

**Grant County Board of Supervisors
February 20, 2018**

The Grant County Board of Supervisors met on Tuesday, February 20, 2018 at 10:00 a.m. in Room 264 on second floor of the Administration Building, Lancaster, WI pursuant to the adjournment of the January 23, 2018 meeting.

Robert Keeney, County Board Chair called the meeting to order and the Pledge of Allegiance was recited.

Verification of compliance with the open meeting law was a notice in the Herald Independent stating the date, time and place of the County Board Meeting and posted in two public posting locations and the county website verified by Linda K. Gebhard, County Clerk.

Roll Call, February 20, 2018

	Present	Absent	Excused
Carol Beals	X		
John Beinborn	X		
Ronald Coppernoll	X		
Roger Guthrie	X		
Dale Hood	X		
Lester Jantzen	X		
Robert Keeney	X		
Mike Lieurance			X
Grant Loy	X		
Dwight Nelson	X		
John Patcle	X		
Gary Ranum	X		
Gregory Fry	X		
Robert Scallon	X		
Donald Splinter	X		
Mark Stead	X		
Daniel Timmerman	X		

The Clerk took the roll call resulting in 16 present, 1 excused. Therefore a quorum was present.

Agenda: Lester Jantzen, seconded by Roger Guthrie, made a motion to approve the agenda. Motion carried.

Minutes: John Beinborn, seconded by Dwight Nelson made a motion to approve the minutes of January 23, 2018 with one correction. In the committee reports, Gary Ranum report on the article from the WCA magazine, change the word to electronic voting instead of loading. Motion carried.

Cardinal Hickory Creek Transmission Line Presentation: John Callaway from ATC and Angela Jordon from ICT conducted the presentation. They talked about the process they have used to establish the proposed routes which has been ongoing for the past 4 years. The same routes would be used in the future. They talked about the agriculture impacts which they believe to be minimal. The cost for the project is estimated at \$500,000,000.00 which is not born by the citizens of Grant County. The cost has

been deemed to have value enough to be categorized as an MPP (multi value project). The cost will be shared between 14 states and 1 Canadian Province. The need for the line will be to improve system reliability and relieve congestion on the transition system, to import renewable energy from outside the state and import energy from outside the region. The line is not being promoted to increase demand. In truth, energy use is not declining, the anticipated growth has flattened out from 3% to 0 - .5%. Because there are plants closing in this region this will help fill the gaps in the grid to enable the new generation such as wind power in Iowa to come into the grid, other renewable forms of energy will also be able to be brought in. The purpose they see the line doing is to help bring in less expensive power and power from other regions. They will follow the Public Service Commission regulation to the letter and throughout the process the citizens and groups will be given ample time to discuss this issue. There will only be one route chosen from Middleton across the Mississippi into Iowa. There would be a midpoint substation in the Montfort (Town of Wingville) area. An application will have to be submitted to the Wisconsin Public Service System in April. Once the application is deemed complete the Public Safety Commission has 180 days to evaluate the application. And then they could take an additional 180 days to make their requests. There will probably not be a determination made until eighteen months to a year later.

Memoriam for Allan A. Jansen Resolution 61-16: Chair Keeney read the Memoriam for Allen A. Jansen.

A motion was made by Mark Stead, seconded by John Beinborn, to approve the Memoriam and direct the County Clerk to send the signed certificate to the family of Allan A. Jansen. Motion carried.

**RESOLUTION #61-16
IN MEMORIAM OF ALLAN A. JANSEN**

The Grant County Board of Supervisors, assembled this 20TH day of February, 2018 issues the following commemoration:

WHEREAS, the death of Allan A. Jansen from the Town of Jamestown has come to the attention of this body; and

WHEREAS, Allan A. Jansen served on the Grant County Board of Supervisors from April 2000 to April 2010 representing District 30 Town of Jamestown Wards 1 & 2; and

WHEREAS, his many friends and acquaintances will long cherish in memory his willingness to serve through public office and to assist in the interest and welfare of Grant County.

NOW, THEREFORE BE IT RESOLVED, that the Grant County Board of Supervisors commends the life and public service of Allan A. Jansen and that this memorial be set forth at length upon the minutes of the meeting and that a copy, properly attested by the signature of the Chairperson and the Clerk, be sent to the family.

/s/ Robert C. Keeney, County Board Chair

/s/ Linda K. Gebhard, County Clerk

Memoriam for John F. Patterson Resolution 62:16: Chair Keeney read the Memoriam for John F. Patterson.

A motion was made by Roger Guthrie, seconded by Robert Scallon, to approve the Memoriam and direct the County Clerk to send the signed certificate to the family of John F. Patterson. Motion carried.

**RESOLUTION #62-16
IN MEMORIAM OF JOHN F. PATTERSON**

The Grant County Board of Supervisors, assembled this 20TH day of February, 2018 issues the following commemoration:

WHEREAS, the death of John F. Patterson from the Town of Beetown has come to the attention of this body; and

WHEREAS, John F. Patterson served on the Grant County Board of Supervisors from April 1988 to April 1992 representing District 11 Town of Beetown, Town of South Lancaster and City of Lancaster Ward 4. From April 1992 to April 2003 representing District 9 Town of Beetown, Town of South Lancaster Ward 1, and City of Lancaster Ward 2; and

WHEREAS, his many friends and acquaintances will long cherish in memory his willingness to serve through public office and to assist in the interest and welfare of Grant County.

NOW, THEREFORE BE IT RESOLVED, that the Grant County Board of Supervisors commends the life and public service of John F. Patterson and that this memorial be set forth at length upon the minutes of the meeting and that a copy, properly attested by the signature of the Chairperson and the Clerk, be sent to the family.

/s/ Robert C. Keeney, County Board Chair

/s/ Linda K. Gebhard, County Clerk

Communications: Ben Wood, Corporation Counsel presented the Memorandum he drew up regarding Administration of Grant County Governmental Operations.

John Beinborn and Carol Beals asked if this issue would affect the committee changes that have already been approved. Ben stated he did not feel that would be impacted, those committee decisions were made prior and voted on by the board. They wondered if the committee discussion should be continued at the March meeting. Carol thanked Ben for the time he has spent in drafting the Memorandum for the Board.

MEMORANDUM

FROM: Corporation Counsel
TO: Grant County Board of Supervisors
DATE: February 5, 2018
RE: Administration of Grant County Governmental Operations

BACKGROUND

Grant County is discussing the possibility of creating a position for a County Executive, County Administrator or further develop and change the duties and the retitling of the Administrator Coordinator position as described in Wisconsin Statutes §§59.17, 59.18, and 59.19. Under the current

structure, which was delegated in 2009, the County Clerk is designated the position of County Administrative Coordinator pursuant to Wis. Stat. §59.19 which provide:

59.19 Administrative coordinator. In any county which has not created the office of county executive or county administrator, the board shall designate, no later than January 1, 1987, an elected or appointed official to serve as administrative coordinator of the county. The administrative coordinator shall be responsible for coordinating all administrative and management functions of the county government not otherwise vested by law in boards or commissions, or in other elected officers.

There are no delegated powers for the position and therefore the position is just a place-holder with no real authority. However, it is legal and necessary at the current time under the above-mentioned statute. If this position were to be revamped, retitled or hired by the Board, then I would suggest a detailed job description to delegate the responsibility of the position.

My understanding is the issue of which of the three choices is best for the County, and the legalities of each, is to be described or presented for the newly elected Board in April. Thus, this memo will not address those issues. I will assist the Board in a discussion of the differences and legalities of each position as requested.

ISSUE

In discussing the aforementioned, dialogue was exchanged to clarify what should occur at reorganization with regard to the County Board Chair, specifically, salary, election, etc. The legal issue addressed in this memo is specifically what are the legalities of electing the County Board Chair in April of 2018 at the reorganizational meeting with the possibility of making a change in Board structure midterm of the County Board Chair's term. Further, a relevant legal analysis as to legalities behind the approval of the County Board Chair's salary and benefits and whether decreasing or removing the County Board Chair's salary and benefits midterm will be a violation of state law.

DISCUSSION

At the reorganizational meeting in April 2018, do we elect a County Board Chair, 1st Vice Chair and 2nd Vice Chair? Yes, at the reorganizational meeting in April 2018, the Board must elect all three positions pursuant to Wis. Stat. 59.12 which provides:

59.12 Chairperson; vice chairperson; powers and duties.

(1) The board, at the first meeting after each regular election at which members is elected for full terms, shall elect a member chairperson. The chairperson shall perform all duties required of the chairperson until the board elects a successor. The chairperson may administer oaths to persons required to be sworn concerning any matter submitted to the board or a committee of the board or connected with their powers or duties. The chairperson shall countersign all ordinances of the board, and shall preside at meetings when present. When directed by ordinance the chairperson shall countersign all county orders, transact all necessary board business with local and county officers, expedite all measures resolved upon by the board and take care that all federal, state and local laws, rules and regulations pertaining to county government are enforced.

(2) The board at the time of the election of the chairperson shall also elect a member vice chairperson, for the same term, who in case of the absence or disability of the chairperson shall perform the chairperson's duties. The board at the time of the election

of the chairperson may also elect a member 2nd vice chairperson, for the same term, who in case of the absence or disability of the chairperson and vice chairperson shall perform the duties of the chairperson. Except for the board of a county with a population of 750,000 or more, the board may provide for the payment of additional compensation to the vice chairpersons.

If we must elect a County Board Chair and restructure the Board to eliminate a salary for the County Board Chair midterm, will we be violating the law, or have we violated the law by approving an increase in the County Board Chair salary to start before April of 2018? There is no statute, county ordinance, or county rule which discusses the specifics of the County Board Chair salary. The County Board Chair salary is established each year with the budget by resolution and approved at the November meeting with the adoption of the budget. Currently with the adopted 2018 budget we approved compensating the County Board Chair \$49,442.00, effective January 2018.

Compensation of an elected official shall be established by the Board before the earliest time for filing nomination papers for any elective office to be voted on in the county, other than supervisors or circuit judges, which office is paid in whole or in part from the county treasury, establish the total annual compensation. Wis. Stat. 59.22(1)(a)1. Further, the compensation established shall not be increased or decreased during the officer's term and shall remain for ensuing terms unless changed by the board. Wis. Stat. 59.22(1)(a)1. Subsection (1)(a)1. of Wis. Stat. 59.22 is titled "Elected Officials." To the contrary Wis. Stat. 59.22(2)(a) is titled "Appointive Officials, Deputy Officers, and Employees." Subsection (2)(a) Does not have the same strict requirements discussed in the elected official's subsection, and gives the Board discretion to handle salary and compensation without the fear of terms of office. Specifically, Wis. Stat. 59.22(2)(c)1. provides:

(c)

1. Except as provided in subd. 2. and par. (d), the board may do any of the following:
 - a. Provide, fix or change the salary or compensation of any office, board, commission, committee, position, employee or deputies to elective officers that are subject to sub. (1) Without regard to the tenure of the incumbent.
 - b. Establish the number of employees in any department or office including deputies to elective officers.
 - c. Establish regulations of employment for any person paid from the county treasury.

With the above as the legal background, the legal question centers around whether the County Board Chair is an elected official or an elected officer of the Board, appointive of the Board, or employee of the Board.

Elected official is defined by Wis. Stat. 5.02(3m) which states:

(3m) "Elected official" means an individual who is elected to a national, state or local office.

An elective officer is defined by Wis. Stat. 66.0505 which states:

66.0505 Compensation of governing bodies.

(1) DEFINITIONS. In this section:

- (a)** "Elective officer" means a member or member-elect of the governing body of a political subdivision.
- (b)** "Political subdivision" means any city, village, town, or county.
- (2)** ESTABLISHMENT OF SALARY. An elected official of any political subdivision, who by virtue of the office held by that official is entitled to participate in the establishment of the salary attending that office, shall not during the term of the office collect salary in excess of the salary provided at the time of that official's taking office.

In my opinion, the County Board Chair position is an elective officer position more along the lines of an employee, not an elected official. The County Board Chair is a member, or member-elect, of the County Board and not the County itself, with no guarantee of a paid position. The legislative intent behind the disallowing of salary change in an elected position is transparency of government. If a person chooses to run for elected office and that office carries a salary, a governing body does not have the right to then increase or decrease the elected official's salary. The salary must be posted prior to the time for nomination papers so that all candidates know exactly the rules and payment of officer prior to running for the position. The County Board Chair is not elected by the political subdivision. The County Board Chair is elected by the governing body of the political subdivision. The County Board Chair is not a guaranteed position for any member on the County Board. Therefore, no candidate for a County Board seat may expect to receive additional compensation beyond the per diem established under statute and county ordinance and mileage.

Therefore, it is my legal conclusion that by approving the County Board Chair's salary during the budget session and adoption in November of 2017 to start in January 2018 prior to the general election in April of 2018, was not a violation of the law, specifically Wis. Stat 59.22. Further, it is my legal opinion that by terminating the County Board Chair's salary midterm of the two-year election term is not a violation of Wis. Stat. 59.22. My legal opinion is that the County Board Chair is not an elected official within the discussion above and therefore is not bound by Wis. Stat. 59.22(1)(a)1, nor it is applicable under Wis. Stat. 66.0505(2). If this Board chooses to restructure it will not be required to pay the County Board Chair's salary for the entire two-year term of the County Board Chair.

That said, the issue presented now becomes one of budgetary concerns. The 2018 budget is passed, and a resolution was passed to compensate the County Board Chair \$49,442.00 for the year. There is a process for amending the budget as set out in Wis. Stat. 65.90(5), which requires a two-thirds vote of the entire membership of the governing body. Therefore, in order for the change to occur in the board structure within this budget cycle, there would need to be an amendment of the budget to change the compensation structure of the County Board Chair. This will pose difficulties in my opinion, because the budget was passed with expectations and give and take by all departments. Therefore, my recommendation would be that if a change in board structure, it would be concurrent with the budget for 2019, which would be in October 2018 and finalized in November. This ensures the county has the amount budgeted and a balanced budget moving forward. The timing would allow for about six months to discuss the change, gather further information on the change, and allow for interviews and such if the Board chooses to make a change.

The County Board Chair is considered a full-time employee and therefore is eligible for health and life insurance. The county's contribution is 85% of family and 95% of single for the lowest health insurance plan premium. The county is responsible for 100% of a \$10,000 term life and accidental death and dismemberment policy. This is reduced to \$5,000 after the age of 70.

If a change is effectuated in regard to this position, I suggest a resolution be presented to the Board at the time the budget is discussed which would clarify the County Board Chair will no longer be a full-time employee and consequently not receive benefits.

CONCLUSION

In conclusion, the Board has not violated state law by approving the County Board Chair salary to be increased midterm because the position is not an elected official. Under the same legal analysis, the Board will not be violating any law by decreasing the County Board Chair's salary to zero during the term of office. Lastly, because this is a budget issue, I think a target date for the change, if one will occur, would be the budget adoption during this year for next year. If a change were implemented, there would be no need to budget for chairperson salary for 2019.

Respectfully Submitted By:
Attorney Benjamin R. Wood
Grant County Corporation Counsel

Chair Keeney also updated the County Board Members on the Department of Transportation's 2019 street project in the City of Lancaster. This will impact some of the property owned by the County; they would like to purchase this property for this project for temporary access easements by the Job Service Building and some property around the Courthouse. They have supplied the amount they have accessed for payment to the County for this property; Chair Keeney would like to research their offer more and have further discussions with the County Board so the best price can be negotiated. The County will have to install three street light poles and landscaping will be disrupted. This issue will be further discussed at the March County Board of Supervisor meeting.

Employee Recognition: Chair Keeney read the Employee Recognitions for the following Grant County recipients:

John Yanna III who has worked for the Highway Department for 21 years.
Wuanita Plourde who has worked for Orchard Manor for 22 years.
Mary Lou Place who has worked for Orchard Manor for 29 years.
Sharon Reed who has worked for Orchard Manor for 36 years.

None of the employees were present at the meeting; Sharon Reed sent the following Thank you to the Board of Supervisors which Chair read to the Board.

"I want to thank you for recognizing my service to Grant County. I have appreciated and enjoyed the past 36 years.

Grant County provides many services and opportunities throughout our communities. I am grateful to have worked at Orchard Manor and be a part of assisting those who came to live there. It was rewarding to work with the families, Volunteers and staff. "

Appointment(s): Chair Keeney asked for the Boards approval to appoint two new citizen members to the Criminal Justice Coordinating Council, Pastor Mark Hoehne and for the medical profession, Brian Quick.

Lester Jantzen seconded by Roger Guthrie, made a motion to approve the two citizen member appointments to the Criminal Justice Coordinating Council. Motion carried.

Chair Keeney also asked the Board if they had any interested people who would serve on the Housing Assistant Committee. Currently there are only three members serving, they would like to have 6 members serving on that committee.

Grants: None

Resolution #63-16 accepting a Donation from Attorney John P. McNamara in Honor of John Anderson, Former Grant County Cartographer: Linda K. Gebhard, Grant County Clerk presented the resolution.

A motion was made by Greg Fry, seconded by Dale Hood to approve the following resolution. Motion carried.

RESOLUTION NO. 63-16

A RESOLUTION ACCEPTING A DONATION FROM ATTORNEY JOHN P. MCNAMARA IN HONOR OF JOHN ANDERSON, FORMER GRANT COUNTY CARTOGRAPHER.

WHEREAS, Attorney John P. McNamara, a resident of Grant County, Lancaster, Wisconsin, donated to the Grant County Clerk in honor of John Anderson, former Grant County Cartographer, a large county map.

WHEREAS, such donation is being contributed with the stipulation that the map shall always remain in the Grant County Clerk's office; and

WHEREAS, the Grant County Board of Supervisors finds that it is appropriate to accept said donation upon the terms and conditions offered.

NOW, THEREFORE, the Grant County Board of Supervisors does hereby authorize the receipt of the donation from Attorney John P. McNamara as described in the foregoing paragraphs.

Adopted and approved this 20th day of February, 2018, by the Grant County Board Supervisors.

BOARD OF SUPERVISERS BY:
/s/ Robert C. Keeney, County Chair

ATTEST: I, Linda K. Gebhard, Grant County Clerk, do certify that the Resolution has been approved by the Grant County Board of Supervisors at a meeting held on February 20, 2018.

/s/ Linda K. Gebhard, County Clerk

Ben Wood, Corporation Counsel stated the County should draft a policy on accepting gifts like this in the future. He was asked to look into this.

Ordinance to Amend Chapter 242 Entitled "Taxation" of the Grant County Code: Carrie Eastlick Treasurer presented this resolution to the County Board.

A motion was made by John Patcle, seconded by Roger Guthrie to approve the following amendment to the Grant County Ordinance 39, Chapter 242. Motion carried.

ORDINANCE NO. 39

AN ORDINANCE TO AMEND CHAPTER 242 ENTITLED "TAXATION" OF THE GRANT COUNTY CODE.

NOW, THEREFORE, the Board of Supervisors of Grant County, Wisconsin, does ordain as follows:

Section I: Chapter 242 of the Grant County Code shall be and hereby is amended as follows:

§ 242-4.5 Sale of Tax Deeded Lands to Municipality.

A. In the event a parcel of tax deeded lands is not redeemed by the former owner, the treasurer may offer it to the municipality within which the parcel is located before offering the same to the general public.

B. The sale price of a parcel of tax deeded lands on sale to a municipality shall be in an amount at least equal to the sum of all real estate taxes, including special assessments, then due and owing, together with a service charge equal to one percent (1%) of the assessed value of the parcel and may include the interest and penalty thereon. In no event shall the service charge be less than \$50.00.

C. Sale of tax deeded lands to a municipality under this section shall be approved by the Executive Committee and entire Grant County Board before a deed is issued by the county clerk.

Section II: This ordinance shall take effect upon its passage and publication or posting as required by law. All other sections of Chapter 242 of the Grant County Code not specifically amended under this ordinance shall remain in full effect as drafted.

Adopted and approved this 20th day of February, 2018, by the Grant County Board of Supervisors.

BOARD OF SUPERVISERS BY:
/s/ Robert C. Keeney, County Board Chair

ATTEST: I, Linda K. Gebhard, Grant County Clerk, do certify that the Amendment to Chapter 242 of the Grant County Ordinances has been approved by the Grant County Board of Supervisors at a meeting held on February 20, 2018.

/s/ Linda K. Gebhard, County Clerk

Comprehensive Plan: None

Comprehensive Amended Zoning Plan: None

Dog Claim: Roger Guthrie presented the dog claim to the County Board.

A motion was made by Roger Guthrie, seconded by Greg Fry to pay \$570.00 to the Grant County Humane Society for 4 stray dogs taken in. Motion carried with one negative vote.

Closed session per state statute 19.85(1) (e) for the purpose of 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 in regards the sale or development of property pertaining to the extension of Sewer from the City of Lancaster to County Facilities near Orchard Manor.

A motion was made by John Beinborn, seconded by Mark Stead to go into closed session. A Roll Call vote was called for.

DATE: February 20, 2018

QUESTION: Go into closed session.

	YES	NO	EXCUSED
1. GARY RANUM	X		
2. GRANT LOY	X		
3. ROBERT SCALLON	X		
4. ROBERT KEENEY	X		
5. ROGER GUTHRIE	X		
6. JOHN PATCLE	X		
7. GREGORY FRY	X		
8. RONALD COPPERNOLL	X		
9. MIKE LIEURANCE			X
10. MARK STEAD	X		
11. DALE HOOD	X		
12. DWIGHT NELSON	X		
13. CAROL BEALS	X		
14. LESTER JANTZEN	X		
15. JOHN BEINBORN	X		
16. DONALD SPLINTER	X		
17. DANIEL TIMMERMAN	X		

County Clerk took the roll call vote resulting in 16 YES votes and 1 excused member. Therefore motion carried.

Reconvene to open session: A motion was made by Robert Scallon, seconded by Mark Stead to go back into open session.

Committee Reports: Because of the length of the meeting, John Patcle, seconded by Mark Stead, made a motion to dispense of the committee reports. Motion carried.

Adjournment: Dan Timmerman, seconded by Mark Stead, made a motion to adjourn the meeting pursuant to the next meeting on March 20, 2018 at 10:00 a.m. Motion carried.