PIERCE COUNTY BOARD OF SUPERVISORS

Tuesday, January 23, 2018 – 7:00 p.m. Courthouse – County Board Room 414 W. Main St., Ellsworth, WI 54011

1.	Call to order							
	Call of the roll by the Clerk							
2.	2a) Establish Quorum							
	2b) Adopt Agenda							
3.	Pledge of Allegiance to the flag							
	Public Comment: County Board will receive public comments on any issue not related to							
4.	agenda items, discussion by board members may take place but no action will be taken on							
••	any item raised.							
	Confirmation of Public Health Director pursuant to Personnel Policy Articles III(B)(2) &							
5.	V(G), & Pierce County Code §13-1.							
	CLOSED SESSION:							
	Board will convene into closed session pursuant to §19.85(1)(c) Wis. Stats. for the purpose							
	of considering employment, promotion, compensation or performance evaluation data of							
	any public employee over which the governmental body has jurisdiction or exercises							
6.	responsibility; and pursuant to §19.85(1)(g) Wis. Stats. for the purpose of conferring with							
	legal counsel for the governmental body who is rendering oral or written advice concerning							
	strategy to be adopted by the body with respect to litigation in which it is or is likely to							
	become involved: consideration of employee wage claim and legal advice of counsel.							
7	OPEN SESSION:							
7.	Board will return to open session and take action on closed session item, if required							
	Resolutions for consideration:							
8.	First reading:							
	8a) Resolution No. 17-23 Disallowance of Claim – Kristi Frederick *							
	Resolutions for consideration:							
9.	Second reading:							
	9a) None							
	Ordinances for consideration:							
10.	First reading:							
10.	10a) Ordinance No. 17-07 Amend Chapter 172, §172-15(B) of the Pierce County Code-							
	Parks & Recreation							
	Ordinances for consideration:							
	Second reading:							
11.	11a) Ordinance No. 17-06 Map amendment (Rezone) for 12.78 acres from General Rural							
	to Agriculture Residential in the Town of Trimbelle, Pierce County, Wisconsin.							
	Timothy & Becky Brunner							
12.	Appointments:							
13.	C							
14.	Next meeting: Feb. 27, 2018; 7 p.m.							
15.	Adjourn							
	tions regarding this agenda may be made to Jamie Feuerhelm at 715-273-6744. Upon reasonable notice, efforts will be							
	to accommodate the needs of individuals with disabilities requiring special accommodations for attendance at the meeting. dditional information or to make a request, contact the Administrative Coordinator at 715-273-6851.							
	7							

8a.

Resolutions for First Reading:

Resolution No. 17-23 Disallowance of Claim – Kristi Frederick *

(*Adoption requested on First Reading)

RESOLUTION NO. 17-23 DISALLOWANCE OF CLAIM – KRISTI FREDERICK

WHEREAS, a "Second Notice of Claim" was received by the Pierce County Clerk on January 10, 2018, from Attorney Summer H. Murshid, representing Kristi Frederick; and

WHEREAS, said Claim alleges generally that Pierce County owes Kristi Frederick for unpaid wages in the amount of \$55,773.91 pre-tax plus \$3,737.45 retirement match in connection with overtime issues stemming from the completion of non-exempt duties in the course of her employment with Pierce County; and

WHEREAS, the Finance and Personnel Committee took action on January 23, 2018 to recommend denial of this claim and pass the Resolution on to the County Board of Supervisors to deny the claim at the first reading of the Resolution.

NOW, THEREFORE BE IT RESOLVED, by the Board of Supervisors that any and all claims submitted on behalf of Kristi Frederick are hereby denied and no action on this claim may be brought against Pierce County or any of its officers, officials, agents or employees after six months from the date of service of this Notice, pursuant to § 893.80 Wis. Stats.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to claimant, Kristi Frederick, at her home address, by certified mail with return receipt requested, and a copy to the attorney for claimant, Summer H. Murshid, Hawks Quindel, S.C., P.O. Box 42, Milwaukee, WI 53201-5442.

Dated this 23 rd day of January, 2018.	
	Jeffrey A. Holst, Chair Pierce County Board of Supervisors
ATTESTED TO BY:	APPROVED AS TO FORM AND LEGALITY BY:
Jamie Feuerhelm, County Clerk	Bradley D. Lawrence, Corp. Counsel
Adopted:	

Pierce County Finance and Personnel Committee (Meeting Date: January 23, 2018) and County Board of Supervisors (Meeting Date: January 23, 2018)

Agenda Item: Discuss and take action on Disallowance of Claim – Kristi Frederick

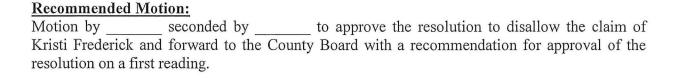
Requesting Agency: Office of Corporation Counsel

<u>Background:</u> A "Second Notice of Claim" was received by the Pierce County Clerk on January 10, 2018, from Attorney Summer H. Murshid, representing Kristi Frederick. The Claim alleges generally that Pierce County owes Kristi Frederick for unpaid wages in the amount of \$55,773.91 pre-tax plus \$3,737.45 retirement match in connection with overtime issues stemming from the completion of non-exempt duties in the course of her employment with Pierce County.

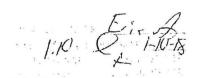
§893.80 Wis. Stats. is the relevant Statute with regard to claims made against governmental bodies, and acts as a statute of limitations. This statute states, in summary, that no action may be brought against a governmental body unless within 120 days after the event giving rise to the claim, written notice of circumstances of the claim is served on the governmental body, and the claim is disallowed. Thereafter notice of the Disallowance of Claim shall be served on the claimant. No action may be brought after 6 months from the date of service of the notice of disallowance of claim. In addition to the statute of limitations, which sets the time frame for which claims can be made against governmental agencies, the purposes of the statute is to apprise the governmental unit of the claim and general circumstances surrounding it, thereby allowing an opportunity to investigate the claim and possibly prevent similar incidents in the future. Finally, it gives the governmental unit the opportunity to compromise and settle the claim and to preserve bona fide claims.

In the instant case, this matter was tendered to the County's insurance company, Wisconsin County Mutual Insurance Company, who assigned Attorney Mindy Dale of Weld Riley, S.C. to represent the County's interests. Attorney Dale recommends that the matter be disallowed.

<u>Staff Recommendation:</u> Corporation Counsel recommends that the Committee/Board disallow the claim of Kristi Frederick.



SECOND NOTICE OF CLAIM



To:

Jamie Feuerhelm, County Clerk

Pierce County

Courthouse, Room 112

414 W. Main St.

Ellsworth, WI 54011

Claimant:

Kristi Frederick

24 Bridgewater Trail

Hudson, WI 54016

NOTICE IS HEREBY GIVEN pursuant to Wis. Stat. § 893.80, that Kristi Frederick, by her attorneys Hawks Quindel, S.C., by Summer H. Murshid, on her behalf, hereby makes a claim against Pierce County, Wisconsin, and states that the circumstances giving rise to a claim occurred within one hundred and twenty (120) days of this Notice and are as outlined in the document submitted by Ms. Frederick on December 15, 2017 and December 21, 2017 to Pierce County Human Services Director, Pierce County Administrative Coordinator, Pierce County Corporation Counsel, and members of the Pierce County Human Services Board. A copy of the document Ms. Frederick served, which forms the basis for Ms. Fredericks claims is attached hereto and incorporated herein.

Ms. Frederick understands that Pierce County has taken the position that her service on December 15, 2017 and December 21, 2017 did not comply with Wis. Stat. § 893.80. While Ms. Frederick disputes the County's position on this issue, she hereby serves this notice as her Statute of Limitations continues to run and Pierce County refuses to agree to toll her Statute of Limitations or engage in settlement negotiations. The issue of whether Pierce County had actual notice of her claims and the date on which Pierce County had said notice, or the extent to which her service complied with Wis. Stat. § 893.80, is an issue to be litigated in the future. Ms. Frederick's position is that this is her second Notice of Claim to Pierce County pursuant to §893.80.

January 10, 2018

HAWKS QUINDEL, S.C.

Attorneys for Kristi Frederick

Ru:

Summer H. Murshid, SBN 1075404

PO Box 442 Milwaukee, WI 53201·5442 414 271·8650 414 271·8442 (fax) smurshid@hg·law.com

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PIERCE COUNTY CLERK

FROM: Kristi Frederick, MSW, CSW; Children, Youth & Families Program Manager /

Child Protection Supervisor

TO: Pierce County Human Services Director - Ronald Schmidt (via email 12/15/2017)

Pierce County Administrative Coordinator – JoAnn Miller (via email 12/15/2017)
Pierce County Corporation Counsel – Bradley Lawrence (via email 12/15/2017)
Pierce County Human Services Board – Chair Mike Kahlow, Vice-Chair Ogden
Rogers; Members Robert Mercord, Ben Plunkett, Dan Reis, Carol Sorenson,

Stephanie Stark, Neil Gulbranson (via hand delivery on 12/21/2017)

DATE: December 15, 2017

RE: Claim for unpaid wages of \$55,773.91 pre-tax plus \$3,737.45 retirement match in

connection with overtime issues stemming from my employment with Pierce

County

Dear Administrators:

Please be advised that this memo / correspondence is a demand for payment of overtime wages pursuant to Federal Fair Labor standards Act (FLSA) and Wisconsin Statutes. Please be further advised that state and federal law prohibit any retaliatory action against me as a result of this notification.

It is not my intention to cause problems for Pierce County; rather, my intent is to seek fair compensation for the additional non-exempt mandated duties I have necessarily, not voluntarily, performed over the past two years.

The child protection team provides child protective services (CPS) to children, youth and families that are mandated at federal and state levels. Core mandated services include assessment/investigation (Initial Assessment – IA) of alleged maltreatment, provision of ongoing case management services, and foster care licensing.

On January 21, 2013, I began employment with Pierce County as the Children, Youth and Families (CYF) Program Manager / CPS Supervisor. My position is considered exempt status as per the Pierce County Personnel Policy and posted position description.

In 2015 the CPS team experienced staffing shortages for assessment/investigation work; these shortages continued into 2016. In December 2015 and into 2016 the 2 primary workers had full caseloads. The newest IA team member did not have capacity to carry a full caseload. In 2016 there were also intermittent FML issues for IA team members that strained team capacity. In December 2015 and 2016 I was forced to provide coverage for mandated services as staff capacity was severely compromised. The position of Initial Assessment Worker is classified as non-exempt.

Throughout 2016 staff capacity continued to be compromised. Two IA staff left in 2016, leaving the lead IA worker and me to complete legally mandated assessments. The need for me to

provide mandated IA services extended far beyond a temporary coverage period such as would be expected for FML. Staff levels and training were insufficient to delegate duties to other staff. Therefore, I was again forced to provide concurrent duties of non-exempt mandated IA services in addition to all exempt status duties required for the CYF Program Manager / CPS Supervisor.

All IA case work is completed within the state database, eWiSACWIS, which tracks data as required by federal and state directives. The database contains records for 38 assessments completed by me between December 2015 and December 2016. This number is reflective of the number of IA cases a fully trained social worker would handle as a normal workload. Many of these cases included taking custody due to extreme safety issues and engaging in subsequent court actions. Several cases continue in the court system at present, where the need arises for me to testify.

At the end of 2016 and in early 2017 I completed all documentation for IA work and it appeared the team was stabilizing. In early 2017 the foster care coordinator position was vacated. This position is classified as non-exempt. No staff members were qualified to complete these mandated duties and there was again insufficient staff capacity to delegate. Historical agency practices have repeatedly demonstrated that the foster care duties can't be successfully split or shared with other positions. Therefore, I have continued execution of concurrent non-exempt foster care duties as well as all exempt status duties required of the CYF Program Manager / CPS Supervisor. I have provided non-exempt, mandated foster care services from early 2017 through the end of the year. Again, the time providing these services exceeded the standard 12 week FML period that a manager could reasonably be expected to cover. In late fall 2017 (October) authorized department reorganization resulted in 1.0 FTE to complete foster care duties; this person is expected to be able to fully assume these duties in mid-December 2017.

Per Pierce County policy, exempt employees are not eligible for overtime pay. However, over the past two years, I have concurrently performed exempt (supervisory duties) and non-exempt (Initial Assessment – IA and Foster Care Coordinator – FCC duties) work in order to ensure mandated services are provided to county residents. The performance of concurrent duties has far exceeded reasonable expectations and periods of time with no consideration for any compensation.

Human Services Director Ron Schmidt and I met with Pierce County Administrative Coordinator JoAnn Miller on Tuesday November 29, 2016 to outline workload concerns. At this meeting, the issue of performing two completely separate jobs and sets of duties – exempt and non-exempt – with no additional compensation was raised. Ms. Miller indicated that while it appeared a compelling argument for additional compensation could be raised with the board, she would advise the board that approving compensation would likely put the board in a position that they would have to pay everyone who brought a claim. No further discussion regarding the lack of compensation occurred; no other action regarding concerns for inadequate staffing levels ensued. No relief regarding staffing levels occurred until late 2017. My excessive workload has remained the same until the submission of this correspondence. It is highly likely the workload will continue to be excessive while staff are trained for new duties and a vacancy is filled.

A review of the Code of Federal Regulations (CFR) Title 29: Labor, Subtitle B – Regulations Relating to Labor, Chapter V – Wage and Hour Division, Dept. of Labor, Subchapter A – Regulations, PART 541 – Defining and Delimiting, Subparts A, B and H, and of The Wisconsin Human Resources Handbook Chapter 520 was completed.

There is no argument regarding classification of exempt for any of the duties I was hired for or any of the duties provided concurrently which are classified as non-exempt. However, under CFR §541.106, the determination of whether requirements of §541.100 are met is determined on a case by case basis and is based on factors identified in §541.700. While I would agree that the requirements of §541.100 are met on their face, the first factor in §541.700 addresses primary duty. While hired to provide the primary duty of management, inadequate staffing levels resulted in two years of continual shifts of primary duties to include direct provision of mandated services for child safety at a rate equivalent to 1.0 FTE each year. The exact, or highly approximate, percentages of time spent on exempt vs. non-exempt duties are somewhat difficult to extrapolate given the crisis driven nature of child protective services. The examples provided in the CFR do not address mandated services and lack relevance to the situation at hand.

Under CFR §541.703, the concept of work that is "directly and closely related" is raised. The work of non-exempt IA and FCC employees, per position descriptions, is not directly and closely related to the duties of the exempt supervisor. The tasks and duties for non-exempt employees are routine functions and very specific to direct service provision and 1:1 social work practice; these duties are not directly and closely related to exempt work.

Under §541.706, emergencies are addressed. The CFR clearly states in paras (b), (c), (c)(2) and (c)(3):

(b) An "emergency" does not include occurrences that are not beyond control or for which the employer can reasonably provide in the normal course of business. Emergencies generally occur only rarely, and are events that the employer cannot reasonably anticipate. (c) The following examples illustrate the distinction between emergency work considered exempt work and routine work that is not exempt work: (c)(2) Assisting non-exempt employees with their work during periods of heavy workload or to handle rush orders is not exempt work; (c)(3) Replacing a non-exempt employee during the first day or partial day of an illness may be considered exempt emergency work depending on factors such as the size of the establishment and of the executive's department, the nature of the industry, the consequences that would flow from the failure to replace the ailing employee immediately, and the feasibility of filling the employee's place promptly.

The fact that I have been concurrently performing exempt and non-exempt duties related to mandated services for two (2) solid years negates any argument for emergency provision of duties. Further, mandated services are not voluntary. I do not have the luxury of volunteering to fulfill mandated services or delegating the tasks to non-existent or overloaded or un-trained workers.

Under Wisconsin Statutes Chapter 520, Attachment #1 Comparison Chart of Federal and State overtime Laws, Executive Exemption heading, the State Rule indicates that the exempt employee does not devote more than 20 percent (State Rule) of work time to activities that are not directly and closely related to exempt work. There are multiple instances wherein more than 50 percent

(Federal Rule) of my time was spent performing non-exempt duties that are not directly and closely related to exempt work for a sustained period of time.

Summary of Duties

I have completed exempt status supervisory duties to the fullest extent and provided additional mandated services otherwise provided by non-exempt status employees without additional compensation or being allowed to claim overtime pay. Social workers classified as non-exempt are charged, by position description, to provide these mandated services.

Section A outlines my primary duties; Sections B and C outline the additional non-exempt duties I have compulsorily performed during the past two years.

Section A: Children, Youth and Families Program Manager / CPS Supervisor Duties Essential Duties and Responsibilities

- Assigns Cases to social work staff.
- Monitors case management tasks for compliance with local, State and Federal rules and regulations.
- Provides consultation to assigned worker, law enforcement, District Attorney, and other involved agencies.
- Evaluates subordinates performance, implements discipline.
- Determines placement of client into legal custody, protective placement, etc.
- Receives and responds to client complaints.
- · Advises Director regarding unit activities.
- · Develops and interprets unit policies and procedures.
- Develops instructional materials and trains staff and other agencies.
- Develops community resources for client rehabilitative and preventive services.
- Researches funding and grant writing.
- Prepares required statistical reports for local, State and Federal authorities. Monitors grant reporting and staff documentation for accuracy and completeness.
- · Participates in on-going training.
- Attends meetings, seminars, workshops regarding unit programs.
- Provides emergency social services to clients through after hours 24-hour on-call.
- Represents the unit and Department in court proceedings.
- · Participates in department planning and unit budget development.

Section B: Initial Assessment Worker

Additional non-exempt duties performed December 2015 through December 2016

- · Ensured safety for all children on assigned case load.
- Took appropriate custody action when safety threats required court involvement.
- Managed paper and electronic files in accordance with state standards, and maintained confidential client information.
- Supervised family interactions between parents and children, made determinations regarding child safety and shifting to unsupervised interactions.
- Bngaged with children, families, relative providers, foster parents, and community partners to
 promote reunification and safe case closure.

- Engaged in strengths-based, family-centered social work practices.
- Prepared testimony and documentation for court; this is ongoing in 2017 as cases move through the court system.
- Maintained contact with service providers and collaterals (schools, law enforcement, foster parents, mental health, AODA, courts, etc.).
- Provided Access coverage.
- Attended internal meetings and case consultations; provided mandated reporter training to school staff, day care staff, high school and college students.
- Provided juvenile court intake, child protection investigations and family assessments, and ongoing services as needed for CPS, delinquency cases, and child welfare cases.
- Provided services or made referruls for family counseling, parenting skills, domestic violence, chemical dependency and support services.
- Coordinated services with other agency personnel for families and children.
- Provided necessary counseling services to, and located resources for, children in foster care or alternative care and their natural families to establish permanency as soon as possible.
- Monitored and provided services to children placed under supervision of the Department, provided required reports to the courts, and testified (continues today) as needed.
- Conducted home visit, office visits, collateral contacts and consultation with other agencies to ensure provision of services.
- Attended in-service trainings and staff development activities.
- Provided 24-hour on-call emergency services for after hours.
- Provided Friday same day response coverage.
- Complete eWiSACWIS data entry.

Section C: Foster Care Coordinator

Additional non-exempt duties performed throughout 2017

- Ensure safety for all children on assigned case load.
- Take appropriate custody action when safety threats require court involvement.
- Manage paper and electronic files in accordance with state standards, and maintain confidential client information.
- Process initial and renewal applications in accordance with state statutes and standards for Foster Care Licensing requests. (Level 1 and Level 2)
- Complete home studies using required S.A.F.E. (Structured Analysis Family Evaluation) protocol.
- Asses for immediate child safety when allegations are made against foster parents, collaborate with supervisor and assigned IA worker from other county.
- Ensure licensed applicants comply with DCF 56 training/continuing education requirements.
- Manage DCF 56 rule violation complaints and report violations to supervisor.
- Report all suspected maltreatment of children in foster care to supervisor and collaborate with assigned Independent investigator from neighboring county.
- Provide ongoing support services and resources to licensed homes for placement and family integration needs.
- Provide training to foster parents in accordance with DCF 56 requirements. Pre-service and classroom training.

- Coordinate Foster Care appreciation activities and fund raising as appropriate to support kids in care.
- Recruit new foster families and respond to new provider inquiries.
- Provide Kinship Care Certifications in accordance with DCF 56.
- Manage and process Chapter 48 Guardianship, Subsidized Guardianship and placements.
- Complete ICPC (Interstate Compact for the Placement of Children) home studies and home visits
- Complete step-parent adoption home studies and prepare reports as ordered by the Court.
- Complete eWISACWIS data entry.
- Assist with supervised interactions and child transportation as necessary.
- Conduct home visits, office visits, collateral contacts and engage in consultation with other agencies to ensure provision of services.

The supervisor's position description does not include regular provision of mandated non-exempt duties. While employers are not required to compensate otherwise exempt employees with overtime, if an exempt employee is carrying an excessive workload and performing additional mandated non-exempt work outside the position the employee is hired for, then additional compensation to exempt employees for the additional work is required. No federal or state regulations provide an all-inclusive exemption from overtime requirements.

Savings to County

Over the course of the past two years, the county has benefitted tremendously from this worker's knowledge, skills, abilities, leadership, integrity, and capacity to perform two full time jobs to ensure the mandated safety needs of the county's vulnerable children are met.

,	Step 1 Base Pay Hourly / Annually	Step 2 Base Pay Hourly / Annually
2016	\$24.93 / \$51,854	\$25.65 / \$53,352
2017	\$25.24 / \$52,499	\$25.97 / \$54,018
Total 2 Yr. Savings	\$104,353	\$107,370

Calculations are based on 2016 and 2017 Grade K Non-Exempt, Step 1 and Step 2 rates. Grade K and Step 2 included as this worker's education, training and experience would dictate a starting grade equivalent to a seasoned social worker and a salary above Step 1.

Claim

I have reviewed all time entry records from December 2015 through December 15, 2017. Documented overtime for each year is as follows:

Year	Overtime Hours	Hourly Base Pay Rate	Hourly Overtime Wage	Wages Owed Pre-tax	Retirement Match
2015	37	2015 rate \$36.92	\$55.38	\$2,049.06	\$ 139.33
2016	25.5	2015 rate \$36.92	\$55.38	\$1,412.19	\$ 93.20
2016	455.5	2016 rate \$38.29	\$57.43	\$26,159.36	\$1,726.51
2017	19	2016 rate \$38.29	\$57.43	\$1,091.17	\$ 74.19
2017	421	\$39.69	\$59.53	\$25,062.13	\$1,704.22
Totals	958	****	**************	\$55,773.91	\$3,737.45

My wage claim is \$55,773.91, pre-tax with \$3,737.45 retirement match. It is expected that the county shall contribute the appropriate match to retirement for all overtime wages; 6.8% for 2015, 6.6% for 2016 and 6.8% for 2017.

I am also making an indirect monetary claim for 4 additional weeks of PTO. If a worker had been hired to perform the non-exempt duties that I performed in addition to my exempt duties, those persons would have earned 2 weeks per year. I believe it is fair and equitable to provide me with the PTO (vacation for non-exempt status) other workers would have earned.

Change to the Pierce County Personnel Policy should be considered with regard to allowing department heads to authorize overtime pay for managers when work conditions warrant or demand working outside exempt status.

Summary

The hours I was compelled to work are above and beyond the 40 hours regular time that are associated with the position I was hired for, and thus warrants overtime pay. As such, I am unequivocally entitled to overtime pay under both federal and state law. My wage claim is \$55,773.91, pre-tax with \$3,737.45 retirement match. My indirect monetary claim is 4 additional weeks of PTO.

Please be advised that federal and state law also provide for damages, penalties, court costs and attorney's fees if an employee is not paid overtime as required by applicable law. Successful litigation would entitle me to all of the above.

Please be further advised that I have not yet filed a formal complaint with the Department of Labor or sought relief through a civil action in district court against Pierce County. To this end, I enjoy my position at Pierce County Human Services and would prefer this matter be resolved amicably without litigation and without filing an official complaint with DOL requesting a complete on-site investigation of the County agency.

Claim: Frederick, K.

Please contact me within the next thirty (30) days to let me know if the County is willing to attempt to resolve this matter voluntarily. My offer to accept just the overtime payment, retirement match and 4 weeks of PTO shall remain open for a period of 60 days from the date of this correspondence, after which it will automatically expire.

Regards,

Kristi L. Frederick, MSW, CSW

24 Bridgewater Trail Hudson, WI 54016 715-245-9045

10a.

Ordinances for First Reading:
Ordinance No. 17-07 Amend
Chapter 172, §172-15(B) of the
Pierce County Code-Parks &
Recreation

ORDINANCE NO. 17-07

Amend Chapter 172, Section 172-15(B) of the Pierce County Code - Parks and Recreation

PIERCE COUNTY BOARD OF SUPERVISORS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: That Chapter 172, Section 172-15(B) of the Pierce County Code is hereby revised as follows:

§ 172-15 All-terrain vehicles and routes.

- B. Designation of all-terrain vehicle routes. The following routes are designated all-terrain vehicle routes in the County.
 - (1) In the Town of El Paso, the portion of County Road N from 650th Avenue to County Road G to 425th Street.
 - (2) In the Town of El Paso, from the intersection of County Road N and G to W4277 County Road G.
 - (3) In the Town of Spring Lake, CTH B, from 770th Avenue and County Road B, east on County Road B to STH 128 and 770th Avenue.
 - (4) In the Village of Spring Valley, CTH B, from a point 1800 feet west of the intersection of CTH B and Newman Avenue, to the intersection of CTH B and Newman Avenue, south to the intersection of CTH B and McKay Avenue.
 - (5) In the Town of Spring Lake, on County Road P from 50th Street south to the north Village of Elmwood village limits.
 - (6) In the Village of Elmwood, on County Road P from the north village limits to the south village limits.
 - (7) In the Town of Rock Elm, on County Road P from the south Village of Elmwood village limits to 70th Street.
 - (8) In the Town of Rock Elm, on CTH S from 70th Street to 430th Avenue/CTH X.
 - (9) In the Town of Rock Elm, on CTH HH from CTH CC to 450th Avenue.
 - (10) In the Town of Trenton, on CTH VV from 230th Avenue to 185th Avenue.
 - (11) In the Town of Ellsworth, on CTH N from 610th Street to US Highway 63.
 - (12) In the Town of Hartland, on CTH V from 610th Street to 620th Street.

SECTION 2: That this Ordinance shall become effective upon its adoption and publication as required by law.

Dated: January 23, 2017.		¥
T .		Jeffrey A. Holst, Chair Pierce County Board of Supervisors
ATTESTED TO BY:		APPROVED AS TO FORM AND LEGALITY BY:
Jamie Feuerhelm, County Clerk	2	Bradley D. Lawrence, Corp. Counsel
Adopted:		



Jamie Feuerhelm <jamie.feuerhelm@co.pierce.wi.us>

F&P Request Form

sgustafs@co.pierce.wi.us <sgustafs@co.pierce.wi.us>
Thu, Dec 28, 2017 at 9:11 AM To: jamie.feuerhelm@co.pierce.wi.us, joann.miller@co.pierce.wi.us, julie.brickner@co.pierce.wi.us, brad.lawrence@co.pierce.wi.us, sgustafs@co.pierce.wi.us

Thank you for submitting request

Response summary

Timestamp

Thu Dec 28 2017 10:11:30 GMT-0500 (EST)

Username

chad.johnson@co.pierce.wi.us

Meeting Date

2018-01-08

Agenda Item

Discuss and take action on route request from Pierce County ATV Association: CTH V from 610th Street to 620th Street

Requesting Agency

Highway Department

Background

The route requested has been presented and moved forward to F&P by both the Traffic Safety Committee and the Highway Committee.

Staff Recommendation

Approve the route as requested

Recommended Motion: (Motion by seconded by to approve and authorize)

Motion to move the route request on to County Board.

Requestor's email address

chad.johnson@co.pierce.wi.us

Pierce County Traffic Safety Commission-Meeting Minutes December 13, 2017

Meeting called to order at 10:0 a.m., by Sheriff Hove

Members Present: Sheriff Hove, Herman Kreig-PCSO, Brad Lawrence PC Corp. Counsel, Al Thoner PC HWY, Chad Johnson PC HWY, Brandon Gray WI State Patrol, Trace Frost BOTS, Wade Strain-PCSO, Rick Tumaniec WI DOT, Gary Brown PC Emergency Management, Dean Haigit WI State Patrol, Chris Tashjin-Vibrant Health

Motion to approve September 13, 2017 meeting minutes by Gary Brown, Rick Tumaniec, 2nd, carried approved.

Public Comment: None

Items Previously Discussed at former meeting:

- A) Rick Tumaniec updated all state projects complete for 2017. Discussion on issues with flaggers and time of stop.
- B) Chad Johnson discussed CTH V project is done for 2017 and open for traffic. Another layer of paving will be done in 2018. CTH O Safety Improvements with guardrail, signage and painting are one hundred percent completed.

New Topics for Discussion and/or Action:

- A) Larry Johnson with the Pierce County ATV Association discussion route request on CTH V from 610th St to 620th Street. Route was previously on private property and is no longer available to them therefore the request to move to the roadway. Brad Lawrence makes motion to approve onto Highway Committee for approval, seconded by Gary Brown, carried, approved.
- B) Larry Johnson also request route on CTH K from 810th Street to 820th Street from 430th Avenue to 840th Street. Committee discussed route and motion was made by Herman Kreig to move onto Highway Committee for non-approval by Highway Safety Committee, 2nd by Chris Tashjin, carried, approved.
- C) Trooper Gray discussed passing zone on STH 35 & 1005th Street in Diamond Bluff Township. There is a dip in the passing zone in which results in loss of sight of vehicle while in passing zone. Rick Tumaniec will check with state criteria regarding the passing zone. Is only a southbound issue.
- D) Discuss and take action on New Highway traffic Safety Committee Chair. Sheriff Hove is stepping down as chair, will still attend Highway Safety Meetings. Brad Lawrence makes motion to approve nomination of Chad Johnson for chair position, Herman Kreig seconded, unanimous ballot, Chad Johnson elected for Chair position, carried, approved. Secretary position will be filled at a later date. Committee membership was also discussed. Chad Johnson will be updating committee list.

E) Chad Johnson discussed Winter Maintenance for Highway Department. He also advised the annual Q&A was done with the paper and on County website.

WI DOT Updates:

Trace Frost from Frost Consulting LLC representing DOT/BOTS. Discussed Tracs and Community Mapping interface to be implemented in January 2018. 568 Fatalities State wide YTD compared to 572 LYTD. Fatalities for State of Wisconsin in 2016 were 588. Discussed laws of the month updates.

Next Meeting Date: March 14, 2018

Future Agenda Items:

- a) State Traffic Project updates for 2018
- b) County road projects update for 2018
- c) Passing Zone on STH 35 & 1005th Street in Diamond Bluff Township
- d) Community Maps Update

Motion to adjourn by Chad Johnson, 2nd by Nancy Hove, adjourned

HIGHWAY COMMITTEE MINUTES 12/20/17

- 1. DRAFT The meeting was called to order at 8:30 a.m. by LeRoy Peterson. Present were: LeRoy Peterson, Dean Bergseng, Neil Gulbranson, Bill Schroeder and Dale Auckland. Staffs present were: Chad Johnson, Al Thoner, Ray Dohm, Elliott Check and Sue Gerdes. Others were present Administrative Coordinator JoAnn Miller, Larry Johnson from Pierce Co ATV Assn., Mike Holst, Dan Leonard and Molly Schneider all businesses that utilize CTH O.
- 2. Public Comments: None
- 3. Minutes. Gulbranson/Auckland motioned to approve the minutes from 11/16/17 as written. Motion carried.
- 4. The Committee reviewed the accounts payable and payrolls.
- 5. Staff training/education: All 2017 training has been completed
- 6. CTH O Bridge P47-0077: The weight restrictions for this bridge have recently been lowered to 30 tons. In 2012 Cedar Corp evaluated this bridge and recommended replacement. In 2014 a 40 ton weight restriction was placed. In 2015 STP funding was requested and not approved. STP funding was again requested in 2017; for which determination will be in January. Options at this time are: A) wait for STP 80/20% funding, B) pursue funding on a county level. County cost is estimated as \$60,000 for design and \$800,000 for 2019 construction/inspection. Auckland/Schroeder motioned to direct the Commissioner to ascertain if additional outside funding is available for CTH U Bridge and bring forward any other bridge work that may not be covered by levy. Motion carried.
- 7. County Aid to Local Bridges: Bridge Aid funds were requested as follows.

Town of Martell - four projects:

- 1). 650th Street 500' South of CTH N
- 2). 690th Avenue 6470' West of CTH J
- 3). 690th Avenue 4416' West of CTH J
- 4). 870th Street 860' East of 650th Street

All required documents were received.

Bergseng/Gulbranson motioned to approve the Aid. Motion carried.

Town of Maiden Rock – one project:

1). 70th Street 2073' South of 40th Avenue

All required documents were received.

Gulbranson/Auckland motioned to approve the Aid. Motion carried.

- 8. Machinery/equipment plan: The frame is compromised on Unit 53 and it will no longer pass DOT inspection. Schroeder/Auckland motioned to move \$50,000 from 2019 to 2018 in the truck fund budget. Motion carried.
- 9. Unit 53 1998 International: Shop Superintendent would like this cab/chassis and plow equipment declared surplus, to be sold at auction and to purchase a used replacement. Bergseng/Auckland motioned to declare Unit 53 as surplus and replace it with used equipment. Motion carried.

- 10. Surplus items: The Shop requests that some obsolete parts and small equipment no longer needed to be declared surplus and sold at auction. The largest item is an old walk behind snow blower. There are numerous parts more than 25 years old. Auckland/Bergseng motioned to declare these items as surplus. Motion carried.
- 11. ATV route request: Pierce ATV Assn. is requesting two routes as follows:
- 1. CTH V from 610th Street to 620th Street. This route is acceptable. Bergseng/Gulbranson motioned to move this request forward to Finance/Personnel Committee. Motion passed with Peterson opposed.
- 2. CTH K from 810th Street to 820th Street and from 430th Avenue to 840th Street. Greater than two miles of this route is double yellow marking. Gulbranson/Auckland motioned to not support this route. Motion carried. Pierce ATV Assn. is withdrawing this request, and does not desire to bring this to Finance/Personnel Committee.

12. Department staffing:

The Commissioner reviewed the change in office staffing. One position has partially moved to the payroll clerk at the PCOB and is now under the Finance Director. Administrative Coordinator Miller explained that this is good for the County for two reasons:

- 1. Improved cross training
- 2. Improved Internal Control of cash

Workflow issues are being resolved.

Staff Reports:

Shop Superintendent: Due to staff issues year-end inventory is postponed until after January 1st. Patrol Superintendent: A mild winter so far has the state budget in good shape. Centerline painting has been completed.

Commissioner: We are crushing at EE quarry and making salt sand - kudos to the shop for the expedited screener repair. Crew is working on the salt shed construction and expects to be done in about one month. The CTH O safety project is complete, plan refinements continue on CTH DD and LRIP applications are soon to be submitted.

- 12. Future agenda items: Staff updates, Bridge Aid requests, Highway Commissioner Annual Review, and bridge repair/replacement update.
- 13. Next Meeting: Thursday, January 25th at 10:00 a.m.
- 14. Adjourn. At 10:35 a.m. Auckland/Schroeder motioned to adjourn the meeting. Motion carried.

11a.

Ordinances for Second Reading:

Ordinance No. 17-06 Map amendment (Rezone) for 12.78 acres from General Rural to Agriculture Residential in the Town of Trimbelle, Pierce County, Wisconsin. Timothy & Becky Brunner

ORDINANCE 17-06

MAP AMENDMENT (REZONE) FOR 12.78-ACRES FROM GENERAL RURAL TO AGRICULTURE RESIDENTIAL IN THE TOWN OF TRIMBELLE. TIMOTHY & BECKY BRUNNER.

The Board of Supervisors of Pierce County, W	Wisconsin does ordain as follow	s:
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Section 1: The Official Pierce County Zoning Map for the Town of Trimbelle is amended to change the zoning from General Rural to Agriculture Residential containing 12.78-acres described as Lot 4 Certified Survey Map Volume 11 Page 64 being part of the NE ¼ of the NW ¼ of Section 15, T26N, R18W, Town of Trimbelle, Pierce County, Wisconsin, (Parcel number 032-01058-0800).

Section 2: That this ordinance shall not be codified.

Section 3: That this ordinance shall take effect upon its adoption and publication as required by law.

Dated this 19th day of December, 2017.

* .	Jeffrey A. Holst, Chair
	Pierce County Board of Supervisors
ATTESTED TO BY:	APPROVED AS TO FORM AND LEGALITY BY
* *	* *
Jamie Feuerhelm, County Clerk	Bradley D. Lawrence, Corp. Counsel
	₹)(
Adopted:	

Rezone application was approved by Land Management Committee on November 15, 2017.

STAFF REPORT LAND MANAGEMENT COMMITTEE

Land Management Committee Meeting,

November 15, 2017

Agenda Item 4

Applicant: Timothy & Becky Brunner (owners)

Request:

Map amendment (rezone) from General Rural to Agriculture Residential

Background: The applicants are requesting to rezone a 12.78-acre parcel in order to subdivide the property and create two additional lots. With the current zoning district, the parcel does not have enough density to allow the split and the property owners do not intend to purchase more land from adjoining property owners.

Issues Pertaining to the Request:

- The property includes all of Lot 4 CSM Vol. 11 Pg. 64 being part of the NE 1/4 of the NW 1/4 of Sec. 15, T26N, R18W in the Town of Trimbelle.
- Current land use is forest land, residential with a dwelling and detached garage, and undeveloped. Adjacent land uses are forest land, residential, and undeveloped.
- The current zoning of this parcel is General Rural. The adjacent zoning is General Rural, Primary Agriculture, and Agriculture Residential.
- Pierce County Zoning Code §240-15 Purpose and Intent of Zoning Districts states:

General Rural is established to maintain and enhance agricultural operations in the county. The district also provides for low-density residential development which is consistent with a generally rural environment and allows for nonresidential uses which require relatively large land areas and/or are compatible with surrounding rural land.

Agricultural Residential is established to provide for the continuation of agricultural practices in areas of the county which have historically been devoted to farm operations while providing locations for rural housing opportunities without public sewer and certain recreational and other nonresidential uses.

- Pierce County's adopted Comprehensive Plan states: "The County will approve re-zonings or map amendments only when the proposed change is consistent with an adopted or amended town comprehensive plan. In cases where a town has not adopted a comprehensive plan, rezoning will be approved only when consistent with the Pierce County Plan (encouraged vs. discouraged). In such cases, Pierce County will solicit a non-binding town recommendation regarding the proposed rezone."
- The value of land for agricultural use according to the USDA Web Soil Survey is as follows:

			New Capability	
New Name	Slope	% Area	Unit	New Farmland Classification
Boone (230F)	15-50%	23.6%	7s	None.
Dorerton (1105F)	20-60%	26%	7e	None.
Elevasil (220C2)	6-12%	13.7%	3e	Farmland of Statewide Importance
Forkhorn Sandy Loam (431B)	1-6%	12.7%	. 2s	All areas Prime Farmland.
Whalan Silt Loam (823B2)	2-6%	24%	2e -	All areas Prime Farmland.

Today important farmlands are prime, unique, farmland of statewide or local importance.

Applicant: Timothy & Becky Brunner

Map Amendment (Rezone)

November 15, 2017

• The Town of Trimbelle recommended approval of this request on 10/10/2017 and identified two goals from the Town of Trimbelle Comprehensive Plan in the following places:

• "Chapter 3: Housing. Goal: Facilitate opportunities for an adequate housing supply that will meet the needs of current and future residents and promote a full range of housing choices for all income levels, age groups, and special housing needs while maintaining the current housing stock.

• Chapter 9: Land Use. Objectives: Ensure development accrues in an orderly process and includes sufficient infrastructure for fire protection, roads, parks, and other infrastructure."

Staff Recommendation:

Given that the Trimbelle Town Board determined that this proposed map amendment (rezone) of 12.78-acres from General Rural to Agriculture Residential is consistent with their Comprehensive Plan, staff recommends that the LMC approve this map amendment (rezone) and forward a recommendation to the County Board of Supervisors.

Submitted By: Emily Lund

Assistant Zoning Administrator

Land Management Committee

Timothy & Becky Brunner (November 15, 2017)

Rezone - Map Amendment from General Rural to Agriculture-Residential

Legend

Site

Parcels

Contours (10ft)

Zoning

Agriculture - Residential

Commercial

General Rural

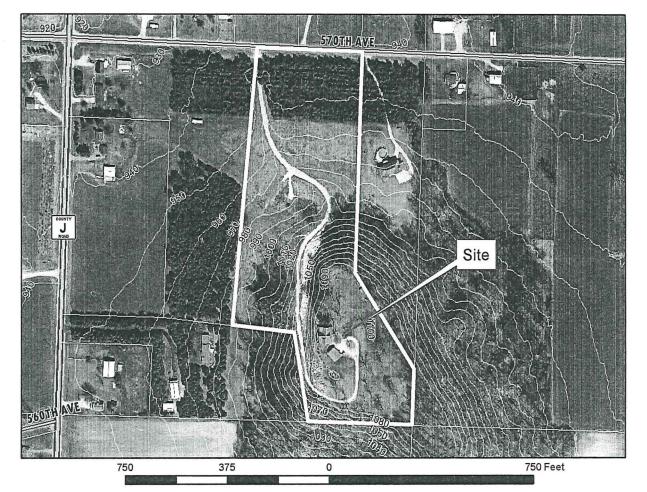
Primary Agriculture

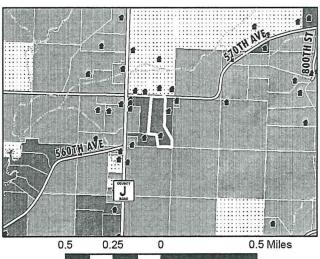
Orthophotography - 2015 Pierce County





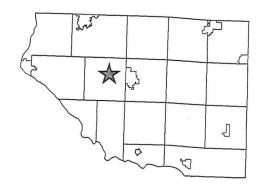
Prepared by the Department of Land Management





Site Location

W8339 570TH AVE TOWN OF TRIMBELLE





Affidavit of Publication

*	SS.	
Pierce County		
Spin F F	ngelhart, being duly swo	
CHURCH E.E.	ngerigger, being duly swo	orn on oath, says:

I am the publisher or the publisher's designated agent of the PIERCE COUNTY HERALD, a weekly newspaper of general circulation, published in the County of Pierce, State of Wisconsin.

The printed

State of Wisconsin

11/15/17 Hearing Brunner Rezone

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State of Wisconsin

County of Pierce

Public notice is hereby given to all persons in Pierce County, Wisconsin, that a public hearing will be held on the 15th day of November, 2017, at 6:00 pm, in the County Board Room in the Courthouse, in Ellsworth, WI before the Land Management Committee to consider and take action on a request for a Map Amendment (Rezone) from General Rural to Agriculture Residential for Timothy and Becky Brunner, owners on 12.78 acres located in the NE 1/4 of the NW 1/4 of Section 15, T26N, R18W, Town of Trimbelle, Pierce County, WI.

All persons interested are invited to said hearing and to be

heard.

BRAD ROY, Zoning Administrator Pierce County, Wisconsin

which is attached, was cut from the columns of said newspaper, and was printed and published once each week for 2 successive weeks; it was first published on Wednesday, November 1, 2017 and was thereafter printed and published on every Wednesday, to and including Wednesday, November 8, 2017

Notary Public

Subscribed and sworn to before me on this

8th day of November 2017

MOV 1 4 2017

Susanne R. Loosmore Notary Public

State of Wisconsin

My Commission expires July 23, 2021

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