

# GREEN LAKE COUNTY

## *BOARD PROCEEDINGS*

### *REGULAR SESSION*

***December 20, 2011***

The Green Lake County Board of Supervisors met in regular session, Tuesday, December 20, 2011, at 6:00 PM in the County Board Room, Green Lake, Wisconsin.

The Board was called to order by Daniel G. Priske, Chairman.

Roll Called, Supervisors present – 17, Absent – 1 (Tom Traxler – District 13)

<u>Supervisor</u>	<u>Supervisor Districts</u>
Jack Meyers	1
Donald L. Peters	2
Eugene Henke	3(via telephone due to hospitalization)
Paul Schwandt	4
Alma Hedberg	5
Margaret Whirry	6
Maureen Schweder	7
John A. Zelenski	8
David Richter	9
Daniel Priske	10
Susan E. McConnell	11
John Gende	12
Debra A. Schubert	14
Michael R. Stoddard	15
Joe Gonyo	16
Joanne Guden	17
Richard Trochinski	18
Gene Thom	19

Supervisor Meyers questioned whether Supervisor Henke is currently taking pain medication. Henke stated he is not.

## **CALL TO ORDER**

### **NOTICE: GREEN LAKE COUNTY BOARD OF SUPERVISORS**

The Green Lake County Board of Supervisors will convene at the Government Center in the City of Green Lake, Wisconsin on Tuesday the 20<sup>th</sup> day of December, 2011 at 6:00 PM for the regular meeting of the Board. Regular monthly business to be transacted includes:

CALL TO ORDER  
ROLL CALL  
READING OF THE CALL  
PLEDGE OF ALLEGIANCE  
MINUTES 11/08/2011  
ANNOUNCEMENTS  
RECOGNITION OF HHS DIRECTOR LINDA VAN NESS AND HIGHWAY  
COMMISSIONER BOB PODGORSKI  
PUBLIC COMMENTS (3 Min. Limit)  
CORRESPONDENCE  
STATUS OF INVESTIGATION AND AUDIT OF CORPORATION COUNSEL OFFICE  
CLOSED SESSION:

Move into closed session per ss19.85(1)(b) considering dismissal, demotion, licensing or discipline of any public employee or person licensed by a board or commission or the investigation of charges against such person; 19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; 19.85(1)(f) considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations; and 19.85(1)(g) conferring with legal counsel for the governing body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The closed session relates to the office of the Corporation Counsel including matters relating to the ongoing investigation and audit of the office of the corporation Counsel – No evidentiary hearing will be conducted.

Per ss 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. The closed session relates to proposals for interim County Corporation Counsel.

RESUME OPEN SESSION  
ANNOUNCE FINDINGS OF CLOSED SESSION  
RESOLUTIONS

- Res 25-2011 Relating to Creating a Full-time In House Corporation Counsel Position

MOTION TO ADVERTISE FOR CORPORATION COUNSEL POSITION  
APPEARANCES

- Cornerstone Project

MOTION TO APPROVE CORRECTION OF ORD. 1007-2011 DUE TO LEGAL DESCRIPTION ERROR

MOTION TO JOIN WISCONSIN COUNTIES ASSOCIATION FOR 2012  
MOTION TO JOIN NATIONAL ASSOCIATION OF COUNTIES FOR 2012

RESOLUTIONS CONTINUED

- Res 23-2011 Relating to Green Lake County Plan of 2012 Library Service
- Res 24-2011 Relating to Committed Funds for 2012 as Required by GASB #54

ORDINANCES

- Ord 1009-2011 Amend the Code of Green Lake County, Chapter 80, Special Reserve Account
- Ord 1010-2011 Relating to Green Lake County Chapter 228, Smoking and Tobacco Products
- Ord 1011-2011 Rezone in the Town of Berlin – Page
- Ord 1012-2011 Rezone in the Town of Manchester – Hein
- Ord 1013-2011 Rezone in the Town of Brooklyn – Green Lake Bank/Tamburrino

## REPORTS

- Ad Hoc Committee

Recommendation to dissolve Ad Hoc Committee

## COMMITTEE APPOINTMENTS

COMMITTEES TO REPORT ON February 21, 2012

FUTURE AGENDA ITEMS FOR ACTION AND DISCUSSION

OTHER MATTERS AUTHORIZED BY LAW

AND SUCH OTHER BUSINESS AS MAY PROPERLY COME BEFORE THE BOARD OF SUPERVISORS.

The several committees of the Board may also meet for the purpose of discussing or acting upon matters, which are the subject matter of the meeting of the Green Lake County Board of Supervisors.

Given under my hand and official seal at the Courthouse in the City of Green Lake, Wisconsin this 19<sup>th</sup> day of December, 2011.

Margaret R. Bostelmann  
Green Lake County Clerk

## PLEDGE OF ALLEGIANCE

3. The Pledge of Allegiance to the Flag was recited.

## MINUTES

4. Minutes of November 8, 2011 were reviewed by the Board. ***Motion/second (Schubert/Stoddard)*** to approve the minutes from November 8, 2011. All Ayes. Motion carried.

## ANNOUNCEMENTS

5. Chairman Priske informed the Board that there is no scheduled meeting of the County Board in January therefore the next meeting date is February 21, 2012.
6. Chairman Priske reminded all supervisors that the deadline for filing election paperwork is January 3, 2012. Any supervisor not running for re-election should file a Notice of Non-Candidacy with the County Clerk by December 27, 2011.
7. Chairman Priske wished all in attendance a Merry Christmas and Happy New Year.

## RECOGNITION OF HHS DIRECTOR LINDA VAN NESS AND HIGHWAY COMMISSIONER BOB PODGORSKI

8. Chairman Priske presented plaques to Linda Van Ness, Health and Human Services Director, for her 34 years of service and to Bob Podgorski, Highway Commissioner, for his 10 years of service. He thanked both of them for their dedicated service to Green Lake County and wished them well in their retirement. Both Podgorski and Van Ness thanked everyone they have worked with over the years.

## PUBLIC COMMENTS (3 Minute Limit)

9. Supervisor Henke thanked Bob Podgorski for his service to Green Lake County.
10. Bob Jahn of W893 Sunnyside Road in Green Lake thanked Bob Podgorski on behalf of the highway department employees.
11. Sue Wendt of 813 South Street in Green Lake urged the County Board to pass Resolution 25-2011 regarding a full time in-house Corporation Counsel. She stated that through her 36 years of working for Green Lake County she had firsthand experience regarding the need for an on site Corporation Counsel.
12. John Brennan of 1533 Gladys Court in Berlin pointed out the need for the County Board to resolve their differences and work together. He also thanked Linda Van Ness and Bob Podgorski for their years of service.
13. Linda Van Ness, HHS director, stated her support of a full time in-house Corporation Counsel. The Health and Human Services department has many time sensitive issues that require an on site Corporation Counsel.
14. George Vourvoulis of W3177 Orchard Avenue in Green Lake stated that he feels community members should be encouraged to join committees to broaden the scope and promote open forum.
15. Merlyn Soda of N7554 State Road 49 in Berlin thanked Linda Van Ness and Bob Podgorski for their years of service. He spoke in support of John Selsing as a former County Board supervisor and knowing him for 30 years.

## STATUS OF INVESTIGATION AND AUDIT OF CORPORATION COUNSEL OFFICE

16. Dave Maccoux of Schenk Business Solutions gave an update of the audit conducted on the off ice of Corporation Counsel John Selsing. He stated that in the report given to the Finance Committee the previous week there were a number of recommendations made. Maccoux stated that he received a letter stating that their report “did not specify that there was any wrongdoing” on the part of the Corporation Counsel office and he wished to go on record that the report did not state that. Attorney Jeff Haase spoke and stated that any further review should be done in Closed Session.

## CLOSED SESSION

17. **Motion/second (Schubert/Guden)** to enter into closed session per ss19.85(1)(b) considering dismissal, demotion, licensing or discipline of any public employee or person licensed by a board or commission or the investigation of charges against such person; 19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; 19.85(1)(f) considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against

specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations; and 19.85(1)(g) conferring with legal counsel for the governing body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. The closed session relates to the office of the Corporation Counsel including matters relating to the ongoing investigation and audit of the office of the Corporation Counsel – no evidentiary hearing will be conducted. ss19.85(1)(e) deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. The closed session relates to proposals for interim County Corporation Counsel. Roll Call vote on Motion to enter into Closed Session – Ayes - 17, Nays – 1 (Zelenski), Absent – 1 (Traxler), Abstain - 0. Motion carried. Entered into Closed Session at 6:35 PM.

18. **Motion/second (Schubert/Guden)** to remove Corporation Counsel John Selsing from the Closed Session. Roll call vote on Motion to remove John Selsing – Ayes – 10, Nays – 8 (Peters, Henke, Schwandt, Whirry, Zelenski, McConnell, Stoddard, Thom), Absent – 1 (Traxler), Abstain – 0. Motion carried.

## RESUME OPEN SESSION

19. **Motion/second (Stoddard/McConnell)** resume open session. Roll Call vote on Motion to resume open session – Ayes - 17, Nays - 0, Absent – 2 (Henke, Traxler), Abstain – 0. Motion carried. Open session resumed at 8:35 PM. Supervisor Henke marked as absent but it was determined after the vote that he is still on the phone line and will be participating in the meeting for future votes.

## ANNOUNCE FINDINGS OF CLOSED SESSION

20. Chairman Priske stated that during Closed Session there were no motions or resolutions made. Questions were answered and statements made by Dave Maccoux regarding the audit of the Corporation Counsel. Four attorneys gave presentations regarding a possible interim Corporation Counsel position.

## RESOLUTIONS

21. Res. 25-2011 Relating to Creating a Full-Time In House Corporation Counsel Position. **Motion/second (Richter/Guden)** to adopt Resolution No. 25-2011. Supervisor McConnell stated that she feels this cannot be passed due to the absence of any fiscal notes relating to the matter. Supervisor Meyers stated that this Resolution is only creating the position at this point – the accounting aspect of it will be done at a later date. Supervisor Schweder stated that there needs to be an amendment made taking out the statement that the full-time in-house corporation counsel will be hired effective January 1, 2012. Supervisor Whirry commented that the Resolution was drafted as an intent to authorize a full-time in-house and the final numbers and job description are to be determined later. **Motion/second (Schubert/Richter)** to amend the Resolution taking out the statement that the full-time in-house corporation counsel

will be hired effective January 1, 2012 and state that the County Board will appoint an Interim Corporation Counsel to serve effective January 1, 2012. Roll call vote on Motion to adopt amendment – Ayes – 18, Nays – 0, Absent – 1 (Traxler), Abstain – 0. Motion carried. Attorney Haase stated that the interim Corporation Counsel should be added to the Resolution when it is passed. **Motion/second (Whirry/Guden)** to add a second amendment stating that an independent committee be established to develop a job description and standards for the full-time in-house Corporation Counsel. Roll call vote on Motion to adopt second amendment – Ayes – 18, Nays – 0, Absent – 1 (Traxler), Abstain – 0. Motion carried. **Motion/second (Whirry/Guden)** to pass Resolution 25-2011 as amended. Attorney Selsing stated that a fiscal note is required to pass any resolution. Clerk Bostelmann stated that it is her understanding that a fiscal note is required only if a budgeted amount will be changed. Attorney Jeff Haase said that the budget has already been adopted for 2012 and if there are no changes the resolution can be passed. Supervisor Meyers stated that the Finance Committee can make budget adjustments as required. Roll Call vote on Motion to adopt – Ayes - 18, Nays – 0, Absent – 1 (Traxler), Abstain - 0. Motion passed. Resolution No. 25-2011 passed as amended.

22. **Motion/second (Richter/Gonyo)** to appoint Attorney Dan Sondalle as interim Corporation Counsel effective January 1, 2012. Richter cited Sondalle’s familiarity with the position as a reason for hire along with the “complete break” needed for the position at this time. Supervisor McConnell urged the Board to consider each presentation individually. Roll Call vote on Motion to appoint – Ayes - 12, Nays – 5 (Henke, Hedberg, McConnell, Stoddard, Thom), Absent – 1 (Traxler), Abstain – 1 (Schweder). Motion passed.

#### MOTION TO ADVERTISE FOR CORPORATION COUNSEL POSITION

23. **Motion/second (Thom/Schubert)** to table advertising for Corporation Counsel position until a job description and standards have been adopted. Roll Call vote on Motion to table advertising – Ayes - 18, Nays - 0, Absent – 1 (Traxler), Abstain – 0. Motion carried.
24. Supervisor Henke marked as absent and no longer present at the meeting via phone lines.

#### APPEARANCES

25. Fran Hill of the Center of Arts and Innovation gave an update on their merger with the Cornerstone Project and their option to purchase the vacant downtown property.
26. Supervisor Schubert made a motion to remove all of the County records from Attorney Selsing’s office. She was advised that since this was not an item on the agenda no vote may be taken on it and it will be addressed at the Property and Insurance committee meeting.

#### MOTION TO APPROVE CORRECTION OF ORD. 1007-2011 DUE TO LEGAL DESCRIPTION ERROR

27. **Motion/second (Stoddard/Whirry)** to approve a typographical error in Ord. 1007-2011 changing the parcel description of NW1/4 to NE1/4. All ayes. Motion carried.

#### MOTION TO JOIN WISCONSIN COUNTIES ASSOCIATION FOR 2012

28. **Motion/second (Stoddard/Richter)** to join Wisconsin Counties Association for 2012. Supervisor Peters questioned the cost of membership. County Clerk Bostelmann stated that the fee is approximately \$4000.00 per year and the fee for the National Association of Counties is approximately \$400.00 per year. All ayes. Motion carried.

#### MOTION TO JOIN NATIONAL ASSOCIATION OF COUNTIES FOR 2012

29. **Motion/second (Schubert/Stoddard)** to join the National Association of Counties for 2012. All ayes. Motion carried.

#### RESOLUTIONS CONTINUED

30. Res. 23-2011 Relating to Green Lake County Plan of 2012 Library Service. **Motion/second (Stoddard/Schubert)** to adopt Resolution No. 23-2011. Roll Call vote on Motion to adopt – Ayes – 17, Nays – 0, Absent – 2 (Henke, Traxler), Abstain - 0. Motion passed. Resolution No. 23-2011 passed as adopted.
31. Res. 24-2011 Relating to Committed Funds for 2012 as Required by GASB #54. **Motion/second (Schubert/Whirry)** to adopt Resolution No. 24-2011. Roll Call vote on Motion to adopt – Ayes - 17, Nays – 0, Absent – 2 (Henke, Traxler), Abstain - 0. Motion passed. Resolution No. 24-2011 passed as adopted.

#### ORDINANCES

32. Ord. 1009-2011 Amend the Code of Green Lake County, Chapter 80, Special Reserve Account. **Motion/second (Schubert/Whirry)** to enact Ordinance No. 1009-2011. Roll Call vote on Motion to enact – Ayes – 17, Nays – 0, Absent – 2 (Henke, Traxler), Abstain - 0. Motion passed. Ordinance No. 1009-2011 passed as enacted.
33. Ord. 1010-2011 Relating to Green Lake County Chapter 228, Smoking and Tobacco Products. **Motion/second (Trochinski/Richter)** to enact Ordinance No. 1010-2011. Roll Call vote on Motion to enact – Ayes – 16, Nays – 1 (Thom), Absent – 2 (Henke, Traxler), Abstain - 0. Motion passed. Ordinance No. 1010-2011 passed as enacted.
34. Ord. 1011-2011 Rezone in the Town of Berlin – Dennis Page. **Motion/second (McConnell/Hedberg)** to enact Ordinance No. 1011-2011. Roll Call vote on Motion to enact – Ayes – 17, Nays – 0, Absent – 2 (Henke, Traxler), Abstain - 0. Motion passed. Ordinance No. 1011-2011 passed as enacted.
35. Ord. 1012-2011 Rezone in the Town of Manchester - Hein. **Motion/second (McConnell/Peters)** to enact Ordinance No. 1012-2011. Supervisor Meyers stated he will be abstaining from the vote due to being related to the property owners. Roll Call vote on Motion to enact – Ayes – 16, Nays – 0, Absent – 2 (Henke, Traxler), Abstain - 1 (Meyers). Motion passed. Ordinance No. 1012-2011 passed as enacted.

36. Ord. 1013-2011 Rezone in the Town of Brooklyn – Green Lake Bank/Tamburrino. **Motion/second (Thom/Trochinski)** to enact Ordinance No. 1013-2011. Discussion held. Roll Call vote on Motion to enact – Ayes – 17, Nays – 0, Absent – 2 (Henke, Traxler), Abstain - 0. Motion passed. Ordinance No. 1013-2011 passed as enacted

## REPORTS

37. AdHoc chairman Tom Traxler submitted a written report in his absence which was read by Clerk Bostelmann. Traxler stated the viability of the AdHoc committee and what has been accomplished despite a lack of guidelines and unity when the committee was initially formed. He felt that the committee could use more time to accomplish some of the goals they have established and urged that the committee be retained or reshuffled at some point.
38. **Motion/second (Schubert/Guden)** to dissolve the Ad Hoc committee effective immediately. Supervisor Meyers stated he believes in leadership by example and feels that is lacking on this committee. Supervisor McConnell stated she feels that the committee is useful and should be reformatted. Supervisor Meyers suggested deliberation before forming another committee. Roll Call vote on Motion to dissolve – Ayes – 16, Nays – 1 (McConnell), Absent – 2 (Henke, Traxler), Abstain - 0. Motion passed.

## COMMITTEE APPOINTMENTS

39. None

## COMMITTEES TO REPORT IN FEBRUARY

40. None

## FUTURE AGENDA ITEMS FOR ACTION & DISCUSSION

41. None

## SUCH OTHER BUSINESS AS MAY PROPERLY COME BEFORE THE BOARD OF SUPERVISORS

42. None

## CORRESPONDENCE

43. Clerk Bostelmann read a letter submitted by Diane Egbert stating she feels the proposed project for the downtown property will be hard to sustain in these economic times, it will drain donations to other non-profit organizations such as Thrasher Opera House, and if it fails there will be another vacant abandoned property in downtown Green Lake.

ADJOURN

44. *Motion/second (Stoddard/Schubert)* to adjourn. All Ayes. Motion carried.
45. Meeting adjourned at 9:44 PM.

Respectfully Submitted,

Liz Otto  
Deputy County Clerk