

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

Office of the County Clerk, July 9, 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: 33 present, 3 absent. Members present: Thompson, Miller, Patience, Gabrielson, Konetzke, Hammen, N. Thyssen, Lamers, Dillenberg, Mc Daniel, DeGroot, Peterson, Schroeder, Croatt, Spears, Marcks, Thomas, T. Thyssen, Hagen, Klemp, Iverson, Nooyen, Duncan, Culbertson, Sturn, Buchman, Woodzicka, Clegg, VanderHeiden, O'Connor-Schevers, Rettler, Melchert, and Suprise. Member absent: Grady, Krueger, and Wegand.

Board Chairperson Nooyen requested the Board's confirmation to excuse Supervisors Grady and Wegand. No objections; so ordered.

The Pledge of Allegiance was led by Chairperson Nooyen.

MINUTES OF THE JUNE 11, 2019 COUNTY BOARD MEETING

Supervisor Mc Daniel moved, seconded by Supervisor Woodzicka, to approve the minutes of the June 11, 2019, County Board meeting.

ROLL CALL: 32 aye, 1 abstain, 3 absent. MINUTES OF THE JUNE 11, 2019, BOARD MEETING ARE APPROVED.

SPECIAL ORDER OF BUSINESS

2018 Year End Audit Presentation – Dave Maccoux, CLA

Mr. Maccoux reported the Comprehensive Annual Financial Report (CAFR) was provided Board members and details of the CAFR were reviewed with the Finance Committee last week. Mr. Maccoux reported that he would highlight the key points of the CAFR. The CAFR is a document that is put together by Outagamie County and is broken out in various sections including Introductory, Financial, and Statistical sections. The key parts are in the Financial and Statistical sections. Items of note include:

- Page 6 – Last year's CAFR received the Government of Financial Officers Association (GFOA) Certificate of Achievement, an indication that Outagamie County is putting together excellent high standards of reporting in their documentation.
- Pages 10-12 – Provides the auditor's contribution, the Independent Auditors Report, a lengthy document where the auditors express their opinion on the financial reports. Page 11 provides the opinion paragraph that the reports accurately provide information and meet the high standards of financial reporting (unmodified opinion).
- Page 13-26 – Management analysis and discussion – narrative of the significant trends in 2018 compared to 2017.
- Page 27 – Basic financial statements. The County is managing nearly \$541 million in assets, which includes the countywide road infrastructure and government buildings that enable the provision of services to County residents. The net position is nearly \$332

million, which shows a substantial portion of the assets are fully paid.

- Page 29 through the end of the document – Review of financial position. General Fund balance is \$28.9 million, which was an increase from the previous year. No concerns were shown with any of the enterprise funds. Entering the 2019 year, the county is in a good position.

#### ESTABLISH ORDER OF THE DAY

Supervisor Travis Thyssen requested that Resolution No. #35 be held in committee until August. No objections; so ordered.

#### COMMUNICATIONS

Communication Referral List – included in the packet

#### PUBLIC PARTICIPATION FOR A PERIOD OF FIFTEEN MINUTES (PERTINENT TO THE RESOLUTIONS OF THE DAY)

Kay Eggert, 1524 S. Weimar St., Appleton – Appleton Area School District (AASD) Board President – She spoke regarding Resolution No. 32, which recommends implementation of county sales tax generally in accord to Option 1. The AASD would welcome the additional revenue and would spend it wisely. Currently, the AASD is challenged with meeting the growing mental health needs of many of the students. During the school years 2011-12 and 2012-13, the AASD needed to cut approximately \$5 million from their budget due to a decrease in State funding. The decision for the \$5 million cut was to protect class size by holding classroom teachers and staffing levels the same, and reducing staffing levels in non-classroom areas. This resulted in cuts to school guidance counselors, social workers, school psychologists, and school nurses. Over the past two years, the AASD has attempted to add back positions as monies have become available. If allowed under State Statute and within the context of the school funding formula, it would be a priority for the AASD that any revenue shared from the county sales tax would go to increase staffing of guidance counselors, social workers, and school psychologists to help the AASD meet the growing student mental health needs.

#### APPOINTMENTS

County Executive Nelson nomination of re-appointments of Steve Brown, Ethan Kroll and appointments of Lucas Gunderson, Jose Moreno, Dan Szymaszek to the Local Emergency Planning Committee; said terms expiring June 30, 2022, and appoint Christopher Shea; said term expiring June 30, 2021.

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

ROLL CALL: 33 aye, 3 absent. RE-APPOINTMENTS OF BROWN, KROLL, AND APPOINTMENTS OF GUNDERSON, MORENO, SZYMASZEK AND SHEA TO THE LOCAL EMERGENCY PLANNING COMMITTEE ARE CONFIRMED.

#### REPORT BY THE COUNTY EXECUTIVE

County Executive Thomas Nelson congratulated the following supervisors on their birthdays: Supervisors Nick Thyssen (July 3), Dan Melchert (June 17), Lee Hammen (June 22), Jim Duncan (June 28), and Cathy Spears (July 21). A round of applause was given.

County Executive Nelson reported:

- Airport – The Pulling for Honor Contest will be held August 10. The 2019 goal is to raise \$85,000 (more than previous years). Currently, \$45,000 has been banked and 27 teams are registered (hoping for 30 teams).
- On July 16, Dollars for Dogs event will be held to raise funds the Fox Valley Humane Society (FVHS). The FVHS will provide canines (therapy and comfort dogs) for the event.
- Brewster Village (BV) – Once again, BV was voted the Best in the Valley for nursing homes.
- Criminal Justice Treatment – Thanks were extended for Supervisor Patience and her efforts over the last three years for Outagamie County being one of the first with an evidence based pre-trial program.
- Health Insurance – Outagamie County has received preliminary estimates for a fully insured health insurance company program vs. the County funded program. Bids very favorable and cost savings are in excess of \$1 million. More details will be discussed in the Human Resources/Legislative Audit and Finance Committees. The savings will provide enough room in the budget to bring back the Step program, provide a good base wage adjustment, provide for regrades of some positions, and a couple other items within the budget. Further discussions will be provided and the administration will continue to be a resource for questions.

#### REPORT AND PRESENTATION OF COUNTY LOBBYIST

County Lobbyist Mark Wadium reported:

- State Budget:
  - DropBox – Comparative Analysis of Governor’s Budget with the Joint Finance Budget (before vetos; an additional document is included regarding that analysis). If members review the first 31 pages they will be provided a good overview of \$81 billion in spending.
  - Board Chair’s Veto Letter was provided to the Governor’s Office and Lobbyist followed up with the Governor’s Chief of Staff and one of his policy advisors on the phone.
  - Governor Vetoes:
    - One veto is of concern for counties. The Governor vetoed \$1.8 million (first year) of income maintenance for counties and \$10,000 in the second year. The legislature have given counties funding in this area beyond what the governor had proposed. Under the document, the item is briefly listed as item #41 at the top of page 51 of 65 in the Health Services and Insurance section of the Governor’s veto message. Also under item #53 at the top of page 56 of 65. This item had been included on the Outagamie County and Wisconsin Counties Association veto protection letter.
    - Outagamie County veto request was vetoed by the Governor - Local Regulation of Quarries as found beginning on page 334 of [LFB Comparative Analysis of State Budget](#). This can be found in item #65 on page 61 of 65 of the Governor’s Veto message. A similar proposal was vetoed by Governor Walker in his last budget. The Board has positions in support of local zoning.
  - Child Protective Services & Nursing Homes Funding Increased - The Governor had recommended \$78.7 M (all funds) in 19-20 and \$90.4 M (all funds) in 20-21. The Legislature increased the funding to \$80.1 M in 19-20 and 101.1 M in 20-21. For more information see LFB Comparative Analysis pages 113-114. At this point how the money

- will be distributed for Child Protective Services is yet to be determined.
- Increases also were provided in Personal Care Reimbursement, General Transportation Aide - County GTA with a new program for local roads (counties share of this is \$32 million).
- Articles of interest:
  - [Republicans propose constitutional amendment limiting governor's veto power](#) - Day after the vetoes, Republicans are suggesting legislation to limit the Governor's veto power. The Governor had creative vetoes, which included enablement of increasing \$84 million for K-12 funding.
  - [Parole and Probation Violations Are Filling State Prisons](#) – A new report from the Council of State Governments shows that many minor violations of parole or probation come with a high price tag, as they often lead to people ending up back in prison.
  - [Supreme Court overturns decades of precedent in property case](#) – The Supreme Court overruled a 34 year precedent when it sided with a Pennsylvania women who wanted to sue in federal court over a Pennsylvania town taking her land for public use.

During Q&A, discussion took place regarding possible State budget overrides from the Legislature (Lobbyist thoughts were budget is final); summary documents relate to the State budget in the Human Resources/Legislative Services Committee DropBox (request to move them to the County Board DropBox; Lobbyist will add); lack of other State action in Madison as the Legislature is not sending much to the Governor; income and property tax impacts with the State budget.

Supervisor Nick Thyssen left the meeting due to an emergency call (excused by the Board Chairperson).

UNFINISHED BUSINESS – None.

#### NEW BUSINESS

Resolution No. Z-7—2019-20 – Agriculture, Extension Education, Zoning & Land Conservation Committee. Approve the Town of Grand Chute rezoning request for Joseph K. and Agnes N. Reis, 16.84 total acres from General Agriculture to Local Commercial District, as noted on the attachments.

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

ROLL CALL: 32 aye, 4 absent. RESOLUTION NO. Z-7—2019-20 IS ADOPTED.

Supervisor Rettler moved, seconded by Supervisor O'Connor-Schevers, to reconsider Resolution No. Z-7 for the purpose of lock in.

ROLL CALL to reconsider: 32 aye, 4 absent. RESOLUTION NO. Z-7—2019-20 IS RECONSIDERED.

ROLL CALL to adopt & lock in: 32 aye, 4 absent. RESOLUTION NO. Z-7—2019-20 IS ADOPTED & LOCKED IN.

Ordinance No. Z-3—2019-20 – Agriculture, Extension Education, Zoning & Land Conservation Committee. Approve the Town of Cicero rezoning request for Andrew Wescott, owner, 2.0 acres from Exclusive Agriculture District to General Agriculture District, as noted on the attachments.

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

ROLL CALL: 32 aye, 4 absent. ORDINANCE NO. Z-3—2019-20 IS ADOPTED.

Supervisor Rettler moved, seconded by Supervisor Melchert, to reconsider Ordinance No. Z-3 for the purpose of lock in.

ROLL CALL to reconsider: 32 aye, 4 absent. ORDINANCE NO. Z-3—2019-20 IS RECONSIDERED.

ROLL CALL to adopt & lock in: 32 aye, 4 absent. ORDINANCE NO. Z-3—2019-20 IS ADOPTED & LOCKED IN.

Ordinance No. Z-4—2019-20 – Agriculture, Extension Education, Zoning & Land Conservation Committee. Approve the Town of Cicero rezoning request for Robert Moeller, owner, 1.65 acres from Exclusive Agriculture District to General Agriculture District, as noted on the attachments.

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

ROLL CALL: 32 aye, 4 absent. ORDINANCE NO. Z-4—2019-20 IS ADOPTED.

Supervisor Rettler moved, seconded by Supervisor VanderHeiden, to reconsider Ordinance No. Z-4 for the purpose of lock in.

ROLL CALL to reconsider: 32 aye, 4 absent. ORDINANCE NO. Z-4—2019-20 IS RECONSIDERED.

ROLL CALL to adopt & lock in: 32 aye, 4 absent. ORDINANCE NO. Z-4—2019-20 IS ADOPTED & LOCKED IN.

Resolution No. 29—2019-20 – Finance Committee. Approve the Village of Combined Locks Tax Incremental District (TID) No. 3 Project Plan and recommend that the representative of Outagamie County on the Village of Combined Locks TID Board of Review vote in favor of the TID No. 3 plan, as noted on the attachments.

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

ROLL CALL: 32 aye, 4 absent. RESOLUTION NO. 29—2019-20 IS ADOPTED.

Resolution No. 30—2019-20 – Legislative/Audit & Human Resources Committee. Approve the Corporation Counsel Office request to transfer \$6,520 from Corporation Counsel Purchased

Services to Corporation Counsel Capital Outlay line items for purchasing a new copier, as noted on the attachments.

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

ROLL CALL: 32 aye, 4 absent. RESOLUTION NO. 30—2019-20 IS ADOPTED.

Resolution No. 31—2019-20 – Property, Airport, Recreation & Economic Development Committee. Approve the establishment of an intermodal freight facility at the port of Green Bay which will offer an opportunity for all of northeast Wisconsin, the Upper Peninsula of Michigan and beyond to establish future freight transportation options. Also, approve retaining a provision in the 2019-2021 State Biennial Budget to help with studying, geotechnical engineering, and environmental investigations of the Pulliam Power Plant site at the Port of Green Bay as an intermodal freight facility.

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

ROLL CALL: 32 aye, 4 absent. RESOLUTION NO. 31—2019-20 IS ADOPTED.

Resolution No. 32—2019-20 – Finance Committee. Approve the following recommendations to the County Executive: the net revenue generated from implementation of the 0.5% county sales and use tax in Outagamie County effective January 1, 2020, be allocated in the county budget consistent with the general framework outlined in Option 1 of the *County Sales Tax Analysis* dated April 11, 2019, with sales tax revenue being used for only the four specifically articulated purposes pending review and authorization by the County Board during its annual budget meeting in November and that any additional sales and use tax funds collected beyond those budgeted be credited to the Fund Balance as committed funds in the General Fund.

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

Supervisor Sturn requested that Corporation Counsel (CC) Guidote explain the resolution. CC Guidote reported that the resolution was a recommendation to the County Executive on how the Board would like the sales tax revenue allocated. The County Executive has statutory authority to provide a budget and the Board then may react to the budget. The Board cannot mandate how the Executive develops his budget, but they can provide a recommendation. The Board did have the authority to implement the sales tax and the Executive has to show the revenue in the budget, but the allocation is up to him in development of the budget. Resolution No. 32 is a recommendation for Option 1 as set forth in the analysis, which includes sharing 15% of net sales proceeds being shared with municipalities (no specific provisions or limitations were provided to the municipalities, but a provision should be that the funds be used for property tax reduction).

Supervisor Spears requested an opinion from CC regarding how municipalities can use the sales tax revenues. CC Guidote reported municipalities must use the funds for proper tax relief. CC Guidote suggested that the monies be provided via a “grant” and that the municipality provide their acceptance, which would include information that it be utilized appropriately for proper tax relief. CC Guidote reported that he thought there was no governing body overseeing expenditures.

Supervisor Iverson questioned how CC Guidote's previous recommendation could be implemented. CC Guidote reported that the Board could provide an amendment or administratively, he will be recommending that the County Executive implement his recommendation.

ROLL CALL: 30 aye, 2 nay, 4 absent. RESOLUTION NO. 32—2019-20 IS ADOPTED.

Resolution No. 33—2019-20 – Property, Airport, Recreation & Economic Development Committee. Approve the County Development and Land Services (DLS) Department to accept and expend the \$4,956 Farmland Preservation Grant from the Department of Agriculture, Trade and Consumer Protection to reimburse the county for expenses related to planning for establishment of an Agriculture Enterprise Area in the Towns of Black Creek, Seymour, and Cicero and increase the DLS Department Revenues and Purchased Services cost centers by \$4,956, as noted on the attachments.

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

ROLL CALL: 32 aye, 4 absent. RESOLUTION NO. 33—2019-20 IS ADOPTED.

Resolution No. 34—2019-20 – Property, Airport, Recreation & Economic Development Committee. Approve 2019 cost center changes: transferring \$46,000 from Reserve for Contingency Purchased Services to Capital Projects Capital Outlay and increasing Capital Projects Operating Transfer In and 2019 General Fund Operating Transfer Out in order to replace the 10" Brewster Street water main, as noted on the attachments.

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

ROLL CALL: 32 aye, 4 absent. RESOLUTION NO. 34—2019-20 IS ADOPTED.

Supervisor Culbertson moved, seconded by Supervisor T. Thyssen, to reconsider Resolution No. 34 for the purpose of lock in.

ROLL CALL to reconsider: 32 aye, 4 absent. RESOLUTION NO. 34—2019-20 IS RECONSIDERED.

ROLL CALL to adopt & lock in: 32 aye, 4 absent. RESOLUTION NO. 34—2019-20 IS ADOPTED & LOCKED IN.

Resolution No. 35—2019-20 – Legislative/Audit & Human Resources Committee. Approve Administrative Rule AR-19-02 which amends the County Employee Handbook with adjustments and clarifying language in several areas as well as the addition of a Whistleblower Protection Policy section as rule number AR-19-02, replacing AR-19-01, as noted on the attachments.

Resolution No. 35 was held in committee; see Establish Order of the Day.

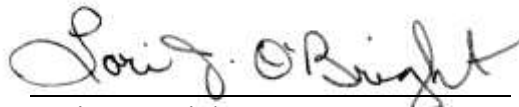
REPORTS

Chairperson Nooyen reported that a second meeting will not be held in July unless business occurs that requires the meeting. A cancellation notice will be sent from the County Clerk.

ADJOURNMENT

Supervisor Buchman moved, seconded by Supervisor Peterson, to adjourn until August 13, 2019, at 7:00 p.m., unless a second meeting in July is necessary (July 23, 2019, 7:00 p.m.). VOICE  
VOTE CARRIED UNANIMOUSLY.

The meeting adjourned at 8:25 p.m.

  
Lori J. O'Bright