

NOTICE OF MEETING

SHEBOYGAN COUNTY BOARD OF SUPERVISORS

Sheboygan County Courthouse
615 North 6th Street, 5th Floor
Sheboygan WI

TUESDAY, July 16, 2013 at 6:00 P.M.

In compliance with Rule V under the Rules of Order of the Sheboygan County Board of Supervisors, as County Clerk of Sheboygan County, I herewith submit the following AGENDA.

AGENDA

CALL TO ORDER – Chairperson Roger L. Te Stroete

CERTIFICATION OF COMPLIANCE WITH OPEN MEETING LAW

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF JUNE 18, 2013 JOURNAL

PRESENTATIONS – NONE

PUBLIC ADDRESSES

As of the preparation of this Agenda no one has requested to speak. County Board rules allow interested persons to register to speak until 5:00 pm on the Monday before the County Board Meeting.

LETTERS, COMMUNICATIONS AND ANNOUNCEMENTS

Items introduced under this heading are either referred to a Committee for action, or received for information. No action is taken at this meeting.

COUNTY ADMINISTRATOR'S REPORT

The County Administrator's Report is a summary of County activities for the previous month and planned for upcoming months.

CONSIDERATION OF COMMITTEE REPORTS - EXECUTIVE COMMITTEE

Ordinance No. 05 (2013/14)

Re: Amending County Employee Grievance Procedure

Committee Recommendation: Enact

Signed in Opposition: None

POSTED
07.10.13
3:15 PM

CONSIDERATION OF COMMITTEE REPORTS - LAW COMMITTEE

Ordinance No. 04 (2013/14) Re: Correcting Technical Errors in Code

Committee Recommendation: Enact
Signed in Opposition: None

RESOLUTIONS INTRODUCED

Items introduced under this heading are referred to a Committee for recommendation. No formal action is taken at this meeting unless noted.

Resolution No. 06 (2013/14) Re: Sale of Excess Land in Town of Rhine

***CONTEMPLATED ACTION:** Pursuant to Rule XIII it is anticipated that a motion to withdraw (pull) this resolution will be made. If by a majority, the board votes to pull the resolution it will be subject to immediate action.

Resolution No. 07 (2013/14) Re: Approving Expenditures to Construct Addition to the Health and Human Services Building

Resolution No. 08 (2013/14) Re: Authorizing an Application for a Transportation Economic Assistance Grant (TEA) for County Road C Improvements

Resolution No. 09 (2013/14) Re: Petitioning the Secretary of Transportation for Airport Improvement Aid

ORDINANCES INTRODUCED - NONE

ADJOURNMENT

Respectfully submitted this 10th day of July, 2013.

JON DOLSON, COUNTY CLERK

* * * * *

NOTES:

Reminder: Expense sheets for the period ending July 15, 2013 are due in the County Clerk's Office no later than Friday, July 19, 2013.

There will be no Legislative Breakfast in August.

Persons with disabilities needing assistance to attend or participate are asked to notify the County Clerk's Office at 920.459.3003 prior to the meeting so that accommodations may be arranged.

JOURNAL OF THE MEETING OF THE SHEBOYGAN COUNTY BOARD OF SUPERVISORS

June 18, 2013

Pursuant to Wis. Stat. § 59.11, the June 18, 2013 session of the Sheboygan County Board was called to order by Chairperson Roger L. Te Stroete at 6:00 p.m. Chairperson Te Stroete noted that the notice of meeting was posted on June 12, 2013 at 2:15 p.m. in compliance with the open meeting law. The meeting opened with the Pledge of Allegiance by all present.

The roll call was taken and recorded with 24 Supervisors present; Absent: 1, Supervisor Weggeman.

Supervisor Winkel made a motion for approval of the May 21, 2013 Journal, which was distributed to all supervisors prior to the meeting. The motion was seconded by Supervisor LeMahieu and carried on unanimous roll call vote of the board.

APPOINTMENTS

The Chairperson announced that the next order of business was the consideration of the following appointments by the Executive Committee.

Finance Committee

George Marthenze (To fill the unexpired term of Michael Vandersteen through April 14, 2014)

Law Committee

Fay Uraynar (To fill the unexpired term of Michael Vandersteen through April 14, 2014)

Human Resources Committee

Fay Uraynar (To fill the unexpired term of George Marthenze through April 14, 2014)

Supervisor Winkel made a motion to concur with the appointments. The motion was seconded by Supervisor Goehring.

Supervisor Baumgart moved to divide the question. There were no objections.

Supervisor Marthenze was appointed to the Finance Committee on roll call vote of the board of Ayes: 17; Noes: 7, Supervisors Abler, Baumgart, Epping, Glavan, Hoffmann, Koch, and Wheeler; Absent: 1, Supervisor Weggeman.

Supervisor Uraynar was appointed to the Law Committee on roll call vote of the board of Ayes: 23, Noes: 1, Supervisor Hoffmann; Absent: 1, Supervisor Weggeman.

Supervisor Uraynar as appointed to the Human Resources Committee on roll call vote of the board of Ayes: 23, Noes: 1, Supervisor Hoffmann; Absent: 1, Supervisor Weggeman.

The Chairperson announced that the next order of business was the consideration of the following reappointments by the County Administrator of **Mark Pfaller** and **Gene Blindauer** to the Board of Adjustments.

Supervisor Winkel made a motion to concur with the reappointments from the County Administrator. The motion was seconded by Supervisor Glavan and carried on unanimous roll call vote of the board.

PRESENTATION

Ann Wondergem, Interim Director United Way of Sheboygan County presented plaques to Chairperson Te Stroete and Supervisor Feider, Chairperson of Health & Human Services for the contributions to the United Way of Sheboygan County in support of the Lakeshore Community Clinic.

LETTERS AND COMMUNICATIONS

The Clerk presented a resolution from the Outagamie County Board of Supervisors supporting legislation prohibiting entities from foreclosing on property without a recorded interest in that property. By Chairperson received for information.

The Clerk presented a resolution from the Outagamie County Board of Supervisors opposing all legislative efforts to eliminate or limit the tax-exempt status of municipal bonds. By Chairperson referred to the Finance Committee.

The Clerk presented a resolution from the Outagamie County Board of Supervisors opposing all legislative efforts to remove local control of the 911 system. By Chairperson referred to the Law Committee.

The Clerk presented a resolution from the Manitowoc and Waushara County Boards of Supervisors opposing all efforts of the state legislative to micro-manage operations of county government (Assembly Bill 85 & Senate Bill 95). By Chairperson received for information.

The Clerk presented a resolution from the Manitowoc County Board of Supervisors urging the state fund local health departments to continue beach safety testing and notification. By Chairperson referred to the Health & Human Services Committee.

The Clerk presented a resolution from the Portage County Board of Supervisors amending state law to permit a multi-vendor student information system for Wisconsin school districts. By Chairperson received for information.

The Clerk presented a resolution from the Langlade and Vernon County Boards of Supervisors opposing increasing acreage of alien land ownership. By Chairperson referred to the Planning, Resources, Agriculture and Extension Committee.

The Clerk presented a resolution from the Oconto County Board of Supervisors supporting modification of election procedure to allow hand count or use of automatic tabulating equipment. By Chairperson received for information.

The Clerk presented a resolution from the Oconto County Board of Supervisors opposing set hours for obtaining absentee ballots. By Chairperson received for information.

COUNTY ADMINISTRATOR'S REPORT

County Administrator Adam Payne discussed the annual County Board Leadership Forum held on June 6, 2013 and briefly reviewed the very positive evaluation feedback. Mr. Payne, along with Chairperson Te Stroete and Vice Chairperson Wegner recognized Peggy Feider for five years of dedicated service to Sheboygan County. Mr. Payne also distributed and reviewed a summary of Sheboygan County Accolades listing many of the outstanding attributes and achievements in our community. This list can be reviewed on the Sheboygan County website.

COMMITTEE REPORTS

The Clerk read the report of the Executive Committee regarding the **2012-2013 Per Diem Payments**.

Supervisor Goehring made a motion to concur with the report. The motion was seconded by Supervisor Marthenze and carried on unanimous roll call vote of the board.

The Clerk read the report of the Executive Committee regarding Ordinance No. 02 (2013/14) **Redesignation of Navigable Waterways in Shoreland-Floodplain Ordinance** recommending enactment.

Supervisor Ogea made a motion to enact the ordinance. The motion was seconded by Supervisor Marthenze and carried on unanimous roll call vote of the board.

The Clerk read the report of the Executive Committee regarding Ordinance No. 03 (2013/14) **Amending Shoreland Ordinance in Sections 11 and 14, Town of Wilson (.08 Acres of Property Owned by Kohler Co.)** recommending enactment.

Supervisor Goehring made a motion to enact the ordinance. Supervisor Feider seconded the motion which carried on roll call vote of the board of Ayes: 22; Noes: 0; Abstain: 2, Supervisors Baumgart, and Hoffmann; Absent: 1, Supervisor Weggeman.

The Clerk read the report of the Health & Human Services Committee regarding Resolution No. 04 (2013/14) **Authorizing and Directing the Finance Committee and Finance Director to Transfer Fund Balance from Health & Human Services to Capital Project Fund Balance** recommending adoption.

Supervisor Feider made a motion to adopt the resolution. The motion was seconded by Supervisor Otten and carried on unanimous roll call vote of the board.

(Vice-Chairperson Wegner presiding)

Pursuant to Rule IV of the Rules of Order, the following resolutions and ordinances were introduced by the Clerk and referred by the Vice-Chairperson as indicated:

Resolution No. 05 (2013/14) Re: Authorizing Application for 2013 Justice Assistance Grant Program Award (Local Solicitation) and Entering into Memorandum of Understanding with the City of Sheboygan referred to the Finance Committee.

Supervisor Winkel made a motion to pull Resolution No. 05 from committee for immediate action. Supervisor Ogea seconded the motion which carried on unanimous roll call vote of the board.

Supervisor Winkel made a motion to adopt the resolution. The motion was seconded by Supervisor Goehring and carried on unanimous roll call vote of the board.

Ordinance No. 04 (2013/14) Re: Correcting Technical Errors in Code referred to the Law Committee.

Ordinance No. 05 (2013/14) Re: Amending County Employee Grievance Procedure referred to the Executive Committee.

ADJOURNMENT

Supervisor Bemis made a motion to adjourn to 6:00 p.m. on Tuesday, July 16, 2013. Supervisor Winkel seconded the motion which carried on unanimous roll call vote of the board. The meeting was adjourned at 6:42 p.m.

1 SHEBOYGAN COUNTY ORDINANCE NO. 05 (2013/14)

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3 Re: **Amending County Employee Grievance Procedure**
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6 **WHEREAS**, pursuant to the requirements of Wis. Stat. § 66.0509(1)(m), the Sheboygan County
7 Board enacted Ordinance No. 6 (2011/12) on November 1, 2011, creating a County Employee Grievance
8 Procedure, and
9

10 **WHEREAS**, in reviewing the procedure, the Human Resources Committee has determined that
11 there are areas where the procedure can be clarified and can provide the potential for a more
12 even-handed approach to discipline than the original language of the Ordinance, and
13

14 **WHEREAS**, it is in the best interests of Sheboygan County to amend the County Employee
15 Grievance Procedure Ordinance to incorporate those provisions.
16

17 **NOW, THEREFORE**, the County Board of Supervisors of the County of Sheboygan does ordain
18 as follows:
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20 Section 1. **Amending Order of Business as to Grievance Procedure**. Section
21 2.04(2) of the Sheboygan County Code of Ordinances is hereby amended as follows (additions
22 indicated by redlining; deletions by strike-through):
23

24 2.04(2) The order of business for all other meetings except the budget review session,
25 special sessions, and the Organizational Meeting shall be as follows:
26

- 27 (a) Call to order.
28 (b) Certification of compliance with Open Meeting Law.
29 (c) Pledge of Allegiance.
30 (d) Roll call.
31 (e) Approval of Journal.
32 (f) Committee and other appointments.
33 (g) Presentations.
34 (h) Public Addresses to the Board.
35 (i) Letters, Communications, and Announcements.
36 (j) County Administrator's report.
37 (k) Public Hearings.
38 (l) Reports of Committees on referrals of Resolutions and Ordinances and
39 action thereon in the following order:
40 1. Executive Committee.
41 2. Other standing committees in alphabetical order.
42 3. Special committees.
43 (m) Elections.
44 (n) Other Committee reports and action thereon, if any.
45 (o) Introduction of Resolutions, discussion, and action thereon. (All new
46 Resolutions referred to Committees shall be read, titles only.)
47 (p) Introduction of Ordinances, discussion, and action thereon. (All new
48 Ordinances referred to Committees shall be read, titles only.)
49 ~~(q) Grievance Appeals required by Section 48.09 of this Code.~~
50 (qr) Adjournment.
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52 Section 2. **Amending Grievance Procedure**. Section 48.08(2) of the Sheboygan
53 County Code of Ordinances are hereby amended as follows (additions indicated by redlining;
54 deletions by strike-through):

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48.08(2)

The Human Resources Director shall upon receipt of a written hearing request appoint an impartial hearing officer/examiner to hear the matter. ~~The impartial hearing officer shall be selected by the Human Resources Director with the approval of the County Administrator from among the Department Heads but shall not be a person who supervises the employee. Alternatively, in the~~ discretion of the Human Resources Director, with the approval of the County Administrator, the Human Resources Director may select a person who is not affiliated with the County. ~~Alternatively, the impartial hearing examiner may be selected by the Human Resources Director with the approval of the County Administrator from among the Department heads but shall not be a person who supervises the employee.~~

Section 3. **Amending Grievance Procedure**. Section 48.08(8) of the Sheboygan County Code of Ordinances are hereby amended as follows (additions indicated by redlining; deletions by strike-through):

- (8) The employee has the burden of proof in an employee discipline grievance to show that the County's discipline was arbitrary and capricious ~~and/or that the County did not adhere to the time limits or other grievance process requirements established under this Chapter~~. The County has the burden of proof in a workplace safety grievance. The standard required of the party with the burden of proof in all cases is a preponderance of the evidence.

Section 4. **Effective Date**. The herein Ordinance shall take effect upon enactment.

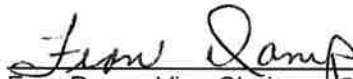
Respectfully submitted this 18th day of June, 2013.


HUMAN RESOURCES COMMITTEE



Devin LeMahieu, Chairperson


George Marthenze, Secretary



Fran Damp, Vice-Chairperson


Keith Adler


Edward J. Procek

Opposed to Introduction:

Countersigned by:

Roger L. Te Stroete, Chairperson

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Section 7. **Renumbering Chapter 16 (Lead Poisoning and Exposure).**
Chapter 16, as it relates to the lead-based paint, is renumbered Chapter 11 and the individual Section numbers are renumbered accordingly.

Section 8. **Effective Date.** The herein Ordinance shall take effect upon enactment.

Respectfully submitted this 18th day of June, 2013.

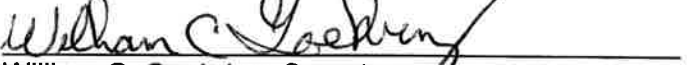
EXECUTIVE COMMITTEE




Roger L. Te Stroete, Chairperson



Thomas Wegner, Vice-Chairperson



William C. Goehring, Secretary



Peggy Heider



George Marthenze

Opposed to Introduction:

Countersigned by:

Roger L. Te Stroete, Chairperson



SHEBOYGAN COUNTY

Greg Schnell, Transportation Director

Sheboygan County Transportation Department – Highway Division

July 8, 2013

Sheboygan County Board of Supervisors
615 N 6th St
Sheboygan WI 53081

Dear County Board Supervisors:


This correspondence is being sent with regard to the Resolution being introduced at the July 16, 2013 meeting regarding Sale of Excess Land in Town of Rhine.

At the July 1, 2013 Transportation Committee meeting this Resolution was approved and the request was made to have it pulled and considered for immediate action at the July 16th County Board meeting.

The justification for this request is based on the request of Mr. Jacob Muehlbauer in his informal offer to purchase contingencies, specifically, the request to close on or before August 1, 2013.

Thank you for your attention to this matter.

Sincerely,



Greg Schnell
Transportation Director

GS/ag

1 **SHEBOYGAN COUNTY RESOLUTION NO. 06 (2013/14)**

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3 **Re: Sale of Excess Land in Town of Rhine**

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6 **WHEREAS**, Sheboygan County owns a parcel in the Town of Rhine that was used by
7 the Highway Department and is known as the Jung Pit, and

8
9 **WHEREAS**, the parcel is comprised of approximately 3.7 acres of land not needed for
10 County purposes now or in the foreseeable future, and it would be in the public interest to sell
11 the excess land at fair market value so that it can be returned to the tax roll, and

12
13 **WHEREAS**, the excess land is described as:

14
15 Commencing at the E ¼ corner Section 15, T16N, R21E, Town of Rhine,
16 Sheboygan County, Wisconsin.

17
18 Thence S00°08'59"E, along the East line SE ¼ Section 15, 450.00 feet to the
19 point of beginning:

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21 Thence, continuing S00°08-59"E, along the East line SE ¼ Section 15, 355.00
22 feet; thence S89°51'00"W 460.00 feet; thence N00°08'22"W 362.81 feet;
23 thence S89°10'38"E 460.00 feet to the point of beginning, and containing 165084
24 square feet (3.7898 acres) of land.

25
26 Together with a right-of-way from the highway to said premises two rods in width.

27
28 and

29
30 **WHEREAS**, a study of the property indicates the excess parcel has a fair market value
31 in excess of \$20,000.00 and Jacob L. Muehlbauer, the neighboring landowner, has offered to
32 purchase the parcel for \$26,250.00, and the undersigned Committee wishes to accept the offer;

33
34 **NOW, THEREFORE, BE IT RESOLVED**, pursuant to Wis. Stat. § 83.08(4), the
35 Transportation Committee is authorized to accept a offer to purchase the excess land at Town
36 of Rhine for \$26,250.00 by Jacob L. Muehlbauer on such terms and conditions as the
37 Transportation Committee deems to be in the best interests of Sheboygan County, with the
38 contractual terms to be drawn by the Corporation Counsel.

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40 **BE IT FURTHER RESOLVED** that the County Board Chairperson and County Clerk be
41 authorized to sign the instrument of conveyance and any other document necessary to

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44 (The rest of this page intentionally left blank.)
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47 implement the intent of this Resolution and that the transaction be approved by the Wisconsin
48 Department of Transportation as required by Wis. Stat. § 83.08(4).

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Respectfully submitted this 16th day of July, 2013.

TRANSPORTATION COMMITTEE

Richard C. Bemis, Chairperson

Mark S. Winkel, Vice-Chairperson

Charles W. Conrardy, Secretary

James P. Glavan

Jacob Van Dixhorn

Opposed to Introduction:

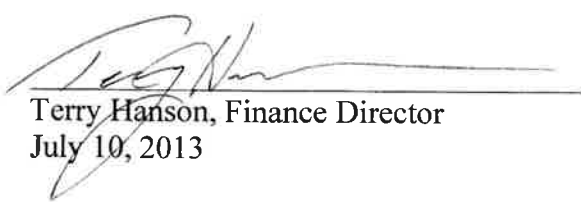
FISCAL NOTE

Re: Sale of Excess Land in Town of Rhine

Adoption of this resolution allows for the sale of excess land formerly used by the Highway Department and is known as the Jung Pit. The land is shown as an asset with a book value of \$525. Thus, the sale price of \$26,250 less the book value and selling costs will be recorded as miscellaneous income to the County.

Funding:

No funding is required. The net proceeds will be booked as a gain.



Terry Hanson, Finance Director
July 10, 2013