

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

Office of the County Clerk, March 27, 2018.

The Board met pursuant to adjournment, and was called to order by Chairperson Nooyen at 7:00 p.m. in the County Board Room, located at 410 South Walnut Street, Appleton, Wisconsin.

ROLL CALL: 30 present, 2 vacant, 4 absent. Members present: Thompson, Miller, Grady, Patience, Gabrielson, Foss, Hammen, J. Krueger, Lamers, McDaniel, Wegand, De Groot, Croatt, Spears, Stueck, Thomas, Thyssen, Hagen, Pleuss, Nooyen, Duncan, Culbertson, Sturn, Buchman, Griesbach, Clegg, VanderHeiden, Rettler, Melchert, and Suprise. Vacancies: District 15-Vacant, District 16-Vacant. Member absent: T. Krueger, Meyer, Klemp, O'Connor-Schevers.

The Board Chairperson requested the Board's confirmation to excuse Supervisors T. Krueger, Klemp, O'Connor-Schevers. No objections; so ordered.

The Pledge of Allegiance was led by Chairperson Nooyen.

MINUTES OF THE MARCH 13, 2018 COUNTY BOARD MEETING

Supervisor Croatt moved, seconded by Supervisor McDaniel, to approve the minutes of the March 13, 2018, County Board meeting.

ROLL CALL: 30 aye, 2 vacant, 4 absent. MINUTES OF THE MARCH 13, 2018, BOARD MEETING ARE APPROVED.

SPECIAL ORDER OF BUSINESS

Recognition of outgoing County Board Supervisors

Chairperson Nooyen reported that County Board work requires the commitment of two Board meetings per month, standing committee meetings, and phone calls from individuals within the district. Outagamie County has conducted business cooperatively and in a civil manner. He credited this to the members of the County Board and thanked all Board members for their service. In addition, he thanked the Legislative Services staff for their service to the Board. Chairperson Nooyen reported that it has been a privilege serving as County Board Chair and he thanked the Board for their confidence in his office.

Supervisor Thomas also thanked Chairperson Nooyen for his service as County Board Chair.

Chairperson Nooyen recognized the following outgoing supervisors present at the meeting: Supervisors John Foss, Peter Stueck, Jim Pleuss, and Shane Griesbach. A round of applause was given the members.

ESTABLISH ORDER OF THE DAY – No changes.

COMMUNICATIONS

Chairperson Nooyen reported the following:

- The Board will adjourn sine die at this meeting. Therefore, no resolutions/ordinances will be required to be locked in. Standing committees can continue to meet if necessary.
- The five supervisors, who filed non-candidacy forms, must return their County iPads, chargers, and cases to the Legislative Services office.
- Forms will be sent to supervisors regarding information for the upcoming term. Members were encouraged to return the information as soon as possible.

PUBLIC PARTICIPATION FOR A PERIOD OF FIFTEEN MINUTES (PERTINENT TO THE RESOLUTIONS OF THE DAY) – None.

APPOINTMENTS – None.

REPORT BY THE COUNTY EXECUTIVE

County Executive Thomas Nelson congratulated Supervisor Justin Krueger (April 3) on his birthday. A round of applause was given. Executive Nelson also thanked the County Board, for their service during the past term. Outgoing Supervisors Griesbach, Pleuss, Stueck, Meyer and Foss were recognized and a round of applause was given.

REPORT AND PRESENTATION OF COUNTY LOBBYIST

County Lobbyist Mark Wadium reported:

The following top three items were regarding Senate Floor actions.

- [Juvenile Corrections Changes bill, AB-953](#), was amended by Senate and passed 32-0 and then went back to Assembly which passed bill 3-22-18. Bill has not been signed by Governor yet.
- [SB-54](#) Relating to: recommendations to revoke parole, probation, and extended supervision if a person is charged with a crime had an amendment attached adding additional Assistant District Attorneys, ADA's in mid-2019. Bill as amended was not brought up for vote. ADA issue will now have to wait for next session to be addressed.
- Federalizing some tax changes [AB-910](#) & SB-764 did not pass. The legislature ended up amending AB-259 with ASA 2. ASA 2 to AB-259 contained the provisions from AB-910 and many tax conformity provisions from LFB memo dated 2/13/18. The State could afford to conform on all of them however. Memos covering some of the tax changes passed and not passed are in Dropbox and on the Legislative Services bulletin board. Some of the changes included:
 - 529 savings for Education conversion, Congress expanded the 529 to include K-12 and private schools and ABLE Accounts to fund young adults healthcare costs.
 - Also Federal Student Loan forgiveness in the event of Death or Disability discharges the student loan there is no longer any tax liability for Discharge at the Federal or State level.
- Outagamie County Board has a position [SJR-68](#) expressing concerns on the Aquila Resources 'Back Forty Project. The EPA objects to Aquila mine on Michigan border. A [Madison article](#) addresses the EPA's objections.
- Special Elections: Lobbyist linked to [an article](#) regarding a Judge ordering Gov. Scott Walker to hold special elections for open legislative seats in Eric Holder suit for the 1st Senate District, which includes a portion of Outagamie County, and for the 42nd Assembly seat.

CLOSED SESSION: PURSUANT TO SEC. 19.85(1) (E), WIS. STATUTES FOR THE PURPOSE OF DISCUSSION OF ONGOING NEGOTIATIONS OF AN AIRPORT CONTRACT WHERE COMPETITIVE OR BARGAINING REASONS REQUIRE A CLOSED SESSION.

Supervisor Grady moved, seconded by Supervisor Patience, to go into closed session for the purpose as referenced above.

ROLL CALL: 30 aye, 2 vacant, 4 absent. MOTION CARRIED.

Supervisor Wegand moved, seconded by Supervisor VanderHeiden, to go out of closed session and back into regular session.

ROLL CALL: 30 aye, 2 vacant, 4 absent. MOTION CARRIED.

UNFINISHED BUSINESS – None.

NEW BUSINESS

Resolution No. Z-7—2017-18 – Agriculture, Extension Education, Zoning & Land Conservation Committee. Approve the proposed rezoning request for PCI Innovation Court Office LLC of 4.3 acres located in the Town of Grand Chute from Planned Commercial District to Multi-Family District.

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

ROLL CALL: 30 aye, 2 vacant, 4 absent. RESOLUTION NO. Z-7—2017-18 IS ADOPTED.

Resolution No. Z-8—2017-18 – Agriculture, Extension Education, Zoning & Land Conservation Committee. Approve the proposed rezoning request for Chris Perreault of 2.4 acres located in the Town of Buchanan from General Agriculture District and Local Commercial District to entirely Local Commercial District.

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

ROLL CALL: 30 aye, 2 vacant, 4 absent. RESOLUTION NO. Z-8—2017-18 IS ADOPTED.

Ordinance No. Z-15—2017-18 – Agriculture, Extension Education, Zoning & Land Conservation Committee. Adopt the petition by Ryan and Misty Griffin to rezone .877 acres located in the Town of Maple Creek from Industrial and General Agricultural District to Residential Two-Family District. The rezoning will also impact 7 additional parcels as requested by the Town of Maple Creek to better align the zoning with the current land use of the area; total acreage of approximately 19.27 acres including the Griffin parcel.

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

ROLL CALL: 30 aye, 2 vacant, 4 absent. ORDINANCE NO. Z-15—2017-18 IS ADOPTED.

Ordinance No. Z-16—2017-18 – Agriculture, Extension Education, Zoning & Land

Conservation Committee. Adopt the petition by Rick Mueller to rezone 4.34 acres of a 7.67 acre parcel located in the Town of Center from General Agriculture District to Commercial District.

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

ROLL CALL: 30 aye, 2 vacant, 4 absent. ORDINANCE NO. Z-16—2017-18 IS ADOPTED.

Ordinance No. Z-17—2017-18 – Agriculture, Extension Education, Zoning & Land Conservation Committee. Adopt the petition by Henry Calmes to rezone a one acre parcel located in the Town of Vandenbroek from General Agriculture District to Residential Single Family District.

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

ROLL CALL: 30 aye, 2 vacant, 4 absent. ORDINANCE NO. Z-17—2017-18 IS ADOPTED.

Resolution No. 160—2017-18 – Legislative/Audit and Human Resources Committee. Authorize a salary adjustment, effective with the next term of office beginning in 2019, for the Outagamie County Sheriff, Clerk of Circuit Courts, and Coroner including continuance of the current fringe benefit package.

Supervisor Thyssen moved, seconded by Supervisor Griesbach, for adoption.

Supervisor Thyssen moved, seconded by Supervisor Pleuss, to amend the resolution as reflected on the resolution that was distributed on the desks.

ROLL CALL to amend: 30 aye, 2 vacant, 4 absent. RESOLUTION NO. 160—2017-18 IS AMENDED.

ROLL CALL to adopt as amended: 30 aye, 2 vacant, 4 absent. RESOLUTION NO. 160—2017-18 IS ADOPTED AS AMENDED.

Resolution No. 161—2017-18 – Property, Airport, Recreation & Economic Development Committee. Approve the 2018 Field Maintenance Agreements with Grand Chute Youth Baseball and Fox Valley Pop Warner, Inc., as noted on the attached; said agreements to fund one part-time seasonal sunset position per organization.

Supervisor Culbertson moved, seconded by Supervisor Hagen, for adoption.

ROLL CALL: 29 aye, 1 nay, 2 vacant, 4 absent. RESOLUTION NO. 161—2017-18 IS ADOPTED.

Resolution No. 162—2017-18 – Legislative/Audit and Human Resources Committee. Approve adding two part-time seasonal sunset positions to the Parks Department Table of Organization and increasing the Parks Department cost centers as follows: Salaries \$6,042, Fringe Benefits \$462, and Charges for Services \$6,504.

Supervisor Thyssen moved, seconded by Supervisor Spears, for adoption.

ROLL CALL: 30 aye, 2 vacant, 4 absent. RESOLUTION NO. 162—2017-18 IS ADOPTED.

Resolution No. 163—2017-18 – Legislative/Audit and Human Resources Committee. Request that the Outagamie County Executive add funding in the 2019 county budget in order to add additional staff positions to the Table of Organization for the Outagamie County District Attorney Office.

Supervisor Foss moved, seconded by Supervisor Griesbach, for adoption.

ROLL CALL: 30 aye, 2 vacant, 4 absent. RESOLUTION NO. 163—2017-18 IS ADOPTED.

Resolution No. 164—2017-18 – Legislative/Audit and Human Resources Committee. Conduct a county-wide advisory referendum regarding proposed legislation to close the big box retailers getting Dark Store tax break loopholes, said referendum to be held in conjunction with the November 2018 General Election.

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

Chairperson Nooyen stepped down from the chair; Vice Chairperson Hagen took the chair.

Chairperson Nooyen retook the chair.

ROLL CALL: 30 aye, 2 vacant, 4 absent. RESOLUTION NO. 164—2017-18 IS ADOPTED.

Resolution No. 165—2017-18 – Property, Airport, Recreation & Economic Development Committee. Grant We Energies an easement on land located in the Town of Grand Chute, as described in the Warranty Deed, Document No. 485497, as noted on the attached drawings and the Distribution Easement Underground WR NO. 4196519.

Supervisor Culbertson moved, seconded by Supervisor Wegand, for adoption.

ROLL CALL: 30 aye, 2 vacant, 4 absent. RESOLUTION NO. 165—2017-18 IS ADOPTED.

Resolution No. 166—2017-18 – Property, Airport, Recreation & Economic Development Committee. Authorize the County Development & Land Services Director, with the Airport Director, to act on behalf of Outagamie County to submit a State aid application through the WI Department of Transportation for construction of a roadway related to a new maintenance hangar project; and that the County would meet financial obligation of the grant acceptance, including jurisdictional responsibility for the improvements. Outagamie County will also sign a Jobs Guarantee with the WI Department of Transportation and corresponding Development Agreement with the Company which includes a Jobs Guarantee with county indemnification from any penalties/damages.

Supervisor Croatt moved, seconded by Supervisor Culbertson, for adoption.

ROLL CALL: 30 aye, 2 vacant, 4 absent. RESOLUTION NO. 166—2017-18 IS ADOPTED.

Resolution No. 167—2017-18 – Property, Airport, Recreation & Economic Development Committee. Approve a 10-year lease agreement starting in 2018 with the Federal Government for the US Department of Agriculture portion of the Ag Services Building for \$109,820 each year. No budget adjustment is required as noted on the fiscal note.

Supervisor Hagen moved, seconded by Supervisor Wegand, for adoption.

ROLL CALL: 30 aye, 2 vacant, 4 absent. RESOLUTION NO. 167—2017-18 IS ADOPTED.

Resolution No. 168—2017-18 – Finance Committee. Approve the transfer \$10,000 from the Small Department Vacation/Sick Leave Payout fund to the County Clerk's Office to fill the part-time Deputy Clerk Assistant position immediately upon the retirement of the current Deputy Clerk Assistant.

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

ROLL CALL: 30 aye, 2 vacant, 4 absent. RESOLUTION NO. 168—2017-18 IS ADOPTED.

Resolution No. 169—2017-18 – Finance Committee. Approve all excess or deficiency of revenues, over/under expenditures, and unexpended appropriations of various accounts reverting to the County's General Fund, or from the General Fund, as of December 31, 2017, with some exceptions and as noted in the detailed attachments to the resolution.

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

ROLL CALL: 30 aye, 2 vacant, 4 absent. RESOLUTION NO. 169—2017-18 IS ADOPTED.

Resolution No. 170—2017-18 – Finance Committee. Approve transferring \$20,822 from the 2017 and \$18,178 from the 2018 UW-Fox Valley Student Development and Food Service Project budgets to the 2017 UW-Fox Valley HVAC and Boiler System Project.

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

ROLL CALL: 30 aye, 2 vacant, 4 absent. RESOLUTION NO. 170—2017-18 IS ADOPTED.

Resolution No. 171—2017-18 – Finance Committee. Approve transferring \$100,000 from the General Fund Balance to the Small Department Vacation and Sick Leave Payout Fund in order to replenish the balance of the fund.

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

ROLL CALL: 30 aye, 2 vacant, 4 absent. RESOLUTION NO. 171—2017-18 IS ADOPTED.

Resolution No. 172—2017-18 – Agriculture, Extension Education, Zoning & Land Conservation Committee. Authorize the County Conservationist to sign and submit an application to the

Department of Natural Resources for financial aid that may be available for implementing measures to control agricultural or urban storm water runoff pollution sources and to take necessary actions for said projects.

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

ROLL CALL: 30 aye, 2 vacant, 4 absent. RESOLUTION NO. 172—2017-18 IS ADOPTED.

Resolution No. 173—2017-18 – Health and Human Services Committee. Approve the transfer \$45,500 from the Small Department Vacation/Sick Leave Payout fund to the Veterans Office and the transfer \$20,000 from the Reserve for Contingency Fund to the Veterans Office Purchased Services.

Supervisor Gabrielson moved, seconded by Supervisor Lamers, for adoption.

ROLL CALL: 30 aye, 2 vacant, 4 absent. RESOLUTION NO. 173—2017-18 IS ADOPTED.

Resolution No. 174—2017-18 – Health and Human Services Committee. Support proposed state legislation, collectively referred to as the “Foster Forward” bills, relating to a parent’s right to counsel a child in need of protection or services, provide an exemption from emergency rule procedures, and grant rule-making authority and making an appropriation.

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

ROLL CALL: 30 aye, 2 vacant, 4 absent. RESOLUTION NO. 174—2017-18 IS ADOPTED.

Resolution No. 175—2017-18 – Highway, Recycling & Solid Waste Committee. Designates April 9 - 13, 2018 as “Work Zone Safety Awareness Week” in Outagamie County.

Supervisor De Groot moved, seconded by Supervisor Buchman, for adoption.

ROLL CALL: 30 aye, 2 vacant, 4 absent. RESOLUTION NO. 175—2017-18 IS ADOPTED.

Resolution No. 176—2017-18 – Highway, Recycling & Solid Waste Committee. Authorize releasing 7,808 square feet of highway easement through a Quit Claim Deed transferring ownership of 2,079 square feet of highway right of way described as Parcel A to the Town of Hortonia, and transferring ownership of the remaining 5,729 square feet of highway right of way described as Parcel B through the execution of a Quit Claim Deed to a yet to be determined adjacent property owner.

Supervisor Clegg moved, seconded by Supervisor McDaniel, for adoption.

ROLL CALL: 30 aye, 2 vacant, 4 absent. RESOLUTION NO. 176—2017-18 IS ADOPTED.

Resolution No. 177—2017-18 – Public Safety Committee. Approve the transfer of \$25,000 from the Small Department Vacation/Sick Leave Payout fund to the County District Attorney’s Office to fill the Paralegal position with approximately one month vacancy.

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

ROLL CALL: 30 aye, 2 vacant, 4 absent. RESOLUTION NO. 177—2017-18 IS ADOPTED.

REPORTS

Supervisor Griesbach moved, seconded by Supervisor Foss, to adjourn sine die. The reorganizational meeting will be April 17, 2018, at 4:00 p.m.

The meeting adjourned at 7:52 p.m.

A handwritten signature in cursive script, reading "Craig O'Bright", written over a horizontal line.

Outagamie County Clerk