

**Walworth County Board of Supervisors  
Public Works Committee  
Monday, January 14, 2019 Meeting Minutes  
Walworth County Government Center  
100 West Walworth Street, County Board Room 114  
Elkhorn, Wisconsin**

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Chair Rick Stacey called the meeting to order at 3:30 p.m.

Roll call of committee members was conducted, and all members were present: Chair Rick Stacey, Vice Chair Ken Monroe, and Supervisors Jerry Grant, William Norem and Nancy Russell.

**Others in Attendance**

County Board members: Supervisor Charlene Staples

County staff: Director-Public Works Richard Hough; County Administrator David Bretl; County Engineer Joe Kroll; Senior Project Manager John Miller; Public Works Finance Manager Penny Bishop, Human Resources Director Dale Wilson; Deputy County Administrator-Finance Nicki Andersen; IT Director John Orr; Lakeland Healthcare Center (LHCC) Administrator Timothy Peek; and numerous Public Works-Highway Division employees

Members of the Public: Michael Nuezo, Southport Engineered Systems, LLC

**Supervisor Grant made a motion, seconded by Supervisor Russell, to approve the agenda as presented. Motion carried by voice vote.**

**On motion by Supervisor Grant, seconded by Vice Chair Monroe, the December 10, 2018 meeting minutes were approved by voice vote.** Supervisor Russell asked if the repairs to county-owned drain tile had been made as stated in the December 10, 2018 minutes. Director-Public Works Richard Hough confirmed the project is complete, and County Administrator David Bretl said the affected farmer was satisfied with the work.

**Public comment**

Mike Nuezo, Southport Engineered Systems, LLC, said his firm submitted a bid for the Law Enforcement Center New Institutional Rooftop Air Handling Units and Chiller, but inadvertently overlooked the mandatory pre-bid meeting and walkthrough. He contacted the control subcontractor and received a copy of the questions and answers from the meeting. He contacted Purchasing to see if they could schedule a walkthrough prior to the bid deadline, but it could not be done. As 95% of the project work is outside of the building, Nuezo stated he felt there was limited risk in not attending the walkthrough and submitted a bid. He stated Southport's bid on the project was \$120,000 lower than the lowest responsive bidder, but was rejected because they did not attend the mandatory pre-bid site meeting. He asked for consideration from the Committee to exercise its right to accept Southport's bid because he feels it is within the owner's rights and best interest.

Page Grandon, Public Works-Highway employee, stated he and other members of the Public Works department were in attendance to state their opposition to certain work rules causing concern within the department. He noted one employee left County employment and at least 4 others are actively seeking employment elsewhere as a result. Grandon stated Highway crews regularly provide emergency services as part of their job duties and should be paid at time-and-half during hours outside of the normal workday schedule like law enforcement and fire personnel. He said before Act 10, crews were paid for any hours outside an eight-hour workday. After the dissolution of the union, overtime was only paid after a 40-hour work week. Grandon said the State reimburses the County for all work performed on state roads within the County. Pay for County overtime hours has never been denied by the State. He asked the Committee to review the new department work rules and consider their request. Grandon said making crews "flex" hours

to avoid paying overtime is unfair, given the nature of their work and having to be on-call during the winter 24/7. Grandon suggested the Committee discuss this issue with long-term department supervisors to obtain their perspective.

### Consent items

**Chair Stacey asked that consent items 2 and 3 be considered separately. Supervisor Russell made a motion, seconded by Supervisor Grant, to accept the remainder of the consent items. Motion carried 5-0.**

### Consent Items

a) Bid Awards/Contracts/Specifications

- 1) Summary specifications for Lakeland Health Care Center (LHCC) Outdoor Egress Lighting-Project #C1903
- 2) Bid award recommendation for the Law Enforcement Center and Judicial Center Multi-Building Re-cablng-Project #18-200

Vice Chair Monroe asked about the bid variations. IT Director John Orr said funds were transferred for the countywide phone and voicemail system replacement, but the facilities had to be surveyed to make sure the data wiring was sufficient for the added equipment. This bid recommendation is to re-wire and install new cable in the Sheriff's, Clerk of Courts and District Attorney's offices. **Vice Chair Monroe made a motion, seconded by Supervisor Russell, to recommend approval of the bid to Dnesco Electric, Inc. in the amount of \$153,286. Motion carried 5-0.**

- 3) Bid award recommendation for Law Enforcement Center New Institutional Rooftop Air Handling Units and Chiller-Project #W1902

Supervisor Russell asked Senior Project Manager John Miller about the request from Southport Engineered Systems, LCC to consider their bid. Miller said the County has never accepted a bid from a vendor who has not met the mandatory pre-bid meeting requirements, and referred them to Purchasing. The Purchasing Manager upheld the decision to reject the bid. Southport has done work for the County in the past; in this case, they obtained their information on the bid request from the publication *Western Builder* instead of Demand Star, on which the County publishes bid specifications and documents.

Discussion ensued on bidding practices. **Supervisor Grant made a motion, seconded by Supervisor Russell, to accept the bid from Lee Plumbing Mechanical Contractors, Inc. in the amount of \$4,770,000. Motion carried 5-0.**

- 4) Final payment to Payne & Dolan on rehabilitation of CTH H – STH 120 to Genoa City-Project #18-001

b) Reports

- 1) Report on Training Management and Leadership Development – Part 2

Hough distributed a draft plan on operational approach and policy, which includes the new energy policy which goes into effect on January 15. Miller approached him on energy studies conducted in the past that were never fully implemented, and from that information and feedback, he drafted a plan, which gives responsibility and authority to department heads for control and enforcement. The first step is to address the use of individual space heaters throughout county offices, which Hough said deregulates the HVAC system and are energy inefficient. He said employees have left space heaters on overnight on several occasions, which is a safety hazard. Supervisor Norem asked why the use of space heaters is so prevalent in office areas and whether the HVAC system is working properly to address temperature problems. Hough replied that there never was an established standard for room temperatures, and he is implementing a standard of 70 degrees, minus or plus six degrees. Hough said staff will also be investigating the energy use consumed by

various appliances in departments. Miller said the space heater use is not due to the HVAC system inadequacy, but rather comfort levels of staff. The new 70 degree standard is based on the International Energy Code. Supervisor Norem stated office comfort standards are different than shop and work areas and that should be considered along with the functionality of the HVAC systems in the facilities.

### **New Business**

- Request to Amend Section 15-359 of Chapter 15 of the Walworth County Code of Ordinances Relating to Special Pay Premiums for Certain Public Works employees

Bretl said he appreciates Mr. Grandon's concerns; after Act 10, unions lost their right to negotiate wages, with the exception of law enforcement. In the years after Act 10, adjustments were made, such as considering sick and vacation time as productive time toward a 40 hour work week. Peer counties were surveyed and budgets adjusted. Overtime has been assigned in an unspecified manner, dependent upon the weather. This winter crews were called in early due to a weather event, and when they had been at work 8 hours, management sent them home, to flex the extra time. From the crew's perspective, they are working unusual hours and when they are sent home, it does not compensate them for being called in on off hours. Bretl said he feels there is a safety element added to the overtime question; time spent driving heavy equipment should be limited. He does believe that high priority work should be compensated accordingly. A shift differential would establish across the board what the pay would be. Hough said departmental overtime has increased 77% over the past couple of years, despite the relatively mild winters. From a budget perspective, that needs to be monitored. Bretl added that there is no question whether the dedicated crews provide high quality services. As a county government, we also have to be stewards of state funds and cognizant of expenditures.

Hough referred to his detailed memo on pages 13-16 of the agenda packet concerning premium pay and unscheduled hours. He said the current overtime practice prohibits management from making decisions on crew rest, costs benefits and the value of the work performed. Management needs to schedule work several weeks ahead to better manage resources. He stated Walworth County has three times the average regional response in weather incidents. He said few counties pay time-and-half for call ins outside normal business hours. Management needs to address incentive pay from a morale perspective, and Hough feels the shift differential would compensate for the flexibility required of crews. He recommended a \$5 shift differential premium for all work performed outside of normal business hours. Vice Chair Monroe asked about sending crews home when there are routine work duties to be performed. Hough said management has to make decisions about the value of specific duties versus crew safety, etc. Supervisor Russell questioned the proposed implementation date of September 1, wondering why the effective date would be delayed and what the practice will be for the remainder of the winter. Hough stated he wanted the change implemented on March 1, but Finance informed him they would not be able to meet that time table because of the integration of payroll and Public Works software systems. Supervisor Norem said he understands the reasoning for flex time; however, it is not appropriate for the nature of crew work and outside hours worked required of Highway employees. They are expected to anticipate call-ins on a 24/7 basis throughout the winter, and need to be compensated properly. He stated the County has already lost dedicated employees because of unfair practice and we need to retain qualified employees. Supervisor Russell said she does not agree that Finance should decide when the differential could go into effect; every effort should be made to put the compensation in place if this committee and the Finance Committee approve the ordinance change. She added there are valued, knowledgeable employees in the Highway department that should be compensated for their dedication. Deputy County Administrator-Finance Nicki Andersen said she discussed the change with Hough and explained that payroll staff is working 50+ hours a week because of the year-end split payrolls, new pay rates and the Lakeland Health Care Center project. She asked to postpone implementation of the Public Works pay premiums until her department could get started on it; Hough suggested September

1. Andersen assured the Committee her staff would begin working to effect the changes as soon as they are approved. Supervisor Grant noted that crews also are called in after hours on road, traffic and weather emergencies year-round. Supervisor Charlene Staples asked for clarification on when the premiums would be paid. Hough said it would apply from Sunday to Saturday, anytime crews worked unscheduled hours. He said they would receive overtime pay plus the premium. He also noted flex time hours would be capped. **Vice Chair Monroe made a motion, seconded by Supervisor Norem, to postpone discussion/action on this item until the next regularly scheduled committee meeting.** Grandon commented that review of the work rules will take considerable time; they are lengthy and difficult to understand. Supervisor Norem said the intention to fairly compensate crews for their on-call status is a good first step; the crews have experienced several management changes and, as a result, there has been confusion about work rules or lack thereof. Bretl reminded the Committee that the ordinance amendment covers only a pay premium for the unscheduled hours differential. Highway employee David Gross said he has been employed with Walworth County for 23 years and at hire he was promised time and a half. He said any hours outside of 7:00 a.m. to 3:30 p.m. was overtime. Those overtime hours were billed out on the day of the extra hours to the appropriate entity. **Chair Stacey called for the vote and the motion carried 3-2.** Human Resources Director Dale Wilson confirmed that this committee's recommendation to the Human Resources Committee is to hold discussion/action on the ordinance amendment for a month.

- Door County Resolution No. 2018-87 – Requesting State Law Change Allowing Counties the Use of the Design-Build Construction Method and Update the Statutory Bidding Requirements  
Bretl said the advisory resolution from Door County pertains to allowing counties and municipalities to utilize the design-build construction method, in which the entity works under a single contract with the project owner for architectural and construction services. The resolution also proposes raising dollar amounts for requiring competitive bidding. **Supervisor Grant made a motion, seconded by Vice Chair Monroe, to place Door County Resolution No. 2018-87 on file. Motion carried 5-0.**

**Reports/Announcements by Chair** – There were none.

**Confirmation of next Public Works Committee meeting date and time:** Monday, February 18, 2019 at 3:30 p.m.

### **Adjournment**

**On motion by Vice Chair Monroe, seconded by Supervisor Grant, Chair Stacey adjourned the meeting at 5:04 p.m.**