

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

Office of the County Clerk, February 26, 2019.

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 320 South Walnut Street, Appleton, Wisconsin.

ROLL CALL: 28 present, 8 absent. Members present: Thompson, Miller, Patience, Gabrielson, Konetzke, Hammen, N. Thyssen, Krueger, Lamers, Wegand, De Groot, Peterson, Schroeder, Croatt, Spears, Marcks, Thomas, T. Thyssen, Hagen, Nooyen, Sturn, Buchman, Woodzicka, Clegg, VanderHeiden, O'Connor-Schevers, Rettler, and Suprise. Member absent: Grady, Dillenberg, Mc Daniel, Klemp, Iverson, Duncan, Culbertson, Melchert.

The Board Chairperson requested the Board's confirmation to excuse Supervisors Grady, Dillenberg, Mc Daniel, Klemp, Iverson, Duncan, Culbertson, and Melchert. No objections; so ordered.

The Pledge of Allegiance was led by Chairperson Nooyen.

**MINUTES OF THE FEBRUARY 13, 2019 COUNTY BOARD MEETING**

Supervisor Buchman moved, seconded by Supervisor Woodzicka to approve the minutes of the February 13, 2019, County Board meeting.

Supervisor Hagen reported that a correction should be made on page 2. On the second to last bullet, a change should be made from "UW" to "AAUW" to designate the correct organization. Board Chairperson requested unanimous consent for the correction. **VOICE VOTE CARRIED UNANIMOUSLY – CORRECTION APPROVED.**

ROLL CALL to approve as corrected: 28 aye, 8 absent. **MINUTES OF THE FEBRUARY 13, 2019, BOARD MEETING ARE APPROVED AS CORRECTED.**

**SPECIAL ORDER OF BUSINESS**

Discussion regarding Dark Stores and Legislator Responses - Board Chairperson Jeff Nooyen.

Chairperson Nooyen reported the following:

- Last year, two bills 386 and 387 were in front of the State Legislature last year and had bipartisan support. Unfortunately, the bills did not make it to the floor to be voted upon.
- Chairperson Nooyen was appointed as a member of the Legislative Study Committee on Property Taxes. Nooyen participated in five meetings in six months in Madison.
  - Nooyen was told that in order to pass legislation to address the Dark Store loopholes, there would have to be a compromise.
  - Nooyen questioned whether the makeup of the committee skewed the compromised legislation. Of the 12 members, six were state legislators, and of the 1350+ municipalities in Wisconsin, only two members from municipalities were included: Chairperson Nooyen (representing Outagamie County and the Town of Grand Chute and an assessor from Pleasant Prairie. Additionally, one attorney from the Milwaukee area

represented the municipal side. A member from the WI Manufacturers and Commerce, a representative from Walgreens, and a developer that represented these entities also sat on the committee.

- Nooyen shared that he felt that the make-up of the committee was inequitable with the legislators. Senator Olsen chaired the committee and reported that something has to be done about this issue as the voters were unhappy with the issue.
- Their solution was to bring forward three new bills: 484, 394, and 485, which do nothing to correct the problem. Nooyen stated to the committee the bills would not address the problem and the only way to address the issue was to pass the two bills from the previous session. His comments never made it into the meeting minutes.
- The County Board passed two resolutions supporting closing the Dark Store loopholes. The second one passed in December and requested written responses from the legislators. The responses follow:
  - Senator Roth supports both of the bills from the previous session and he will re-introduce them along with Senator Stroebel.
  - Senator Cowles verbally reported his support.
  - Representative Stuck endorses the previous bills, and she will request Governor Evers include their language into the State budget. If the language in the State Budget does not close the loopholes, she has reported that she will push for appropriate change.
  - A joint letter was sent from Representatives Steineke, Peterson, Rohrkaste, and Tauchen. Chairperson Nooyen read the letter to the County Board; the letter reported that the two bills in the 2017-18 ultimately failed to garner support. Chairperson Nooyen reported there was support; however, party leadership would not allow them on the floor. They reiterated the work of the Legislative Study Committee on Property Taxes and the drafting of the three bills, mentioned above. They would support the 3 new bills. Nooyen reported that the new bills will not address the Dark Store loopholes
  - Representative Tusler sent a letter similar to the one mentioned above.
  - At the Legislative Exchange a month ago, Representatives Murphy, who initially supported this, reported that he no longer could support it because Sears was going out of business. However, Nooyen reported Sears is not going out of business, but they are closing the Fox River Mall store. In addition, Nooyen noted that a poor business model should not be a reason for subsidizing business.

For action, Chairperson Nooyen noted:

- The County Board should have received an email (he thinks last Friday) from WI Counties Association (WCA) encouraging members to contact their legislators encouraging the legislators to sign on Senator Stroebel and Representative Brooks bill, LRB-1665, which closes both the Dark Store loophole and the Walgreens loophole.
- WCA, WI Towns Association, and WI League of Municipalities have been meeting with legislators encouraging them to bring forward adequate legislation and combine the two original bills into one. It is thought that the Dark Store would pass and not the Walgreens bill, which set a court precedent. Because of this the Walgreens bill is more important and needs to be reversed. Combining the two into one bill will close both loopholes and solve the problem.
- Chairperson Nooyen urged members to contact legislators and share the same information with their towns, villages, and cities for those local legislators to contact their state legislators.

- Nooyen will draft a letter thanking legislators for their responses and re-stating the Outagamie County position, pointing particularly to the 56,000 Outagamie County residents who voted in favor through referendum of closing the loopholes.

During Q&A, discussion took place on the Governor proposing language to address the issue and gratitude was expressed towards Chairperson Nooyen for his efforts.

**ESTABLISH ORDER OF THE DAY** – No changes.

**COMMUNICATIONS**

Communication Referral List was included in the packet

Chairperson Nooyen reported on the following additional communications:

- WCA Legislative Meeting – A regional legislative meeting will be held March 14, 9 a.m. to 12 noon at the Red Lion Paper Valley. Counties in the district include Brown, Calumet, Fond du Lac, Kewaunee, Manitowoc, Outagamie, Sheboygan, and Winnebago. Members who are interested in attending were encouraged to check with Legislative Services for more information on the meeting.
- Airport Terminal Expansion Tours – An agenda for each of the following additional tours will be emailed/posted: March 14 - 5 p.m. and March 27 – 9 a.m. If interested, check with Legislative Services.
- Norman Austin 100<sup>th</sup> Surprise Birthday Party – Norman is a former supervisor; the event will be March 27 - 11:30 – 12:30, Golden Basket Restaurant, Richmond St., Appleton
- Youth Government Day – March 6. Supervisors Croatt, Marks, Sturn, Hagen, Thomas, O'Connor-Schevers, and Thompson, who volunteered to assist should have received a packet for the event.
- Employee Handbook Acknowledgement – An email was sent from Sara Hickey. Members, who have not acknowledged, must respond by email or phone call to Legislative Services.
- NE WI Land Trust Survey – Sara Hickey sent an email from Vice Chairperson Hagen to fill out a survey regarding the NE WI Land Trust.
- Finance Committee - WMMIC presentation – March 5 – 9 a.m. – A WMMIC representative will be at the next Finance Committee to explain the claims process. All members were encouraged to attend.
- Legislative Forum – January 21 – Notes from the Forum were added to DropBox in the “Administrative and Oversight Committees” folder.

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

**APPOINTMENTS**

County Executive Nelson nomination of re-appointment for Kevin Eismann and John Nygaard to the Loan Review Committee; said terms expiring January 2022

Supervisor T. Thyssen moved, seconded by Supervisor N. Thyssen, for confirmation of the above-listed appointments.

ROLL CALL: 28 aye, 8 absent. RE-APPOINTMENTS of EISMANN & NYGAARD TO THE LOAN REVIEW COMMITTEE ARE CONFIRMED.

REPORT BY THE COUNTY EXECUTIVE

County Executive Thomas Nelson congratulated the following on their birthdays: Supervisor Hagen (3/9) and Sergeant-at-Arms Bob Stadel (3/10). A round of applause was given.

Executive Nelson reported the following:

- Airport – The NW hangar continues on pace with the current phase to be complete by mid-May. The ARFF project is being completed on schedule, with the structural phase to be completed by the end of March. A No. 4 passenger bridge was completed. Bridges have a lifespan of approximately 15-20 years, at a cost of approximately \$1.2 million each. Allegiant has a partnership with the Timber Rattlers for four flights to Arizona for individuals interested in seeing Milwaukee Brewer's training. The Aviation Explorer Program for middle and high school students has seen the highest enrollment in recent memory.
- Parks – The department hosted chain saw safety for 14 employees. For the first time in a long time, the snowmobile trail system is completely open. Supervisor Buchman and the snowmobile clubs have helped extensively with grooming the trails. Issues on the eastern side of the county with the trailers were addressed.
- Treasurer – Staff will be working through dealing with customers taking advantage of good faith efforts regarding delinquent tax payments. Interest income outpaces projections.

REPORT AND PRESENTATION OF COUNTY LOBBYIST

County Lobbyist Mark Wadium reported:

- Criminal Justice Reforms – The Assembly Republicans are discussing criminal justice reforms including: supporting the 61 assistant DA (ADA) positions; pay progressions for ADAs and state public defenders; and increasing state public defender rates; additional funding for attorneys paid at county expense (mostly guardian ad litem), expansion of treatment alternative diversion programs, ex-offender worker training, re-entry, and pre-release health care programs.
- Dental Therapists – A bill to create and license dental therapists is being drafted. There is a shortage in 64 of the 72 counties within Wisconsin.
- Governor's Budget – Preliminary indications include:
  - Increase for counties and municipalities for road funding.
  - Department of Corrections (DOC) – Of the 10,000 employees, DOC has 700 vacancies. Because of a 16% shortfall of the number of correction officers, discussion includes increasing hourly wages from \$16.32 to \$22/hour. The increase could impact local facilities, making it harder to recruit correctional officers for the county jail.
  - Funding for training inmates who sentences are nearing a close (started with the previous administration).
  - Including provisions for allowing medical marijuana and decriminalizing minor possession of marijuana 25 grams or less. The Board has support, but not at that level currently being discussed.
  - Eliminating the State redistricting process. However, there is concern that eliminating the State's current redistricting process through the budget may not be legally feasible.
  - Expanding Medicaid,

- Freezing enrollment in private voucher schools,
- Scaling back manufacturing tax decreases to fund middle tax bracket decreases,
- Increasing the gas tax. Hopefully, the gas tax increase is not tied to road funding for counties and municipalities.
- Bulletin Board/DropBox Items:
  - [Federal Tax Collection 2018](#) - Federal Government collected record tax collections in 2018, but expenditures were also increased.
  - [FCC Restriction on 5G Inputs](#) - 80 cities and counties challenging FCC rules. The 9<sup>th</sup> Circuit Court of Appeals, San Francisco, could issue a ruling.
  - NACIRO (National Group on Lobbyist) – Lobbyist participated in a NACIRO meeting - Discussion centered on the federal budget, recently passed. All agencies were kept level or increased, except the FCC. One item is a \$5 million in rural broadband assistance for counties below 10-1, download and upload speeds; Lobbyist is awaiting more material on that funding and when received Lobbyist will forward to appropriate parties.
  - Supreme Court ruling on civil asset forfeiture.
  - Copy of the Green New Deal.
  - [Nursing Homes Funding Shortfalls](#) - Article on crisis nursing homes are facing.
- Upcoming Meetings:
  - 2/27 - Sheriff
  - 3/3 & 5 - NACo delegation
  - 3/7 – Nursing Home Director and colleagues
  - 3/28 – Airport Director

UNFINISHED BUSINESS – None.

NEW BUSINESS

Resolution No. 159—2018-19 – Highway, Recycling & Solid Waste Committee. Approve increasing the Solid Waste Responsible Unit Purchased Services Account and the Solid Waste Landfill Internal Operations Fund Balance Applied Accounts by \$245,000, as noted on the attached fiscal note.

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

ROLL CALL: 28 aye, 8 absent. RESOLUTION NO.159—2018-19 IS ADOPTED.

Supervisor De Groot moved, seconded by Supervisor T. Thyssen, to reconsider Resolution No. 159 for the purpose of lock in.

ROLL CALL to reconsider: 28 aye, 8 absent. RESOLUTION NO. 159—2018-19 IS RECONSIDERED.

ROLL CALL to adopt & lock in: 28 aye, 8 absent. RESOLUTION NO. 159—2018-19 IS ADOPTED & LOCKED IN.

Resolution No. 160—2018-19 – Property, Airport, Recreation & Economic Development Committee. Approve increasing the Appleton International Airport conference room rental rate range to \$75-\$500 and transfer \$1,000 from the Airport Terminal Fund Balance Applied cost

center to the Airport Terminal Charges for Services cost center, as noted on the attached fiscal note.

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

ROLL CALL: 28 aye, 8 absent. RESOLUTION NO.160—2018-19 IS ADOPTED.

Supervisor Hagen moved, seconded by Supervisor Wegand, to reconsider Resolution No. 160 for the purpose of lock in.

ROLL CALL to reconsider: 28 aye, 8 absent. RESOLUTION NO. 160—2018-19 IS RECONSIDERED.

ROLL CALL to adopt & lock in: 28 aye, 8 absent. RESOLUTION NO. 160—2018-19 IS ADOPTED & LOCKED IN.

Resolution No. 161—2018-19 – Property, Airport, Recreation & Economic Development Committee. Authorize granting We Energies an easement for land in the Town of Greenville, described in Warranty Deed recorded in the Outagamie County Register of Deeds as Document No. 1367622, as noted on the attachments.

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

ROLL CALL: 28 aye, 8 absent. RESOLUTION NO.161—2018-19 IS ADOPTED.

Supervisor Hagen moved, seconded by Supervisor Wegand, to reconsider Resolution No. 161 for the purpose of lock in.

ROLL CALL to reconsider: 28 aye, 8 absent. RESOLUTION NO. 161—2018-19 IS RECONSIDERED.

ROLL CALL to adopt & lock in: 28 aye, 8 absent. RESOLUTION NO. 161—2018-19 IS ADOPTED & LOCKED IN.

Resolution No. 162—2018-19 – Legislative/Audit and Human Resources Committee. Approve the request for the elimination of one part time Sheriff's Office Patrol Officer position and the creation of one full time Sheriff's Office Patrol Officer position effective March 1, 2019 and approve an agreement between Town of Greenville and the Outagamie County Sheriff's Office to provide full-time law enforcement services and increase the following Sheriff's Office cost centers: Patrol Charges for Services (\$19,342), Squad Car Charges for Services (\$4,750), Patrol Salaries (\$12,388), Patrol Fringe Benefits (\$8,654), Patrol Supplies (\$3,000), and Patrol Purchased Services (\$50), as noted on the attachments.

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

ROLL CALL: 28 aye, 8 absent. RESOLUTION NO.162—2018-19 IS ADOPTED.

Supervisor T. Thyssen moved, seconded by Supervisor Patience, to reconsider Resolution No. 162 for the purpose of lock in.

ROLL CALL to reconsider: 28 aye, 8 absent. RESOLUTION NO. 162—2018-19 IS RECONSIDERED.

ROLL CALL to adopt & lock in: 28 aye, 8 absent. RESOLUTION NO. 162—2018-19 IS ADOPTED & LOCKED IN.

Resolution No. 163—2018-19 – Public Safety Committee. Enter into an Intergovernmental Agreement with Calumet County which authorizes the Outagamie County Family Court Services Department to conduct custody evaluations for Calumet County and charge a fee for completion of the evaluation and transfer \$2,000 from the General Fund Surplus Fund Balance Applied Account to the Family Court Program Fees, Fines and Costs Account, as noted on the attachments.

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

ROLL CALL: 28 aye, 8 absent. RESOLUTION NO. 163—2018-19 IS ADOPTED.

Supervisor Patience moved, seconded by Supervisor Konetzke, to reconsider Resolution No. 163 for the purpose of lock in.

ROLL CALL to reconsider: 28 aye, 8 absent. RESOLUTION NO. 163—2018-19 IS RECONSIDERED.

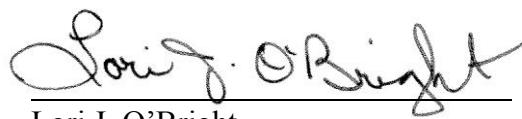
ROLL CALL to adopt & lock in: 28 aye, 8 absent. RESOLUTION NO. 163—2018-19 IS ADOPTED & LOCKED IN.

REPORTS – None.

ADJOURNMENT

Supervisor Buchman moved, seconded by Supervisor Peterson, to adjourn until March 12, 2019, at 7:00 p.m. VOICE VOTE CARRIED UNANIMOUSLY.

The meeting adjourned at 7:42 p.m.



Lori J. O'Bright