

## CITY:

In the city's Jan. 5 legal answer to Highwire Farms' lawsuit, Cross tried to block Highwire's complaint from going forward by denying the Highwire controversy exceeds \$25,000.

Highwire, which is seeking actual and civil damages plus court costs and attorney fees for violations committed by Interim City Attorney Brett Botbyl and City Attorney Mike Ceello, said the case does exceed \$25,000 and Highwire should receive compensation. Henagan also wants the court to allow Highwire's application to be rescinded and to provide other relief.

Henagan accused Botbyl and Ceello of covering up unlawful actions the city took in the first round of application scoring, which proceeded then City Manager Tony Graff's resignation in early July.

Ceello also failed to stop the city's Marijuana Rubric Scoring Committee in August from breaking laws designed to ensure local governments allow the public to participate by providing them with information and an opportunity to comment, Henagan said.

Despite his knowledge of the city's prior Open Meetings Act violations, Ceello failed to advise the new scoring committee of OMA issues during their August meetings, Henagan said. Botbyl chaired a three-member scoring committee that included City Engineer and Public Works Director Tricia Alwin and Fire Chief Mark Peterson, Henagan said.

Cross denied these allegations in a Jan. 5 court filing and asked the court to dismiss the lawsuit.

Henagan also accused Botbyl of "willfully and intentionally" violating the Open Meetings Act despite being "duly informed" the

scoring committee wasn't deliberating openly. Botbyl refused to allow public comment in direct violation of the act, Henagan said. Cross denied these allegations.

"The violations committed by Defendant Ceello, Defendant Botbyl and the Scoring Committee impaired the rights of the public by among other things, stripping the applicants of their right to due process, preventing the public from addressing a meeting of a public body and delaying and or preventing public access to regulated marijuana as intended by MRTMA (Michigan's Regulation and Taxation of Marijuana Act)," Henagan said.

In December, Henagan asked the court to prevent the city from continuing to disregard the Open Meetings Act and the court agreed. Judge Mary Brouillette Barglind ordered the city to comply with the act on Dec. 1, when she said, "Without admitting any prior violation, the city and its commissions and councils will comply with OMA going forward."

While the city's Marijuana Scoring Committee said its decisions were not subject to appeal, Highwire's lawsuit challenges whether the city can prevent an appeal, stating, "Prohibiting an appeal to the final decision of a public body is unlawful" under Michigan law. Cross denied these allegations in the city's response.

Henagan also said the city's application policy and scoring rubric violated Michigan's Regulation and Taxation of Marijuana Act because it wasn't designed to select companies "best suited" to operating a store in compliance with the marijuana act. Instead, the city's scoring criteria allowed it to select an applicant "that provided

the City of Menominee with funds to facilitate the city's aesthetic and economic development aspirations," according to Henagan. Cross denied this.

Highwire's legal documents referred to the scoring committee's August 2021 meetings but included a meeting on Aug. 25 that according to the Eagle-Herald's notes the city canceled. This provided Cross an avenue to deny Henagan's claims pertaining to the Aug. 24 and 26 scoring meetings.

Henagan's complaint said in effect the scoring committee acted in private, "with Defendant Botbyl whispering to Defendant Alwin or Defendant Peterson alternately, and Defendants Alwin and Peterson not speaking to one another at all."

The committee didn't provide the reasoning behind its scoring to the public, Henagan said. According to the Michigan law, "such deliberation is not considered open, defeats the purpose of requiring the meetings and deliberation to take place in public and constitutes a violation of OMA," Henagan said in the filing. Cross denied this in the city's response.

In accusing Botbyl and Ceello of covering up prior violations of OMA, Henagan said, they "were and are aware of unlawful and improper actions taken by former City Manager, Def. Graff and the first Scoring Committee, and acted in concert to cover said actions and move forward with the unlawful scoring process in an attempt to conceal any improprieties which may have occurred prior to the Aug. 24, 25 and 26, 2021 scoring committee meetings."

Cross denied these allegations.

## Peshtigo students learn about fossils and more

Special to the EagleHerald

PESHTIGO—Peshtigo sixth-grade science students made fossil molds and casts recently.

Peshtigo students learn science curriculum through the Next Generation Science Standards (NGSS). "Students have been learning about life science, with a large focus on the basic building blocks of life, cells," according to teacher Loretta Rich.

Cell development and genetics has led to students learning about evolution. Students learned fossils have been formed through carbonization, mineralization, as well as molds and casts.

"In sixth grade, my goal is to dabble in concepts students will learn more about in middle and high school," Rich said, adding that she sees her role as pre-teaching concepts to "pique interest in other classes and future careers, too."

To improve learning Rich aims to "connect to the real world, make learning relatable and applicable."

To create hands-on learning experiences, students created their own fossils using sand and plaster of Paris. Students created molds using wet sand and created a mold of their finger indentations. Next, students filled their molds with plaster.

After drying, "students acted like paleontologists, gently unearthing their



Special to the EagleHerald

Teacher Nancy Smith helped Peshtigo students with their fragile fossils recently in Peshtigo.

fossils. They were surprised at how their impressions had been formed into fossils," Rich explained.

"Students are excited and curious about the content we're learning," she said.

Rich said you can tell students are responding well based on their "sense of inquiry and questioning." Sixth graders, Rich explains, "are learning more independence." She says they're "taking more control of their own learning and they get really excited about it."

The previous lesson involved teaching students about genotypes and phenotypes of dog breeds. She was impressed by some students working beyond the basic requirements.

One student, Jimmy Baumgarten, showed impressive creativity by

creating a slideshow that was interactive with other students. "He added hidden pictures and words on each slide."

Rich tells that Jimmy created dialogue bubbles showing humor in his presentation. Rich knew she was teaching correctly when students would say things like, "Can we do this again?"

With the constantly changing scientific discoveries and new technology available today, it is more important than ever to prepare the students for future challenges. Rich sees her role as "providing building blocks to encourage students to ask questions and always want to learn more. I also hope their experiences enable them to be problem solvers and proactive citizens in our future society."

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Dr. Tracy La Canne, DDS



## Question:

Lately I have been waking up with jaw tension and pain in my teeth. They have also been extra sensitive lately. I am wondering what could be causing this?

**A:** These symptoms can be related to clenching and/or grinding of your teeth at night or even during the day. We use the term bruxism to describe this habit. In the past year, with the added stress that the COVID-19 pandemic has added to almost everyone's day to day life, there has been a significant increase in these symptoms across the country.

You may not be aware of nighttime clenching or grinding, but you may catch yourself doing this during the day. These habits can tire the muscles and cause them to go into spasm. The spasm causes pain which in turn causes more spasm. In time, persistent muscle problems can develop that could affect the joints themselves, and a complex cycle of pain and improper function will be set up.

Signs and symptoms include: waking up with teeth pain, teeth that

are very sensitive to cold, jaw pain or soreness, facial soreness, headaches, visible signs of tooth wear, or someone (a spouse for example) tells you they can hear you grinding your teeth.

Treatment of these types of disorders can be multi-factorial, but starting with an occlusal guard is usually the first step. This appliance reduce the amount of pressure you're able to place on the joint and teeth. It also helps protect the teeth from continued wear. This appliance can easily be made by your dentist and should be worn at night and sometimes even worn during the day if needed. It's much less costly to wear through or break a guard that can be replaced then have to deal with the cost and discomfort of a broken tooth or chronic jaw pain. Call your dentist if you noticed these symptoms and they can help protect your teeth!

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