

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

Office of the County Clerk, March 12, 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: 32 present, 4 absent. Members present: Thompson, Miller, Grady, Patience, Gabrielson, Konetzke, Hammen, Lamers, Mc Daniel, Wegand, De Groot, Peterson, Schroeder, Croatt, Spears, Marcks, Thomas, T. Thyssen, Hagen, Iverson, Nooyen, Duncan, Culbertson, Sturn, Buchman, Woodzicka, Clegg, VanderHeiden, O'Connor-Schevers, Rettler, Melchert, and Suprise. Member absent: N. Thyssen, Krueger, Dillenberg, and Klemp.

The Board Chairperson requested the Board's confirmation to excuse Supervisors N. Thyssen, Krueger, and Klemp. No objections; so ordered.

The Pledge of Allegiance was led by Chairperson Nooyen.

MINUTES OF THE FEBRUARY 26, 2019 COUNTY BOARD MEETING

Supervisor Peterson moved, seconded by Supervisor Croatt, to approve the minutes of the February 26, 2019, County Board meeting.

ROLL CALL: 28 aye, 4 abstain, 4 absent. MINUTES OF THE FEBRUARY 26, 2019, BOARD MEETING ARE APPROVED.

SPECIAL ORDER OF BUSINESS

Discussion regarding Justice Coalition Package – District Attorney (DA) Melinda Tempelis

DA Tempelis reported:

- County Board supervisors were thanked for the opportunity to share information regarding the Justice Coalition Package. Similar information was shared at the Legislative Forum that had occurred in February,
- Materials were handed out at the meeting. Three topics DA Tempelis discussed included 1) the DA office staffing, 2) legislation regarding criminal justice reform - LRB1217, and 3) information regarding DA cases and caseloads.
- County Board has supported many funding issues being addressed in the DA's office. Issues being addressed in Outagamie County (OC) are not unique, but are occurring in DA offices throughout Wisconsin counties.
- For background/history:
  - In the late 1980s, prosecutors changed from being county funded to state funded. There are nine prosecutors, including the DA, in the OC DA Office. Since that time, no additional State prosecutors have been added to the OC Table of Organization. As a result, currently the OC DA Office is approximately eight prosecutors short for the

- workload.
- Technology and criminal activities have also changed since the late 1980s. Because of technology changes, internet crime, drug crimes, child pornography, and sex trafficking has increased. Therefore, discovery and investigations have changed.
  - OC has been proactive to ensure services are provided by the OC DA. An additional county funded prosecutor was provided for the various treatment courts. An additional county funded prosecutor was also added to the office to assist with children in out of home care. The latter prosecutor was county funded and federally Title IVE funded.
  - When the latter prosecutor was added, simultaneously the number of children with out of home care (CHIPS) steadily continued to increase. With children for out of home care, many of the parents are not obtaining rights back. Therefore, there is a significant number of children who need to have their parental rights terminated for adoption purposes and to try to stabilize their home life.
    - Currently, there are over 200 kids in out of home care. The county pays a lot of money for the cost of all the children in out of home care (approximately \$35-40,000/month).
    - The county authorized additional prosecutors and paralegal staff to work with these children cases, including termination of parental rights.
    - In addition, the OC DA is assessing the entire situation and how the process/situation could be improved.
    - The county has been using Title IVE and fund balance monies to fund the additional staff, and it is hoped the staff work will be able to recoup monies by reducing out of home placements.
  - Simultaneous to child issues, criminal cases have also increased. Many of the out of home placed children also have criminal cases attached to the cases (e.g. child neglect and abuse). In addition, a significant number of children age 5 and younger that children as infants are testing positive with cocaine, meth, and heroin.
  - Due to the significant shortage of prosecutors statewide, a consortium of groups formed a coalition to address criminal justice issues. The groups included the State Public Defenders, the Attorney General's Office (previous and current administration), the court system, the WI DA Association, and the Association of State Prosecutors.
    - Out of the review, the Criminal Justice Coalition Proposal (LRB1217) was developed to determine what is most important.
    - From a county perspective, the Proposal addresses the prosecutor shortfall (the proposal would give OC two prosecutors in this biennium), and the following:
      - A Prosecutors Council to address supportive legislation.
      - Funding for the Public Defender's Office – because of the repayment issues within the office, they aren't able to appoint people. Therefore, many of the people are coming from far away counties. Those defenders are not meeting with clients, and a number of issues with the quality of the defenders has been noted.
      - Funds for courts and AG office.
  - County Board members were provided a one-page informational sheet (updated since the Legislative Forum) with statistics.
  - DA Tempelis has worked in the OC DA's Office for 16 years and during that time approximately one third of the attorneys are lost each year.
  - Currently, the OC DA Office has 3,637 cases pending; each attorney has a caseload of

approximately 193 cases, and only approximately 53% of victims are being served. Offenders remain in the community and often will re-offend while awaiting to be held accountable.

- Currently, 434 referrals have been made to the OC DA since the beginning of the year. It is vitally important that the state legislature address the shortfall of prosecutors to address backlogs in referrals, maintain staffs, and properly address criminal cases.
- In addition, it is important to address pay progression. When a new attorney leaves law school, they typically have between \$80-150,000 of debt. Because of that debt load, attorneys leave in order to pay back loans.
- The OC DA has a dedicated staff that are committed to working hard. OC DA needs as many criminal prosecutors to address the approximate 2,000 referrals currently awaiting review.
- DA Tempelis thanked the County Board for their time and commitment to addressing the backlog.

During Q&A, discussion took place on the methods cases are provided the office. One way cases are provided is by arrest of criminals and the second method is through police department referrals that occur after investigators have completed their work. The OC DA reviews referrals to determine whether there is sufficient evidence for charging and prosecution (victims are noticed on referrals). Additional discussion took place on whether Governor Evers had included funding for assistant DAs (some funding was provided, but not for the prosecutors in OC). Also, strategies to get attention of legislators was discussed. The County Board has passed sufficient legislation in support of the criminal justice initiatives. As other initiatives are discovered, DA Tempelis will work with the committees/County Board on legislation

ESTABLISH ORDER OF THE DAY – No changes.

#### COMMUNICATIONS

Communication Referral List – provided in the packet.

Chairperson Nooyen reported the following:

- Sergeant-at-Arms: Toby Paltzer was thanked for service as Sergeant-at-Arms.
- Deputy Corporation Counsel: Kyle Sargent, newly appointed Deputy Corporation Counsel, was introduced. A round of applause was given in welcome. Corporation Counsel Joe Guidote reported that that Kyle is the third former prosecutor hired from the DA's office. Additionally to working as an Assistant DA in Outagamie County, Kyle worked as DA in Green Lake County and also worked in private practice.
- Airport Terminal Expansion Project Tours: Tours will be held March 14, 5 p.m. and March 27, 9 a.m. A sign-in sheet was circulated for those interested in attending.
- WCA Regional Legislative Meeting – March 14 – 9 a.m. – 12 noon, Appleton Red Lion: Chairperson Nooyen encouraged members to attend; no registration is required. WCA will discuss legislation, with focusing primarily on the State budget.
- Former Supervisor Austin's Birthday Party – Members were encouraged to attend the March 27, 11:30 a.m. party at the Golden Basket Restaurant in Appleton.
- Youth Government Day – March 6 - Chairperson Nooyen thanked Supervisors Croatt,

Marcks, Sturn, Hagen, Thomas, O'Connor-Schevers, Thomson, De Groot, Deputy Clerk Jeff King, Corporation Counsel Guidote and Legislative Services staff for their participation and work in putting the event together. Four high schools participated and they reported a positive educational experience. After the meeting at the Board Room, members adjourned to the American Legion for a lunch; Representative Amanda Stuck was speaker.

- Employee Handbook Acknowledgement – Feb. 18, Legislative Services sent an email with the Handbook to all supervisors; all were requested to respond (email or phone). To date, seven supervisors have yet to respond and acknowledge receipt/reading the Handbook. Those members were requested to respond quickly. At the next meeting, names of those individuals who need to respond will be listed.
- Future Meetings: A second meeting in March will occur (March 26). In April, one County Board meeting is held on the third Tuesday (April 16) and that meeting starts at 4 p.m. Standing committees can still meet the second and fourth Tuesday as normally scheduled.
- Summer County Board Meeting Schedule: Board Chairperson Nooyen intends to have single meetings (2<sup>nd</sup> Tuesdays) in June, July, and August. If an issue does need to be addressed due to time sensitivity, a second meeting in the month will occur.

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

#### APPOINTMENTS

County Executive Nelson nomination for appointments of Carrie LaPlant and Robert Welygan (alternate) to the Coordinating Council; said terms expiring April 2020.

Supervisor Iverson moved, seconded by Supervisor Patience, for confirmation of the above-listed appointments.

ROLL CALL: 32 aye, 4 absent. APPOINTMENTS OF LAPLANT AND WELYGAN (ALTERNATE) TO THE COORDINATING COUNCIL ARE CONFIRMED.

#### REPORT BY THE COUNTY EXECUTIVE

County Executive Thomas Nelson congratulated the following supervisors on their birthdays: Curt Konetzke (Mar. 6), Keith Surprise (Mar. 14), Deb Vander Heiden (Mar. 22). A round of applause was given each supervisor.

Executive Nelson reported the following:

- Maintenance – Government Center Phase II remodeling is winding down. The project is moving into the final Phase III, which should be completed in June.
- Airport – NW Hangar work continues on schedule. Design on the passenger boarding bridge replacement is occurring (\$1.2 million project) with RFP being released in May. Structural steel on the ARFF started last week. TSA will hold pre-check March 20-24. With the 25 percent increase in passenger traffic, parking lots are getting full. Therefore, valet parking service started last week for frequent fliers. A contest to win a flight on Allegiant is ongoing; Corporation Counsel reported that County Board supervisors cannot participate.

- Highway – Resources are strained due to winter weather. However, cooperation has occurred to assist with salt stores. Outagamie shared stores with a northern county, and recently Outagamie received 2,000 tons of salt received from Dane, Dodge and Waukesha Counties.
- Brewster Village (BV) – BV is one of 13 facilities of the 135 reviewed that received a 5-star ranking in four categories: measures, health inspections, staffing, and overall.

#### REPORT AND PRESENTATION OF COUNTY LOBBYIST

County Lobbyist Mark Wadium reported (information on several topics posted in DropBox and placed on bulletin board in Legislative Services):

- NACo National Conference – Lobbyist attended conference and met with the County's congressional delegation. Topics discussed included child protection, 911 answer points, county infrastructure, future airport expansion projects, and highway funding. NACo is pushing a phone app called "[test it](#)". Individuals can download the app and then test download / upload speeds. The app will gather important data that may be tied to Federal grant funds for broadband. You can go out in the county, can test real upload/download speeds. Only other data is maps from providers. Encourage to use wherever you are. What happens when no service.
- Nursing Home Lobby Day – March 7 – BV Director Hinkley and her counterparts came to Madison for the day. Lobbyist attended and assisted with legislator meetings. The group met with nine assembly offices and six senate offices on a variety of budget issues.
- [State budget](#) – Lobbyist encouraged members to attend the WCA meeting on the State budget on Mar. 14. The Legislature is still considering how they will handle the Governor's budget. [The WCA update / budget summary was provided](#). Items in the Governor's budget include: \$15 million/year for child protective services; GTA up 10%, [\\$.08 increase in gas tax](#) and elimination of the minimum gas markup law. [Michigan is discussing a gas tax increase of \\$.45/gallon](#). Also included in the budget is legislation that addresses the previous two dark store bills; a criminal justice package, which does not provide the requests presented by DA Tempelis. The Governor's budget provides only one assistant DA for OC and no additional funds for attorneys appointed at county expense. There is a nursing home rate increase of 2.5% (1.5% for staff and 1% for acuity); [additional funds in juvenile corrections](#) - \$115 million for the State facility. If the county has to send an individual to a State facility, a rate increase of \$182,000/person is included rising to \$214,620/person. The rate increase is due to the cost of smaller facilities and higher costs with complying with the facility Federal Elimination Rape Act.
- Airport – Lobbyist will be meeting with Airport Director Weber in Madison at the end of month. Meetings will be set up with the OC delegation, Governor, and WDOT Secretary.

During Q&A, discussion took place on strategies for lobbying for changes in the State budget (Lobbyist discusses with Jt. Finance and every other legislator that can be helpful), how the Legislature will make changes to the budget (working off base or base year doubled), and hearings on the Governor's budget.

UNFINISHED BUSINESS – None.

NEW BUSINESS

Resolution No. Z-16—2018-19 – Agriculture, Extension Education, Zoning & Land Conservation Committee. Approve the proposed rezoning request for James Fletcher, Agent for Timothy & Bacelisa VanWyk, owners, of 11.34 acres in the Town of Greenville from Planned Commercial District to Business Park District, as noted on the attachments.

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

ROLL CALL: 31 aye, 1 abstain, 4 absent. RESOLUTION NO. Z-16—2018-19 IS ADOPTED.

Resolution No. 164—2018-19 – Finance Committee. Approve the City of Kaukauna Revised Plan of Development for Tax Incremental District (TID) No. 10 and recommend that the representative of Outagamie County on the City of Kaukauna TID Board of Review vote in favor of the TID No. 10 plan, as noted on the attachments.

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

ROLL CALL: 32 aye, 4 absent. RESOLUTION NO. 164—2018-19 IS ADOPTED.

Resolution No. 165—2018-19 – Legislative/Audit and Human Resources Committee. Approve the request that State funding to Outagamie County be increased significantly in each fiscal year of the 2019-2021 Wisconsin state budget in order to address the shortfall of allocations for constituent services.

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

ROLL CALL: 32 aye, 4 absent. RESOLUTION NO. 165—2018-19 IS ADOPTED.

Resolution No. 166—2018-19 – Legislative/Audit and Human Resources Committee. Approve the request for the elimination of one full-time Principal Planner and the creation of one full-time Senior Planner in the Development and Land Services Department, as noted on the attachments.

Supervisor Iverson moved, seconded by Supervisor T. Thyssen, for adoption.

ROLL CALL: 32 aye, 4 absent. RESOLUTION NO. 166—2018-19 IS ADOPTED.

Supervisor T. Thyssen moved, seconded by Supervisor Spears, to reconsider Resolution No. 166 for the purpose of lock in.

ROLL CALL to reconsider: 32 aye, 4 absent. RESOLUTION NO. 166—2018-19 IS RECONSIDERED.

ROLL CALL to adopt & lock in: 32 aye, 4 absent. RESOLUTION NO. 166—2018-19 IS ADOPTED & LOCKED IN.

Resolution No. 167—2018-19 – Property, Airport, Recreation & Economic Development Committee. Approve and execute the Second Addendum to the Charter Services and Office/Hangar Lease Agreement between Outagamie County and Maxair Inc. and approve changes to cost centers as follows: increase Airport Terminal Fund Balance Applied \$22,200; decrease Rental Properties N251 Ares Drive Hangar Complex \$21,600; and decrease Rental Properties Grounds Maintenance \$600, as noted on the attachments.

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

ROLL CALL: 32 aye, 4 absent. RESOLUTION NO. 167—2018-19 IS ADOPTED.

Supervisor Culbertson moved, seconded by Supervisor Hagen, to reconsider Resolution No. 167 for the purpose of lock in.

ROLL CALL to reconsider: 32 aye, 4 absent. RESOLUTION NO. 167—2018-19 IS RECONSIDERED.

ROLL CALL to adopt & lock in: 32 aye, 4 absent. RESOLUTION NO. 167—2018-19 IS ADOPTED & LOCKED IN.

Resolution No. 168—2018-19 – Property, Airport, Recreation & Economic Development Committee. Approve the Access Agreement and Easement for City of Appleton, Outagamie County, 227 South Walnut Street, Tax Parcel ID 313085100, as noted on the attachments.

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

ROLL CALL: 32 aye, 4 absent. RESOLUTION NO. 168—2018-19 IS ADOPTED.

Supervisor Culbertson moved, seconded by Supervisor Melchert, to reconsider Resolution No. 168 for the purpose of lock in.

ROLL CALL to reconsider: 31 aye, 1 nay, 4 absent. RESOLUTION NO. 168—2018-19 IS RECONSIDERED.

ROLL CALL to adopt & lock in: 32 aye, 4 absent. RESOLUTION NO. 168—2018-19 IS ADOPTED & LOCKED IN.

Resolution No. 169—2018-19 – Property, Airport, Recreation & Economic Development Committee. Approve the Resolution Petitioning the Secretary of Transportation for Airport Improvement Aid, as noted on the attached Agency Agreement.

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

ROLL CALL: 32 aye, 4 absent. RESOLUTION NO. 169—2018-19 IS ADOPTED.

Supervisor Culbertson moved, seconded by Supervisor Hagen, to reconsider Resolution No. 169 for the purpose of lock in.

ROLL CALL to reconsider: 32 aye, 4 absent. RESOLUTION NO. 169—2018-19 IS RECONSIDERED.

ROLL CALL to adopt & lock in: 32 aye, 4 absent. RESOLUTION NO. 169—2018-19 IS ADOPTED & LOCKED IN.

Ordinance No. D—2018-19 – Highway, Recycling and Solid Waste Committee. Amend Outagamie County Code of Ordinances, Section 36-91 “Speed Zones Established” to reduce speed to 45 mph on CTH “CA” from CTH “CB” to .1 mile west of Casaloma Drive.

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

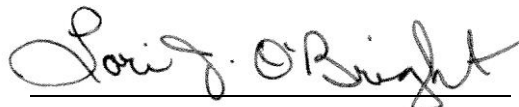
ROLL CALL: 32 aye, 4 absent. ORDINANCE NO. D—2018-19 IS ADOPTED.

REPORTS – None.

#### ADJOURNMENT

Supervisor Patience moved, seconded by Supervisor Peterson, to adjourn until March 26, 2019, at 7:00 p.m. VOICE VOTE CARRIED UNANIMOUSLY.

The meeting adjourned at 8:00 p.m.

  
Lori J. O'Bright