

**THE BENZIE COUNTY BOARD OF COMMISSIONERS**  
**December 8, 2015**

The Benzie County Board of Commissioners met in a regular meeting on Tuesday, December 8, 2015, 448 Court Place, Government Center, Beulah, Michigan.

The meeting was called to order by Chair Vance Bates at 9:00 a.m.

The invocation was given by Commissioner Griner followed by the pledge of allegiance.

Present were: Commissioners Bates, Carland, Griner, Sauer, Tucker, Walterhouse and Warsecke

Absent: None

**Agenda:**

Motion by Walterhouse, seconded by Carland, to approve the agenda as presented. Ayes: Bates, Carland, Griner, Sauer, Tucker, Walterhouse and Warsecke Nays: None Motion carried.

**Minutes:**

Motion by Tucker, seconded by Sauer, to approve the regular session minutes of November 24, 2015 as presented. Ayes: Bates, Carland, Griner, Sauer, Tucker, Walterhouse and Warsecke Nays: None Motion carried.

9:02 a.m. Public Input

Rory Heckman, Benzonia Township, discussed the role of the Sheriff and that it is a constitutional office and dates way back; we need to be team players here and not be in an adversarial relationship; he is directly responsible to the citizens of this county; the Sheriff has a right to manage his department and run the jail; let him run and manage his agency – give him the support he needs to do that.

9:05 a.m. Public Input Closed

**ELECTED OFFICIALS & DEPT HEAD COMMENTS:**

Bert Gale, Building Department, provided the November 2015 activity report; he stated that permits were down last month but are overall ahead of last year; Joyfield Township sign issue will be red flagged as a stop work order; he asked how this board would like to continue with the reports – the consensus is to email the reports monthly and come before this board quarterly.

Sheriff Schendel, stated that he would like to reserve the right to speak when items are brought up during the meeting with regard to his department.

Dan Smith, Jail Administrator, spoke regarding corrections officer reimbursement for CPLs – he stated that we have always done it in the past and it is important to continue to do it; he put it in his budget – asks this board to continue reimbursement for corrections officers.

County Administrator Deisch will look further into it – he feels it needs to be in the contract or a separate Memorandum of Understanding.

9:15 a.m. Recess for Commission on Aging Annual Meeting

9:23 a.m. Resume Regular Board Meeting

Sheriff Schendel stated that he had the opportunity to ride along with Meals on Wheels and it is an eye opener.

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### COMMISSIONER REPORTS

Comm Carland report that he attended the Village of Benzonia meeting; there will be a meeting at 5:30 p.m. tomorrow at the Resource Center regarding a Focus Group on affordable housing; he talked with Rick Schmidt and he has agreed to host a group to hold a conference/summit on the topic of fiber optics – sometime after the first of the year.

Comm Sauer stated that he attended the Joyfield and Blaine Township meetings; he also attended a Vietnam Era ~~Warrior~~ Veterans appreciation dinner – it was a nice event and was long overdue. Before we have a men and women fight in a war, we need a clean and concise plan for victory.

Comm Walterhouse has nothing to add at this time.

Comm Tucker has nothing to add at this time.

Comm Warsecke has nothing to add at this time.

Comm Griner stated that the events in California bother him; he is thankful for our people that help to keep this community safe.

Comm Bates stated that Lake Township is running well ahead of permits for this year; Almira Township meets next week; EMT class is being held in Lake Ann.

### COUNTY ADMINISTRATOR'S REPORT – Mitch Deisch

He presented a proposed drawing for a plaque for Bill Olsen and asked about the concept of it being in the shape of our county – Yes. Roger asks that the word “vision” be added someplace.

Sparks Vacation Time: Mr. Sparks is requesting an additional 10 days of vacation time in his final pay out; discussions held.

Motion by Warsecke, seconded by Bates, to deny the request of Karl Sparks since there is no paperwork and that we do not pay the additional 10 days. Roll call. Ayes: Bates, Sauer, Tucker and Warsecke Nays: Carland, Griner and Walterhouse Motion carried.

POLC: Discussions held regarding the Personally Assigned Vehicle Program (PAV); union contract section 25.17 states that they: Must be a resident of Benzie County; the proposed Letter of Agreement was drafted by Sheriff Schendel and needs to be a 3-way contract; you cannot amend with just two people it should be a 3-party agreement; the LOA is for a Detective in an unmarked car only. U/S Rosa talks about the history of the Detective Bureau and the take-home vehicle. He stated that the Det/Sgt has always driven an unmarked car to and from work (since he has been employed with Benzie County – 27 years).

Motion by Warsecke, seconded by Walterhouse, to accept the Letter of Agreement for the Personally Assigned Vehicle program with the Benzie County Sheriff and the POLC Union with Benzie County to sign on as the third party and be a part of the agreement. Roll call. Ayes: Carland, Griner, Sauer, Walterhouse and Warsecke Nays: Bates and Tucker Motion carried.

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10:20 a.m. Break

10:25 a.m. Reconvene

Undersheriff Appointment: Mitch asks that this be handled by the Human Resources Committee to look at changes and opportunities; there is concern over the difference in pay between the Sheriff and Undersheriff and the difference in the COAM union and the non-union non-elected officials regarding the retirement benefits.

Motion by Tucker, seconded by Sauer, to move the U/S appointment issue to the Human Resources Committee for further discussions and investigation.

Comm Tucker calls the question.

Ayes: Bates, Carland, Griner, Sauer, Tucker, Walterhouse and Warsecke Nays: None Motion carried.

Inland Township has asked to purchase one of the vehicles that is being disposed of (retired cruiser); if we can get \$2,500 from Inland Township to purchase rather than put the vehicle for sale on MiBID; the consensus of the board is to pursue sale to Inland Township – with funds to go into equipment replacement for another vehicle.

## **FINANCE**

Bills: Motion by Carland, seconded by Griner, to approve payment of the bills from November 25, 2015 to December 3, 2015 in the amount of \$402,078.32 as presented. Roll call. Ayes: Bates, Carland, Griner, Sauer, Tucker, Walterhouse and Warsecke Nays: None Motion carried.

## **HR AND PERSONNEL**

Presented Human Resources minutes and consent calendar of November 24, 2015.

Comm Bates removes items #2 and 3 from HR consent calendar as these items were taken care of.

Motion by Bates, seconded by Warsecke to approve the November 24, 2015 HR Consent Calendar items 1, 4 and 5 as presented. Roll call. Ayes: Bates, Carland, Griner, Sauer, Walterhouse and Warsecke Nays: Tucker Motion carried.

Craig Johnson asks the Board to allow an employee that has used all of his vacation and sick time to use his 2016 time now (36 hours) – his wife just passed away and he asks to use future time now.

Motion by Carland, seconded by Tucker, to authorize Sam Miller to use sick time from 2016 now. Roll call. Ayes: Bates, Carland, Griner, Sauer, Tucker, Walterhouse and Warsecke Nays: None Motion carried.

## **COMMITTEE APPOINTMENTS**

Veterans Affairs: Add Comm Tucker and Comm Warsecke to the interview committee.

Parks & Rec: Add Comm Griner and Comm Carland to the interview committee.

Betsie Valley Trail: Motion by Bates, seconded by Griner, to accept the resignation of Gretchen Staub from the Betsie Valley Trail Committee with regrets. Ayes: Bates, Carland, Griner, Sauer, Tucker, Walterhouse and Warsecke Nays: None Motion carried.

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### ACTION ITEMS

Betsie Valley Trail Agreement: Motion by Bates, seconded by Walterhouse, to accept the Memorandum of Understanding and Agreement for the Recreation Improvement Fund for the Betsie Valley Trail Management Council in the amount of \$10,000, authorizing the chairman to sign. Roll call. Ayes: Bates, Carland, Griner, Sauer, Tucker, Walterhouse and Warsecke Nays: None Motion carried.

Asset Recovery and Management Services Agreement: Motion by Griner, seconded by Tucker, to adopt the Asset Recovery & Management Services Agreement as presented, authorizing the chairman to sign. Roll call. Ayes: Bates, Carland, Griner, Sauer, Tucker, Walterhouse and Warsecke Nays: None Motion carried.

### CORRESPONDENCE

- Bay County resolution regarding sky lanterns received.
- Bay County resolution regarding coal fired plants received.
- Bay County resolution regarding US trade deals received.
- Benzie County Road Commission minutes of October 22, 2015 received.
- Veterans Affairs minutes of October 5, 2015 received.

### NEW BUSINESS – None

11:07 a.m. Jim Evans, Planning Commission Issues

Says thank you to Mitch Deisch, appreciate his time over the last few weeks; says the issues were addressed at the Planning Commission then came to this board; he is asking for an objective investigation to review the evidence and make a decision. He stated he has been very patient but we need to get this taken care of. There are two issues: 1) working to resolve the complaint; and 2) how much time etc do we spend to go backward.

Comm Bates says he is not interested in this board determining if there was an OMA violation – you need to go to the MSP and the Prosecutor and be investigated. We can't be the investigator and the arbitrator.

Motion by Bates, seconded by Tucker, to take the information provided by Jim Evans and direct the County Administrator to take the five OMA violations of the Planning Commission to the Prosecuting Attorney and decide if it should go to the MSP; then move on it if there is a violation. Roll call. Ayes: Bates, Carland, Griner, Sauer, Tucker, Walterhouse and Warsecke Nays: None Motion carried.

11:29 a.m. Public Input

Paula Eberhart says thank you to Mitch Deisch on decorating the Christmas tree with hats and mittens.

Jim Evans stated there is a no weapons in the building policy, but you should consider changing that policy.

11:31 a.m. Public Input Closed

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Motion by Sauer, seconded by Warsecke, to adjourn until December 22, 2015 regular meeting or the call of the chair. Ayes: Bates, Carland, Griner, Sauer, Tucker, Walterhouse and Warsecke Nays: None Motion carried

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K. Vance Bates – Chair

Dawn Olney, Benzie County Clerk

### INDEX

1. Approved the agenda as presented.
2. Approved the regular session minutes of November 24, 2015 as presented.
3. Denied the request of Karl Sparks for an additional 10 days-vacation pay.
4. Accepted the Letter of Agreement for the Personally Assigned Vehicle program with the Benzie County Sheriff and the POLC Union with Benzie County to sign on as the third party and be a part of the agreement.
5. Referred the U/S appointment issue to the Human Resources Committee for further discussions and investigation.
6. Approved payment of the bills from November 25, 2015 to December 3, 2015 in the amount of \$402,078.32 as presented.
7. Approved the November 24, 2015 HR Consent Calendar items 1, 4 and 5 as presented.
8. Authorized Sam Miller to use sick time from 2016 now.
9. Accepted the resignation of Gretchen Staub from the Betsie Valley Trail Committee with regrets and the County Administrator to send a letter.
10. Accepted the Memorandum of Understanding and Agreement for the Recreation Improvement Fund for the Betsie Valley Trail Management Council in the amount of \$10,000, authorizing the chairman to sign.
11. Adopted the Asset Recovery & Management Services Agreement as presented, authorizing the chairman to sign.
12. Authorized to take the information provided by Jim Evans and direct the County Administrator to take the five OMA violations of the Planning Commission to the Prosecuting Attorney and decide if it should go to the MSP; then move on it if there is a violation.

## **HR COMMITTEE**

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**November 24, 2015**

Motion by Bates, seconded by Warsecke to adopt the HR consent Calendar are follows:

1. To support step 2 of the contract provision of grievance #15-284 and support the position of Sheriff Ted Schendel and be in compliance of the contract.
2. Removed from Consent Calendar.
3. Removed from Consent Calendar.
4. To accept the Basic EMT and Paramedic job description as presented.
5. To authorize Linda Engelhuber to carry over 44 hours of unused vacation time to be used within 90 days.