

**WAUPACA COUNTY BOARD OF SUPERVISORS
ANNUAL ORGANIZATIONAL SESSION
SEPTEMBER 20, 2011**

Chair Koeppen called the meeting to order at 9:00 a.m. with 26 members present.

Present: Suprs. Aasen, Allen, Barrington, Boyer, Brown, Craig, Ellis, Federwitz, Fleese, Flink, Hagen, Handrich, Johnson, Jonely, Koeppen, Kussmann, Loughrin, Lloyd Mares, McClone, Morgan, Gerald Murphy, Terry Murphy, Penney, Peterson, Sorensen, and Trambauer. Suprs. M. Mares was excused.

Chair Koeppen made the open meeting statement that this meeting and all other meetings of this board are open to the public. Proper notice has been posted and given to the press, in accordance with Wisconsin Statutes so the citizenry may be aware of the time, place and agenda of this meeting.

A moment of silent meditation was observed followed by the Pledge of Allegiance.

Supr. L. Mares moved and Supr. Brown seconded the motion to approve the agenda. Motion carried 26-0. Passed the 20th day of September, 2011.

Supr. Peterson moved and Supr. G. Murphy seconded the motion to approve the minutes of the August 16, 2011 meeting. Motion carried 26-0. Passed the 20th day of September, 2011.

PUBLIC HEARING FOR FINAL SUPERVISORY DISTRICT PLAN

Supr. Flink moved and Supr. Handrich seconded the motion to open the public hearing for the final supervisory district plan. Motion carried 26-0. Chair Koeppen opened the public hearing and asked if anyone would like to speak on the supervisory district plan.

Chair Koeppen called 3 times for any more public input. Being no further input, Supr. Fleese moved and Supr. McClone seconded the motion to close the public hearing and reconvene into regular session. Motion carried 26-0. Passed the 20th day of September, 2011.

**WAUPACA COUNTY BOARD OF SUPERVISORS
REDISTRICTING ORDINANCE – GENERAL CODE OF ORDINANCES CH. 1.01 (a)
AMEND SEPTEMBER 20, 2011**

All prior ordinances creating supervisory districts are hereby repealed. The chairperson of the Board shall file a certified copy of this ordinance containing a final districting plan with the Secretary of State. This ordinance shall become effective after the passage by the Board of Supervisors and publication. Pursuant to Sec. 59.10(3)(b), Wisconsin Statutes, and after a public hearing, it is ordained that the Board of Supervisors of Waupaca County shall consist of twenty-seven (27) supervisors (one supervisor to each

district) to be elected from supervisory districts which are established, numbered, and described as follows:

Supervisory District Number	District Description	Ward	2011 Population District
1	City of Clintonville	Ward 2	
	Village of Embarrass	All	
	Town of Matteson	All	
			TOTAL: 2003
2	City of Clintonville	Wards 1, 3, 6, 7	
			TOTAL: 2000
3	City of Clintonville	Ward 4 & 5	
			TOTAL: 1896
4	Town of Dupont	Ward 2	
	Town of Larrabee	Wards 1 & 2	all
	Town of Union	Ward 1	
			TOTAL: 1907
5	Town of Dupont	Ward 1	
	City of Marion	Wards 1-3	all
			TOTAL: 1908
6	Town of Bear Creek	All	
	Town of Helvetia	Ward 2	
	Town of Lebanon	Ward 2	
	Town of Union	Ward 2	
			TOTAL: 1921
7	Town of Iola	Ward 2	
	Village of Iola	Wards 1 & 2	all
	Town of Scandinavia	Ward 1	
			TOTAL: 1906
8	Village of Big Falls	All	
	Town of Harrison	All	
	Town of Helvetia	Ward 1	
	Town of Iola	Ward 1	
	Town of Wyoming	All	
			TOTAL: 1907
9	Town of Farmington	Ward 2	
	Town of Scandinavia	Ward 2	
	Village of Scandinavia	All	
	Town of St. Lawrence	Ward 1	
			TOTAL: 1905
10	Town of Farmington	Ward 6	
	City of Waupaca	Wards 1, 4 & 9	
			TOTAL: 1916
11	City of Waupaca	Wards 5, 6 & 10	
			TOTAL: 1903

12	City of Waupaca	Wards, 2, 3, 7 & 11	
			TOTAL: 1944
13	Town of Farmington	Wards 4 & 5	
	City of Waupaca	Ward 8	
			TOTAL: 1950
14	Town of Farmington	Ward 1	
	Town of Farmington	Ward 3	
			TOTAL: 1925
15	Town of Dayton	Wards 1, 2 & 3	
			TOTAL: 1973
16	Town of Dayton	Ward 4	
	Town of Lind	Wards 2 & 3	
			TOTAL: 1970
17	Town of Little Wolf	Ward 2	
	Town of St. Lawrence	Ward 2	
	Town of Waupaca	Wards 1 & 2	all
	Village of Ogdensburg	All	
			TOTAL: 1957
18	Town of Little Wolf	Ward 3	
	Town of Royalton	Wards 1 & 2	all
			TOTAL: 1958
19	City of Weyauwega	Wards 1-3	all
			TOTAL: 1900
20	Town of Fremont	Ward 1	
	Town of Lind	Ward 1	
	Town of Weyauwega	All	
	Village of Fremont	All	
			TOTAL: 1962
21	Town of Caledonia	Wards 1 & 2	all
	Town of Fremont	Ward 2	
			TOTAL: 1908
22	Town of Mukwa	Wards 2, 3 & 5	
			TOTAL: 1928
23	City of New London	Wards 10, 11 & 12	
			TOTAL: 1990
24	Town of Mukwa	Ward 4	
	City of New London	Wards 7, 8 & 9	
			TOTAL: 1996
25	City of New London	Wards 3, 4 & 6	
			TOTAL: 1993
26	Town of Lebanon	Wards 1 & 3	
	Town of Mukwa	Ward 1	
			TOTAL: 1912

27	Town of Little Wolf	Ward 1	
	City of Manawa	Wards 1, 2 & 3	
			TOTAL: 1972

Supr. Jonely moved and Supr. Brown seconded the motion to approve the Final Supervisory District Plan. Motion carried 26-0. Passed the 20th day of September, 2011.

ATTEST:
/s/ Mary A. Robbins, County Clerk

**REPORT NO. 6 (2011-2012)
HIGHWAY ANNUAL REPORT
Commissioner Dean Steingraber**

Commissioner Steingraber reviewed the Highway Annual Report. Chair Koeppen placed the report on file in the County Clerk’s Office.

REPORTS BY COUNTY BOARD SUPERVISORS/DEPARTMENTS

Chair Koeppen reported on his upcoming WCA activities.

Penny Tank, UWEX 4-H Program Assistant, reviewed the Extension Impact report.

Chair Koeppen called for a short recess. Chair Koeppen called the meeting to order.

**AMENDMENT TO THE WAUPACA COUNTY CODE OF ORDINANCES
Chapter 3 – Personnel Policies and Procedures
Grievance Policy**

**GRIEVANCE PROCEDURE
WAUPACA COUNTY**

It is the policy of Waupaca County to treat all employees fairly and equitably. An employee has the right to bring a grievance to the County’s attention without fear of reprisal. Filing a grievance will not reflect unfavorably on an employee’s loyalty or adversely affect an employee’s employment status.

Definitions:

1. A grievance shall mean a dispute regarding the application of County Board policies regarding an employee's discipline or termination of employment, or a dispute concerning workplace safety. No grievance shall be processed under this policy unless it is in writing and contains all of the following:

- A. the name and position of the grievant;
 - B. a clear and concise statement of the grievance;
 - C. the issue involved;
 - D. the relief sought;
 - E. the date the incident or alleged violation took place;
 - F. the specific section of the Policy Manual or workplace safety rule alleged to have been violated; and
 - G. the signature of the grievant and the date.
2. The term "days" means regular business days, Monday through Friday, other than weekends and holidays regardless of whether the employee or his or her classification is scheduled to work. The time within which an act is to be done under this policy shall be computed by excluding the first day and including the last day.
 3. A "grievant" is an employee as defined by state statutes governing this grievance procedure. At the grievant's cost and request they may be represented by a person of their choice.
 4. "Workplace safety" means those conditions related to physical health and safety of employees enforceable under federal or state law, or County rule related to: safety of the physical work environment, the safe operation of workplace equipment and tools, provision of protective equipment, training and warning requirements, workplace violence and accident risk.
 5. "Discipline" means verbal reprimands (where a written record of the reprimand is placed in the employee's file), written reprimands, suspension and demotion. Discipline does not include performance reviews, performance improvement plans or corrective actions that do not include a reprimand or other adverse employment action.
 6. "Termination" means discharge from employment. Layoffs (reduction in force) are not considered terminations and are not subject to this procedure.

Procedures:

The Human Resources Director shall supervise and administer the grievance process. Department Heads, managers and supervisors shall keep the Human Resources Director informed of the status of all grievances.

Timelines:

Failure to process a grievance by the grievant within the time limit, or agreed upon extensions, shall constitute waiver of the grievance and will be considered resolved on the basis of the County's last answer. Failure of a management representative to meet the time limits shall cause the grievance to move automatically to the next step in the procedure. To encourage that grievances are addressed in a prompt manner the time limits set by this policy are intended to be strictly observed and may not be extended except in extreme circumstances and then only upon the express written consent of the parties.

Scheduling:

Grievance meetings and hearings will typically be held during the Grievant's off-duty hours. Time spent in grievance meetings and hearing outside of normal business hours shall not be considered as compensable work time.

First Step

Within ten (10) days after the facts upon which the grievance is based or should have reasonably become known the employee shall present the written grievance to his/her immediate supervisor. The immediate supervisor shall give a written answer within ten (10) days of receipt of the grievance, with a copy to the Department Head and Human Resource Director.

An employee who has been notified of termination may process the grievance commencing at Step 3.

Second Step

If the grievance is not satisfactorily resolved at Step 1, it may be submitted by the grievant to the Department Head within five (5) days after having received the answer in the First Step. After receipt of the written grievance by the Department Head he/she or the designated representative of the Department Head will meet with the grievant in an effort to resolve the issue(s) raised by the grievance. Within ten (10) days after the meeting, the Department Head shall respond to the grievance in writing. The Department Head shall also determine if the grievance is timely, if the subject matter of the grievance is within the scope of this policy and otherwise properly processed as required by this policy. If the Human Resources Director is aware of other similar pending grievances, the Human Resources Director may recommend consolidating those matters and processing them as one grievance.

Third Step

An employee may within ten (10) days of receipt of the Department Head's reply, appeal the second step determination by submitting a written statement forwarded to the Human Resource Director particularly describing the reason for appeal and be accompanied by a \$50 filing fee. If the decision at Step 2 is based in whole or in part on the basis of timeliness, scope of the grievance process or other failure of the grievant to properly follow the process the matter shall be referred to the Human Resource Committee who shall determine whether the matter should be processed further. If the Second Step decision is on the merits of the grievance only the grievance will be referred to an Impartial Hearing Officer (IHO). The IHO will be designated by the Human Resource Committee.

Prior to the Hearing, the parties and the IHO may engage in conciliation meetings to resolve the dispute. In cases involving allegations of workplace safety, the conciliation meeting shall be mandatory. The IHO's involvement in any conciliation process shall not disqualify the IHO from hearing the merits of any Grievance unless all parties agree to replace the IHO.

Any costs incurred by the IHO will be paid by the County. The IHO will convene a hearing in the manner the IHO determines necessary. The IHO shall have the authority to administer oaths, issue subpoenas at the request of the parties, and decide if a transcript is necessary. The IHO may require the parties to submit grievance documents and witness lists in advance of the hearing to expedite the hearing. The burden of proof shall be "a preponderance of the evidence". In termination and discipline cases, the County shall have the burden. In workplace safety cases, the employee shall have the burden. The IHO may apply relaxed standards for the admission of evidence, including allowing the admission of hearsay. The IHO may request oral or written arguments and replies. The IHO shall provide the parties a written decision.

The IHO may only consider the matter presented in the initial grievance filed by the employee. The IHO shall have no power to add, modify or strike any provision in the County's Personnel Policies and Procedures or other County policy or rule that forms the basis for the grievance.

Fourth Step

Either party may appeal an adverse determination at step three to the County Board, by filing written notice appealing the decision of the IHO in the Human Resources Department within ten (10) days of the decision of the IHO. The appealing party must provide a copy of the notice of appeal, written grievance and hearing officer's decision at the time the notice is filed. The County Board shall within thirty (30) days after submission of the appeal schedule the review of the IHO's decision. The review will be conducted by the Board during a closed session meeting unless an open session is requested by the employee. The Board may make its decision based on the written decision of the IHO or the Board may examine any records, evidence and testimony produced at the hearing before the IHO. A simple majority vote of the Board

membership shall decide the appeal within twenty (20) days following the last session scheduled for review. The Board will issue a final written decision which shall be binding on all parties.

Exclusive Remedy:

This procedure constitutes the exclusive process for the redress of any employee grievances as defined herein. However, nothing in this grievance procedure shall prevent any employee from addressing concerns regarding matters not subject to the grievance procedure with management and employees are encouraged to do so. Matters not subject to the grievance procedure that are raised by employees shall be considered by Human Resources and/or the Human Resource Committee which has final authority, subject to any applicable Board policy or directive, to resolve the matter.

The scope of a Grievance that is subject to a grievance procedure in a collective bargaining agreement may not be brought forth under this policy.

HR Director Mandy Welch reported that the Benefit & Leave Policy is being referred back to the Finance and Human Resources Committee to review the paid time off policy and it will be presented for action at a later date. Mandy reported on the need for the new grievance policy and reviewed the proposed policy.

Supr. Brown moved and Supr. Trambauer seconded the motion to approve the amendment to Chapter 3 of the Waupaca County Code of Ordinances. Motion carried 26-0. Passed the 20th day of September, 2011.

**AMENDMENT TO THE WAUPACA COUNTY CODE OF ORDINANCES
Chapter 2 – The Governing Body, Rule No. 12 and Appendix A**

RULE NO. 12.0 – COUNTY BOARD MEMBER AND CITIZEN MEMBER ENTITLEMENTS

Definitions:

County Board Member: *A duly elected representative elected at the Spring Election for a two-year term, unless otherwise appointed per the County Board Rules.*

Citizen Member: *A member serving on a statutory committee/board/commission per Wisconsin State Statutes and approved by the County Board of Supervisors.*

- 12.4** Supervisor/County Board Chairperson/Citizen Member Entitlement: Per diem will be \$60.00 per day and \$30.00 for any other meeting that same day except any meetings held prior to County Board monthly meeting, no extra entitlement; and any regular standard committee meeting over four (4) hours in length shall be paid an additional \$30.00, not to exceed \$120.00 in any one day. See Appendix A – Duties of County Board Chairperson/Vice Chairperson

- 12.4(a)** Conferences, Seminars, Conventions and authorized County functions. Shall be paid mileage and a straight \$60.00 per day.

**APPENDIX A
RULES OF THE BOARD
DUTIES OF COUNTY BOARD CHAIRPERSON/VICE CHAIRPERSON**

8. Supervisor/County Board Chairperson/Citizen member Entitlement: Per Diem will be \$60.00 per day and \$30.00 for any other meeting that same day; and any regular standing committee meeting over four (4) hours in length shall be paid an additional \$30.00. Not to exceed \$120.00 in any one day.
9. County Board Chairperson. County Board Chairperson shall receive an annual salary of \$9,000.00, plus all meetings to be paid as stated above for all supervisors. The salary shall include all meetings with Department Heads, opening and answering correspondence, representing organizations, ceremonial functions, unless over two (2) hours, at that time the Chairperson is allowed to collect \$60.00 for that event/meeting.

Supr. T. Murphy moved and Supr. Boyer seconded the motion to approve the amendment to Chapter 2, Section 12 and Appendix A of the Waupaca County Code of Ordinances. Motion carried 20-6 with Suprs. Peterson, McClone, G. Murphy, Ellis, Johnson, and Morgan voting no. Passed the 20th day of September, 2011.

**AMENDMENT TO CHAPTER NO. 34
Town of Little Wolf, AE District to RC-N District
2011-516, Z-005-11**

Part of Parcel #13-21-33-3, Z-005-11, Maynard & Catherine D. Sordahl, Sec. 21, Town of Little Wolf for a Zoning Map Amendment from an AE (Agriculture Enterprise) District to an RC-N (Rural Commercial - Neighborhood) District for the sale of the property for commercial use.

An amendment to amend the Waupaca County Zoning Ordinance by changing the zoning classification of certain specified lands located in part of the SW ¼ of the SW ¼ of Sec. 21, Town of Little Wolf, lying along County Highway B, Waupaca County, Wisconsin, on approximately 4.966 acres.

Subject matter of this ordinance having been duly referred to and considered by the Waupaca County Planning and Zoning Committee and public hearing having been held after the giving of requisite notice of said hearing and a recommendation thereon reported to the Board of Supervisors, Waupaca County, Wisconsin as required by Section 59.97 of the Wisconsin Statutes, said Board does ordain as follows:

- Section 1. The Zoning Map entitled Little Wolf Township, Waupaca County is hereby amended by changing the zoning classification of the area shown on the attached map, which is made a part of the ordinance from an AE (Agriculture Enterprise) District to an RC-N (Rural Commercial - Neighborhood) District.
- Section 2. This ordinance shall be in full force and effect in the Town of Little Wolf upon filing with the County Clerk of Waupaca County a certified copy of a resolution of the Town Board of Supervisors of said town approving said ordinance or 40 days after the adoption of the ordinance by County Board, unless a certified copy of a resolution disapproving the amendment is filed within ten (10) days with the County Clerk within that time.
- Section 3. All ordinances or parts of ordinances inconsistent with or in contravention of provisions of this ordinance are hereby repealed.

I, Mary A. Robbins, Waupaca County Clerk
do hereby certify that the above Zoning
Amendment was adopted on September 20, 2011.
/s/ Mary A. Robbins, Waupaca County Clerk

Supr. Flink moved and Supr. Kussmann seconded the motion to adopt the amendment to Chapter 34 of the Waupaca County Code of Ordinances. Motion carried 25-0 with Supr. Peterson excused. Passed the 20th day of September, 2011.

**AMENDMENT TO CHAPTER NO. 34
Town of Farmington, SR-20 District to RC-N District
2011-517, Z-006-11**

Part of Parcel #05-35-41-2, Z-006-11, David A. Neelis Sr., et al, Sec. 35, Town of Farmington for a Zoning Map Amendment from an SR-20 (Sewered Residential Single-Family) District to an RC-N (Rural Commercial - Neighborhood) District for Indoor Sales and Service (cupcake bakery/catering business).

An amendment to amend the Waupaca County Zoning Ordinance by changing the zoning classification of certain specified lands located in part of the E ½ of the SE ¼ of Sec. 35, Town of Farmington, Fire Number E-2017, lying along King Road, Waupaca County, Wisconsin, on approximately 2 acres.

Subject matter of this ordinance having been duly referred to and considered by the Waupaca County Planning and Zoning Committee and public hearing having been held after the giving of requisite notice of said hearing and a recommendation thereon reported to the Board of Supervisors, Waupaca County, Wisconsin as required by Section 59.97 of the Wisconsin Statutes, said Board does ordain as follows:

- Section 1. The Zoning Map entitled Farmington Township, Waupaca County is hereby amended by changing the zoning classification of the area shown on the attached map, which is made a part of the ordinance from an SR-20 (Sewered Residential Single-Family) District to an RC-N (Rural Commercial - Neighborhood) District.
- Section 2. This ordinance shall be in full force and effect in the Town of Farmington upon filing with the County Clerk of Waupaca County a certified copy of a resolution of the Town Board of Supervisors of said town approving said ordinance or 40 days after the adoption of the ordinance by County Board, unless a certified copy of a resolution disapproving the amendment is filed within ten (10) days with the County Clerk within that time.
- Section 3. All ordinances or parts of ordinances inconsistent with or in contravention of provisions of this ordinance are hereby repealed.

I, Mary A. Robbins, Waupaca County Clerk

do hereby certify that the above Zoning
Amendment was adopted on September 20, 2011.
/s/ Mary A. Robbins, Waupaca County Clerk

Supr. Federwitz moved and Supr. Ellis seconded the motion to adopt the Amendment to Chapter 34 of the Waupaca County Code of Ordinances. Motion carried 25-0. Passed the 20th day of September, 2011.

**AMENDMENT TO CHAPTER NO. 34
Town of Waupaca, AWT District to RI-I District
2011-518, Z-007-11**

Parcels #20-27-14-3 & #20-27-41-1, Z-007-11, RNH Land Co LLC, Sec. 27, Town of Waupaca for a Zoning Map Amendment from an AWT (Agriculture and Woodland Transition) District to an RI-I (Rural Industrial - Intensive) District for a Freight or Bus Terminal (truck freight terminal).

An amendment to amend the Waupaca County Zoning Ordinance by changing the zoning classification of certain specified lands located in part of the S ½ of the NE ¼ and also being in part of the N ½ of the SE ¼ of Sec. 27, Town of Waupaca, lying along Highway 22-54, Waupaca County, Wisconsin, on approximately 30.5 acres.

Subject matter of this ordinance having been duly referred to and considered by the Waupaca County Planning and Zoning Committee and public hearing having been held after the giving of requisite notice of said hearing and a recommendation thereon reported to the Board of Supervisors, Waupaca County, Wisconsin as required by Section 59.97 of the Wisconsin Statutes, said Board does ordain as follows:

Section 1. The Zoning Map entitled Waupaca Township, Waupaca County is hereby amended by changing the zoning classification of the area shown on the attached map, which is made a part of the ordinance from an AWT (Agriculture and Woodland Transition) District to an RI-I (Rural Industrial - Intensive) District.

Section 2. This ordinance shall be in full force and effect in the Town of Waupaca upon filing with the County Clerk of Waupaca County a certified copy of a resolution of the Town Board of Supervisors of said town approving said ordinance or 40 days after the adoption of the ordinance by County Board, unless a certified copy of a resolution disapproving the amendment is filed within ten (10) days with the County Clerk within that time.

Section 3. All ordinances or parts of ordinances inconsistent with or in contravention of provisions of this ordinance are hereby repealed.

I, Mary A. Robbins, Waupaca County Clerk

do hereby certify that the above Zoning
Amendment was adopted on September 20, 2011.
/s/ Mary A. Robbins, Waupaca County Clerk

Supr. Ellis moved and Supr. Sorensen seconded the motion to adopt the Amendment to Chapter 34 of the Waupaca County Code of Ordinances. Motion carried 25-0. Passed the 20th day of September, 2011.

RESOLUTION NO. 16 (2011-2012)

Subject: Contingency Fund Transfer

WHEREAS, it has become necessary to provide for additional expenditures not anticipated at the time of establishing the 2011 budget for additional modules for the accounting software; and

WHEREAS, it has become apparent that there is a need for greater efficiencies in employee communications Waupaca County and within the Finance and Human Resources Department; and

WHEREAS, the software vendor has offered an additional 20% savings; and

WHEREAS, Finance & Human Resource Committee has reviewed the request to purchase the software module; and

WHEREAS, the Finance Department would like to request a Contingency Fund Transfer in the amount of \$80,000 to cover the initial cost of the software module.

NOW, THEREFORE, BE IT RESOLVED that the following transfer be made from the Contingency Fund not to exceed \$80,000 and Transferred to Account #11-08-51510 850.2290.

RECOMMENDED FOR INTRODUCTION BY WAUPACA COUNTY FINANCE & HUMAN RESOURCE COMMITTEE: /s/ James Loughrin, Gary Barrington, John F. Penney, G. Robert Flease, Gerald M. Murphy, Duane R. Brown, Patricia Craig, Dick Koeppen

ATTEST: /s/ Mary A. Robbins, Waupaca County Clerk APPROVED AS TO FORM:
/s/ Jeffrey Siewert, Corporation Counsel

Supr. Craig moved and Supr. Johnson seconded the motion to dispense with the reading and approve Resolution No. 16 (2011-2012). Motion carried 25-0. Passed the 20th day of September, 2011.

APPOINTMENTS

Supr. Flink moved and Supr. L. Mares seconded the motion to appoint Kitty Johnson and Mark Sether to the Waupaca County Revolving Loan Fund Committee. Motion carried 25-0. Passed the 20th day of September, 2011.

ANNOUNCEMENTS AND CORRESPONDENCE

Chair Koeppen placed the following correspondence for September on file in the County Clerk’s Office: WCEDC Monthly Report.

Supr. Aasen moved and Supr. Handrich seconded the motion to adjourn. Motion carried 25-0. Chair Koeppen declared the meeting adjourned at 10:50 a.m.

Mary A. Robbins
Waupaca County Clerk