

## **SPECIAL SESSION**

**September 3, 2014**

The Trempealeau County Board of Supervisors met in Special Session at the Government Center in the City of Whitehall, County of Trempealeau and State of Wisconsin on Wednesday, September 3, 2014 at 7:00 p.m. with Chair Dick Miller presiding. The Pledge of Allegiance to the Flag of the United States of America was recited.

### **Call**

Dear Supervisor,

Please be advised that the Trempealeau County Board of Supervisors will meet on Wednesday, September 3, 2014 at 7:00 PM in the County Board Room at the Courthouse in Whitehall, Wisconsin.

Sincerely,

/s/ Paul L. Syverson  
County Clerk

Clerk Syverson read the call.

### Request to Hold a Special Meeting Of the Trempealeau County Board of Supervisors

Pursuant to Wisconsin Statute, section 59.11(2) (a), the undersigned Trempealeau County Board of Supervisors hereby request that a special meeting of the Trempealeau County Board of Supervisors be held on Wednesday, September 3, 2014 at 7:00 p.m. at the County Board Room at the Trempealeau County Courthouse for the purposes of Negotiating a possible settlement term with AllEnergy Corporation to eliminate the Lawsuit filed by AllEnergy against Trempealeau County.

Petition signed by Wayne Skroch, John Aasen, Olin Fimreite, Michael Nelson, Ernest Vold, Robert Reichwein, Michelle Haines, Douglas Winters and Richard Frey.

Clerk Syverson read the petition.

Roll was call. A quorum was met with all 17 supervisors in attendance.

Chair Miller announced the open meeting law requirements have been complied with through Postings and notifications to the members and media.

ADOPTION OF AGENDA: It was moved by John Aasen and seconded by Jeanne Nutter to adopt the 8 item agenda. Motion carried unanimously by vote of acclamation to approve the agenda

At This Time Mr. Miller Excused Himself from the Chair and Turned the Gavel over to Douglas Winters, Vice-Chair to Conduct the Remainder of the Meeting

ALLENERGY LITIGATION: It was moved by John Aasen and seconded by Dick Frey to not go into Closed Session. A Point of Order was registered as to whether this item was a tabled item and if it had to be brought off the table. Corporation Counsel Rian Radtke stated that it was not a tabled item and that there was no need to move to not go into closed session. After much discussion relating to the very short notice of this meeting even though it was within the meeting notice requirements, that only nine members were required to sign the petition and that the others had to be called to learn about the meeting, and that no one has come up with a solution to this issue and that points need to be addressed. Mr. Frey and Mr. Radtke contacted our attorney to be present. Mr. Radtke strongly urged the Board to go into closed session. Mr. Aasen was asked to withdraw his motion, but did not. Mr. Frey was asked to withdraw his second, which he did. It was stated then that the motion now dies. Sally Miller stated that open disclosure is very good, but we cannot make a decision without talking to our attorney. Information on our decision can be relayed to the public.

Motion by Dick Frey and seconded by Jeanne Nutter to convene into Closed Session per Wis. Stat. 19.85(1) (g) to Confer with Legal Counsel for the County Concerning Strategy to be Adopted with Respect to Litigation in Which the County is or is Likely to Become Involved. Roll call vote; motion carried on a vote of 15 yes and one no. The no vote was from John Aasen. Convened into Closed Session at 7:30 pm

At 7:45 pm, Ernest Vold became ill and left the meeting.

Motion by Rob Reichwein and seconded by Wayne Skroch to reconvene into Open Session. Roll call vote; motion carried by unanimous vote. Reconvened at 8:40 pm.

Attorney Ron Stadler announced that the County Board rejected the AllEnergy offer.

Closing: It was moved by George Brandt and seconded by Wayne Skroch to instruct the Clerk to pay mileage and per diem; roll call vote; motion carried with 15 yes vote.

ADJOURNMENT: Vice-Chair Winters declared the meeting adjourned at 8:46 p.m. until the next meeting of September 22, 2014 at 7:00 p.m.

Respectfully submitted,

Paul L. Syverson,  
Trempealeau County Clerk