

**DICKINSON COUNTY
BOARD OF COMMISSIONERS**

Regular Meeting – September 9, 2013
Courthouse, Circuit Courtroom - 6:30 p.m.

1. The meeting was called to Order by Chairman Wender at 6:30 P.M.
2. The Pledge of Allegiance to the Flag was said by all.
3. Roll Call was taken by County Clerk Dolly Cook and a quorum was present.
Present: Chairman Wender, Vice Chairman Stevens and Commissioners Degenauer Jr. Kramer and Martin. (5)
Absent: 0
Also Present: County Clerk Dolly Cook, Prosecutor Lisa Richards, Sheriff Scott Celello, Equalization Director Sid Bray, Pete Schlitt, Assistant Emergency Director and Controller Nicole Frost.
4. Motion by Commissioner Kramer supported by Commissioner Degenauer Jr., to accept the agenda with the following addition:
7. R. Employee Relations Committee
1. Authorize the Controller to advertise, post and fill the part-time 4-H secretary position.
All Ayes, Motion Carried
5. Motion by Commissioner Stevens, supported by Commissioner Kramer to approve the following meeting minutes as written: Regular Meeting – 8/26/13
All Ayes, Motion Carried

6. **COMMUNICATIONS AND LEGISLATION:**

A. Citizens' Time: (Limited to five minutes per person)

Commissioner Martin introduced the following students from Mr. Hogberg's Iron Mountain Government Class: Steffen Petricca, Cooper Collins and Alex Edwards.
Chairman Wender opened the floor to Citizens' Time and there was no participation.

B. Resolutions and Legislation – Commissioner Degenauer
Consider/Approve/Deny:

1. Motion by Commissioner Degenauer Jr., supported by Commissioner Stevens to approve Resolution 2013-8 relative to the MPSC 9-1-1 surcharge settlement. Roll Call Vote: Commissioners:
Degenauer Jr., Aye
Kramer Aye
Martin Aye
Stevens Aye
Wender Aye Motion Carried.

STATE OF MICHIGAN

DICKINSON COUNTY RESOLUTION 2013-8

At a regular meeting of the Board of Commissioners of the County of Dickinson, Michigan, held at the County Building in Iron Mountain, Michigan on the ____ day of September, 2013, at 6:30 o'clock p.m. local time.

PRESENT: Commissioners: _____

ABSENT: Commissioners: _____

It was moved by Commissioner _____ and supported by Commissioner _____ that the following resolution be adopted.

Whereas, the Dickinson County ("County") Board of Commissioners ("Board") held the authority under 2007 PA 164, which amended Michigan's Emergency 9-1-1 Service Enabling Act, being MCL 484.1101 *et seq.*, as amended ("9-1-1 Act") to set a default county 9-1-1 surcharge cap ("default surcharge cap") on all

communications devices of residents within the County under Section 401e(1) and (2) of the 9-1-1 Act, being MCL §484.1401e(1) and (2) provided the Board acted before February 15, 2008 and the Michigan Public Service Commission (“MPSC”) approved the rate set:

Whereas the Board and MPSC approved default surcharge cap set for July 1, 2008 may thereafter only be exceeded upon an authorization of the voters in the County pursuant to Section 401b(1), being MCL §484.1401b(1);

Whereas the Board approved a default surcharge cap for the County prior to February 15, 2008 but the MPSC did not approve the rate and instead reduced that rate effective July 1, 2008;

Whereas, the Board timely appealed the MPSC’s rejection and reduction of the County’s default surcharge cap in the Michigan court system, resulting in a remand of the issue to the MPSC in February of 2013 by the Michigan Court of Appeals;

Whereas, the staff of the MPSC has indicated that the MPSC on remand will approve the following default surcharge rate: \$ 0.68 (“Compromise rate”) if the County waives any entitlement to retroactive surcharge payments that could have been assessed by the County between July 1, 2008 and no later than July 1, 2014 (collectively referred to as the “Retroactive Surcharge”) as well as any claim that it is entitled to set the full default rate as originally determined by the Board before February 15, 2008;

Whereas, the residents of the County would have to pay the Retroactive Surcharge not the MPSC or State of Michigan and the County can avoid legal expenses and further delay in the implementation of its default surcharge cap rate if it accepts the MPSC staff’s offer and the Compromise rate:

Whereas, the Board believes the Compromise rate will bring needed additional funds to the County 911 system and it is in the best interests of the County to expedite a resolution of the rate dispute with the MPSC thereby avoiding further delay and expense in the implementation of the Compromise default surcharge rate and to avoid the burden on its citizens by the Retroactive Surcharge;

Now, Therefore, Be It Resolved, that the Board accepts the MPSC staff’s proposal and will waive and release its Retroactive Surcharge rights for denied surcharge between July 1, 2008 and July 1, 2014 date provided that the MPSC timely approves the Compromise rate;

Be It Further Resolved, that the County Clerk, Board Chairperson, 9-1-1 Director, legal counsel and/or any other county officials or representative are authorized to execute any settlement agreement or other documentation to memorialize the terms and conditions of the settlement between the County and the MPSC.

YEAS: Commissioners: _____

NAYS: Commissioners: _____

ABSTENTIONS: Commissioners: _____

RESOLUTION ADOPTED:

Henry Wender, Chairman
Dickinson County Board of Commissioners

Dolly L. Cook, County Clerk

Controller Frost thanked Pete Schlitt. Pete explained the process on the suit for the 911 surcharge. He stated we lost \$450,000 to \$475,000 in the last 5 years. He stated the amount received at this point will be 68 cents per phone.
Controller Frost stated kudos to the County for standing by the suit.
Commissioner Wender stated we did have to pay attorneys \$7,000 for our part in the lawsuit.

2. Motion by Commissioner Degenauer Jr., supported by Commissioner Kramer to approve the Oceana County Resolution urging the State of Michigan to participate in the passage of the Healthy Michigan Plan (Medicaid Expansion). Roll Call Vote: Commissioners:

Kramer	Aye	
Martin	Aye	
Stevens	Aye	
Wender		Nay
Degenauer Jr.,	Aye	Motion Carried.

Commissioner Wender stated he had mixed feelings on this.
3. Motion by Commissioner Degenauer Jr., supported by Commissioner Stevens to approve the Cheboygan County Resolution requesting full funding of revenue sharing. All Ayes, Motion Carried.

7. **REPORTS OF STANDING COMMITTEES:**

A. Finance Committee - Finance Chairman Degenauer

1. Motion by Commissioner Degenauer Jr., supported by Commissioner Kramer to accept the Treasurer's Trial Balance and Budget Status reports for period ending 8/31/13.
All Ayes, Motion Carried
2. Motion by Commissioner Degenauer Jr., supported by Commissioner Martin to approve the Dickinson County Budget Calendar for Fiscal Year 2014. All Ayes, Motion Carried. Controller Frost stated this is similar to last year.
3. Motion by Commissioner Degenauer Jr., supported by Commissioner Kramer to approve the Agreement and authorize the Chairman to sign all documents relative to MSHDA Grant Agreement #MSC-2012-0736-HOA. All Ayes, Motion Carried.
Frost explained they approved the grant and it spells out schedules for the work to be done and how the money is to be spent. She stated future agreement will spell out what Mr. Wall does and what she will be doing.

B. A-95 Review - Commissioner Kramer-No report

C. Crystal Lake Center/YMCA - Commissioner Kramer-No report

D. Six County Employment Alliance - Commissioner Stevens-No report

E. Planning and Zoning Committee - Commissioner Kramer-No report

F. DHS/Community Services Agencies - Commissioner Kramer

1. DHS Board meeting minutes of 7/22/13.
Commissioner Stevens explained there is a new flu shot that has 4 strains of flu instead of one.

G. Dickinson-Iron Health Department – Commissioner Kramer-No report

H. Northpointe - Commissioner Martin.-No report

I. Pincrest - Commissioner Degenauer.-No report

J. Equalization Committee - Commissioner Degenauer-No report.

K. Building & Supply/Real Estate-Remodeling – Commissioner Degenauer-No report

L. Public Safety and Judiciary - Commissioner Wender-No report

M. Parks Committee - Commissioner Stevens-No report

N. Airport Committee - Commissioner Wender
Consider/Approve/Deny

1. Motion by Commissioner Degenauer Jr., supported by Commissioner Kramer to approve a request by the Airport Manager to obtain bids for approximately 400 tons of sand, and to proceed by accepting the low bid, only if it meets the specs. All Ayes, Motion Carried.
2. Motion by Commissioner Kramer, supported by Commissioner Stevens to approve a request by the EAA to hold their Annual Airport Day event on Sept. 14th, subject to the execution of an indemnification agreement and the provision of proof of insurance. All Ayes, Motion Carried.

- O. Fair Board** - Commissioner Degenauer-No report
Commissioner Degenauer Jr., stated the revenue for the fair this year was up. He stated admissions were about the same. Commissioner Wender stated Commissioner Degenauer Jr., did a great job!
- P. Library Board** - Commissioner Ann Martin
Consider/Approve/Deny:
1. Motion by Commissioner Martin, supported by Commissioner Stevens to table the Library Board's request to levy .9 mills for 2014 until the next regular meeting of September 23, 2013. All Ayes, Motion Carried.
- Q. Dickinson Partnership/Economic Dev.** - Commissioner Stevens-No report
- R. Employee Relations Committee** - Commissioner Degenauer-No report
1. Motion by Commissioner Degenauer Jr., supported by Commissioner Kramer to authorize the Controller to advertise, post and fill the part-time 4-H secretary position to be filled by Nicole and is a county position. All Ayes, Motion Carried.
- S. Dickinson County Hospital Committee** - Commissioner Stevens
1. Motion by Commissioner Stevens, supported by Commissioner Martin to approve the Hospital Board's appointment of Margaret Minerick to the remainder of the term of Susie Tracy, which expires 12/31/15. All Ayes, Motion Carried.
- T. Dickinson County Road Commission** - Commissioner Wender
1. Road Commission meeting minutes of 8/13/13.
- U. Construction Code Commission** - Commissioner Degenauer-No report
- V. Bay West Advisory Committee** - Commissioner Martin-No report
8. Citizens' Time: (Limited to five minutes per person):
Chairman Wender opened the floor to Citizens' Time. Beth Waitrovich, Kingsford, addressed the Board. She stated they would like a representative present during the interviews. She asked if this person would also have the Camp Molinaire duties as well because Dianna had a hard time doing it all this summer. She thanked the Board. There was no other participation.
 9. **UNFINISHED BUSINESS & OLD BUSINESS:** Commissioner Degenauer - None
 10. **PETITIONS AND NEW BUSINESS:** Commissioner Degenauer - None
 11. Motion by Commissioner Martin, supported by Commissioner Kramer to accept all Committee Reports and Correspondence and place on file. All Ayes, Motion Carried.
 12. Controller's Report.
Controller Frost stated she has been busy with applications, interviews and the budget process preparation. She stated she would like to know who is going to the U.P. Association of County Commissioners Fall Conference on October 17th and 18th in Harris, Michigan?
She reminded the Board of the Show at the Airport on Saturday.
She thanked the Prosecutor for all her hard work lately.
 13. Commissioners' Personal Privilege.
Commissioner Kramer stated the Bay students who use the YMCA are not counted as memberships. She stated the Bike Path discussions are continuing with a meeting set with the Governors people on September 23, 2013 at the Correctional Center at 11:00 A.M. Commissioner Kramer stated we should have more violations and penal fines as they are down by 32%.
 14. Motion by Commissioner Degenauer Jr., supported by Commissioner Stevens to adjourn, Subject to Call of Chairman at 6:55 P.M.

Henry Wender, Chairman

Dolly L Cook, County Clerk

