

Schultz, Josie M - DNR

From: Natalie Bussan <nbussan@cjmmlaw.com>
Sent: Thursday, August 29, 2019 2:43 PM
To: Nelson, William J - DNR
Cc: Diana Campbell; Gary Sorensen; Beggs, Tauren R - DNR; Schultz, Josie M - DNR; Ashenfelter, Barry J - DNR
Subject: RE: Skryzpek Property in Montello, BRRTS # 02-39-001676

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon,

This is the text of the motion that passed at the County Board Meeting. This is the unofficial version as the minutes of this meeting will not be approved until the next County Board Meeting. If you have any questions, please let me know.

Motion/second by Rosenthal/Kemnitz to declare null and void and of no further effect the Quit Claim Deed from Properties LLC to Marquette County dated January 29, 2013, and recorded as Document Number 293979 with the Marquette County Register of Deeds, and a purported rescinding of a prior deed from Marquette County to Properties LLC dated October 28, 2011. The Quit Claim Deed from Properties LLC to Marquette County was not approved or authorized by the County Board as required by Statute. The purported rescinding of the prior deed was not approved or authorized by the County Board. The Property Committee was without authority to accept a quit claim deed on behalf of the County, or to rescind a deed previously issued by the County. Motion carried on a voice vote, not unanimous. Motion/second by Sheller/Walters to direct the Corporation Counsel to take such action as necessary to correct the referenced title as in accordance with the preceding motion. Motion carried on a voice vote, not unanimous.

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From: Nelson, William J - DNR <William.Nelson@wisconsin.gov>
Sent: Monday, May 6, 2019 1:48 PM
To: Natalie Bussan <nbussan@cjmmlaw.com>
Cc: Diana Campbell <dcampbell@co.marquette.wi.us>; Gary Sorensen <gsorensen@co.marquette.wi.us>; Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>; Schultz, Josie M - DNR <josie.schultz@wisconsin.gov>; Ashenfelter, Barry J - DNR <Barry.Ashenfelter@wisconsin.gov>
Subject: RE: Skryzpek Property in Montello, BRRTS # 02-39-001676

Good afternoon Natalie,

I am contacting you again regarding the Skrzypek Property in Montello, WI in Marquette County. The County is still listed as the owner of this parcel in the Marquette County land records database. I assume no deed has been executed since our January 2019 correspondence regarding this issue.

In your January email below, you stated you would place an agenda item in the February County Board Meeting to discuss addressing the 2013 deed. **Can you please let DNR staff know if and when the County plans to resolve the unauthorized deed from 2013?** Thanks for your help!

You also asked a question to my colleague Tauren Beggs regarding the contamination on the property. Tauren prepared the following background at my request:

Site Background Based on Review of the Case File

There was a Phase II environmental site assessment (ESA) report (attached) completed by DOT on October 6, 1995 for the proposed acquisition of a portion of the property for construction of right-of-way (ROW) at the intersection of CTH B and STH 23. The Phase II ESA included soil and groundwater sampling, which detected elevated Diesel Range Organics (DRO). Based on the figure from the 1995 assessment, there is elevated DRO contamination on the property and in the area of the proposed ROW at that time. No other sampling has been completed at the property. A responsible party letter was issued on October 18, 1995 to the property owner, Stanley and Charles Skrzypek. The site went through enforcement and the property owner was unable to pay, so a deed affidavit (attached) was placed on the property on August 31, 2000. There was a letter (attached) sent by a previous DNR project manager in 2012 to Properties LLC. This remains an open site with unaddressed environmental pollution.

Determining Degree and Extent of Contamination

Regarding what is necessary for property owners of real estate that have discharges of hazardous substances or environmental pollution, the DNR recommends hiring an environmental consultant familiar with administrative law pertaining to cleanups in Wisconsin. A qualified environmental consultant can assist a property owner determine the degree and extent of environmental contamination at a site. Here is a guidance document covering that topic: <https://dnr.wi.gov/files/PDF/pubs/rr/RR502.pdf> Here is an additional guidance document regarding environmental contamination in Wisconsin, in general: <https://dnr.wi.gov/files/PDF/pubs/rr/RR674.pdf>.

Please let me know if you have any additional questions. The project manager assigned to the site is Josie Schultz, also copied here, who can be reached at 920 662-5424.

Best,
Bill Nelson

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

William J. Nelson

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From: Natalie Bussan <nbussan@cjmmlaw.com>
Sent: Friday, January 25, 2019 9:48 AM
To: Beggs, Tauren R - DNR <Tauren.Beggs@wisconsin.gov>; Nelson, William J - DNR <William.Nelson@wisconsin.gov>
Cc: Diana Campbell <dcampbell@co.marquette.wi.us>; Gary Sorensen <gsorensen@co.marquette.wi.us>
Subject: Skryzpek Property in Montello, BRRTS # 02-39-001676

Good morning,

I am the attorney for Marquette County. I had a discussion with Attorney Nelson this morning about the property at issue and explained that the action to "rescind" the deed to "Properties LLC" in 2013 was never directed, or authorized, by the Marquette County Board, as required by sections 59.06(2) and 59.52(6) of the Wisconsin Statutes. A subcommittee acted to issue the deed, and it was not authorized by law to do so.

However, I have not had time to present this issue to County Board to advise them in full, or to take action to declare the previous deed void, so we request additional time to address this matter.

If I understood our conversation correctly, I believe Attorney Nelson agreed with my initial analysis.

That said, it was unclear to me from BRRTS what exactly is going on with this property. The BRRTS site included one letter regarding assessment of a "vapor intrusion pathway" but nothing else. Is it possible to get some additional information regarding the type and extent of contamination, as well as what would be required for clean up? This information will be useful for dealing with the owner of Properties LLC, who is a member of the local community, and I am sure he will be very upset to learn that his company is now a remaining responsible party. Attorney Nelson said that Tauren would be the best person to provide us with that information. This information will also be useful for the County Board to assess its risk with regard to this situation.

We will place this item on the agenda for the February County Board Meeting, which will be held on February 19, 2019. I would appreciate it if you could have information to be by that time.

Unless you advise otherwise, I will assume that our time to appeal your previous determination has been extended in light of this additional information. If we need to do anything to preserve our appeal rights, please advise.

Thank you,

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MARQUETTE COUNTY BOARD OF SUPERVISORS

Public Safety Room, Courthouse/Law Enforcement Center, Montello, Wisconsin

August 20, 2019

Pursuant to notice duly given in the manner established by the Board of Supervisors and in compliance with Sub-Chapter V of Chapter 19 of the Wisconsin Statutes, a lawfully held regular meeting of the Board of Supervisors of the County of Marquette, Wisconsin was called to order by County Board Chairperson Robert Miller at 7:00 p.m. on August 20, 2019, at Montello, Wisconsin, at the time and place established by the Board of Supervisors or in accordance with law.

The Clerk called the roll and the following members answered roll call:

District No. 1 . . Glenn Kemnitz, Jr.
District No. 2 . . Dennis Fenner
District No. 3 . . David Krentz
District No. 4 . . Robin Buchholz
District No. 5 . . Kathy Jo Locke
District No. 6 . . Gary Thalacker
District No. 7 . . Ken Borzick
District No. 8 . . Mike Raddatz
District No. 9 . . Bart O'Brien
District No. 10 . Mary P. Walters
District No. 11 . Al Rosenthal
District No. 12 . Jon Sheller
District No. 13 . Kathleen McGwin
District No. 14 . Robert Miller
District No. 15 . Gayle Mack
District No. 16 . Alan Gibeaut
District No. 17 . Judi Nigbor

A quorum of the Board of Supervisors was declared present and open meetings law compliance was established.

Also present were Corporation Counsel Natalie Bussan and Administrative Coordinator/County Clerk Gary Sorensen.

A moment of silence was observed followed by the reciting of the Pledge of Allegiance.

Motion/second by Buchholz/Raddatz to approve the agenda as presented. Motion carried.

Motion/second by Raddatz/Rosenthal to approve the minutes of the July 16, 2019 meeting as printed. Motion carried.

Citizen comments: Item 12 on the agenda was addressed by two citizens. Lance Achterberg urging the County Board not to borrow additional funds for the EMS stations project. Mr. Achterberg did recommend the general fund be used instead. Cathy Rohner urged completion of the EMS stations project with support for the County Board to determine the funding.

County Board Chairperson Robert Miller presented Rochelle Spatz, daughter of retired County Supervisor Robert Goldsmith, Sr., with a certificate of appreciation for the 32 plus years of County Board service by Mr. Goldsmith.

The chairperson of the respective standing committees gave committee reports.

Motion/second by Sheller/Buchholz to approve the consent agenda as per agenda item 7 consisting of the adoption of Resolution No. 34-2019. Motion carried.

Resolution No. 34-2019 ZONING AMENDMENT – TOWN OF PACKWAUKEE

(Introduced by Ken Borzick and David Krentz)

WHEREAS, the Marquette County Board of Supervisors has been petitioned to amend the Marquette County Code of Ordinances Chapter 70-Zoning, and

WHEREAS, the petition has been referred to the Marquette County Planning and Zoning Committee for public hearing, and

WHEREAS, the Marquette County Planning and Zoning Committee on due notice conducted a public hearing on the proposed amendment and filed their recommendation to the Board.

WHEREAS, the proposed amendment and recommendation of the Planning and Zoning Committee have been given due consideration by the Board in open session.

WHEREAS, the Board finds the following:

1. The land is better suited for a use not allowed in the AG-1 district.
2. The rezoning will not substantially impair or limit current or future agricultural use of the surrounding parcels of land that are zoned for or legally restricted to agricultural use.
3. The rezoning is consistent with the applicable town and County comprehensive plans, including the farmland preservation plan component of the County Comprehensive Plan.

NOW THEREFORE, the Marquette County Board of Supervisors do ordain as follows:

Part of the NE1/4-SE1/4, part of the NW1/4-SE1/4 and part of the SE1/4-SE1/4, Section 30, T15N R9E, Town of Packwaukee, containing 40 acres more or less be rezoned from Prime Agriculture (AG-1) with 2 acres rezoned to Agriculture Residential (AG-3(2)) and the remaining 38 acres to the Farmland Preservation Overlay (FPO) District.

The next order of business was agenda item 8 for the separate consideration of remaining resolutions.

Resolution No. 35-2019 SHERIFF'S OFFICE RECLASSIFICATION OF CLERICAL SUPPORT POSITION

(Introduced by Mary P. Walters and Jon Sheller)

Upon roll call Resolution No. 35-2019 was adopted as follows: Ayes 17; Noes 0; Absent 0.

WHEREAS, in reviewing the job duties of the current employee in the existing position of Administrative Assistant II in the Sheriff's Office it has been determined that a job description update, including administration and logging of evidence, justifies a change in Grade from E to G.

NOW THEREFORE, the Marquette County Board of Supervisors hereby approves the change in title from Administrative Assistant II to Administrative Assistant III for the support position in the Sheriff's Office with the wage placement to be at Step 1 in Grade G effective January 1, 2020.

Resolution No. 36-2019 CREATION OF ACCOUNTANT POSITION
IN THE HUMAN SERVICES DEPARTMENT
(Introduced by Mike Raddatz and Kathy Jo Locke)

Upon roll call Resolution No. 36-2019 was adopted as follows: Ayes 16; Noes 1; Absent 0.

Voting Yes: Borzick, Buchholz, Fenner, Gibeaut, Kemnitz, Krentz, Locke, Mack, Miller, Nigbor, O'Brien, Raddatz, Rosenthal, Sheller, Thalacker and Walters.

Voting No: McGwin.

WHEREAS, a vacancy exists in the Human Services Department for an Accounting Technician and the needs of the Department have been reviewed in consideration of audit and staff recommendations for an Accountant position to work under the direction of the Financial & Business Manager given the growth in the Human Services Department with a clinic and multiple funding sources, and

WHEREAS, the Human Services Board and Executive & Finance Committee have reviewed the recommendations and have endorsed abolishment of the vacant Accounting Technician position and creation of the Accountant position.

NOW THEREFORE, the Marquette County Board of Supervisors hereby approves the creation of the Accountant position for the Human Services Department to be at Grade I and said position shall be advertised and filled in 2019, and the vacant Accounting Technician position shall be deemed abolished.

Resolution No. 37-2019 CREATION OF BIRTH TO 3 SOCIAL WORKER AND CHILDREN'S LONG-TERM
SUPPORT CASE WORKER POSITIONS IN THE HUMAN SERVICES DEPARTMENT
(Introduced by Mike Raddatz and Kathy Jo Locke)

Upon roll call Resolution No. 37-2019 was adopted as follows: Ayes 16; Noes 1; Absent 0.

Voting Yes: Borzick, Buchholz, Fenner, Gibeaut, Kemnitz, Krentz, Locke, Mack, McGwin, Miller, O'Brien, Raddatz, Rosenthal, Sheller, Thalacker and Walters.

Voting No: Nigbor.

WHEREAS, there has been an increase in cases/demand for 0 to 3 services for children currently managed by one position, and

WHEREAS, the Human Services Board and Executive & Finance Committee have reviewed the hiring analysis which makes the following points: There is high demand for both Birth to Three (0-3) and CLTS services for children. Currently we have a position that shares the CLTS and 0-3 caseload. This is no longer feasible to meet the service needs of children and families with special needs in our community while staying within the budget with the CESA 5 contract that provides the majority of 0-3 services. Splitting the current 1.0 FTE position into 1.80 FTE and eliminating the CW worker position in the unit to go from 2.0 FTE to 1.80 better covers the services needed by the community in a more cost-effective manner. There is also the need to cover assessment and screening of CLTS children which has been covered by a State contract the last few years given that workload is being returned to the County.

NOW THEREFORE, the Marquette County Board of Supervisors hereby approves the creation of the Birth to 3 Social Worker position at 32 hours per week (0.8 FTE) at Grade J, effective in 2019, and

BE IT FURTHER RESOLVED, the Marquette County Board of Supervisors hereby approves the creation of the Children's Long-Term Support Case Worker full-time (1.0 FTE) at Grade J, effective in 2019.

Resolution No. 38-2019 REVISING HIGHWAY DEPARTMENT MANAGEMENT TEAM POSITIONS
(Introduced by Alan Gibeaut and Ken Borzick)

Upon roll call Resolution No. 38-2019 was adopted as follows: Ayes 17; Noes 0; Absent 0.

WHEREAS, the Highway Commissioner has brought a recommendation for a change to the management team of the Highway Department to increase efficiency by changing the title and responsibilities of the current State and County Patrol Superintendents, and

WHEREAS, upon review of the proposed responsibilities and duties of the two positions a change in Grade classification will be justified.

NOW THEREFORE, the Marquette County Board of Supervisors hereby approves changing the titles of the two Patrol Superintendents to Operations Manager and Assistant Operations Manager to be at Grade M and Grade K, respectively, to be effective January 1, 2020, and each job description to be revised as appropriate, and

BE IT FURTHER RESOLVED, the Highway Committee and Highway Commissioner are delegated authority to determine a plan for 2020 of test periods for the two current Patrol Superintendents to work in each of the changed positions and to make final determinations regarding the final filling of the revised positions.

Resolution No. 39-2019 EQUIPMENT OPERATOR/FOREMAN POSITIONS
FOR THE HIGHWAY DEPARTMENT FROM EXISTING POSITIONS
(Introduced by Alan Gibeaut and Ken Borzick)

Upon roll call Resolution No. 39-2019 was adopted as follows: Ayes 17; Noes 0; Absent 0.

WHEREAS, the Highway Commissioner has brought a recommendation for a change to the operations of the Highway Department, and

WHEREAS, this proposal involves reclassification of existing positions given the increasing town work and higher heavy equipment usage due to exploring the lower cost alternatives for asphalt overlays. These positions will also improve project leadership and oversight by streamlining the chain of command, therefore providing a more efficient project and a higher quality finished product.

NOW THEREFORE, the Marquette County Board of Supervisors hereby approves reclassification of four current general laborer positions as Equipment Operator/Foreman at Grade I, effective January 1, 2020.

The Property Committee reported on the bids received for the EMS Ambulance Station project for the Crossroads and Westfield sites. The low bid received was from Eagle Construction of Wisconsin Rapids for \$1,046,750. Three other bids were received in the amounts of \$1,077,890, \$1,083,800 and \$1,151,659. The Property Committee recommends borrowing the necessary \$350,000 to complete the project.

