

**MINUTES OF THE CLARE COUNTY
BOARD OF COMMISSIONERS**

Harrison, Michigan 48625
January 20, 2016

2/17/16
[Signature]
**Unapproved Minutes
Page One**

Meeting was called to Order at 9:05 a.m.

PLEDGE OF ALLEGIANCE

Present Commissioners: District 1: Dale Majewski, District 2: Samantha Pitchford, District 3: Leonard Strouse, District 4: Jack Kleinhardt, District 5: Donald David, District 6: Karen Lipovsky, District 7: Jim Gelios

Absent: None

Others Present, Signing In: Denise Goshka

Clerk Pamela Mayfield began the meeting by calling for nominations from the floor for the position of Chairperson.

It was moved by Commissioner Karen Lipovsky, seconded by Commissioner Dale Majewski, to nominate Jack Kleinhardt as Board Chairperson. Clerk Mayfield called for nominations three additional times and hearing none it was moved by Commissioner Donald David, seconded by Commissioner Leonard Strouse, to close the nominations. Motion carried.

A unanimous vote was cast in favor of Jack Kleinhardt and Clerk Mayfield declared him Chairperson.

Chairman Kleinhardt then called for nominations for Vice-Chair. It was moved by Commissioner Leonard Strouse, seconded by Commissioner Jim Gelios, to nominate Dale Majewski as Vice-Chair. Nominations were called three additional times. Hearing none, a unanimous vote was cast in favor of Dale Majewski for Vice-Chair.

It was then moved by Commissioner Karen Lipovsky, seconded by Commissioner Leonard Strouse, to adopt Resolution #16-01, Resolution For Electing the Chairperson to a One-Year Term.

Roll call vote revealed:

Yeas: (7) being Commissioners Lipovsky, Strouse, Majewski, Kleinhardt, Gelios, Pitchford and David

Nays: (0)

Absent: (0)

Resolution adopted.

It was moved by Commissioner Dale Majewski, seconded by Commissioner Karen Lipovsky, to adopt the Rules of the Clare County Board of Commissioners. Motion Carried.

APPROVAL OF AGENDA

It was moved by Commissioner Karen Lipovsky, seconded by Commissioner Donald David, to approve the agenda with additional items as noted below. Motion carried.

Add: Under Approval of Minutes, Approval of Closed Session Minutes of December 16, 2015

Add: Under Finance and Administration Committee, Add Budget Adjustment #16-21

Add: Under New Business, Closed Session to Discuss Pending Litigation

Commissioner Jim Gelios then called attention to Page 21 of the Rules of the Clare County Board of Commissioner noting that "Ambulance" was listed under "Justice" and that the Board was not responsible for the Ambulance rather the Ambulance is under the authority of the Medical Control Board. Talk followed questioning the removal.

Commissioner Dale Majewski, seconded by Commissioner Karen Lipovsky offered an amended motion to adopt the Rules of the Clare County Board of Commissioners, removing mention of the Ambulance on page 21 and Page 9. Motion carried.

APPROVAL OF MINUTES

It was moved by Commissioner Jim Gelios, seconded by Commissioner Samantha Pitchford, to approve the minutes of the December 16, 2015, Board Meeting as presented. Motion carried.

It was moved by Commissioner Karen Lipovsky, seconded by Commissioner Leonard Strouse, to approve the Closed Session minutes of the December 16, 2015, Board Meeting with a correction to a name in the second paragraph. Motion carried.

GENERAL PUBLIC COMMENT

Denise Goschka, introduced herself as a Greenwood Township resident and noted that she had obtained information through FOIA and had some questions that she would like answered relevant to a special meeting called on November 2, 2015 to promote Lori Ware. She questioned if there was such urgency that the actions at that meeting could not have waited for the regularly scheduled meeting later that month and also questioned job descriptions. C/David, C/Gelios, C/Kleinhardt, C/Strouse and others addressed her. C/Gelios indicated that Ms. Ware had taken on the responsibility of overseeing various building projects and improvements, was writing grants for the county and other municipal entities taking on leadership roles that were outside the scope of her current job. He noted that with bond money recently secured, Ms. Ware had been providing the oversight for those projects, something that was lacking in past projects. C/Strouse in support of Ms. Ware, and other decisions he had made to provide pay raises, indicated that valuable employees were being lost to other entities that pay more, requiring less work. He stated that there was discussion of Ms. Ware seeking other employment and with her expertise and skills did not want to lose her.

Ms. Ware, speaking on her own behalf defended her position stating that she built a successful Senior Service program from the ground up for Clare County and is continuing to expand those service, she took a failing building and electrical department and made it whole and self-supporting expanding it to also include plumbing and mechanical to provide better services for Clare County, has played an integral role in securing several hundred jobs for the county along with helping with business start-up and provided grant writing services that has brought in millions of dollars for Clare County while not ever using any general fund money for support. She stated that all of the programs that she oversees are self-supporting and do not use general fund money. Ms. Goschka later read a job description for the County Administrator and stated that much of the oversight provided by Ms. Ware overlaps with what is in the job description for the County Administrator. Ms. Goschka asked that she not be misunderstood, she did not believe that there was anything illegal about what was done but she questioned the pay increase especially when there was no job description for what she does. Ms. Goschka also commented on the closure of the county facility on snow days. She stated that as a governmental facility this is the only place that citizens can come to take care of that special business.

COMMUNICATIONS LIST

Wexford County – Resolution #15-31, Opposition to House Bills 4947 through 4966
Oceana County – Resolution in Opposition to House Bills 4947 through 4966
DEQ – Pending New Source Review Application Report

ADMINISTRATOR’S REPORT

Administrator Tracy Byard reported that Michigan Works provided a presentation at the most recent Department Head Meeting on incentive training programs for workers or free services to the county. The Michigan State Police and FBI provided a Cyber Security presentation as well. She also attended the MMDC quarterly meeting, talked about the Pure Michigan Ads and the comeback of Detroit. She also noted that she will be working to getting the shred truck to the county in the near future. A draft view of the video promoting Clare County and the many assets was viewed during the meeting and is available on UTube.

PUBLIC HEARING / SPECIAL PRESENTATION - NONE

CHAIRPERSON REPORT

Chairman Jack Kleinhardt then reviewed committee assignments and made the appointments. C/Strouse is now on the Community Action Agency Board and it was questioned if the Planning Commission should be dissolved?

JUSTICE

It was moved by Commissioner Dale Majewski, seconded by Commissioner Donald David, to approve the Facility Emergency / Bomb Threat Plan Revision. Motion Carried.

It was moved by Commissioner Jim Gelios, seconded by Commissioner Karen Lipovsky, to approve the Clare County Emergency Action Guidelines revision. Motion carried.

It was moved by Commissioner Leonard Strouse, seconded by Commissioner Karen Lipovsky, to approve the purchase of new cages at the Animal Shelter in the amount of \$45,276.75 to be paid from millage monies. Motion Carried.

Lori Ware is writing a grant hoping to get a reimbursement that would go back into the fund.

It was moved by Commissioner Leonard Strouse, seconded by Commissioner Karen Lipovsky, to allow the sale of old cages with proceeds to go back into animal shelter funds. Motion carried.

HEALTH AND HUMAN SERVICES - NONE

PHYSICAL RESOURCES and ECONOMIC DEVELOPMENT

It was moved by Commissioner Samantha Pitchford, seconded by Commissioner Karen Lipovsky, to reappoint Mark Haley and Dave Rowe to the Parks and Recreation Board for a three year term with term to expire December 31, 2018. Motion carried.

FINANCE AND ADMINISTRATION

It was moved by Commissioner Donald David, seconded by Commissioner Dale Majewski, to approve the Statutory Finance Committee Meeting Minutes of December 21, 2015 in the amount of \$139,823.72 and January 5, 2016 in the amount of \$102,463.34. Motion carried.

It was moved by Commissioner Karen Lipovsky, seconded by Commissioner Leonard Strouse, to approve the expenditures for the month of December 2015 in the amount of \$1,870,164.59 with the General Fund expenditures totaling \$1,052,726.22. Motion carried.

It was moved by Commissioner Leonard Strouse, seconded by Commissioner Dale Majewski, to approve Budget Adjustments #16-20 in the amount of \$10,991.00 and #16-21 in the amount of \$8,000.00. Motion carried.

It was decided that there would be a delay in holding any discussion on Information Technology until next meeting. Review information is on page 163 – 169 of the packet.

It was moved by Commissioner Karen Lipovsky, seconded by Commissioner Dale Majewski, not to close the county building unless a state of emergency is declared. Motion carried.

CLERK'S REPORT

Clerk Pamela Mayfield distributed a report submitted to the state relevant to employee numbers on a month by month basis for the entire year.

TREASURER'S REPORT

Not in attendance, no report to give

COMMUNITY DEVELOPMENT DIRECTOR REPORT

Lori Ware reported and distributed report Clare County Senior Services 12/1/15 – 12/31/15 and reviewed same indicating that seniors are over served in most all area. She noted that while \$200,000.00 was originally allocated, an extra \$100,000.00 was received over what was anticipated.

Recess at: 10:41 a.m.

Reconvened at: 10:51 a.m.

COMMISSIONER REPORTS

C/Kleinhardt comments on the letter received from Mr. Crawford on Mostetler Road issues. He noted that he checked various state reports and accident history and it showed minimal crashes. He noted that the Road Commission has been proactive in taking care of roads trying to prevent the problems and billed-ups before they happen. Relevant to S.B. 571 that does not allow public officials to discuss a ballot initiative within sixty days of an election, C/Kleinhardt noted that there additional legislation has been introduced to clear up problems.

C/Majewski attended meetings. A brief discussion followed on taking a lesson from the Flint water debacle. Ultimately the problem falls on the elected officials. Good people are needed. C/Majewski also reported on the burden unfunded mandates. He noted that emergency responders are now responsible to carry two drugs and while he believes these directives can be good, they are costly to the local units. He stated that one drug that must be carried cost \$1000.00 and only has a shelf life of one year. It is unfunded mandates that continue to plague the over-strapped budgets. C/Majewski also requested that he would like to be advised when FOIA requests against the county are received.

C/Gelios reported that two hours before a litigation meeting he was contacted by the attorney. He was unhappy about the short notice notification. Hayes Township signed an agreement with Emergency Management to be a Joint Information Center. He reported on the letter received from the state relevant to the continued complaints received by Mr. Elliott regarding the landfill. The letter clarified agencies that have responded to over thirty-five complaints with no known problem or findings.

Remaining Commissioners Pitchford, Strouse, David, Leonard and Lipovsky all stated that they had attended township and other meetings.

PUBLIC COMMENT - None

UNFINISHED BUSINESS - NONE

NEW BUSINESS

It was moved by Commissioner Karen Lipovsky, seconded by Commissioner Majewski, to go into Closed Session to discuss Pending Litigation.

Roll call vote revealed:

Yeas: (7) being Commissioners Lipovsky, Majewski, Strouse, Kleinhardt, Gelios, Pitchford and David

Nays: (0)

Absent: (0)

Closed Session Begins: 11:32

Closed Session Ends: 11:53

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NEW BUSINESS-CONTINUED

It was moved by Commissioner Jim Gelios, seconded by Commissioner Karen Lipovsky, to accept the attorney recommendation to settle the civil litigation case. Motion carried.

It was moved by Commissioner Karen Lipovsky, seconded by Commissioner Leonard Strouse, to go into Closed Session to discuss another pending litigation case.

Roll call vote revealed:

Yeas: (7) being Commissioners Lipovsky, Strouse, David, Gelios, Pitchford, Majewski and Kleinhardt

Nays: (0)

Absent: (0)

Closed Session Begins 12:04 p.m.

Closed Opens: 12:20 p.m.

With nothing further to discuss the meeting was adjourned at 12:21 p.m.



Pamela Mayfield, Clerk
Clare County Board of Commissioners



Jack Kleinhardt, Chairman
Clare County Board of Commissioners

MINUTES OF THE SECOND CLOSED SESSION MADE PUBLIC
FEBRUARY 17, 2017
AND ARE ATTACHED AS PAGE 5

**MINUTES OF THE CLARE COUNTY
BOARD OF COMMISSIONERS
~~CLOSED SESSION~~**

*Made public
2/17/16 Jm*

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Closed Session: Opened at 12:05 p.m. for the purpose of discussing pending litigation.

Present: Commissioner Donald David, Commissioner Jim Gelios, Commissioner Jack Kleinhardt, Commissioner Karen Lipovsky, Commissioner Dale Majewski, Commissioner Leonard Strouse and Samantha Pitchford.

Also Present: Sheriff John Wilson and Undersheriff Dwayne Miedzianowski

Sheriff John Wilson began the discussion stating that he received a call from a local newspaper requesting a statement relevant to a lawsuit. He indicated that he was surprised to hear the details of the lawsuit because it was determined that the lawsuit was first provided to the newspaper and nothing had yet been filed with the county. Sheriff Wilson indicated that he then pulled the report of the incident and reviewed it. Undersheriff Miedzianowski provided details of the event and speculated that the county should be served within 5 – 7 days so the county could see the lawsuit soon. Sheriff Wilson indicated that he was surprised as no complaint had ever been filed by the party and the event in question happened almost one year ago, February 2015 in Farwell.

Closed session ended: 12:20 p.m.



Pamela Mayfield, Clerk
Clare County Board of Commissioners



Jack Kleinhardt, Chair
Clare County Board of Commissioners