

DICKINSON COUNTY BOARD OF COMMISSIONERS
REGULAR BOARD MEETING
Monday, September 14, 2020 - 6:00 p.m.
Courthouse - Circuit Courtroom

1. The meeting was called to Order by Chairman Wender at 6:00 PM.
2. Pledge of Allegiance to the Flag of the United States of America was said by all.
3. Roll Call was taken by Chief Deputy Clerk Dan Miller and a quorum. was present.
Present: Chairman Henry Wender, Vice Chairman Barb Kramer and Commissioners John Degenauer, Joe Stevens and Kevin Pirlot. (5)
Absent: None
Also Present: Chief Deputy Clerk Dan Miller, Controller Brian Bousley, Sheriff Scott Rutter and Asst. Prosecutor Carl Downing.
4. Motion by Commissioner Pirlot seconded by Commissioner Degenauer to accept the agenda with the following addition:
14. A Motion to place blue lights in the bushes in front of the Courthouse to support our Police Officers. All Ayes, Motion Carried.
5. Motion by Commissioner Stevens seconded by Commissioner Pirlot to approve the following meeting minutes:
Finance – August 20th
Regular – August 24th
Parks – September 8th
COW – September 9th All Ayes, Motion Carried.
6. **COMMUNICATIONS AND LEGISLATION:**
 - A. Citizens' Time: (Limited to five minutes per person)
Chairman Wender opened the floor to Citizens Time. The following students were introduced from Norway High school, Amber Cheatham and Jenna Bal.
 - B. Resolutions and Legislation – Commissioner Kramer
 1. Motion by Commissioner Kramer seconded by Commissioner Stevens to approve Resolution 2020-16, Designation Depository of County Moneys.
All Ayes, Motion Carried.

RESOLUTION 2020-16
DESIGNATING DEPOSITORY OF COUNTY MONEYS – DICKINSON COUNTY, MICHIGAN

WHEREAS, under the law of the State of Michigan, MCL § 129.12 the Dickinson County Board of Commissioners is required to provide by resolution for the deposit of all public moneys, including tax moneys, coming into the possession of the Treasurer or Tax Collector, in one or more financial institutions in the proportion and manner as may be provided in the resolution.

RESOLVED, that this County hereby authorizes the Treasurer or Tax collector to deposit all public moneys coming into his or her hands with the Michigan branch of Incrediblebank, located at 101 West B Street, Iron Mountain, MI ("Bank"), a depository of public funds under Chapter 129, Michigan Compiled Laws, and the Bank is hereby designated as a depository in which the public moneys of this County may be deposited;

RESOLVED, that the Treasurer or Tax Collector may invest public money with the Bank as legally permitted by MCL § 129.101 or Federal law or regulation within the limits set therein;

RESLOVED, that, pursuant to MCL § 129.101 public moneys held in an account of the County and on deposit in the Bank may be drawn upon by checks, drafts or other orders for the payment of money bearing the facsimile signature or signatures of any one of the following persons:

Account Number: xxxxx7272

Jail Administrator: Jason Conery

Bookkeeper-Inquiry Only: Amy Zeeb

and the Bank shall be entitled to honor and to charge the appropriate account for such checks,

drafts and other orders regardless of by whom or by what means any such actual or purported facsimile signature may have been affixed thereto if, in the exercise of ordinary care, such signature would be honored by the Bank as being the facsimile signature duly certified to the Bank; and

RESOLVED, that Bank and the Treasurer or Tax Collector are authorized to rely on the continuing of this resolution until amended or replaced by a subsequent resolution of this County.

Henry Wender – Dickinson County Chair

Date

Dolly Cook – Dickinson County Clerk

Date

2. Motion by Commissioner Kramer seconded by Commissioner Stevens to approve Resolution 2020-17, Goldstar Family Day Resolution. All Ayes, Motion Carried.

Resolution 2020-17

Gold Star Family Recognition

WHEREAS, the term “Gold Star” began during World War I when American families displayed flags in homes, businesses, schools, and churches with gold star for each loved one lost in military service; and

WHEREAS, today the nation recognizes the sacrifices that all “Gold Star Family” members make when a father, mother, husband, wife, brother, sister, son, daughter or other loved one dies in active service to our nation; and

WHEREAS, fewer than one percent of our nation service in our military, and we have an obligation to acknowledge the losses of our service men and women, and to ensure that their families are not forgotten; and

NOW THEREFORE, IT IS RESOLVED, The Dickinson County Board of Commissioners proclaim September 20th through September 26th, 2020 has been designated as “Gold Star Family Week”.

BE IT FURTHER RESOLVED, Dickinson County Board of Commissioners has designated Saturday, September 19, 2020 as a day to recognize all of the “Gold Star Families” in Dickinson County for their sacrifices for our nation’s freedom.

Henry Wender – Board Chairman

Date

Dolly Cook – County Clerk

Date

3. Motion by Commissioner Kramer seconded by Commissioner Pirlot to approve Resolution 2020-18, TO REJECT APPOINTMENT of Victoria Enyart. All Ayes, Motion Carried.

Resolution 2020-18

REJECTION OF THE APPOINTMENT OF VICTORIA ENYART

Whereas; The Dickinson County Board of Commissioners has the responsibility for ensuring the health, safety, and welfare of Township residents and visitors; and,

Whereas; the financial resources necessary for the provision of such services are derived from taxable value assessment, collection, and distribution to reliant entities, and,

Whereas; such tax collection and distribution generally occur after services are committed or rendered to constituents; and,

Whereas; local County Assessors are required to apply provisions of the formal Assessors Manual as issued by the Michigan Tax Commission in determining said taxable values, and;

Whereas; the Michigan tax Tribunal is not required to apply the provisions of the formal Assessors Manual in their review of appeals; and,

Whereas; the Michigan Tax Tribunal is required to follow Michigan law contained in statute and in binding appellate court decisions and the Michigan Supreme Court has required the Tribunal to adhere to standard appraisal practices; and,

Whereas: the Michigan Tax Tribunal has accepted and applied the “dark store” theory in

their decisions regarding commercial properties since 2010; with the most significant ruling yet in the recent Court of Appeals remand decision of the Menards Inc. v. City of Escanaba case written by Victoria Enyart; and Preeti Gadola; and,

Whereas; in her opinion on remand Victoria Enyart rejected the Court of Appeals published and binding decision in Menard Inc. v City of Escanaba and determined that the Court of Appeals reliance on published and binding case law and the Court of Appeals analysis of legal precedent was error; and,

Whereas; in her opinion on remand Victoria Enyart rejected market analysis that is standard in the appraisal profession, that was required by the Court of Appeals and determined the market analysis would not be used at the Tribunal to determine the value of big box stores; and,

Whereas; in her opinion on remand Victoria Enyart rejected the Michigan Legislature’s long-standing definition of “fee simple” and Michigan appellate court decisions interpreting that standard and instead determined that rental property could not be transferred in fee simple unless the property was first entirely vacant and had no tenant when transferred; and,

Whereas; Victoria Enyart has a long history of rendering “Dark Store” opinions, of rejecting standard appraisal methods, of rejecting standard assessment methods that have national consensus and rendering biased decisions; and,

Whereas; Victoria Enyart has no legal training or background, is not competent to render decisions on Michigan law, and is, historically, among the most frequently reversed members ever to be appointed to the tax tribunal, and

Whereas; the Michigan Senate is required to approve the appointment of Victoria Enyart as recommended by Governor Gretchen Whitmer ignoring the impacts to local governments, tax revenue reliant agencies, and all constituents;

Now Therefore Be It Resolved; that The Dickinson County Board of Commissioners hereby resolve to respectfully ask Governor Whitmer to withdraw the nomination or the Michigan Senate to reject the appointment of Victoria Enyart to the Michigan Tax Tribunal as proposed by Governor Gretchen Whitmer to the detriment of local governments, tax revenue reliant public agencies, and all constituent taxpayers.

Date Henry Wender, Dickinson County Board Chair

Date Dolly Cook, Dickinson County Clerk

4. Motion by Commissioner Kramer seconded by Commissioner Stevens to approve Resolution 2020-19, Multiyear Deficit Elimination Plan FY 2019. All Ayes, Motion Carried.

**Resolution 2020-19
Multiyear Deficit Elimination Plan Resubmit**

WHEREAS The Airport’s Fund has a \$200,295.00 deficit fund balance on December 31, 2019; and

WHEREAS, 1971 PA 140 requires that a Deficit Elimination Plan be formulated by the local unit of government and filed with the Michigan Department of Treasury; and

NOW THEREFORE, IT IS RESOLVED that the Dickinson County Board of Commissioners adopts the attached as the Airport Fund Deficit Elimination Plan; and

BE IT FURTHER RESOLVED that the Dickinson County Board of Commissioners submits the Deficit Elimination Plan to the Michigan Department of Treasury for certification.

Henry Wender – Board Chairman

Date

Dolly Cook – County Clerk

Date

5. Motion by Commissioner Kramer seconded by Commissioner Degenauer to approve Resolution 2020-20, County Retiree Healthcare Division 17 (Medicare/Medicaid Eligible Retirees). All Ayes, Motion Carried.

Resolution 2020-20
County Retiree Healthcare Division 17 (Medicare/Medicaid Eligible Retirees)

WHEREAS, The Dickinson County Board of Commissioners have an obligation to the tax payers of Dickinson County to be fiscally responsible while maintaining obligated benefits which were bargained in good faith through past labor negotiations for Dickinson County retirees; and

WHEREAS, the healthcare insurance Division 17 for Dickinson County represents the retired employees who qualify for retirement healthcare insurance and who are Medicare/Medicaid eligible; and

WHEREAS, Dickinson County has an obligation to offer healthcare benefits at a maintained or improved level to the qualifying retirees and their spouses in Division 17; and

WHEREAS, Dickinson County has entered into an agreement with MERCER Marketplace 365+ and MERS to provide a mechanism to fund current and future retirees in Division 17. The agreement will allow the retirees an opportunity to choose and customize their individual levels of healthcare benefits through the assistance of MERCER Marketplace 365+; and

WHEREAS, Dickinson County will provide the retirees in Division 17 and their spouses (if eligible) a monthly stipend of three hundred and ten dollars (\$310.00) to be used to pay for healthcare premiums and other qualified medical expenses, such as dental and vision (which are not offered through the current County healthcare policy); and

WHEREAS, individuals, of Division 17, who have to contribute a certain percentage to their healthcare premiums will receive a prorated monthly stipend amount; and

WHEREAS, the monthly stipend will be deposited with MERS in Health Care Savings Plan (HCSP) in the retiree's name; and

WHEREAS, the three hundred and ten dollars (\$310.00) stipend represents a funding level of an eighty-five (85) year old person, this funding level will be reviewed and adjusted annually to maintain an appropriate funding level to pay for healthcare premiums for the retirees in Division 17; and

WHEREAS, the medical and prescription drug coverage for Division 17 Medicare-eligible individuals age 65 and older will be effective January 1, 2021.

NOW THEREFORE, IT IS RESOLVED, The Dickinson County Board of Commissioners will perform annually due diligence in regard to appropriately funding the retirees and eligible spouses of Division 17 to purchase healthcare care coverage.

BE IT FURTHER RESOLVED, Dickinson County Board of Commissioners will review annually the retiree healthcare coverage in order to maintain a consistent and appropriate level of cover to meet the needs of Division 17 members.

Henry Wender – Board Chairman

Date

Dolly Cook – County Clerk

Date

7. **REPORTS OF STANDING COMMITTEES:**
A. **Finance Committee** – Finance Chairperson Kramer
1. Motion by Commissioner Kramer seconded by Commissioner Pirlot to approve the monthly bills from the August 20th finance meeting in the amount of \$4,213,790.94.
Roll Call Vote: Commissioners:
Degenauer Aye
Kramer Aye
Pirlot Aye
Stevens Aye
Wender Aye All Ayes, Motion Carried.
- B. **A-95 Review** – Commissioner Kramer-None

- C. **Six County Employment Alliance** – Commissioner Stevens-None
- D. **Planning and Zoning Committee** – Commissioner Kramer-None
- E. **DHHS / DICS**A – Commissioner Kramer
1. DICS A meeting minutes of August 13th.
- F. **Dickinson-Iron Health Department** – Commissioner Stevens-None
- G. **Northpointe** – Commissioner Pirlot-None
Commissioner Pirlot stated they are looking at Northern Network.
- H. **Pinecrest** – Commissioner Degenauer-None
Commissioner Degenauer stated that one employee has tested positive for Covid-19
- I. **Equalization Committee** – Commissioner Degenauer-None
- J. **Building & Supply/Real Estate-Remodeling** – Commissioner Degenauer-None
- K. **Public Safety and Judiciary** – Commissioner Wender
1. Sheriff's office monthly report for August.
- L. **Parks Committee** – Commissioner Stevens-None
Commissioner Kramer stated the Crafty Flea Market at the park was successful despite the rain. We are moving forward with phase II with new lots facing the lake. Thanks to John and Kevin for all their work.
- M. **Airport Committee** – Commissioner Wender-None
- N. **Fair Board** – Commissioner Degenauer-None
Commissioner Degenauer stated the fair weekend went well, the drive thru food earned \$5,000-\$6,000.
- O. **Library Board** – Commissioner Pirlot
1. Library meeting minutes of March 10th.
2. Library meeting minutes of May 12th.
3. Library meeting minutes of June 9th.
4. Library meeting minutes of July 14th.
Commissioner Pirlot stated that they are still working on opening the Library. Rob Lundholm has applied to be on the board.
- P. **Employee Relations** - Commissioner Degenauer
1. Motion by Commissioner Degenauer seconded by Commissioner Kramer to approve the request from the County Clerk to have a department wage study for the Clerk and Register of Deeds offices. All Ayes, Motion Carried.

2. Motion by Commissioner Degenauer seconded by Commissioner Pirlot to approve the request from the Honorable Judge LaCost to start the new Clerk/Deputy Magistrate at a Year 1 payrate of \$20.863 instead of the starting payrate of \$19.179.
Roll Call Vote: Commissioners:
Kramer Aye
Pirlot Aye
Stevens Nay
Wender Aye
Degenauer Aye Motion Carried.
- Q. **Dickinson County Hospital Committee** – Commissioner Stevens-None
- R. **Dickinson County Road Commission** – Commissioner Wender-None
- S. **Construction Code Commission** – Commissioner Degenauer-None
- T. **Bay West Advisory Committee** - Commissioner Degenauer-None
Commissioner Degenauer state that enrollment is up.
- U. **Veterans' Affairs Committee** – Commissioner Stevens-None
Commissioner Stevens wanted to remind everyone about the Gold Star Event on Saturday.

8. **UNFINISHED BUSINESS & OLD BUSINESS:** Commissioner Kramer -None
9. **PETITIONS AND NEW BUSINESS:** - Commissioner Kramer
- A. Motion by Commissioner Kramer seconded by Commissioner Stevens to make the following appointment:
1. NORTHPOINTE - Applicants: James Danielson
One partial term to expire 3/31/2021
James Danielson was appointed. All Ayes, Motion Carried.
- Motion by Commissioner Kramer seconded by Commissioner Degenauer to approve the following applicant.
2. PLANNING COMMISSION - Applicants: Mary VanOss
Three partial terms to expire 2/28/2023
Mary VanOss was appointed. All Ayes, Motion Carried.
 3. PLANNING COMMISSION - Applicants: None
One partial term to expire 2/28/2021
- Motion by Commissioner Kramer seconded by Commissioner Pirlot to approve the following applicant:
4. DEPARTMENT OF HUMAN SERVICES - Applicants: Katy Driscoll
One - three-year term to expire 10/31/2023
Katy Driscoll was appointed. All ayes, Motion Carried.
- Motion by Commissioner Kramer seconded by Commissioner Degenauer to approve the following applicant:
5. VETERAN AFFAIRS - Applicants: Denny Olson
One - four-year term to expire 12/31/2024
Denny Olson was appointed. All Ayes, Motion Carried.
- Motion by Commissioner Kramer seconded by Commissioner Pirlot to approve the following applicant:
6. LIBRARY BOARD - Applicants: Robert Lundholm
One - five-year term to expire 12/31/2025
Robert Lundholm was appointed. All Ayes, Motion Carried.
10. Motion by Commissioner Stevens seconded by Commissioner Kramer to accept the Committee Reports and Correspondence and place on file. All Ayes, Motion Carried.
11. Controller's Report.
Bousley stated the boat launch project will begin next week at Lake Antoine.
The Senior Center Project was discussed. The sewer project at the Airport has been postponed.
Our Airport has surpassed Delta County bookings since 2017. The letter for the State regarding funding has been received. The boiler at the Sheriffs Dept was discussed. The tourism proposal will be discussed at the finance meeting.
12. Citizen's Time (Limited to five minutes per person)
Chairman Wender opened the floor to Citizens Time and there was no participation.
13. Commissioners' Personal Privilege.
Commissioner Kramer explained the Planning Commission survey.
Commissioner Stevens wanted to thank the news and media for promotion the Crafty Flea Market.
14. Motion by Commissioner Stevens seconded by Commissioner Kramer to place blue lights in the bushes in the front of the Courthouse to honor our Police Officers and to encourage other Counties to do the same. Roll Call Vote: Commissioners:
- | | | |
|-----------|-----|---------------------------|
| Pirlot | Aye | |
| Stevens | Aye | |
| Wender | Aye | |
| Degenauer | Aye | |
| Kramer | Aye | All Ayes, Motion Carried. |
15. Motion by Commissioner Pirlot seconded by Commissioner Kramer to adjourn, Subject to the Call of the Chairman at 6:40 PM. All Ayes, Motion Carried.

Henry Wender, Chairman

Daniel Miller, Chief Deputy County Clerk