

**\*\* MINUTES \*\***  
**\* \* OUTAGAMIE COUNTY BOARD \* \***

Office of the County Clerk, July 11, 2017.

The Board met pursuant to adjournment, and is called to order by Chairperson Nooyen at 6:30 p.m. in the County Board Room, located at 410 South Walnut Street, Appleton, Wisconsin.

**ROLL CALL:** 33 present, 3 absent. Members present: Thompson, Miller, Grady, Patience, Gabrielson, Foss, Hammen, T. Krueger, Lamers, Meyer, McDaniel, De Groot, Lemanski, Croatt, Spears, Stueck, Thomas, Thyssen, Hagen, Klemp, Pleuss, Nooyen, Duncan, Culbertson, Sturn, Buchman, Griesbach, Clegg, VanderHeiden, O'Connor-Schevers, Rettler, Melchert, and Surprise. Member absent: J. Krueger, Wegand, and Vanden Heuvel.

The Board Chairperson requested the Board's confirmation to excuse Supervisors Wegand and Vanden Heuvel. Supervisor J. Krueger was absent from the meeting. No objections; so ordered.

The Pledge of Allegiance was led by Chairperson Nooyen.

**MINUTES OF THE JUNE 13, 2017 COUNTY BOARD MEETING**

Supervisor Duncan moved, seconded by Supervisor Griesbach, to approve the minutes of the June 13, 2017, County Board meeting.

**ROLL CALL: 30 aye, 3 abstain, 3 absent. MINUTES OF THE JUNE 13, 2017, BOARD MEETING ARE APPROVED.**

**SPECIAL ORDER OF BUSINESS**

2016 Audit Presentation – David Maccoux, Shareholder, Schenck SC

Mr. Maccoux reported that a copy of the 2016 Schenck audit report (copy available in the County Clerk's Office) was distributed and reviewed by the Finance Committee in June.

As part of the audit documents provided, Schenck reviewed the 2016 Comprehensive Annual Financial Report (CAFR), which includes the financial statements of the county, prepared by the county. Page 10 of the document provides the Independent Auditors' Report, which states that the CAFR document does reflect the financial position of the county, and it is the best report received from an audit firm.

Pages 26 & 27 of the CAFR report that the county is managing approximately \$480 million in assets. Of that \$480 million, approximately \$320 million is paid, which provides the county a strong financial position going into 2017. A summarization of fund balances was also provided in the CAFR. Operations and maintained funds are in good shape from a budgetary perspective.

Mr. Maccoux noted that a lot of time is spent with various county departments during the audit; he reported the cooperation from the departments was great. Controls and compliances with regulations indicate that there is no non-compliance with financial statements and no deficiencies within the internal controls were found, pointing to a good job in management. The report on federal and state programs shows findings sufficient with the exception of some reporting to the state. From a summary, the audit went very well, cooperation was very good, and the audit team appreciated all the efforts by the county.

No questions were posed following his overview.

**ESTABLISH ORDER OF THE DAY**

COMMUNICATIONS - Communication Referral List was included in the packetPUBLIC PARTICIPATION FOR A PERIOD OF FIFTEEN MINUTES (PERTINENT TO THE RESOLUTIONS OF THE DAY).

Marcia Brewer, Appleton, spoke in support of Resolution No. 31. Ms. Brewer noted that in addition to being a county resident, she also has worked with the Sierra Club and Menominee Indians regarding proposed mining in Michigan with impacts to Wisconsin. Ms. Brewer requested that the resolution, which supports Marinette County's resolution to avoid toxic spillage is approved. The Menominee reservation borders Michigan. According to Ms. Brewer, the recommended mine is only 100 ft. from the reservation. She noted that a sulfide mine will never be a clean mine as it will leach toxics. The mine of actual use is approximately 15-18 years (7 years above ground; 7 years underground) and would be treated during that time, but there are questionable long term obligations from the mine company to treat and monitor after completion of mining activities. Marinette County current stands alone against the mine. A spill could affect Green Bay and the Lake Michigan watersheds. Therefore, she requested support of the resolution.

APPOINTMENTS

County Executive Nelson nominations for re-appointment to the Outagamie County Zoning Board of Adjustment; George Fichau, said term expiring June 30, 2018, and Robert Schuh and Jeanne Baum, said terms expiring June 30, 2020.

Supervisor Thyssen moved, seconded by Supervisor McDaniel, for confirmation of the above-listed re-appointments.

ROLL CALL: 33 aye, 3 absent. RE-APPOINTMENTS OF FICHAU, SCHUH, AND BAUM TO THE OUTAGAMIE COUNTY ZONING BOARD OF ADJUSTMENT ARE CONFIRMED.

County Executive Nelson nomination of David Horst for appointment to the Greenway Implementation Committee; said term expiring October 1, 2018.

Supervisor Griesbach moved, seconded by Supervisor Grady, for confirmation of the above-listed appointment.

ROLL CALL: 33 aye, 3 absent. APPOINTMENT OF DAVID HORST TO THE GREENWAY IMPLEMENTATION COMMITTEE IS CONFIRMED.

REPORT BY THE COUNTY EXECUTIVE

County Executive Thomas Nelson congratulated Supervisors Cathy Spears (July 21) and Barney Lemanski (July 23) on their birthdays. Round of applause was given each.

Executive Nelson reported the following:

- Thanked the auditors and all those who assisted with the audit.
- Airport - American Airlines was welcomed last Wednesday with an all-American picnic that marked the touchdown of the American Airliner Eagle. The event was well attended. Bids for the Checkpoint Expansion/Terminal Remodel Project were received last month; staff is working with the Bureau of Aeronautics to decipher the lowest capable bidder. Construction is expected to begin at the end of the summer, pending FAA funding. Low bidder Eland Electric was selected to complete the Airport's solar parking lot project; work begins this week and continues for three months.
- Criminal Justice Treatment Services - The department partnered with the Crime Analytics Program at UW Milwaukee to evaluate SSTOP (diversion program for OWI offenders). Their research

demonstrated a 31% reduction in recidivism of program participants, providing good value for the program.

- Parks - Mosquito Hill is working on its capital fundraising campaign for display renovation. Playscapes, a lookout tower, and a zip-line have been discussed. Parks is working with Development & Land Services to create a master plan for Plamann Park. Plamann Lake project phase one is completed with expanded concessions aimed at improving the customer experience and increasing revenues.
- UW Extension - The department is now fully staffed. Catherine Neiswender has been named Area Extension Director. This years' Breakfast on the Farm—at Voight Acres in Shiocton—attracted 4,500 people. Supervisors were encouraged to mark their calendars for the Outagamie County Fair July 25-30.
- Human Resources - Preparations continue for the Employee Appreciation Cookout on Aug. 2, when we'll celebrate the 75th anniversary of the CAB's original construction. Supervisors were invited to join.
- Development & Land Services - Work continues with the implementation of Cityview – the new enterprise permitting system.
- Land Conservation - Excessive rain has rendered construction projects challenging, but staff is moving ahead with TMDL implementation projects which are anticipated to keep them very busy for the next two decades.
- Recycling & Solid Waste - Steel framing for the Scale and Office Expansion roof is being placed. Once the roof is installed, floors will be poured and interior mechanical and electrical work will commence. Phase III construction on the Northeast Landfill is approximately two weeks behind schedule due to persistent rain. Interior slopes are nearly complete, with one small lift of clay being started on the sub-base floor. The landfill gas collection header piping has been installed and tied into the existing system. The contractor plans to work six days per week with a possible Sunday shift to keep the project on track.
- District Attorney - Carrie Schneider has been appointed to fill the judicial vacancy left by the retirement of Judge Michael Gage. Congratulations were extended to Carrie for her appointment.
- Brewster Village (BV) – Supervisors were encouraged to view the award-winning exhibition Out of the Shadows at the History Museum, slated through 2017. Plans are underway to acquire a fifth rickshaw by the end of this summer for the Cycling Without Age project. To date, the program has been a success. Contact BV administration if interested in volunteering.
- Maintenance - Excavation work on the downtown project begins this week, with close coordination between Miron and the City of Appleton to make the trucking routes as efficient as possible. Work on both the downtown project and Sheriff's facility continue on schedule and on budget.

During question and answer, discussion took place regarding staff/administration assistance in providing ample visitor parking during the downtown complex addition. Approximately, 160 staff volunteered to park off site at a parking ramp.

#### REPORT AND PRESENTATION OF COUNTY LOBBYIST

County Lobbyist Mark Wadium reported the following:

- [SB79](#) – Authorizing county clerks and clerk of courts to copy birth certificates. County Resolution No. 153—2016-17 supported the action. The bill passed both houses and is awaiting the Governor's signature
- [AB153](#) - Recount bill regarding aggrieved parties petitioning for a recount and making an appropriation – Passed the Assembly and is available for scheduling. The Senate version has had a Senate public hearing, voted out of committee, and is available for the Senator floor. County Resolution No. Res. 154—2016-17 supports the bill.

- AB345 – Work release for inmates in Department of Corrections contracted facilities. The bill passed the Assembly and is in the Senate Committee on Judiciary and Public Safety with the Senate companion bill. County Resolution No. 18 supports passage.
- AB296 & SB216 – Elimination of the requirement that laborers, workers, mechanics, and truck drivers employed on the site of a project of public works be paid the prevailing wage. The Assembly bill is in the Assembly Labor Committee; the Senate version was voted out of the Senate committee and is available for Senate floor action. County Resolution No. 13 opposes passage.
- AB331 – Expungement of records of certain crimes. The bill was voted out of the Assembly Committee on Criminal Justice and Public Safety, and is available for Assembly floor action. Resolution No. 19 supports the bill.
- AB386 and AB387 – Dark store bills. Wadium thanked Board Chair Nooyen for testifying on the bills. Minor amendment was introduced to both bills. Another co-sponsor was added-Rep. Taylor. The bills are in the Assembly Committee on Ways & Means. There is uncertainty when the bills will be acted upon, but it appears action will occur when the Assembly acts upon the budget bill. Wadium noted that the “dark stores” issue is a national issue. In MI, Walmart backed off a tax dispute with Sault St. Marie, MI ([The Mining Journal Article](#)).
- Illinois Income Tax Hike – Cost to WI – ([WI State Journal Article](#)) – Illinois tax hikes will impact WI budget as there is income tax reciprocity. Illinois passed the tax hikes to avoid bond downgrading.
- Other State budget problems – MN Governor Dayton attempted to defund the MN Legislature. Court actions pending appear that there will be a reversal of the Governor’s action as one branch of government cannot defund another branch. ([MN Post Article](#)).
- WI unemployment rate down 3.1% - lowest since 1999.

No questions were posed.

#### UNFINISHED BUSINESS

Resolution No. 23—2017-18 – Property, Airport, Recreation & Economic Development Committee. Authorize the Highway Department to complete the Gulfstream parking lot repairs and budget adjustment as noted on the attached fiscal note.

At the June 13, 2017 meeting, Supervisor Grady requested that Resolution No. 23 be held in committee. No objection; so ordered.

At the July 11, 2017 meeting, Supervisor Culbertson moved, seconded by Supervisor Grady, for adoption.

ROLL CALL: 33 aye, 3 absent. RESOLUTION NO. 23—2017-18 IS ADOPTED.

Supervisor Culbertson moved, seconded by Supervisor Grady, to reconsider Resolution No. 23 to lock in.

ROLL CALL to reconsider: 32 aye, 1 nay, 3 absent. RESOLUTION NO. 23—2017-18 IS RECONSIDERED.

ROLL CALL to adopt & lock in: 32 aye, 1 nay, 3 absent. RESOLUTION NO. 23—2017-18 IS ADOPTED & LOCKED IN.

#### NEW BUSINESS

Resolution No. Z-2—2017-18 – Agriculture, Extension Education, Zoning & Land Conservation Committee. Approve of the proposed rezoning request of 25.83 acres in the Town of Greenville, for Dercks Dewitt LLC; Savannah Heights Subdivision Phase I, from the General Agricultural District to the Single Family Residential District.

Supervisor VanderHeiden moved, seconded by Supervisor Suprise, for adoption.

ROLL CALL: 33 aye, 3 absent. RESOLUTION NO. Z-2—2017-18 IS ADOPTED.

Ordinance No. Z-1—2017-18 – Agriculture, Extension Education, Zoning & Land Conservation Committee. Recommend adoption of the petition of Betty Miller to rezone two acres of land located in the Town of Deer Creek from the Exclusive Agriculture District to the General Agriculture, as depicted on the attached review and map.

Supervisor Suprise moved, seconded by Supervisor Rettler, for adoption.

ROLL CALL: 33 aye, 3 absent. ORDINANCE NO. Z-1—2017-18 IS ADOPTED.

Supervisor Rettler moved, seconded by Supervisor Melchert, to reconsider Ordinance No. Z-1 to lock in.

ROLL CALL to reconsider: 30 aye, 3 nay, 3 absent. ORDINANCE NO. Z-1—2017-18 IS RECONSIDERED.

ROLL CALL to adopt & lock in: 32 aye, 1 nay, 3 absent. ORDINANCE NO. Z-1—2017-18 IS ADOPTED & LOCKED IN.

Resolution No. 30—2017-18 – Agriculture, Extension Education, Zoning & Land Conservation Committee. Authorize and approve of the Outagamie County Highway Department completing the installation of a sediment basin located on property owned by the Heart of the Valley Metropolitan Sewerage District under the Plum/Kankapot Watershed Project and authorize the Land Conservation Department to accept and expend \$5,000 for administration services as noted on the attached fiscal note.

Supervisor T. Krueger moved, seconded by Supervisor O'Connor-Schevers, for adoption.

ROLL CALL: 33 aye, 3 absent. RESOLUTION NO. 30—2017-18 IS ADOPTED.

Supervisor Rettler moved, seconded by Supervisor Thyssen, to reconsider Resolution No. 30 to lock in.

ROLL CALL to reconsider: 30 aye, 3 nay, 3 absent. RESOLUTION NO. 30—2017-18 IS RECONSIDERED.

ROLL CALL to adopt & lock in: 32 aye, 1 nay, 3 absent. RESOLUTION NO. 30—2017-18 IS ADOPTED & LOCKED IN.

Resolution No. 31—2017-18 – Agriculture, Extension Education, Zoning & Land Conservation Committee. Oppose Aquila's Back Forty metallic sulfide mine and urge the Michigan Department of Environmental Quality to deny a mining permit for the Back Forty Project.

Supervisor Rettler moved, seconded by Supervisor Patience, for adoption.

After discussion, Supervisor Thomas moved, seconded by Supervisor Spears, to refer the resolution back to committee.

ROLL CALL to refer: 30 aye, 3 nay, 3 absent. RESOLUTION NO. 31—2017-18 IS REFERRED TO

THE AGRICULTURE, EXTENSION EDUCATION, ZONING & LAND CONSERVATION COMMITTEE.

Resolution No. 32—2017-18 – Finance Committee. Support the Town of Freedom’s Tax Incremental District No. 2 Project Plan, as detailed in the attached, and recommend that the representative of Outagamie County on the Town of Freedom’s TIF Board of Review votes in favor of the Town of Freedom’s TID No. 2 plan.

Supervisor Sturn moved, seconded by Supervisor Stueck, for adoption.

Supervisor Sturn reported that a revised map was distributed for attachment to the resolution. No objections; so ordered. The borders of the district changed after the initial Finance Committee meeting. The Finance Committee met again, just prior to the County Board meeting, and supported the resolution.

ROLL CALL: 33 aye, 3 absent. RESOLUTION NO. 32—2017-18 IS ADOPTED.

Resolution No. 33—2017-18 – Health & Human Services Committee. Authorize the expenditure of 85.21 Transportation Trust Funds for the purchase of four (4) handicapped accessible vehicles for Valley Transit and Kobussen Buses, Inc. at a cost of \$274,817.25 as noted on the attached fiscal note.

Supervisor Lemanski moved, seconded by Supervisor Meyer, for adoption.

ROLL CALL: 33 aye, 3 absent. RESOLUTION NO. 33—2017-18 IS ADOPTED.

Supervisor Lemanski moved, seconded by Supervisor Spears, to reconsider Resolution No. 33 to lock in.

ROLL CALL to reconsider: 30 aye, 3 nay, 3 absent. RESOLUTION NO. 33—2017-18 IS RECONSIDERED.

ROLL CALL to adopt & lock in: 31 aye, 2 nay, 3 absent. RESOLUTION NO. 33—2017-18 IS ADOPTED & LOCKED IN.

Resolution No. 34—2017-18 – Public Safety Committee. Support any legislation reducing the forfeiture to \$100 for possessing or attempting to possess not more than 10 grams of marijuana and eliminating the increase in penalty if second or subsequent violations involve not more than 10 grams of marijuana.

Supervisor Patience moved, seconded by Supervisor Duncan, for adoption.

ROLL CALL: 33 aye, 3 absent. RESOLUTION NO. 34—2017-18 IS ADOPTED.

Ordinance No. B—2017-18 – Public Safety Committee. Approve combining the Emergency Management Committee and the Public Safety Committee with the following amendments to Division 1. – Generally, Section 2-47 – Rule 4 – Power and duties of County Board Chair and Vice-Chair and Article VII. – Board, Committees and Commissions, Division 1. - Generally, Sections 2-670.- County emergency management committee – Members., Section 14-25 County emergency management committee.

Supervisor Patience moved, seconded by Supervisor Duncan, for adoption.

Supervisor Pleuss reported that Sec. 2-52 – Rule 9, the Legislative/Audit & Human Resources Committee shall submit rules. Assistant Corporation Counsel Patrick Taylor agreed to his review.

Supervisor Thyssen, seconded by Supervisor Duncan, to refer Ordinance No. B to the Legislative/Audit & Human Resources Committee

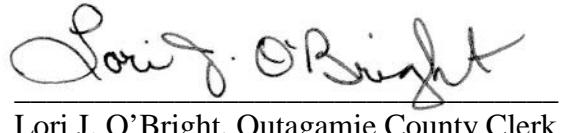
ROLL CALL to refer: 33 aye, 3 absent. ORDINANCE NO. B—2017-18 IS REFERRED TO THE LEGISLATIVE/AUDIT & HUMAN RESOURCES COMMITTEE.

REPORTS

Chairperson Nooyen reported that the meeting on July 25, 2017, would most likely be held.

Supervisor Thyssen moved, seconded by Supervisor McDaniel, to adjourn until July 25, 2017, at 6:30 p.m. Voice vote carried.

The meeting adjourned at 7:27 p.m.



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Lori J. O'Bright, Outagamie County Clerk