

**DICKINSON COUNTY BOARD OF COMMISSIONERS  
REGULAR BOARD MEETING**

**Monday, December 13, 2010 - 6:30 p.m.**

**Courthouse - Circuit Courtroom**

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 Smith and Commissioners Degenauer Jr., and Stevens

Absent: Commissioner Martin (excused due to illness.)

Also Present: County Clerk Dolly Cook, Assistant Prosecutor Carl Downing, Lt. Derek Dixon, Equalization Director Larry Swartout, Controller Kay Pascoe and Administrative Assistant Sonya Pugh.

4. Motion by Commissioner Degenauer Jr., supported by Commissioner Smith to accept the agenda with the following additions:

6.A-2 Citizens' Time

1. Presentation by Richard Mapes of Pinecrest Medical Care Facility.

7.A. 5 Finance

5. Authorize the Chairman to execute the County Child Care Budget Summary for the time period 10/1/2010-9/30/2011

7.C-3 Crystal Lake

3. To allow for a smooth transition the rental rates for tenants at the Crystal Lake Center will remain the same for 2011 as there were in 2010.

4. Roof Coating

All Ayes, Motion Carried.

5. Motion by Commissioner Degenauer Jr., supported by Commissioner Stevens to approve the following meeting minutes as written:

Regular Meeting - 11/22/10

Finance Committee - 11/18/10

All Ayes, Motion Carried.

6. **COMMUNICATIONS AND LEGISLATION:**

1. Public Hearing on the Dickinson County 2011 General Appropriations

Act.

Chairman Wender opened the public hearing at 6:53 P.M. There was no public comment. Motion by Commissioner Smith, supported by Commissioner Stevens to add the \$1,000 to the Department of Human Services Social Welfare Fund for 2011. Roll Call Vote: Commissioners:

Degenauer Jr. Aye

Smith Aye

Stevens Aye

Wender Aye Motion Carried.

Chairman Wender closed the Public Hearing at 6:55 P.M.

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

Chairman Wender opened the floor to Citizens' Time. Joe Komblevicz addressed the Board.

He stated he has lived here 26 years. He stated he the neighbors tree fell on his fence and he is responsible for it. He asked what if he would of been standing under it? He stated he went to the Sheriff and Scott said there was no law against a tree falling on his fence. He stated he has gone everywhere and has no where else to go. He stated he has gone to Steve Mulka, who can't find the tree. He stated U.P. Insurance said he would have to prove the tree is diseased. He stated he went to Beth Waitrovich and cannot find anyone who can say the tree is diseased. He stated it will cost him \$250.00 to fix the fence. He asked what do I do? He stated people should read the fine print of their policies. He asked the Board to get more involved. He stated he had hoped to be a good neighbor. He thanked the Board.

Bob Robarge addressed the Board. He just retired from the Department of Human Services two

weeks ago. He asked the Board to reconsider the budget request for Kids in Foster Care. He stated they used to get \$5,000 a year from an estate fund. He stated that money has now run out. He stated the State only gives enough for food and clothing. He stated these special needs helped the kids with uniforms, sports fees, prom needs and small things like that. He stated he only requested \$1,000. He stated the needs are still there. He asked that they reconsider his request.

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

Chairman Wender opened the floor to Citizens' Time. Richard Mapes, Director of Pinecrest Medical Care Facility addressed the Board. (He handed out the Pinecrest Caring Community Booklet which will be on file in the County Clerk's Office.) He stated Pinecrest is a 160 bed skilled care facility. He stated Pinecrest is moving toward being a community in a community. He stated they also have adult foster care and work closely with Northpointe. He stated they have Pinecrest Caring Community, Whispering Pines, Adult Foster Care, Northern Pines, Great Northern Home Care, Tri-County Rehabilitation Services and Little Pines Child Care Center. He stated they also have Cedar Grove and Pine Grove ranch style homes with full care. He stated there are ten rooms to a home. He stated they pick their menus and make decisions as if being at home, but with the care. He stated they put their residents as the center piece for their care and interactions planned. He stated they have a vibrant active community of active adults. He stated they serve Menominee, Delta and Dickinson County. He stated 25% of the referrals come from Dickinson.

He stated they have started a foundation which allows them to take donations. He thanked the Board. Commissioner Smith asked Mr. Mapes what it costs for a year and where does the money come from? Mapes stated the majority of the funding comes from the States General fund through the Medicare fund, about 80%. He stated the rest comes from Veterans funding, Insurance and private pay. He did not answer the cost question. Commissioner Stevens thanked them for the wonderful care given.

C. Resolutions and Legislation - Commissioner Smith

1. Discuss the option of Sunday Liquor Sales.

Controller Pascoe stated the County can opt out of the Sunday Sales for Sunday Morning only. The Liquor Control Commission must be notified by December 16, 2010. If the Board does nothing, the new law will take effect. Commissioner Stevens stated each store involved will have to pay \$140.00 to follow the law.

Motion by Commissioner Degenauer Jr., supported by Commissioner Smith to take no action on the new liquor laws, which means it will go into effect. All Ayes, Motion Carried.

7. **REPORTS OF STANDING COMMITTEES:**

A. **Finance Committee** - Finance Chairman John Degenauer, Jr.

1. Motion by Commissioner Degenauer Jr., supported by Commissioner Smith to adopt Amendment No. 1 to the 2010 Budget. Roll Call Vote: Commissioners:

Smith Aye

Stevens Aye

Wender Aye

Degenauer Jr. Aye Motion Carried.

Controller Pascoe stated why and how the amendments occurred. A long discussion ensued.

2. Motion by Commissioner Degenauer Jr., supported by Commissioner Stevens to accept the Treasurer's Trial Balance and Budget Status Reports for 11/30/10. All Ayes, Motion Carried.

3. Motion by Commissioner Degenauer Jr., supported by Commissioner Smith to approve the 2011 General Appropriations Act as amended. Roll Call Vote: Commissioners:

Stevens Aye

Wender Aye

Degenauer Jr. Aye

Smith Aye Motion Carried.

4. Motion by Commissioner Degenauer Jr., supported by Commissioner Stevens to release the following appropriations: Northpointe - \$49,815 (½ of total allocation), and Project Divert - \$5,250 (2010 allocation). Roll Call Vote: Commissioners:

Wender           Aye  
Stevens           Aye  
Smith             Aye  
Degenauer Jr.   Aye Motion Carried.

5. Motion by Commissioner Degenauer Jr., supported by Commissioner Smith to authorize the Chairman to execute the County Child Care Budget Summary for the time period 10/1/2010 - 9/30/2011. All Ayes, Motion Carried.

**B.     A-95 Review - Commissioner Joe Stevens - No Report**

**C.     Crystal Lake Center/YMCA - Commissioner Frank Smith**

1. Motion by Commissioner Smith, supported by Commissioner Degenauer Jr. to authorize the Controller to solicit bids for the replacement of the domestic water heating system at the Crystal Lake Center. All Ayes, Motion Carried.

2. Motion by Commissioner Smith, supported by Commissioner Stevens to authorize the payment of \$17,800.58 to the YMCA as per agreement. Roll Call Vote: Commissioners:

Degenauer Jr.   Aye  
Smith            Aye  
Stevens          Aye  
Wender           Aye                Motion Carried.

3. Motion by Commissioner Smith, supported by Commissioner Degenauer Jr., to allow for a smooth transition, the rental rates for tenants at the Crystal Lake Center will remain the same for 2011 as they were in 2010. Roll Call Vote: Commissioners:

Degenauer Jr.   Aye  
Smith            Aye  
Stevens          Aye  
Wender           Aye                Motion Carried.

4. Motion by Commissioner Smith, supported by Commissioner Stevens to authorize the YMCA to make a test strip of the snow grip roof coating on the areas where snow slides off the PVC roof towards the coils of the dehumidification system. Roll Call Vote: Commissioners:

Smith            Aye  
Stevens            Nay  
Wender            Aye  
Degenauer Jr.   Aye                Motion Carried.

Commissioner Smith stated the material will be donated and Markell thinks he can put it on for \$600.00. Commissioner Wender stated he thought it would be at no cost? Commissioner Smith stated the material is at no cost. Commissioner Stevens stated he just got this information. Pascoe stated Bloomquist stated this should come out of the shared maintenance fund. Commissioner Stevens asked if this is experimental, are we expected to do the whole roof?

Commissioner Smith stated they are pretty confident that it will work, and if the experiment works, the big slanted part would be put out for bids. Commissioner Stevens asked if this is supposed to stop the snow from sliding, what happens when it melts? Commissioner Stevens asked won't it still go where they want it to stop going? Commissioner Smith stated it melts from the bottom and would go into a gutter or drain spout. Commissioner Stevens concern was the cost of the whole roof as it could be quite expensive.

**D.     Six County Employment Alliance - Commissioner Frank Smith - No Report**

**E.     Planning and Zoning Committee - Commissioner Joe Stevens - No Report**

- F. **DHS/Community Services Agencies** - Commissioner Smith  
2. DHS Board meeting minutes of 12/28/09 and 2/26, 3/22, 4/26, 9/27, and 10/25/10.

G. **Dickinson-Iron Health Department** - Commissioner Smith

1. Health Board meeting minutes of 11/17/10 and 12/1/10.

Commissioner Smith stated they offered the position of Health Officer to Steve Markum.

H. **Northpointe** - Commissioner Ann Martin

1. Northpointe Board meeting minutes of 11/18/10

I. **Pinecrest** - Commissioner John Degenauer, Jr. - No Report

J. **Equalization Committee** - Commissioner John Degenauer, Jr. - No Report

K. **Building & Supply/Real Estate-Remodeling**- Commissioner Smith - No Report

L. **Public Safety and Judiciary** - Commissioner Henry Wender - No Report

M. **Parks Committee** - Commissioner Joe Stevens

1. Motion by Commissioner Stevens, supported by Commissioner Degenauer Jr., to authorize the Chairman to sign a letter concurring with the Bike Path route through Lake Antoine Park as recommended by the County Road Commission. All Ayes, Motion Carried.

N. **Airport Committee** - Commissioner Henry Wender - No Report

O. **Fair Board** - Commissioner John Degenauer, Jr. - No Report

P. **Library Board** - Commissioner Ann Martin

2. Library Board meeting minutes of 11/9/10.

Q. **Dickinson Partnership/Economic Dev.** - Commissioner Joe Stevens - No Report

R. **Employee Relations Committee** - Commissioner Frank Smith - No Report

S. **Dickinson County Hospital Committee** - Commissioner Joe Stevens  
Commissioner Stevens stated the losses will not be as bad as they thought.

T. **Dickinson County Road Commission** - Commissioner Henry Wender

1. Motion by Commissioner Stevens, supported by Commissioner Degenauer Jr. to approve a resolution authorizing the County Road Commission to borrow funds. All Ayes, Motion Carried.

Pascoe stated the County is not responsible and they are pledging MTF funds for a total, not to exceed \$450,000.00.

**RESOLUTION NO. 2010-4**  
**BOARD OF COUNTY COMMISSIONERS**  
**COUNTY OF DICKINSON**

At a regular meeting of the Board of Commissioners of the County of Dickinson, Michigan (the "County") held in Iron Mountain, Michigan on the 13th day of December, 2010, at 6:30 p.m., there were:

**PRESENT:** Commissioners Chairman Henry Wender, Vice Chairman Frank Smith, John Degenauer Jr., Joe Stevens

**ABSENT:** Commissioners                      Ann Martin

The following preambles and resolution were offered by Commissioner Stevens and seconded by Commissioner Degenauer Jr.

**RESOLUTION APPROVING  
COUNTY ROAD COMMISSION BORROWING**

WHEREAS, Act No. 143, Public Acts of Michigan, 1943, as amended ("Act 143"), authorizes the boards of county road commissioners to borrow money for certain purposes, to issue notes therefor and to pledge as security for payment of such notes future revenues derived from state-collected taxes returned to the county for county road purposes; and

WHEREAS, the maximum amount which may be borrowed pursuant to Act 143 must first be authorized by the Board of Commissioners of the County;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DICKINSON COUNTY THAT:

3. The Board of County Road Commissioners of the County of Dickinson (the "Road Commission") is hereby authorized to borrow in calendar year 2010 (or in calendar year 2011 to the extent that such borrowing is not obtained in 2010) not to exceed \$450,000.00 for the construction, improvement, maintenance and repair of roads and highways and for other general county road purposes permitted by Act 143, to issue its notes therefor pursuant to Act 143 (the "Notes") at an interest rate or rates not to exceed the maximum rate of interest permitted by law at the time of sale, and to pledge as sole security for the payment thereof future revenues derived from state-collected taxes returned to the County for county road purposes. The Notes shall not be secured by any pledge of the full faith credit of the County.

4. The County reasonably expects that the aggregate principal amount of the Notes and all other tax-exempt obligations (other than private activity bonds as defined in Section 141 of the Internal Revenue Code of 1986, as amended (the "Code") which will be issued during calendar year 2010 by the County (including obligations off all entities which issue obligations on behalf of the County and all subordinate entities of the County) will not in the aggregate exceed \$30,000,000. The Road Commission therefore may designate the Notes as "qualified tax-exempt obligations" for purposes of the deduction of interest expense by financial institutions under Section 265(b)(3) of the Code.

5. All prior resolutions of the Board of Commissioners that are inconsistent with this Resolution are hereby rescinded. A roll call vote was taken on the adoption of the foregoing resolution as follows:

**YES:** John Degenauer Jr., Frank Smith, Joe Stevens, Henry Wender

**NO:** 0

**ABSTAIN:** 0

The resolution was thereupon declared adopted.

**CERTIFICATION**

I, the undersigned, the duly qualified and acting County Clerk of the County of Dickinson, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Board of County Commissioners at a regular meeting held on December 13, 2010, the original of which is on file in my office, and that such meeting was conducted and public notice thereof was given pursuant to and in compliance with Act No. 267, Michigan Public Acts of 1976, as amended, and that minutes of such meeting were kept and are available as required by such Act.

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County Clerk, County of Dickinson  
Dolly L. Cook

2. Road Commission meeting minutes of 11/10/10.

Report **U. Construction Code Commission** - Commissioner John Degenauer, Jr. - No

**V Bay West Advisory Committee** - Ann Martin - No Report

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

Chairman Wender opened the floor to Citizens' Time and there was no participation.

9. **UNFINISHED BUSINESS & OLD BUSINESS:** - Commissioner Smith

1. Motion by Commissioner Smith, supported by Commissioner Stevens to appoint Susan Khoury to the Library Board for a five year term to expire on 12/31/15. She was the only applicant. All Ayes, Motion Carried.

10. **PETITIONS AND NEW BUSINESS:** - Commissioner Smith

1. Motion by Commissioner Smith, supported by Commissioner Stevens to authorize advertising for applicants for the Solid Waste Planning Committee. All Ayes, Motion Carried.

(This is necessary to amend the Solid Waste Plan to allow Niagara Development LLC To engage in intra state disposal of low-hazard industrial waste.) All Ayes, Motion Carried.

Pascoe stated this is critical for the Niagara Development LLC. (Niagara Mill Property) She stated all permits have been received except for this part.

11. Motion by Commissioner Degenauer Jr., supported by Commissioner Smith to accept Committee Reports and Correspondence and Place on File. All Ayes, Motion Carried.

12. Controller's Report. - None

13. Commissioners' Personal Privilege.

Commissioner Smith asked about the minutes from the Solid Waste Committee as to the land-fill or bailer? Pascoe stated they have the minutes and will give them to the Board.

Commissioner Stevens asked where Joe lives? He also asked if he talked to the local municipality or police?

He stated the County Board has no authority over this. Joe stated he did not go to the township and he lives in Breitung Township.

Assistant Prosecutor stated he did not see a criminal law violated. Commissioner Stevens stated we can not go to the Municipality and tell them what to do.

14. Motion by Commissioner Stevens, supported by Commissioner Degenauer Jr. to adjourn, Subject to Call of Chairman at 7:27 P.M..

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Henry Wender, Chairman

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Dolly L. Cook, County Clerk

