

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

Office of the County Clerk, February 12, 2013

The Board met pursuant to adjournment and was called to order by Chairperson Schuette at 6:30 p.m. in the County Board Room, located in the City Center East, 122 East College Avenue, Appleton, WI.

ROLL CALL: 33 present, 3 absent. Members present: Rabec, Nagler, Schmidt, Patience, Iverson, Mahan, Hammen, Krueger, Trentlage, Karl, L. DeGroot, Van Asten, D. De Groot, Groat, Gosse, Stueck, Thomas, Thyssen, Hagen, Hofacker, Pleuss, Nooyen, Duncan, Culbertson, Sturn, Buchman, Griesbach, Thern, Rahmlow, Austin, Rettler, Schuette, Anthony. Members absent: Mc Daniel, VandenHeuvel, Lemanski.

Board Chairperson Schuette requested the Board's confirmation to excuse Supervisors McDaniel, VandenHeuvel, and Lemanski. No objections; so ordered.

The Pledge of Allegiance was offered by Chairperson Schuette.

MINUTES OF JANUARY 22, 2013

Supervisor Nooyen moved, seconded by Supervisor Stueck, to approve the minutes of the January 22, 2013, County Board meeting.

ROLL CALL: 34 aye, 1 abstain, 1 absent. MINUTES OF THE JANUARY 22, 2013, BOARD MEETING ARE APPROVED.

Board Chairperson Schuette requested a roll call of those supervisors who parked in the parking ramp.

ROLL CALL for parking: 25 aye, 8 nay, 3 absent.

SPECIAL ORDER OF BUSINESS - None

ESTABLISH ORDER OF THE DAY

Supervisor Schmidt requested to hold in committee the appointments to the East Central Regional Planning Commission. No objection; so ordered

Supervisor Mahan requested to hold in committee Resolution No. 121—2012-2013. No objection; so ordered

Supervisor D. De Groot requested to hold in committee Resolution No. 123—2012-2013. No objection; so ordered

Supervisor Duncan requested to hold in committee Resolution No. 120—2012-2013. No objection; so ordered

Resolution No. 125—2012-2013 – Listed under New Business. This resolution was submitted to Corporation Counsel and County Clerk after the Board Rule requirements for inclusion into the packet (Rule 7). A suspension of the rules was necessary for action. (See New Business – suspension done by unanimous consent).

COMMUNICATIONS

- Communications Referral List – Included in packet mailing
- Letter from Nicole Schoultz, Buyer, concerning the sale of County personal property

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

APPOINTMENTS

A letter was received from County Executive Thomas Nelson recommending the re-appointment of Mr. John Breitzman and the appointment of Mr. Michael Weaver to serve on the Veterans Service Commission, said terms expiring December 2015 and December 2014, respectively.

Supervisor Pleuss moved, seconded by Supervisor Mahan, for approval of the re-appointment and appointment as listed above.

ROLL CALL: 33 aye, 3 absent. RE-APPOINTMENT OF JOHN BREITZMAN AND APPOINTMENT OF MICHAEL WEAVER TO THE VETERANS SERVICE COMMISSION ARE APPROVED.

A letter was received from County Executive Thomas Nelson recommending the appointment of Ms. Susan Draves to serve on the Local Emergency Planning Committee (LEPC) as the Print Media Representative, said term expiring June 2015.

Supervisor Trentlage moved, seconded by Supervisor Krueger, for approval of the appointment as listed above.

ROLL CALL: 33 aye, 3 absent. APPOINTMENT OF SUSAN DRAVES TO THE LOCAL EMERGENCY PLANNING COMMITTEE IS APPROVED.

A letter was received from County Executive Thomas Nelson recommending the following additional individuals for consideration as the gubernatorial appointee representing Outagamie County on the East Central Wisconsin Regional Planning Commission (requested from the Governor's office): Mr. Michael Potter, Mr. Brennan Haworth, Ms. Kathleen Rumsey, Mr. Richard Schoenbohm, and Mr. Ronald Tank. Mr. Paul Hirte was recommended and overwhelmingly supported for re-appointment as the gubernatorial appointee by the County Board at the October 23, 2012, meeting.

Held in committee; see Establish Order of the Day

REPORT BY THE COUNTY EXECUTIVE

County Executive Thomas Nelson congratulated the following supervisors on their birthdays February 19—Supervisor Buchman, February 25—Supervisor Pleuss. A round of applause was given. Executive Nelson reported the following:

- MIS - Work continues with Finance on finalizing the new JD Edwards Accounting System before going live later this month. Staff is also currently working to replace outdated equipment with moving floor by floor during off hours. This project is scheduled to be completed in the next two weeks.
- Sheriff - The 800 Mhz. Radio Communication Project continues to move forward with contract issues resolved and full implementation on track for later this year. There are a number of OWI legislative proposals in Madison the Sheriff is watching closely.
- Airport - Work continues with Corporation Counsel on contract language for a new hangar as well as an agreement with the Appleton Regional Partnership (formerly Ignite Fox Cities) for the Airport's \$28,000 investment. In addition, the Airport's minimum standards language has been reviewed and suggested changes will be forthcoming to the Property/Airport Committee soon.
- Clerk of Courts - Tax intercept season, which netted the County \$96,000 in the past week, is upon us. While this is a helpful tool to capture unpaid court ordered fines, fees, and restitution with State tax filings, Congress has yet to pass legislation in Washington allowing the same opportunity at the federal level.
- Maintenance - The bids for the County Board Room renovation project came in February 6. The lowest responsible bidder was Milbach Construction which came in at \$70,500. Der Meister Cabinetry will be rehabbing the supervisor desks and Gegare Tile will be handling the flooring. Adding in the cost of the new wireless audio system, the total project cost is now roughly \$140,000, which is nearly \$70,000 under the budgeted amount.
- Finance - The JD Edwards Accounting system rollout is nearly complete, following months of staff time and effort. Many thanks to all those involved from a number of departments on this major software system upgrade.
- Solid Waste - Staff is currently working closely with the DNR on all necessary requirements for reimbursing ourselves for the close-out of phase II of the East landfill. The \$1.7 million cost is already accounted for in the County East landfill Closure Trust Fund, and this process reimburses the County from that trust fund. Staff is working to get the word out to residents of the City of Appleton and City of Kaukauna, who will be converting to new recycling carts for curbside pick-up this spring.
- Health & Human Services (HHS) - Late last week, HHS received notice that Outagamie County has been awarded an \$80,000 Wisconsin Office of Justice Assistance Problem Solving Courts grant for the drug treatment court. Executive Nelson thanked and applauded those who worked on securing the funding.
- County Clerk - A reminder was given regarding the primary election on February 19. Copies of the election notice were available for supervisors and published in the Post Crescent

February 18. On the ballot: Statewide race for Supreme Court Justice, Village of Little Chute Village President, School Board races in Appleton, Pulaski, and Wrightstown, and the Village of Hortonville referendum for \$2.895 million for a municipal complex (library, police department, court, administrative offices and necessary common space). In addition to the Supreme Court Justice race, more local offices will be on the ballot for the April 2 Spring General Election that did not have primaries.

- Volunteer in Offender Services (VIOS) – Supervisors were alerted that the 2012 Year End Report from VIOS would be out mid-March. The following highlights were reported:
 - Education - Education of county jail lock up: 273 inmates took the GED/HSED tests resulting in a 94.5% passing rate
 - SSTOP (Safe Streets Treatment Option Program) - 160 participants in 2012 resulting in 5,600 bed days saved or \$336,000 in savings
 - Day Report Center - 2012 Day Report Center GPS Clients served 122 with 97% success rate and Jail Bed Days Saved 4,952 or a savings of \$297,120; Day Report Center weekly reporting: Total clients served 188 and Jail Bed Days Saved 2,632 or a savings of \$157,920
- Lean Project Reports – A reminder was given to supervisors on a Lean Project Reports meeting scheduled February 13 at 8:00 a.m. at the City Center with Airport and Highway staffs reporting on recent lean projects.

REPORT AND PRESENTATION OF COUNTY LOBBYIST

County Lobbyist Mark Wadium reported (website links in parenthesis):

- State Legislature – Lobbyist Wadium is reviewing the Legislature looking into the Administrative Code. The Code includes 1,764 chapters, and over 11,000 pages. This review was forwarded to the department heads. Two department heads have responded to Lobbyist Wadium. One example of reducing regulatory change includes Brewster Village's compliance with federal rules (CMS) as well as state rules. There will be multiple sessions required to review the rules to reduce and eliminate rules. Normally, rules are just added and not reduced. Lobbyist Wadium will continue monitor and report progress.
- Proposed Legislation including OWI Bills – OWI Bills introduced last session had a fiscal estimate of approximately \$10 million. The legislators involved in introducing the bills are uncertain whether the fiscal estimates are accurate or whether the agencies involved did not want to deal with the requirement in the proposed bills. Lobbyist Wadium will continue to monitor and report. Following is a listing:
 - LRB 0615/1: municipal court fees. *Deadline Jan. 31.* Rep. Thiesfeldt
 - LRB 0623/1: recounting votes by hand during a recount. *Deadline Feb. 7.* Rep. Bernier and Sen. Gudex
 - LRB 0725 - Tax Credit for hospitality business advertising. *Deadline Feb. 14.* Rep. Bies & Sen. Kedzie
 - LRB 0621/1: funding post-retirement health care benefits of local gov. employees. *Deadline Feb. 7.* Rep. Thiesfeldt and Sen. Vukmir
 - LRB-0172/1: the restoration of information from an original birth certificate after adoption. *Deadline Feb. 1.* Reps. Larson and Milroy
 - LRB-0727/1. Mandatory court appearance for OWI. *Deadline: Feb. 21, 5 p.m.* Rep. J Ott.

- LRB-0728/2. OWI Criminal misdemeanor first offense high BAC. *Deadline: Feb. 21, 5 p.m.* Rep. J Ott.
- LRB-0729/1. Mandatory minimum for injury while OWI. *Deadline: Feb. 21, 5 p.m.* Rep. J. Ott.
- LRB-0730/1. Mandatory minimum for fatality while OWI. *Deadline: Feb. 21, 5 p.m.* Rep. J Ott.
- LRB-0731/2. Makes third OWI a felony. *Deadline: Feb. 21, 5 p.m.* Rep. J. Ott.
- LRB-0732/2. Option for vehicle seizure at third OWI. *Deadline: Feb. 21, 5 p.m.* Rep. J Ott.
- LRB-0136/1. Prohibits adult hosting of underage drinking parties. *Deadline: Feb. 25, 5 p.m.* Reps. Jacque & Bernard Schaber
- LRB-0138/1. Civil penalties for alcoholic beverage violations by underage persons on licensed premises. *Deadline: Feb. 25, 5 p.m.* Rep. Jacque
- Assembly Update – Lobbyist Wadium reported that the Assembly adopted AJR.2 (<https://docs.legis.wisconsin.gov/2013/proposals/ajr2>), which creates a Dept. of Transportation segregated fund. This is the second consideration. The Senate has had a hearing on it. Lobbyist Wadium registered the county on both versions as there is a position on the fund. Lobbyist Wadium estimates a statewide referendum will be before voters in the near future as it requires a constitutional amendment.
- Joint Legislative Council – The council will be reviewing three special committees completed work including the 911 Communication (http://legis.wisconsin.gov/lc/publications/lcr/LCR_13_07.pdf), Legal Interventions for Persons with Alzheimer’s Disease & Related Dementias (http://legis.wisconsin.gov/lc/publications/prl/LCR_13_08.pdf), Permanency for Young Children in the Child Welfare System (http://legis.wisconsin.gov/lc/publications/lcr/LCR_13_06.pdf), and the State-Tribal Relations (http://legis.wisconsin.gov/lc/publications/lcr/LCR_13_09.pdf). Lobbyist Wadium will be monitoring the committee’s recommendations. When recommendations are converted to legislation, he will pass that information on for review.

A question and answer period followed. Discussion took place on Lobbyist Wadium’s representing the county on the hearings for administrative review (Res. #116—2003-04) and OWI proposed legislation impacts to incarceration rates.

UNFINISHED BUSINESS

Resolution No. 120—2012-2013 – Public Safety Committee. Authorize the Outagamie County Lobbyist to request the state legislature re-examine Wisconsin State Statute 968.255 regarding strip searches and to clarify the language contained therein in light of the recent U.S. Supreme Court decision in *Florence v. Board of Chosen Freeholders of the County of Burlington*, April 2012, and to consider permitting strip searches of newly incarcerated inmates who have been taken into custody on existing warrants, probation holds or who are returning from work release instead of restricting those searches to persons newly arrested for felonies or certain misdemeanors.

At the January 22, 2013 meeting, Supervisor Pleuss moved, seconded by Supervisor Schmidt, to

refer Resolution 120—2012-2013 to the Legislative/Audit and Human Resources Committee for review. ROLL CALL on referral: 33 aye, 2 nay, 1 absent. RESOLUTION NO. 120—2012-2013 WAS REFERRED TO THE LEGISLATIVE/AUDIT AND HUMAN RESOURCES COMMITTEE.

Held in committee; see Establish Order of the Day.

Resolution No. 121—2012-2013 – Legislative/Audit & Human Resources Committee. Approve Administrative Rule No. 13-01 Union Interim Personnel Policy regarding AFSCME Local 980 (Brewster Village); AFSCME Local 455 (Highway & Solid Waste); Justice Center Association (Jail & Emergency Management); AFSCME Local 2416 (Professional Employees); and AFSCME Local 2046 (General Employees).

At the January 22, 2013 meeting, Supervisor Griesbach requested that Resolution 121—2012-2013 be held in committee. No objections; so ordered.

Held in committee; see Establish Order of the Day.

NEW BUSINESS

Resolution No. Z-7—2012-2013 – Agriculture, Extension Education, Zoning, & Land Conservation Committee. Approve a proposed rezoning change for DGI Freedom, LLC from General Agriculture District to Local Commercial District. The 2.48 acres is located approximately 2,000 feet south of the intersection of State Trunk Highway (STH) 55 and County Trunk Highway E on the west side of STH 55 in the Town of Freedom.

Supervisor Anthony moved, seconded by Supervisor Rahmlow, for adoption

ROLL CALL: 33 aye, 3 absent. RESOLUTION NO. Z-7—2012-2013 IS ADOPTED.

Resolution No. Z-8—2012-2013 – Agriculture, Extension Education, Zoning, & Land Conservation Committee. Approve a proposed text amendment which is an addition to Chapter 535 in the Town of Grand Chute Municipal Code regarding billboards and off-premises advertising signs. The Town of Grand Chute is in the process of providing for new regulations governing billboards and off-premises advertising signs. Grand Chute Municipal Code Chapter 535-114 states that for every new digital sign installation, the Town is requiring the removal of a minimum of two static signs, and all signs (static and digital) are required to have a permit for installation or removal and must meet Town standards.

Supervisor Anthony moved, seconded by Supervisor Nooyen, for adoption

ROLL CALL: 32 aye, 1 nay, 3 absent. RESOLUTION NO. Z-8—2012-2013 IS ADOPTED.

Resolution No. 122—2012-2013 – Legislative/Audit & Human Resources Committee. This resolution opposes any proposal which gives the State Legislature the ability to dictate the amount of local property tax dollars spent on a specific county department.

Supervisor Mahan moved, seconded by Supervisor Stueck, for adoption

ROLL CALL: 32 aye, 1 nay, 3 absent. RESOLUTION NO. 122—2012-2013 IS ADOPTED.

Resolution No. 123—2012-2013 – Highway and Solid Waste Committee. The County Board requests on behalf of the counties of Winnebago, Calumet and Outagamie the restoration of the proposed schedule and funding to continue to progress the reconstruction for the US 10/Wisconsin 441 project as planned by the Department of Transportation.

Held in committee; see Establish Order of the Day.

Resolution No. 124—2012-2013 – Finance Committee. Approve the request for a transfer of \$25,000 from the Contingency Fund to the History Museum Fund as noted on the attached fiscal note.

Supervisor Nagler moved, seconded by Supervisor Groat, for adoption

ROLL CALL: 30 aye, 3 nay, 3 absent. RESOLUTION NO. 124—2012-2013 IS ADOPTED.

Resolution No. 125—2012-2013 – Property, Airport, Recreation & Economic Development Corporation. Authorize granting WE Energies a 12 foot wide distribution easement, being a part of the Southeast Quarter of the Southeast Quarter of Section 20, Township 21 North, Range 17 East, Town of Grand Chute as noted on the attached; as well as a gas main distribution easement part of Lot 1, Certified Survey No. 3407 as noted on the attached.

Supervisor Schuette requested unanimous consent for suspension of the rules to allow action on the resolution due to the timing requirement of the resolution for submission to Corporation Counsel and County Clerk. No objection; so ordered.

Supervisor Culbertson moved, seconded by Supervisor Thyssen, for adoption

ROLL CALL: 31 aye, 1 nay, 1 abstain, 3 absent. RESOLUTION NO. 125—2012-2013 IS ADOPTED.

Supervisor Thyssen moved, seconded by Supervisor Krueger, to reconsider Resolution No. 125—2012-2013 for the purpose to lock in the resolution.


ROLL CALL for reconsideration: 30 aye, 3 nay, 3 absent. RESOLUTION NO. 125—2012-2013 IS RECONSIDERED

ROLL CALL to adopt and lock in: 29 aye, 3 nay, 1 abstain, 3 absent. RESOLUTION NO. 125—2012-2013 IS ADOPTED & LOCKED IN.

REPORTS - None

Supervisor Mahan moved, seconded by Supervisor Nagler, to adjourn until Tuesday, February 26, 2013 at 6:30 p.m. VOICE VOTE CARRIED.

The meeting adjourned at 7:15 p.m.



Lori J. O'Bright, County Clerk