

GREEN LAKE COUNTY

BOARD PROCEEDINGS

REGULAR SESSION

September 20, 2011

The Green Lake County Board of Supervisors met in regular session, Tuesday, September 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 – 18, Absent – 0, Vacant – 1 (District #4)

<u>Supervisor</u>	<u>Supervisor Districts</u>
Jack Meyers	1
Donald L. Peters	2
Eugene Henke	3
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
Thomas W. Traxler, Jr.	13
Debra A. Schubert	14
Michael R. Stoddard	15
Joe Gonyo	16
Joanne Guden	17
Richard Trochinski	18
Gene Thom	19

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 20th day of September, 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 08/16/2011

ANNOUNCEMENTS

APPOINTMENT AND OATH OF OFFICE – SUPERVISOR #4

APPEARANCES

- Jon Trautman of Schenck SC – 2010 Audit Report
- Dan Borowski of Phillips Borowski, SC – Wis. Stat. ss 59.42 Corporation Counsels and Structure and History of Corporation Counsel position in Green Lake County

PUBLIC COMMENTS (3 Min. Limit)

CORRESPONDENCE

CLOSED SESSION

- Move into closed session per ss 19.85(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)(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; and 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. The closed session relates to issues regarding the office of the Corporation Counsel, Assistant Corporation Counsel. No evidentiary hearing will be conducted.

RESUME OPEN SESSION

ANNOUNCE FINDINGS OF CLOSED SESSION

RESOLUTIONS

- Res 18-2011 Restructuring the Economic Support Unit within HHS
- Res 19-2011 Adoption of Final County Supervisory District Plan
- Res 20-2011 Threat of Litigation to Green lake County and certain members of the County Board by Corporation Counsel John B. Selsing

ORDINANCES

- Ord 997-2011 Maintaining the present Corporation Counsel office for Green Lake County and re-electing John B. Selsing for an additional term
- Ord 998-2011 Amend the Code of Green Lake County, Chapter 350 Zoning, Article XII Fee Schedule
- Ord 999-2011 Amend Ordinance 811-04 Personnel Policy & Procedure Manual: Grievance Procedure

REPORTS

- Ad Hoc Committee

COMMITTEE APPOINTMENTS

- Board of Adjustment
- Appointment of Supervisor #4 to Highway Committee

COMMITTEES TO REPORT ON October 18, 2011

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.

- Letter from John B. Selsing regarding Joanne Guden conflict of interest under Wis. Stat. ss19.46(1) – recommendation to approve James Macy of Godfrey & Kahn, SC for legal opinion

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 County Board of Supervisors.

Given under my hand and official seal at the Courthouse in the City of Green Lake, Wisconsin this 19th day of September, 2011.

Margaret R. Bostelmann
Green Lake County Clerk

PLEDGE OF ALLEGIANCE

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

MINUTES

2. Minutes of August 16, 2011 were reviewed by the Board. **Motion/second (Schubert/Guden)** to approve the minutes from August 16, 2011. All Ayes. Motion carried.

ANNOUNCEMENTS

3. Chairman Priske thanked Jim Hebbe and the Land Conservation Department for hosting the picnic at Zobel Park that took place prior to the County Board meeting. He thanked everyone who attended to dedicate the new handicapped accessible playground equipment that was installed at the park.

The next meeting will be on October 18, 2011.

APPOINTMENT AND OATH OF OFFICE – SUPERVISOR #4

5. **Motion/second (Traxler/Henke)** to appoint Paul Schwandt as the County Supervisor in District 4 for the term to conclude in April 2012. All Ayes. Motion carried.
6. Margaret Bostelmann, County Clerk, administered the Oath of Office.
7. **Motion/second (Schubert/Stoddard)** to seat Paul Schwandt at 6:15 PM. All ayes. Motion carried. Supervisors present - 19, Absent - 0

APPEARANCES

8. Jon Trautman of Schenck SC gave a presentation on the final 2010 audit. He gave an overview of the Management Letter and the ending fund balances. Trautman stated that a “healthy” ending fund balance is between 15% and 20%. Green Lake County is currently at 21%. He also encouraged the board to consider adopting a fund balance policy by December 31, 2011 according to GASB Statement No. 54 guidelines.
9. Dan Borowski of Phillips Borowski, SC reported on the Corporation Counsel position according to Wis. Stat. ss 59.42 and the structure and history of the position in Green

Lake County. Borowski stated that the current Green Lake County Ordinance 60-3 is contrary to the outline provided in state statutes.

PUBLIC COMMENTS (3 Minute Limit)

10. Sue Wendt, Green Lake resident and retired Green Lake County employee, spoke advising the County Board not to renew Corporation Counsel John Selsing's contract at this time. She stated that his contract does not expire until December 31, 2011 and in the past the position has always been advertised prior to renewal. She feels the County should continue with that policy. She reminded board members of their duty to Green Lake County taxpayers and advised no action be taken until all investigations of Selsing are concluded.
11. Gene Schroeder, a Town of Seneca resident and former County Board supervisor, advised the Board to table Ordinance 997-2011. He stated that during his four years on the Board he was advised by former Human Resources Consultant Brenda Keller that Green Lake County should have a full time in house Corporation Counsel and after doing research and speaking with department heads he agreed with that recommendation.
12. Sydney Rouse, a town of Brooklyn resident, urged the Board to adopt Resolution 20-2011 and table Ordinance 997-2011. She feels the county should postpone any final decisions regarding John Selsing until the audit is complete.
13. David Abendroth, a resident of the City of Markesan, urged the Board to table Ordinance 997-2011 until further research is done regarding the office of Corporation Counsel. He stated that accountability is needed in government and feels that a more thorough investigation of the Corporation Counsel office is needed.

CORRESPONDENCE

14. Clerk Bostelmann read a letter submitted by County Conservationist Jim Hebbe stating that the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) has approved the Green Lake County Land and Water Resource Management Plan through December 31, 2015 with the two changes outlined in his letter. Clerk Bostelmann also read a letter from the Department of Agriculture, Trade and Consumer Protection stating that the Green Lake County Land and Water Resource Management (LWRM) plan has been approved with the changes outlined by Jim Hebbe through December 31, 2015.
15. Clerk Bostelmann read a letter from Wisconsin County Mutual Insurance Corporation regarding 2012 advisory committee nominations. Any County Board member who is interested in serving on one of the four committees must fill out a nomination form and return it by November 15, 2011.
16. Clerk Bostelmann read a letter she signed dated September 13, 2011 stating that she will only communicate with Corporation Counsel John B. Selsing in writing due to a threatening and hostile work environment created by a letter she received from Attorney John M. Kelly representing John B. Selsing. (Letter from Attorney John Kelly, representing John Selsing, addressed to Priske, Guden, Schubert and Bostelmann

was distributed to all County Board members threatening litigation against Green Lake County and those named individuals).

17. Clerk Bostelmann read a letter from Debra Schubert, Supervisor #14, stating that she feels as chairman of the Finance and IT committees, that Corporation Counsel John B. Selsing should be removed as legal counsel from both committees due to the letter from Attorney John M. Kelly.
18. Clerk Bostelmann read a letter from Joanne Guden, Supervisor #17, recommending as chairman of the Personnel committee, that Corporation Counsel John B. Selsing be removed as legal counsel from that committee and temporarily replaced by Assistant Corporation Counsel Jeffrey Haase.
19. Clerk Bostelmann read a letter from Brenda Keller, former Human Resources Consultant for Green Lake County, recommending a full time in house Corporation Counsel. She stated that there is ample space now in the Government Center and this would provide easier accessibility to legal counsel for all departments.

CLOSED SESSION

20. ***Motion/second (Schubert/Guden)*** to enter into Closed Session pursuant to Wis. Stat. ss 19.85(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)(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; and 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. The closed session relates to issues regarding the office of the Corporation Counsel, Assistant Corporation Counsel. No evidentiary hearing will be conducted. Roll Call vote on Motion to enter into Closed Session – Ayes - 16, Nays – 3 (**Hedberg, Traxler, Thom**), Absent – 0, Abstain - 0. Motion carried. Entered into Closed Session at 7:15 PM.
21. ***Motion/second (Schubert/Guden)*** to remove John Selsing during the Closed Session. Roll Call vote on Motion to remove Selsing – Ayes – 11, Nays – 8 (**Henke, Schwandt, Whirry, Zelenski, McConnell, Traxler, Stoddard, Thom**), Absent – 0, Abstain - 0. Motion carried.

RESUME OPEN SESSION

22. ***Motion/second (Traxler/Gende)*** to resume Open Session. Roll Call vote on Motion to resume Open Session – Ayes - 19, Nays - 0, Absent – 0, Abstain - 0. Motion carried. Open Session resumed at 9:10 PM.

ANNOUNCE FINDINGS OF CLOSED SESSION

23. Chairman Priske stated that there were no motions or findings from Closed Session.

RESOLUTIONS

24. Res. 18-2011 Restructuring the Economic Support Unit within the Department of Heal & Human Services. **Motion/second (Trochinski/Richter)** to adopt Resolution No. 18-2011. Health and Human Services Director Linda Van Ness explained the resolution. Supervisor Gende questioned the qualification requirements for the positions. Roll Call vote on Motion to adopt – Ayes – 18, Nays – 1 (**Traxler**), Absent – 0, Abstain - 0. Motion passed. Resolution No. 18-2011 passed as adopted.
25. Res. 19-2011 Adoption of Final County Supervisory District Plan. **Motion/second (Thom/Traxler)** to adopt Resolution No. 19-2011. Supervisor Meyers questioned the process and County Clerk Bostelmann explained. Roll Call vote on Motion to adopt – Ayes - 19, Nays – 0, Absent – 0, Abstain - 0. Motion passed. Resolution No. 19-2011 passed as adopted.
26. Res. 20-2011 Threat of Litigation to Green Lake County and certain members of the County Board by Corporation Counsel John B. Selsing. **Motion/second (Schubert/Guden)** to adopt Resolution No. 20-2011. Supervisors Meyers, McConnell, Richter, and Peters recommended that the resolution be tabled. Supervisor Schubert recommended that the resolution be passed as Chairman of Finance. **Motion/second (McConnell/Traxler)** to table Resolution No. 20-2011. Roll Call vote on Motion to table – Ayes – 11, Nays – 8 (**Henke, Schweder, Richter, Priske, Gende, Schubert, Guden, Trochinski**), Absent – 0, Abstain – 0. Motion passed. Resolution No. 20-2011 tabled.

ORDINANCES

27. Ord. 997-2011 Maintaining the present Corporation Counsel Office for Green Lake County and re-electing John B. Selsing for an additional term. **Motion/second (Whirry/Guden)** to table Ordinance No. 997-2011. Supervisors Gende and Richter questioned the conflict of Selsing’s signature on the ordinance. Richter also outlined reasons why a contract is not in the best interests of the County. Supervisor Henke stated that there was no evidence of any fraud in the audit presentation from earlier in meeting. Supervisor Traxler stated that there are currently two other five year contracts with Highway Commissioner Bob Podgorski and Emergency Management Director Gary Podoll. Supervisor Peters pointed out that there is no mention of the word “contract” in the ordinance. Roll Call vote on Motion to table – Ayes – 17, Nays – 2 (**Henke, Thom**), Absent – 0, Abstain - 0. Motion passed. Ordinance No. 997-2011 tabled.
28. Ord. 998-2011 Amending the Code of Green Lake County, Chapter 350 Zoning, Article XII Fee Schedule. **Motion/second (Henke/Trochinski)** to enact Ordinance No. 998-2011. Roll Call vote on Motion to enact – Ayes – 18, Nays – 1 (**Meyers**), Absent – 0, Abstain - 0. Motion passed. Ordinance No. 998-2011 passed as enacted.

29. Ord. 999-2011 Amending Ordinance 811-04 Personnel Policy & Procedure Manual, Grievance Procedure. *Motion/second (Guden/Richter)* to enact Ordinance No. 999-2011. Supervisor Meyers stated that he would like additional explanation. Corporation Counsel John Selsing explained the requirements of having this policy in place by October 1. Roll Call vote on Motion to enact – Ayes – 19, Nays – 0, Absent – 0, Abstain - 0. Motion passed. Ordinance No. 999-2011 passed as enacted.

REPORTS

30. Tom Traxler, chairman of the Ad Hoc committee, stated that most departments within the County have complied with the 3% reduction for next year. The idea of consolidating Land Use Planning & Zoning with Land Conservation has been tabled for now but not ruled out for the future. Traxler stated that the Ad Hoc committee should have their work completed within the next few months. The next meeting is October 10 when they will be reviewing Clerk of Courts, Highway, and the Sheriff's Department.

COMMITTEE APPOINTMENTS

31. Chairman Priske with the Board's approval would like to appoint Sherwood Zink as Alternate #2 to the Board of Adjustment. *Motion/second (Schubert/Traxler)* to approve appointment. All ayes. Motion carried.
32. Chairman Priske with the Board's approval would like to appoint Supervisor #4 Paul Schwandt to the Highway Committee. *Motion/second (Guden/Peters)* to approve appointment. All ayes. Motion carried.

COMMITTEES TO REPORT IN OCTOBER

33. Chairman Priske stated that all supervisors and County Clerk Marge Bostelmann will give reports in October regarding their attendance at the Wisconsin Counties Association conference at the end of September.

FUTURE AGENDA ITEMS FOR ACTION & DISCUSSION

34. Supervisor Meyers suggested that there be someone available to answer questions at each County Board meeting before resolutions or ordinances are acted upon. He stated that he did not understand Ordinance 998-2011 so therefore he voted no. Supervisor Peters agreed. Supervisor Henke explained Ordinance 998-2011.

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

35. Letter submitted from Corporation Counsel John B. Selsing dated August 26, 2011 regarding Joanne Guden and his concern that she has conflicts of interest serving on county committees due to family member's employment with Green Lake County.

Clerk Bostelmann read a letter from John Selsing from 2010 to Supervisor Guden stating that she had no conflict of interest as long as she abstained from voting on any matters directly related to family. **Motion/second (Meyers/Trochinski)** to retain James Macy of Godfrey & Kahn, SC for legal opinion. John Selsing explained that his current concern is with her participation on the Ad Hoc committee as it relates directly to personnel issues. Supervisor Schubert stated it would be foolish to spend money on legal counsel for this issue when the Ad Hoc committee will be dissolved in three months or less. Supervisor Richter stated that with five members now on the committee she can recuse herself and a quorum would still be met. Roll call vote on Motion to retain legal opinion – Ayes – 2 (Meyers, Hedberg), Nays – 16, Absent – 0, Abstain – 1 (Guden). Motion failed.

ADJOURN

36. **Motion/second (Stoddard/Traxler)** to adjourn. All Ayes. Motion carried.
37. Meeting adjourned at 10:05 PM.

Respectfully Submitted,

Liz Otto
Deputy County Clerk