

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

Office of the County Clerk, June 9, 2020.

The Board met for the ANNUAL REORGANIZATION MEETING, pursuant to Section 59.11 (1) (c), Wisconsin Statutes, and was called to order by County Clerk Lori O'Bright at 7:00 p.m. in the Government Center Meeting Room 2A-D, located at 320 South Walnut Street, Appleton, Wisconsin.

ROLL CALL: 34 present, 2 absent. Members present: Thompson, Miller, Renteria, Patience, Gabrielson, Konetzke, Hammen, N. Thyssen, Lamers, Fallona, McCabe, Wegand, J. Thyssen, Peterson, Schroeder, Croatt, Spears, Marcks, Thomas, T. Thyssen, Hagen, Klemp, Iverson, Nooyen, Davidson, Culbertson, Monfils, Buchman, Woodzicka, Clegg, O'Connor-Schevers, Rettler, Melchert, and Suprise. Member absent: Krueger and VanderHeiden.

County Clerk O'Bright requested the Board's confirmation to excuse Supervisors Krueger and VanderHeiden. No objections; so ordered.

The Pledge of Allegiance was led by County Clerk O'Bright.

VOTING EQUIPMENT TUTORIAL - County Clerk Lori O'Bright

Clerk O'Bright explained the version/status of the current software/equipment. Deputy Clerk Jeff King explained for the newer supervisors how the equipment is used.

MINUTES OF THE MAY 26, 2020 COUNTY BOARD MEETING

Supervisor T. Thyssen moved, seconded by Supervisor Croatt, to approve the minutes of the May 26, 2020, County Board meeting.

ROLL CALL: 34 aye, 2 absent. **MINUTES OF THE MAY 26, 2020, BOARD MEETING ARE APPROVED.**

ELECTION OF COUNTY BOARD CHAIRPERSON

County Clerk O'Bright appointed the following three supervisors as tellers:

Joy Hagen
Katrin Patience
Curt Konetzke

County Clerk O'Bright requested nominations for County Board Chairperson.

Supervisor Thomas nominated Supervisor Nooyen.

Supervisor Culbertson moved, seconded by Supervisor Marcks, to close nominations.

County Clerk O'Bright asked three times if there were any more nominations. None were given.

VOICE VOTE CARRIED UNANIMOUSLY TO CLOSE NOMINATIONS.

Supervisor Culbertson moved, seconded by Supervisor Spears, to vote by unanimous consent for confirmation of Supervisor Jeff Nooyen as County Board Chair.

VOICE VOTE CARRIED UNANIMOUSLY. SUPERVISOR NOOYEN IS ELECTED COUNTY BOARD CHAIRPERSON FOR A TWO-YEAR TERM.

Supervisor Nooyen assumed his duties as board chairperson. Chairperson Nooyen thanked the supervisors for their support. A round of applause was given.

Chairperson Nooyen requested the newly elected supervisors to stand and be recognized. Supervisors Fallon, McCabe, Jeremy Thyssen, and Yvonne Monfils stood and were recognized by a round of applause.

ELECTION OF COUNTY BOARD VICE CHAIRPERSON & REMAINING ORGANIZATIONAL AGENDA ITEMS

ELECTION OF COUNTY BOARD VICE-CHAIRPERSON FOR A TWO-YEAR TERM

Chairperson Nooyen requested nominations for County Board Vice-Chairperson.

Supervisor Croatt nominated Supervisor Pete Marcks.
Supervisor Davidson nominated Supervisor T. Thyssen.
Supervisor Surprise nominated Supervisor Thomas

Chairperson Nooyen asked three times if there were any more nominations. None were given and the nominations for vice-chairperson were closed.

A hand ballot was voted and read by the tellers.

VOTE: 16-Marcks, 13-T. Thyssen, 5-Thomas.

Corporation Counsel Guidote noted that a majority vote is necessary for the vote. The majority is of those present. 18 votes are necessary.

A hand ballot was voted and read by the tellers.

VOTE: 17-Marcks, 17-T. Thyssen.

A hand ballot was voted and read by the tellers.

VOTE: 17-Marcks, 17-T. Thyssen.

Corporation Counsel suggested breaking the tie with a coin toss. A coin toss was utilized to break the tie. Supervisor Travis Thyssen won the coin toss.

SUPERVISOR TRAVIS THYSEN IS ELECTED COUNTY BOARD VICE-CHAIRPERSON FOR A TWO-YEAR TERM.

ELECTION OF COMMITTEE ON APPOINTMENTS (FIVE MEMBER COMMITTEE)

Chairperson Nooyen reported that none of the former supervisors, who at the previous reorganization were appointed to the Committee on Appointments, can be nominated. In 2018, members elected to the Committee on Appointments included Supervisors Hagen, T. Thyssen, and Thomas (former supervisors were the additional members). Also, members are only allowed to nominate one person per Board rules.

Chairperson Nooyen requested nominations for Committee on Appointments.

Supervisor Gabrielson nominated Supervisor Patience.

Supervisor Hammen nominated Supervisor Culbertson.

Supervisor Marcks nominated Supervisor Croatt.

Supervisor T. Thyssen nominated Supervisor Schroeder.

Supervisor Thomas nominated Supervisor Surprise.

Supervisor Miller nominated Supervisor Iverson.

Supervisor Iverson nominated Supervisor Gabrielson.

VOTE: 22-Patience, 29-Culbertson, 22-Croatt, 15-Schroeder, 18-Suprise, 21-Iverson, 28-Gabrielson. **CULBERTSON, GABRIELSON, PATIENCE, CROATT, AND IVERSON ELECTED TO COMMITTEE ON APPOINTMENTS.**

ADOPTION OF THE ROBERT'S RULES OF ORDER, THE MODERN 11TH EDITION

Supervisor Croatt moved, seconded by Supervisor Buchman for adoption of the Robert's Rules of Order, the Modern 11th Edition.

VOICE VOTE CARRIED UNANIMOUSLY. ROBERT'S RULES OF ORDER ARE ADOPTED.

ADOPTION OF 2020-22 COUNTY BOARD RULES AND PROCEDURES (OUTAGAMIE COUNTY CODE-CHAPTER 2, ARTICLE II, III, IV)

Supervisor Miller moved, seconded by Supervisor Klemp, for adoption of the 2020-21 County Board Rules and Procedures.

VOICE VOTE CARRIED UNANIMOUSLY. 2020-21 COUNTY BOARD RULES AND PROCEDURES ARE ADOPTED.

SPECIAL ORDER OF BUSINESS

Corporation Counsel (CC) Joe Guidote - Overview of parliamentary procedure, open meetings law, and the role of administration / county board.

Corporation Counsel Joe Guidote reported handouts were provided that included information on his topics. The Roles and Responsibilities handout was provided by WCA.

CC Guidote reported:

Parliamentary Procedures:

- Legislation - Resolution/ordinances and motions/requests may be made by an individual supervisor or committee to make a decision on county government. Typically, legislation is written in the form of a resolution/ordinance to provide a better understanding of the intent and to provide specificity for open meeting requirements.
- Moving Action to Floor - At meetings, a supervisor will make a motion to adopt the resolution/ordinance and someone seconds. Then the item is up for debate.
- Requests to Speak - Each supervisor may speak twice on the resolution/ordinance, unless there are subsidiary motions (amendments) in which case a supervisor may speak twice on the subsidiary motion. Then, supervisors may speak twice of the main resolution as amended.
- Vote Requirements - Every resolution will have a vote requirement. Most require a majority vote. Exceptions that require more votes includes budget changes and changes to the Table of Organization (2/3 majority of members elect). Veto overrides also require 2/3 vote, which is 24 votes of the 36 supervisors. Sole sourcing vendors for public works (normally, public works are bid and then the lowest responsible bidder would be awarded the project), require 3/4 majority (27 votes). Most common sole source is for the County Highway Department to do work for another county department.
- Reconsideration Motions – A motion to reconsider an action allows that action to be completed quickly. The reason for these motions is that an item passed at a meeting survives to the next meeting. Anyone who voted on the prevailing side could reconsider the action. Often, projects at the Airport require reconsideration in order to proceed with the work. If an action is locked in, the action could not be brought up again and administration can proceed with the requirements of that action.

During Q&A, discussion took place that an individual supervisor can sponsor a resolution. Before a supervisor brings a resolution to the Board, the resolution must first go before a standing committee. If the committee denies it, then the individual supervisor can bring it forward to the Board floor.

Roles:

- Forms - County government has three different forms of government: county executive, county administrator or county administrative coordinator. In Outagamie County (OC), the county executive administers and the county board decides policy.

- Budget - One of the largest county responsibilities is the budget. The county executive prepares a budget and presents it to the board. The County Board as a whole considers the budget and passes it or amends it and then passes it. The executive meets with various departments during budget review. The chair of the committee of jurisdiction is invited to attend. The county executive will review the budget with the HR Director and Finance Director to review position requests and other budgetary items. When all decisions are made administratively, the budget is then printed and forwarded to the county board. The Finance Committee will then review the entire budget and make their proposed amendments.
- Administration/Policy/Negotiations - The county executive also hires administrators and carries out the policy of the county board. Negotiation is viewed as an administrative task. An example includes negotiations for labor contracts. Administration negotiations with the labor union through the HR department. That contract will then be presented to the Legislative/Audit HR Committee and make a recommendation to the county board for final consideration. If the committee or county board rejects the contract, the contract would then return to administration for further negotiation.
- Plans - The county board will also review large plans for approval. Once approved, the county executive is responsible to provide necessary resources (labor and budget) to carry out those plans.
- Judicial Branch - The third branch of county government is the judicial branch. In OC, there are seven circuit judges, who are elected. While they have statutory autonomy, their budget is approved by the county executive and county board.
- Individual Supervisor Role - As individual supervisors, your role is to participate in committees. Committees do all the research and formulate a recommendation to the county board. The county board is the final authority for approval/denial.
- County Staff Communication - County staff are managed by department heads. Due to past issues, supervisor interaction with department heads/individual employees has been managed by requests going to the committee of jurisdiction. The committee will then make those requests known to the county executive.

Open Meetings Law

- Open Meeting Presumption - Staff oversee issues relative to open meetings law. Members were reminded that all meetings are generally presumed to be open.
- Closed Sessions - Statutes allow for several particular areas to be closed. Examples include disciplinary items for public employees, contract negotiations, and consulting with legal counsel for pending legal matters. The language to allow the closed session must be provided on the agenda. The meeting will be opened as an open meeting. When getting into closed session, the chair will read out the notice/statutory reference and a roll call will be taken. Additionally, a roll call vote will be taken to go out of closed session. Once in closed session, supervisors may talk freely on the subject. Minutes do not need to be taken. The committee chair can determine who is allowed in closed session. County board members cannot be kept out of closed session (even if you are not a member of the standing committee). Once out of closed session, as a committee member

you must understand the purpose of the closed session and keep the information confidential.

- Closed Session Obligation – Supervisors should know the specific topic that was noticed and that should be discussed. Members were encouraged that if they felt the notice was not done properly or items discussed in closed session were not pertinent to the notice, they have an obligation to walk out of that session or could ask that the meeting be stopped.
- Walking quorums – a quorum is a majority of committee or sufficient numbers to determine an action by the committee. A quorum of the committee of 5 is 3 members. Therefore, three members should not be getting together outside of a committee and discuss county business. The public has a right to know what a committee is meeting about. While it could be easy to gather together after a board meeting, supervisors were warned not to gather and discuss business. A walking quorum is when individuals are not meeting physically together, but one member calls a second member who then calls a third. A subset of quorum is a negative quorum. If something requires a super majority (4 out of 5) to move the action to the board, it would only take two members to defeat the action. If the two members talked to defeat the measure, they would be a negative quorum.

Public records law

- Records/Maintenance - Supervisors are subject to maintain their records (generally for a period of 7 years). A record can be paper, social media post, email, or audio recording. If the record pertains to county business, the record must be maintained so that it can be produced for an open records request.
- Email Usage – Because of the above, supervisors were encouraged to only utilize their county email for county communication. Losing a record is not an excuse in law for not producing the record. Therefore, it is important to have a real time backup, which is provided by the county for the county emails.

CC Guidote reported that supervisors were free to call on the Corporation Counsel office. Either CC Guidote or Deputy CC Kyle Sargent are well versed in the above topics and will respond quickly to questions.

RECESS TO MEETINGS OF THE STANDING COMMITTEES TO DETERMINE COMMITTEE STRUCTURE, MEETING DAYS AND TIME

Committee on Appointments met for recommending standing committee appointments. Chairperson Nooyen called a recess at 7:58 p.m. for the Committee of Appointments to meet.

BOARD OF SUPERVISORS RECONVENES

The Board of Supervisors reconvened at 8:55 p.m.

Chairperson Nooyen reported the recommended standing committee appointments were agreeable to him and confirmed. A list of appointments was placed on the desks; the following notes order of chair, vice chair, secretary as later approved within each committee:

<u>Agriculture, Extension Education, Zoning & Land Conservation</u>	<u>Health and Human Services</u>	<u>Legislative/Audit and Human Resources</u>
Daniel Rettler	Dan Gabrielson	Travis Thyssen
Keith Surprise	Justin Krueger	Cathy Spears
Daniel Melchert	Jeffrey McCabe	Curt Konetzke
Debbie VanderHeiden	Cathy Thompson	Cindy Fallon
BJ O'Connor-Schevers	Kelly Schroeder	Mike Woodzicka
<u>Finance</u>	<u>Highway, Recycling & Solid Waste</u>	<u>Property, Airport, Recreation & Economic Development</u>
Nadine Miller	Bob Buchman	Dean Culbertson
Mike Thomas	Dennis Clegg	Ronald Klemp
Chris Croatt	Brian Peterson	Lee Hammen
Pete Marcks	Joy Hagen	Jason Wegand
Jerry Iverson	Jeremy Thyssen	Yvonne Monfils
<u>Public Safety</u>		
Katrin Patience		
Dominic Renteria		
Nick Thyssen		
Eric Davidson		
Christine Lamers		

The County Board recessed to each individual committee at 9:05 p.m. in order to elect their committee officers and determine a date/time for meeting. The Board reconvened at 9:20 p.m.

CONFIRMATION OF COMMITTEE APPOINTMENTS FOR A ONE YEAR TERM

Supervisor Konetzke moved, seconded by Supervisor Wegand, to confirm the standing committee appointments for a one year term.

VOICE VOTE CARRIED UNANIMOUSLY. APPOINTMENTS TO THE STANDING COMMITTEES ARE CONFIRMED.

ESTABLISH ORDER OF THE DAY

Chairperson Nooyen noted that Resolution No. Z-9-2020-21 is being withdrawn. No objection; so ordered. RESOLUTION NO. Z-9-2020-21 IS WITHDRAWN.

COMMUNICATIONS

Communication Referral List (provided in the packet)

Chairperson Nooyen reported the following was placed on supervisor desks:

- Pay Schedule
- Seating Chart

Chairperson Nooyen made the following announcements:

- Supervisors who need additional tutorial/assistance with their iPads should work with either Supervisor Dan Gabrielson or Sara Hickey. A GoToMeeting App can be downloaded on the iPads to assist with the virtual meetings.
- Hand sanitizer provided at the meeting was to be left on desks for future use.
- Adjournment would be organized with the back row leaving and then subsequent rows leaving in order. Supervisors were encouraged to leave the meeting quickly and maintain social distancing.
- Condolences were extended to Supervisor VanderHeiden, whose sister passed yesterday.
- Legislative Services was thanked for putting together the meeting in this meeting room.
- Upcoming meetings would be going back to virtual meetings for safety. The Committee Chairs agreed that both the county board and committee meetings should be held virtually. The continued virtual meeting process will be analyzed on a month-by-month basis.

APPOINTMENTS

County Executive Nelson nomination of appointment of Natalie Vandeveld as County Public Health Officer for the duration of her employment with the County's Public Health Division.

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

ROLL CALL: 34 aye, 2 absent. APPOINTMENT OF NATALIE VANDEVELD AS COUNTY PUBLIC HEALTH OFFICER IS CONFIRMED.

UNFINISHED BUSINESS - None

NEW BUSINESS

Resolution No. Z-6—2020-21 – County Board. Approve the rezoning request for Adam Mader & Heather L Reece for parcel 110079409, totaling 5.11 acres, from AGD General Agriculture District to R-1 Single Family Residential District in the Town of Greenville, as noted on the attachments.

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

ROLL CALL: 34 aye, 2 absent. RESOLUTION NO. Z-6—2020-21 IS ADOPTED.

Resolution No. Z-7—2020-21 – County Board. Approve the rezoning request by John Davel, Davel Engineering, agent for Neubert Road, LLC, owner, for parcels 110352600, 110352700, 110352800 and 110352900 (Greenville Crossing Lots 5, 6, 7, and 8), totaling 11.31 acres, from Business Park to Industrial in the Town of Greenville, as noted on the attachments.

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

ROLL CALL: 34 aye, 2 absent. RESOLUTION NO. Z-7—2020-21 IS ADOPTED.

Resolution No. Z-8—2020-21 – County Board. Approve the rezoning request for David M Olson & Janice M Olson for parcel 110107908 (Lot 2 of CSM 7758), totaling 1 acre, from General Agriculture to R-1 Single Family Residential in the Town of Greenville, as noted on the attachments.

Supervisor O'Connor-Schevers moved, seconded by Supervisor Suprise, for adoption.

ROLL CALL: 34 aye, 2 absent. RESOLUTION NO. Z-8—2020-21 IS ADOPTED.

Supervisor Rettler moved, seconded by Supervisor Surprise, to reconsider Resolution Nos. Z-6, Z-7, and Z-8 for the purpose of lock in.

ROLL CALL to reconsider: 34 aye, 2 absent. RESOLUTION NOS. Z-6, Z-7, Z-8—2020-21 ARE RECONSIDERED.

ROLL CALL to adopt & lock in: 34 aye, 2 absent. RESOLUTION NOS. Z-6, Z-7, Z-8—2020-21 ARE ADOPTED & LOCKED IN.

APPOINTMENTS-continued

Supervisor Iverson moved, seconded by Supervisor T. Thyssen, to reconsider the appointments of Natalie Vandeveld for Public Health Director. VOICE VOTE CARRIED UNANIMOUSLY.

VOICE VOTE CARRIED UNANIMOUSLY TO RECONFIRM THE APPOINTMENT.
APPOINTMENT OF NATALIE VANDEVELD FOR PUBLI HEALTH DIRECTOR IS RECONFIRMED AND LOCKED IN.

Resolution No. Z-9—2020-21 – County Board. Approve denial for the rezoning petition request, as outlined in the attached committee recommendation report, for Jennifer A. DeZeeuw, parcel 060132400 (Lot 15 Windsong Subdivision), 3.49 acres, from RSF Single Family Residential to AGD General Agriculture District in the Town of Dale, as noted on the attachments.

This resolution was withdrawn; see Establish Order of the Day.

Resolution No. 16—2020-21 – County Board. Approve the cost center transfers of \$4,500 from the Extension-Outagamie County Department Purchased Services to the Maintenance Department County Property Purchased Services for the construction of built-in cabinetry for the Extension-Outagamie County Department, as noted on the attachment.

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

ROLL CALL: 34 aye, 2 absent. RESOLUTION NO. 16—2020-21 IS ADOPTED.

Resolution No. 17—2020-21 – County Board. Approve the Highway Commissioner entering into a State Municipal Agreement for CTH Z from CTH ZZ to Outagamie County Road project and authorize funding for the county share of the project costs to be included in future budgets, as noted on the attachments.

Supervisor Buchman moved, seconded by Supervisor Peterson, for adoption.

ROLL CALL: 34 aye, 2 absent. RESOLUTION NO. 17—2020-21 IS ADOPTED.

Resolution No. 18—2020-21 – County Board. Approve the County Highway Commissioner entering into a State Municipal Agreement for CTH N from CTH KK to CTH CE project and authorize funding for the county share of the project costs to be included in future budgets, as noted on the attachments.

Supervisor Peterson moved, seconded by Supervisor McCabe, for adoption.

ROLL CALL: 34 aye, 2 absent. RESOLUTION NO. 18—2020-21 IS ADOPTED.

Resolution No. 19—2020-21 – County Board. Approve the Third Addendum to the Lease Agreement with Kimberly-Clark Global Sales, LLC, a Wisconsin Corporation and adjustments to the following Airport cost centers: Rental Properties KC Grounds Maintenance decrease \$2,700 and Terminal Fund Balance Applied increase \$2,700, as noted on the attachments.

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

ROLL CALL: 34 aye, 2 absent. RESOLUTION NO. 19—2020-21 IS ADOPTED.

Resolution No. 20—2020-21 – County Board. Approve the Airport Public Safety Training Rate Range of \$300 to \$1,000 per person and the cost centers transfer \$1,500 from the Appleton International Airport Terminal Fund Balance Applied to the Appleton International Airport Public Safety Charges for Services, as noted on the attachment.

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

ROLL CALL: 34 aye, 2 absent. RESOLUTION NO. 20—2020-21 IS ADOPTED.

Resolution No. 21—2020-21 – County Board. Authorize We Energies an easement for the area described as a strip of land twelve feet in width for parcel 110090500 in the Town of Greenville, as noted on the attachments.

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

ROLL CALL: 33 aye, 1 abstain, 2 absent. RESOLUTION NO. 21—2020-21 IS ADOPTED.

Resolution No. 22—2020-21 – County Board. Approve the creation of a Comprehensive Outdoor Recreation Plan Advisory Committee consisting of nine members, as noted on the resolution, to oversee, advise and make recommendations on the development of the update to the Comprehensive Outdoor Recreation Plan, including matters related to public and stakeholder participation.

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

ROLL CALL: 34 aye, 2 absent. RESOLUTION NO. 22—2020-21 IS ADOPTED.

Resolution No. 23—2020-21 – County Board. Approve the appointment of the County Sheriff as the Head of Emergency Management for the County as noted in the attached Letter of Understanding and adopt the changes to the County's Table of Organization as noted on the attached table.

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

Supervisor Spears moved, seconded by Supervisor Iverson, to amend Resolution No. 23 as placed on the desks and follows: Line 3 after the word "welfare" add ", on an interim basis, "; line 10 insert "Interim" before the word "Head"; line 11 after "County" add ", pending further County Board consideration of the County Executive's proposed permanent appointment" strike "until" add "on July 14, 2020." After that

word, strike the remaining explanatory language. On page 2, add “Interim” before the word “Head on line 3 and add after the word “County” “until July 14, 2020. Strike the remainder of the sentence except the word “and” and the next resolve clause. The back page is removed (pages 3 & 4).

ROLL CALL: 34 aye, 2 absent. AMENDMENT CARRIED.

ROLL CALL: 34 aye, 2 absent. RESOLUTION NO. 23—2020-21 IS ADOPTED AS AMENDED.

Supervisor T. Thyssen moved, seconded by Supervisor Spears, to reconsider Resolution No. 23 for the purpose of lock in.

ROLL CALL to reconsider: 34 aye, 2 absent. RESOLUTION NO. 23—2020-21 IS RECONSIDERED.

ROLL CALL to adopt & lock in: 34 aye, 2 absent. RESOLUTION NO. 23—2020-21 IS ADOPTED AS AMENDED & LOCKED IN.

REPORTS

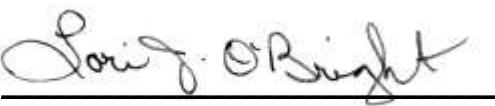
Chairperson Nooyen reported that the next meetings would be held virtually for safety until further notice as the health concerns remain.

ADJOURNMENT

Supervisor N. Thyssen moved, seconded by Supervisor Patience, to adjourn until July 14, 2020, at 7:00 p.m. (unless a meeting is declared by the Board Chairperson).

VOICE VOTE CARRIED UNANIMOUSLY.

The meeting adjourned at 9:50 p.m.



Lori J. O'Bright, County Clerk