

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING
COMMITTEE SPECIAL MEETING MINUTES
Thursday, March 31, 2016**

CALL TO ORDER

Committee Chair Starshak called the meeting of the Land Use Planning and Zoning Committee to order at 6:01 p.m. in the Green Lake County Government Center, County Board Room #0902, Green Lake, WI. The requirements of the open meeting law were certified as being met.

Present: Ben Moderow, Harley Reabe, Rich Slate, Michael Starshak

Absent: Nick Toney

Also Present: Al Shute, Land Use Planning & Zoning Director

Carole DeCramer, Committee Secretary

Matt Kirkman, Code Enforcement Officer

Dawn Klockow, Corporation Counsel

Marge Bostelmann, County Clerk/Administrative Coordinator

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Motion by Slate/Reabe, unanimously carried, to approve the agenda.

PUBLIC COMMENT - None

DISCUSSION AND POSSIBLE ACTION ON THE JOB DESCRIPTION AND APPOINTMENT OF AN INTERIM COUNTY SURVEYOR TO FILL UPCOMING VACANCY AS OF APRIL 1, 2016

Shute – Stated that he followed the committee’s direction from the March 29th meeting and edited the interim county surveyor job description language as requested. Each of the committee members was given a copy of the edited description.

Starshak asked Corporation Counsel Klockow if she had a chance to review the description. She replied that she reviewed it and questioned the reference to Chapter 59.20(c). The existing description references Chapter 59.45. Shute replied that 59.20(c) references both 59.45 and 59.74.

The committee asked County Clerk Marge Bostelmann and Corporation Counsel Klockow prepare a contract and bring it back to the committee for review.

County Clerk Bostelmann commented that the language in the proposed job description would not be a job description per se because the interim county surveyor’s position will be a contracted position. The proposed language would become part of the contract as job expectations. The committee agreed.

Corporation Counsel Klockow explained that she has two examples of contracts that other counties have used and will use those as reference. Starshak stated that this should be left to the discretion of Klockow. Reabe asked that the committee review the contract before it is signed. When Klockow asked about negotiating a price for this work, Starshak explained that this was discussed with the surveyors at a previous meeting and that the agreed upon price was \$50 per hour not to exceed \$200 for a standard survey. Beyond that, Starshak continued, the surveyors could bill at the \$50 per hour rate. Slate – Stated that the plans to fill the surveyor’s job appear to be getting bogged down in procedural red tape and committee members are not fully clear on what they can and can’t do. There is one day left

before the existing surveyor retires and there is still no plan on the table. It's the committee's goal to be able to take care of business on Monday morning when the doors open again for business. Slate continued by proposing a temporary emergency plan that would get everyone through to the next Planning and Zoning committee meeting or longer. The plan includes the following: 1) Expand the current contract that Green Lake County has with Jim Grothman, who is in the process of surveying the corner sections. Mr. Grothman is already the Columbia County Surveyor and could immediately fill the position of Green Lake County Interim County Surveyor. Grothman is already familiar with working with Green Lake County and department staff. Since Grothman is currently contracted with the county, only a new scope of services and a price would need to be discussed. The scope of services would be limited to the statutory requirements. His primary function would be to review all survey maps for statutory standards as required by law. There is money in the budget so this wouldn't require another committee's approval. This is only temporary until the committee can discuss a more permanent solution. In addition, a policy should be created whereby the following process would be implemented. When the maps come in, department staff will do the intake and then hand them off to one of the code enforcement officers to review for zoning issues. The appointed or subcontracted surveyor would review the surveys for statutory standards and then it would go back to the zoning staff. The department could identify procedural duties that could be delayed or delegated until a permanent department structure or a permanent interim could be approved.

Reabe – First of all, you need two surveyors. They can't review their own work because it would be a conflict of interest.

Starshak – Stated that he takes exception to some of what Slate said. The committee discussed this on the 29th and had an in-depth discussion about this job. We determined what the job duties would be. We had two surveyors agree to what we had laid out verbally and we are coming back today to finalize this today and not Monday. We will have someone in place as soon as the contract is drawn up. Expressed his appreciation of his input; however, at this late time, it is a mistake to throw a third person into the mix. We have two qualified surveyors, they're both familiar with the area, they've agreed to what we're looking at, they've agreed to the pricing package, and they've agreed to a working schedule.

Reabe – If the agenda had been noticed differently, we could have taken care of everything at that last meeting.

Starshak – Assured Slate that his input is important.

Slate questioned whether the contract, to include the scope of services as discussed, could be completed in 24 hours. Klockow stated that the list of job duties could be termed services or responsibilities. Starshak asked that Klockow take care of titling the contract appropriately and reiterated that this is an interim position. The county is looking to contract out and not hiring somebody. The compensation, as discussed earlier, is \$50 per hour, with a \$200 ceiling for a standard survey. Beyond that, they would bill at \$50 per hour. He directed Klockow to use the description that was presented with the red-lined verbiage taken out. This would be the scope of services basis for the contract that will be drawn up. The committee members agreed, with the exception of Slate who stated, for the record, that he was not in agreement with this.

Shute – For clarification, the surveyors were going to provide a written documentation. Would you clarify that you did receive that?

Starshak – Yes, we received the closed information from the two surveyors regarding their qualifications and agreement to the terms of payment. This was passed on to the corporation counsel.

Motion by Reabe/Moderow, carried on a 3-1 vote, to approve the scope of services for the interim county surveyor position. 3-ayes, 1-nay (Slate)

Motion by Slate to appoint Jim Grothman as the Interim Green Lake County Surveyor and direct the Chairman and Corporation Counsel to negotiate a scope of services agreement to review certified surveyor maps (CSM) not to exceed \$75 for a single-lot CSM and \$150 for a multiple-lot CSM. Motion dies for lack of a second.

Motion by Reabe/Moderow, to approve Don Lenz (Green Lake Surveying) and Dennis Green (Ripon Land Surveying) to fill the interim county surveyor position by contract drafted by Corporation Counsel.

Further discussion:

Moderow – Questioned the proper process for delegating the surveys that come in and need to be reviewed.

Shute – Advised that the committee decide how that would be determined. Reviews can be alternated between the two surveyors.

Kirkman – Reminded the committee that, at the last meeting, they talked about having a primary surveyor for the majority of work and a secondary surveyor for conflicts of interest.

Moderow – Stated that he's not sure how many surveyors there are out there and is uncomfortable giving the job to the two surveyors who showed up at the meeting.

Reabe – If this becomes a process whereby the county board opens it up for bids, there will be no choice so it will be opened up for all surveyors.

Starshak – This is an interim position and, as Rich (Slate) mentioned at the last meeting, we want to be fair to everyone, but this is a special situation where we need to get this solved and then move on.

Moderow – I think it's only fair to give the public an opportunity to apply. We need a level playing ground.

Reabe – Hopefully, in 2-3 months, the committee will have something for the county board.

Shute – Asked Corporation Counsel Klockow for clarification regarding the state statutes mandating a county surveyor (singular) and not county surveyors (plural).

The committee discussed this and Klockow advised that the contract, with what the committee has previously discussed, will list the two as interim county surveyors and she agrees with Shute that there probably should be just one county surveyor. However, state statute allows the county surveyor to be able to appoint deputies. The committee cannot take away the ability from someone who has the ability to appoint.

Slate – Asked who would be checking for consistency. One thing that was taken from the March 29th meeting was that the product that has been going through the department now is second to none. With two different people doing it and two different procedures, who will control the consistency of them? The committee didn't appoint two surveyors, the committee appointed two companies, and are two companies going to the meetings that the appointed surveyor would go to or which one would go? Right

now the committee appointed two companies, per the last motion, to be the interim county surveyor, not a single person. Asked Klockow if the committee can refer to companies as the interim county surveyor.

Klockow stated that she's seen companies referred to as the county surveyor.

Starshak asked that a roll call be taken for the previous motion:

Motion by Reabe/Moderow to approve Don Lenz (Green Lake Surveying) and Dennis Green (Ripon Land Surveying) to fill the interim county surveyor position by contract drafted by Corporation Counsel. Starshak-nay, Moderow-nay, Reabe-nay, Slate-nay. Motion failed.

Slate asked to go on record as saying that this is not the right process for someone who does such detailed work. The committee is putting the department in a particular situation where they won't know who to deal with at any particular time. One of the jobs of the surveyor is to answer questions. Are they going to be able to answer the questions on behalf of the county? The department needs to be able to rely on someone. Slate added that, when he was outlining his plan for an interim county surveyor earlier in the meeting, the pay for Grothman was cheaper than those that this committee has approved. What is being done isn't the most efficient thing or in the best interest for the Green Lake County citizens.

Motion by Moderow/Reabe, carried on a 3-1 vote, to appoint Don Lenz as the Interim County Surveyor and it will be up to him as to who he names as deputy. Starshak-aye, Moderow-aye, Reabe-aye, Slate-nay

Slate requested that the committee review the contracts before signing. Klockow stated that she will email them to the committee members with the understanding that it not be discussed outside of a meeting.

CLOSED SESSION PER WISCONSIN STATE STATUTE 1985 (1)(C) CONSIDERING EMPLOYMENT, PROMOTION, COMPENSATION OR PERFORMANCE EVALUATION DATA OF ANY PUBLIC EMPLOYEE OVER WHICH THE GOVERNMENTAL BODY HAS JURISDICTION OR EXERCISES RESPONSIBILITY (INTERIM DEPARTMENT HEAD)

6:36 p.m. Motion by Moderow/Reabe, unanimously carried on roll call (4-ayes, 0-nays), to adjourn to closed session per Wisconsin State Statute 1985(1)(c) Considering employment, promotion, compensation, or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. (Interim Department Head)

RECONVENE TO OPEN SESSION FOR FINDINGS OF CLOSED SESSION.

On a motion by Reabe/Slate, unanimously carried on roll call (4-ayes, 0-nays), to reconvene to open session.

Motion by Moderow/Reabe, carried on roll call (4-ayes, 0-nays), to name Matt Kirkman as the Interim Department Head, and recommend to the Finance Committee a \$2 per hour increase for Kirkman during the interim.

FUTURE COMMITTEE ACTIVITIES

- a. Future agenda items
- b. Meeting dates

April 7, 2016

Business Meeting 4:30 p.m.

Public Hearing 5:30 p.m. - cancelled

ADJOURN

7:02 p.m. On a motion Slate/Moderow, unanimously carried, the meeting was adjourned.

APPROVED

May 5, 2016