should forward it to the Prosecuting Attorney, based on the draft, have him go through it and weed out what shouldn't be. Perhaps he can put in the legal documents as referred to in the resolution. It is the consensus of the board to forward the resolution to the Prosecuting Attorney for legalities.
- b. **Recovery Bonds** – Bousley: What we need to do is write a resolution requesting Menominee County become a recovery zone. These are bonds that can be used by the cities/townships or individual can get the bonds from us at a low rate of interest. Projects must be approved in order to apply for the bonds. Furlong: Is there a list of

approved projects for these bonds? Bousley: Not really, they didn't give me a clear answer. She told me if you have projects, to let her know what they are, and she could tell us if it qualifies. Lang: Do we even qualify for this? Economic depressed area? Are we that economically depressed? Bousley: If Marquette County can qualify, we can. Consensus of the board is to move this forward and see what we can do.

- c. **Menominee County Bylaws, Board Rules, County Policies & Charters of standing committees:** Bousley: Com. Furlong, you brought up something that you wanted to discuss. Furlong: Yes, I previously brought up the issue of the county car. Now, I think if people take their own car, it would be in our best interest of P91-1 in today's bylaws to pay the IRS rate than to deal with gas receipts (if the employee chooses to take their own vehicle). I think we should go back to the original wording. Meintz: Do we need a county car? Furlong: Yes, we need a county car. The equalization director and 911/Emergency Services director use the county car on a regular basis. The board concurs with the change going back to the original wording. Also, Sherry has brought up the standing committees. We have committee titles listed but no explanation of what they do. She has found most of the committee info. and added that. Also, throughout the bylaws, there are references to specific policies (credit card policy, computer usage policy, etc). She will add these policies as an attachment to the back of the document. Then we have a complete package and don't have to go looking for those items somewhere else. Smith: I have one standing committee that I can't find any info. on. "Menominee County Task Force". If anyone has anything on this committee I can add it in, but if it doesn't exist, should we have it listed? Consensus is to remove this committee from the document. Bousley: Page 22, investment policy...the resolution changes each year. We should remove the number of the resolution and just refer to the resolution passed at the re-organizational meeting each year. We'll move forward to the board with the corrections and additions as discussed.
- d. **DNR – Release of state owned land:** Bousley asked Diane Lesperance to talk about this. Diane: I received a notification from the DNR about state owned land and that they are selling some of it. The Counties have first option to purchase at appraised value plus 10% for administration fees. For Men. Co. there is no person assigned to the property values as this time. We need to know what the appraised value is before we can make a decision whether we purchase land or not. Diane will get more information from the state. If we choose to NOT purchase any of the land, then they will sell it to the public. It will be on sealed bids. If any properties adjoin another owned property, then they will notify those owners to let them know of the sale and they can bid as specified. We have until Aug. 4<sup>th</sup> to let them know if we want any of the properties. Commercial forest reserve...error on the documents for pay back of \$1.20 per acre...they only paid us \$1.06 per acre. They have to correct this. Bousley: suggests having equalization plot these pieces of property on the plat book so we can physically see where the properties are located. Then the board can make a decision whether they want to purchase any of these pieces of property or not. Lang: I don't think the county should be acquiring more property. What do we want it for? It should be available for the citizens, if they're interested and get it back on the tax roll. Consensus of the board is to have equalization plot the properties on the plat book and discuss it further.

#### 4. **Finance Items:**

- a. **2010-2011 Capital Improvement/Capital outlay Projects:** Bousley: this is something that Commissioner Anderson wanted brought forward. Anderson: I've got a few items that the county board should take a look at. I think we should go back to the three way road commission. The Road commission is losing a lot of funding and we need new roads. We should look at Shakey Lakes for funding what's left to the

bath house to complete that project. I think the county should look at the courthouse and the jail needs some real serious looking at. We need a fire door in the back. We need a couple of cell doors to be fixed. Furlong: We know the jail needs to be fixed, why aren't these items part of the capital outlay in the Sheriff's budget? Or, he doesn't own the building so it's up to the county board to do that? It should be budgeted. Meintz: Has the sheriff ever looked into how much it'll cost to replace/fix the cell doors? Anderson: Those are some of the things we need to know so we can start budgeting for some of them. Lang: I'd like to see the completion of the restoration of the tower. And the possibility of a small gazebo on the Courthouse lawn to display the bell. It's not as important as insulation, but it speaks to our heritage; we're talking a total project of less than \$10,000. Bousley: We acquired the property from the Minne family. We have the possibility of the money we receive, if we sell the property that the Minne family gave to us. We could use the money for the gazebo and display a sign "donation from the Minne Family". Furlong: What happened to the plan to build a breezeway on the west side of the courthouse? With the Handicap ramp, you either lose all the cold air or all the hot air. Wasn't there a plan to place the bell in the breezeway area? Bousley: Al was supposed to contact someone who would go over blueprints for that. We're just waiting on those. Anderson: On the three way road commission, if the county would put in \$150,000 the road commission puts in \$150,000 and the townships put in \$50,000 that gives the townships a pretty good deal for \$50,000 to get \$250,000 of work done. It works for townships that don't have a lot of money. Lang: I don't want to see a budget where we incorporate new projects at the expense of laying off employees. Eichhorn: I think it should be budgeted in the sheriff budget as part of his capital improvements. Anderson: Shakey Lakes should be done. We should get the park to be self sustaining. Consensus is to have commissioners gather their opinions for future projects.

- b. **Non Lapsing Carryover Funds – Teen Court & Drug Testing** - Dawn: As for the Teen Court. We received donations and are now self sustaining. We would like to keep the funding going. The Drug testing we've started charging for and the county doesn't budget for testing, we would like to keep that to buy more drug tests, so we would like to keep that account funding itself. Eichhorn: What about all the other departments that generate revenues and turn it back into the general fund? Bousley: The teen court was started with donations. Now it's collecting revenues to continue the program without donations. She wants to carry over the revenues at the end of the year to be self sustaining. All commissioners concur to carry over these funds.
- c. **Commissioner Per Diems/Expenses**: consensus is to move forward to the board for a vote.
- d. **Miscellaneous Bills**: Furlong recommends moving forward to the board for approval of payment.

**Other Items Members may wish to present:**

- a. Eichhorn: I have a gentleman who asked me if we could have a meeting in Hermansville. I said I'd bring it up at a meeting to see if anyone had an issue with moving one of our Stephenson meetings there. All commissioners concur. Eichhorn asked Bousley to get with him and they can get it set up. Lang: There's been an awful lot of interest in the airport. Are we dictating the employees that a private business should be hiring? I guess there's going to be consideration of an FBO. How long can we afford that if we couldn't afford it previously? Anderson: I think the airport can be self sustained with an FBO if we do it right; and the county wouldn't have to put any money into the airport. To get the FBO to work, the gas sales will have to go to the FBO. The hanger situation needs to be looked at. Starting out it won't be 100% self sustained, but if the economy comes back a little bit, and the FBO gets started in Menominee where they get a business going, I think

eventually the airport can actually generate money instead of lose money. Lang: What about this business of telling Zen who they hire? Anderson: Who? Lang: Zen, Freight Runners. Anderson: We never told them that. The newspaper's printing articles that...

**Correspondence:** Bousley: UP State Fair submitted a letter updating us on what's going on. And we received a resignation letter from one of the members of the Parks Committee.

**Public Comment:** Ala Tuinstra – Putting information about the mineral rights on the website. Investigate prior, look for hidden fees. Bob Desjaralis: Budget, list of items needing repairs. Parks yearly report to the board. Those are in the minutes provided by the parks committee meetings. Anderson: Makes the public aware of a Finance Committee meeting, Thursday night at the Library. Ruby Ivens, Menominee Township - congratulates the board tonight on a well read meeting; you covered lots of topics and reached agreement, good discussion. Excellent place to have a meeting, can hear better than in the courtroom. Land sale: if any adjoin the parks or is on water, request the parks committee be able to have access to the map. Jerry Poupore, Nadeau Township – Mineral rights, took the right step to go to Dan Hass. Diane Lesperance: Congratulates Mr. And Mrs. Lang on 50 years of marriage.

**Adjournment:** Moved by Comm. Anderson, supported by Comm. Meintz to adjourn this meeting at 7:45 pm. Motion carried, 5-0.