

POLK COUNTY LIME QUARRY COMMITTEE

Polk County Government Center

County Board Room

July 28, 2008

9:00 am

Present: Larry Jepsen, Dean Johansen, Kathryn Kienholz, Diane Stoneking, Ted Johnson
Also present: Merrill Nehring, Tim O'Brien, Andrea Jerrick, Mindy Dale, Jeff Fuge, Darlene Kusmirek, Marilyn Jean Nehring, Dan Beyermeir, and a member of the press.

Chairman Jepsen called the meeting to order at 9:12 am.

Approval of Agenda – Motion (Johansen/Stoneking) to approve agenda as presented. All in favor. Motion carried.

Public Comments – none

Hearing Officer Jeff Fuge clarified the purpose of the meeting, as well as the guidelines to be followed for the evidentiary portion of the meeting.

Nehring exercised his right to hold hearing in Open Session.

Fuge acknowledged into the record:

Exhibit-1 Notice of Agenda

Exhibit-2 Notice to Nehring

The following, upon stipulation, were received into evidence:

Exhibit-3 Polk County Policy 701 – Employee Conduct and Work Rules

Exhibit-4 Polk County Policy 512 – County Business Travel and Expense Reimbursement

Exhibit-5 Polk County Policy 716 – Employee Discipline

Exhibit-6 Polk County Policy 103 – Employment

O'Brien requested to have hearing taped for documentation; based upon said request, the Committee obtained a digital recorder from Land Information to record the hearing.

Recess at 9:42 to make arrangements for a recorder, and returned to session at 10:14 a.m.

Opening statement made by the Polk County Administration Attorney, Mindy Dale.

Opening statement made by Nehring's Attorney, Tim O'Brien.

Dale called first witness, Andrea Jerrick, who was sworn in by Fuge. Entered into evidence:

Exhibit-7 Notice to Merrill Nehring regarding paid leave

Exhibit-8 Summary of mileage reimbursement from October 1999 – September 2007

Exhibit-9 Detailed mileage for Merrill Nehring 1/2007

Exhibit-10 Detailed mileage for Judy Glenna 11/07-4/08

Exhibit-11 Detailed mileage for another Lime Quarry employee

Exhibit-12 Summary of Nehring mileage reimbursement

Exhibit-13 Diesel fuel log from Lime

Exhibit-14 Summary of fuel purchased for Lime from 9/1999 – 3/2008

Exhibit-15 Sheriff's report from March 2007

Exhibit-16 Nehring's Lime Manager offer letter

Dale questioned Jerrick, followed by cross by O'Brien. Committee had opportunity to ask additional questions.

Chairman Jepsen called for a 30 minute lunch break at 11:26. Re-convened at 12:14.

Dale called Nehring, who was sworn in by Fuge. Dale questioned Nehring, followed by cross by O'Brien. Committee had opportunity to ask additional questions.

At 1:35 Chairman Jepsen called for a break, re-convened at 1:46.

Dale called Jerry Ragnor, who was sworn in by Fuge. Dale questioned Ragnor, followed by cross by O'Brien. Committee had opportunity to ask additional questions.

Dale called Mark Bierbrauer, who was sworn in by Fuge. Dale questioned Bierbrauer, followed by cross by O'Brien. Committee had opportunity to ask additional questions.

Dale called Eric Green who was sworn in by Fuge. Dale questioned Green, followed by cross by O'Brien. Committee had opportunity to ask additional questions.

Dale closed case in chief for Administration.

At 2:36 Chairman Jepsen called for a break, re-convened at 2:45.

O'Brien called Bradley Viebrock who was sworn in by Fuge. O'Brien questioned Viebrock, followed by cross by Dale. Committee had opportunity to ask additional questions.

O'Brien called Marilyn Jean Nehring who was sworn in by Fuge. O'Brien questioned Nehring, followed by cross by Dale. Committee had opportunity to ask additional questions.

O'Brien called Dan Beyermeir who was sworn in by Fuge. O'Brien questioned Beyermeir, followed by cross by Dale. Committee had opportunity to ask additional questions.

O'Brien called Judith Glana who was sworn in by Fuge. O'Brien questioned Glana, followed by cross by Dale. Committee had opportunity to ask additional questions.

At 3:37 Chairman Jepsen called for a break, re-convened at 3:55.

O'Brien requested the following to be entered into evidence:

Exhibit-17 Nehring Performance evaluation 2007

Exhibit-18 Nehring Performance evaluation 2006

Exhibit-19 Nehring Performance evaluation 2005

Exhibit-20 Nehring 6 month Performance evaluation dated 4-21-2004

Exhibit-21 Lime Quarry Manager Job Description

Said exhibits received into evidence.

O'Brien recalled Jerrick, who remained under oath. O'Brien questioned Jerrick, followed by cross by Dale. Committee had opportunity to ask additional questions.

The evidentiary portion of the hearing ended at 4:15. Fuge explained the duty of the committee during deliberation regarding the evidence that had been submitted, and that now closing statements would be heard.

Dale gave her final statement, followed by O'Brien.

Motion (Johnson/Johansen) to go into a closed session, passed unanimously.

The Committee entered Closed Session at 4:40 p.m. for deliberations and consultation with legal counsel:

Closed session under Wis. Stat. § 19.85(1)(a) for deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that government body and under § 19.85(1)(c) and (g) for 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.

Present during closed session: Chair Larry Jepsen; committee members Dean Johansen, Ted Johnson, Kathryn Kienholz, Diane Stoneking, and legal counsel, Jeff Fuge.

Chairman Jepsen left the room at 5:24 pm and returned at 5:25 pm.

The committee took a break at 6:45 pm and resumed closed session at 6:50.

The Committee took sever motions pursuant to *Wis. Stat. § 19.85(1)(a)* for deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that government body and under *§ 19.85(1)(c)* considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.

Which at the time of the posting of these minutes are not subject to disclosure pursuant to Wisconsin Public record law. A request for those closed session minutes can be made to the Employee Relations Department.

Motion by Johnson/Johansen for the committee to adopt and accept the facts and actions enumerated above. Motion passed unanimously.

The committee reached consensus that Jeff Fuge, county corporation counsel, should draft the above motions to be presented to Mr. Nehring.

Motion by Johansen/Stoneking to return to open session. Passed. The committee returned to open session at 8:44 pm.

Motion by Johnson/Stoneking to adjourn. Passed. The committee adjourned at 8:45 pm.