

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

Office of the County Clerk, March 25, 2014.

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 at 410 South Walnut Street, Appleton, Wisconsin.

A delay in the start of business occurred due to technical difficulties with the projector. The meeting began official business at 7:05 p.m.

Board Chairperson Schuette congratulated Norman Austin on his birthday. A round of applause was given.

ROLL CALL: 31 present, 4 absent, 1 vacant. Members present: Rabec, Nagler, Schmidt, Patience, Iverson, Mahan, Krueger, Trentlage, Karl, McDaniel, DeGroot, Vanden Heuvel, Lemanski, Groat, Gosse, Stueck, Thomas, Thyssen, Paltzer, Pleuss, Nooyen, Duncan, Culbertson, Sturn, Griesbach, Thern, Rahmlow, Austin, Rettler, Schuette, Anthony. Members absent: Hammen, Van Asten, Hagen, Buchman. Member vacant: District 11.

Chairperson Schuette requested the Board's confirmation to excuse Supervisors Hammen, Van Asten, Hagen, and Buchman. No objections; so ordered

MINUTES OF MARCH 11, 2014

Supervisor Nooyen moved, seconded by Supervisor Thyssen, to approve the minutes of the March 11, 2014, County Board meeting.

ROLL CALL: 6 aye, 25 abstain, 4 absent, 1 vacant. MINUTES OF THE MARCH 11, 2014, BOARD MEETING ARE APPROVED.

SPECIAL ORDER OF BUSINESS

ESTABLISH ORDER OF THE DAY

COMMUNICATIONS

Communication Referral List listed the following:

No.	Date of Communication Received From	Subject	Referred To
1	2-12-2014      Rock County	Res. 14-2B-531, Nonpartisan Redistricting Procedure	Leg/Audit Comm.

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

APPOINTMENTS – None.REPORT BY THE COUNTY EXECUTIVE

County Executive Thomas Nelson congratulated Kathy Groat on her birthday March 25, and Norman Austin on March 27. A round of applause was given both. Executive Nelson reported the following:

- Finance - The auditors from Baker-Tilley were scheduled to conduct the annual audit over the next several weeks. The 2015 budget process is underway with the initial review of the budget process and timelines occurring.
- Human Resources - Employee enrollments in the new Short Term Disability plan were above projections. The process for departments to request new positions began the week of March 24 for the 2015 budget.
- Airport - AB 348 passed the State Assembly. This legislation advances a sales and use tax exemption for aircraft parts, maintenance, and labor that other neighboring states already enjoy, setting the stage for future economic development opportunities on the airfield. Thanks were extended to Airport Director Abe Weber, Lobbyist Mark Wadium, and the entire legislative delegation that supported the legislation. Executive Nelson was at the Airport last Friday to welcome and send off the Ashton family, for a trip to Disneyworld as part of the Make-A-Wish program. Thanks were extended to Marketing Manager Pat Tracey and the entire airport team for this special event. On March 21, Airport Director Weber accepted two awards from the American Council of Engineering Companies of Wisconsin for the design of the new FBO facility. The facility, which is the first net-zero general aviation facility in the country, garnered the 2014 Best of State Award and 2014 Engineering Excellence Grand Award. Thanks were extended to the entire project team, including Project Architect Mead & Hunt and General Contractor SMA Construction Services. The first Honor Flight was scheduled for April 3. County Board members were encouraged to contact the Airport if they would like to volunteer.
- Planning - A great turnout of local lenders and economic development professionals occurred the week of March 17 for an event to educate them about the newly created Prosperity Fund business loan program the county is offering.
- Emergency Management (EM) - The Annual Governor's Conference on Emergency Management was held March 19-20 in Appleton. The Outagamie County Local Emergency Planning Committee (LEPC), chaired by Toby Paltzer, displayed a booth at the conference, which was well received. Thanks were extended to EM staff and LEPC members. Wisconsin Disaster Fund payments totaling \$288,000 were received by several communities hard hit by last August's storms. Recipients were the Village of Hortonville, Town of Greenville, Town of Grand Chute, Village of Kimberly, Village of Combined Locks, and Town of Freedom.
- Maintenance - Several projects are on the docket for Maintenance this summer, including the Justice Center Roof replacement, painting in several areas, carpet replacement on the second level of the Justice Center, conversion of the law library to a video-courtroom in the Justice Center and installation of a back-up generator at the YFS facility.
- Brewster Village - An innovative new program designed to help those with cognitive impairments called *Music in Memory* is being launched at Brewster Village, one of several pilot sites around the state. Funded through a state grant, the research is promising regarding

the benefits of using music to engage individuals.

- County Clerk - County Clerk Lori O'Bright recently attended the County Constitutional Officers Conference and learned about marriage licenses going onto the state vital records system as well as possible election law changes. She was going to be attending an upcoming demonstration of a new Open Source voting technology that may become the new standard in the industry.
- Treasurer - Two responses to the RFP for new real estate tax software will be reviewed. This will be a major technology upgrade in the Treasurer's office this year.
- Register of Deeds - Register of Deeds Sara Van Camp also attended the County Constitutional Officer Conference and learned about death records going onto the state vital records system. Staff are preparing for a major records scanning project that will free up space and better preserve records.
- Clerk of Courts - The Clerk of Courts will be transferring many records older than 1978 to the Historical Society. This will both free up space and staff time dedicated to responding to public records requests for older records.
- Health & Human Services (HHS) - Final close out of the 2014 financials was being completed the week of March 24, with 2015 budget meetings underway in HHS. Records scanning continues in the Child Support area.
- MIS - The go live date for the Premier One Computer Aided Dispatch (CAD) system was scheduled for April 1, after which MIS staff were moving on to other projects within the county. The annual 3 year planning process for technology upgrades was to begin soon.
- Highway - The unusual depth of the frost this winter (6 – 7 feet in some areas) led to delaying seasonal weight restrictions, which were scheduled to go into effect March 26. Because of excessive frost depth under the roads, there was a potential that spring weight restrictions could stay in place longer than usual.
- Land Conservation - Executive Nelson provided welcoming remarks to the State Land & Water Conference, which was held in Appleton March 10-12. The lower Fox total maximum daily load project will continue to be a major focus, with additional grant dollars being sought.
- Zoning - Paperless, electronic inspections are now being used in the Zoning Department, saving staff time by linking the information back directly into the GIS, which the public can access via the website.
- Veterans Services - Continued success is being seen with clients of the Veterans Court. Staff was completing training and authorization to conduct electronic claims processing with the federal Veterans Administration system, which should be much more efficient for staff and clients. Planning is underway for the 2015 National County Veterans Service Officers Convention with Appleton hosting for the first time.
- UW Extension - The annual report is completed and, as a result of a Lean Project at Extension, is now down to four pages. A copy is available online. 2014 is the Centennial Year for the 4-H Program, with more information to come. The Caregiver Fair was scheduled for April 12 at the FVTC Bordini Center. Jim Resick, Community Development Educator at UW Extension, was recently honored with the WI Extension Environment and Community Development Association's Distinguished Service Award at the March 12 Joint Council of Extension Professionals Conference in LaCrosse.
- Parks - April 22 will be the annual Spring Fever Fundraiser at Mosquito Hill.

- Solid Waste - The excavation work on Phase 2 of the northeast landfill is approaching completion and under budget. Bids for the remaining work, to be completed by a private contractor, came in under the budgeted amount. A Lean Project is underway examining the processing of materials on the tip floor at the Material Recovery Facility (MRF).
- Corporation Counsel - Assistant Corporation Counsel Mark Schroeder was named as Lisa Beth VanderMaazen's successor as Family Court Commissioner. Mark's last day in the Corporation Counsel's office was March 22.
- Space Needs Resolution – Executive Nelson thanked members of the Space Needs Ad Hoc Committee for the time and effort they have put forward in collecting information. Executive Nelson reported support for a consultant to assist the county in the creation of a long-term, master plan and the passage of Resolution 164 as amended at Property Committee. Nelson reported that all must recognize that state support for local government is unlikely to increase to keep pace with demands. The Governor recently made it very clear that his intention is to further reduce state aids to counties and impose even stricter levy limits. Therefore, it is critical money invested in infrastructure is done so wisely and in the context of the county's ability to protect its AAA bond rating and sterling financial standing. Elected officials must be creative and think differently about how to deliver the best possible public services at the lowest possible price.
- Executive Nelson acknowledged the service of Dick Gosse and Chuck Schmidt for their many years of service to Outagamie County and wished them the best in their new endeavors.

A question and answer period followed. Discussion took place regarding the City of Appleton's convention center and hosting of the 2015 Veterans Conference.

#### REPORT AND PRESENTATION OF COUNTY LOBBYIST

County Lobbyist Mark Wadium reported the following:

- AB668 – providing grants to counties that offer substance abuse treatment and diversion from incarceration and making an appropriation. This bill was supported by County Board and passed both houses. The bill was enrolled awaiting Governor's action.  
<https://docs.legis.wisconsin.gov/2013/related/enrolled/ab668.pdf>
- Lobbyist discussed bills that may be on the State Senate final floor date of April 1 as follows:
  - SB509 – operation of agricultural vehicles on highways and providing a penalty. Bill amended by Assembly and back to Senate 4-01. Legislative Council memo link states the following: <https://docs.legis.wisconsin.gov/2013/related/lcamendmemo/sb509.pdf> “Under the amendment, unless a municipality or county provides to the contrary by resolution or ordinance, certain implements of husbandry are subject to a 92,000 pound gross vehicle weight limitation...” To be effective for a given year, the local government must adopt a resolution or ordinance which must be adopted on or before January 15 of that calendar year or in a prior year. The local government must forward a copy of the resolution or ordinance to WDOT which they will publish on its Internet site.
  - SB-373- law enforcement standards and requiring the exercise of rule-making authority. AA2-SB-373, DNA upon arrest amended by Assembly; now goes back to Senate. Under current law, beginning April 1, 2015, when a local law enforcement agency obtains fingerprints or other identifying data from an individual arrested for a felony, the agency

must also obtain a biological sample for DNA analysis. The local law enforcement agency must retain the DNA sample until the court has made a finding of probable cause; then, the local agency must submit the sample to the state crime lab for DNA analysis. The problem is local agency must both store and protect the chain of custody. The Senate Amendment 4 modified the bill, establishing DOJ rules and procedures. The Assembly Amendment 2 modified the bill again to require DNA samples only from people adjudged guilty of a violent crime.

[https://docs.legis.wisconsin.gov/2013/related/amendments/sb373/aa2\\_sb373](https://docs.legis.wisconsin.gov/2013/related/amendments/sb373/aa2_sb373)

- AB-767/SB-673 - unlawful use of a global positioning device and providing a penalty. GPS Tracking US vs. Jones (2012) SCOTUS, GPS trackers are violation of 4<sup>th</sup> amendment, so law enforcement requires a court warrant, <http://www.supremecourt.gov/opinions/11pdf/10-1259.pdf> AB-767/SB-673 misdemeanor offence to place on car without warrant; Senate Judiciary Committee held a public hearing on SB-673 March 25. <https://docs.legis.wisconsin.gov/2013/related/lcamendmemo/ab767.pdf>
- AB-409 RE: investigations of deaths involving a law enforcement officer. Bill is likely to be on Senate calendar. <https://docs.legis.wisconsin.gov/2013/related/lcamendmemo/ab409.pdf>
- AB-613 RE: modifying the duties of a County Clerk. The bill was amended and passed the Assembly; it is now in Senate Committee on Organization. <https://docs.legis.wisconsin.gov/2013/related/lcamendmemo/ab613.pdf>
- AB702 – short term sanctions re. extended supervision – Senate Public Hearing was scheduled March 26. Bill would likely make it to the Senate floor. Board took a position in support of AB-702. Bill was also scheduled for vote out of committee March 26. This would make it available for the Senate floor. <https://docs.legis.wisconsin.gov/2013/related/lcamendmemo/ab702.pdf>
- AB 556, creating new standards for when strip searches are allowed in jail; the Senate still might bring up the bill as passed by the Assembly on 4-01. <https://docs.legis.wisconsin.gov/2013/related/lcamendmemo/ab556.pdf>

#### Federal:

- March 25, the U.S. Supreme Court was hearing a case involving the mandate that requires employers to include birth-control in their employee health plans. A link to the story was provided: <http://thehill.com/blogs/regwatch/healthcare/201651-court-fractured-on-o-cares-birth-control#ixzz2wzWMHp7i>
- Lobbyist Wadium reported that the latest WI Department of Revenue report on the State's fiscal health would be posted on the Legislative Services bulletin board along with information on WI Court of Appeals case dealing with strip searches.

A question and answer period followed. Discussion took place on mental health bills under review in the State Legislature. Supervisor Nagler requested Lobbyist Wadium apprise her of upcoming Senate actions.

#### UNFINISHED BUSINESS

Resolution No. 164—2013-14 – Property, Airport, Recreation and Economic Development Committee. Support and authorize the Sheriff’s Department Administration relocation to the Brewster Street site; a consultant to complete a space needs study for all downtown campus offices and programs; and preparation and dissemination of request for qualifications, review of responses, and engagement of a consultant to be reviewed by a Space Needs Study Committee, which will also be responsible for the study throughout its progression.

At the March 11, 2014 Meeting, Supervisor Thomas requested that Resolution 164 be held in committee. No objections; so ordered.

For the March 25, 2014 Meeting, Substitute Resolution No. 164—2013-14 was included in the packet.

Supervisor Culbertson moved, seconded by Supervisor Rabec, for adoption of Substitute Resolution No. 164—2013-14.

Substitute Resolution No. 164—2013-14 – Property, Airport, Recreation and Economic Development Committee. The County Board recognizes space needs and security concerns and recommends the relocation of the Sheriff’s Administration and authorize a space needs and security study with an anticipated end date of September 1, 2014 as noted in the resolution.

An amendment was distributed to the members on their desks and Supervisor Rabec reported on the reasons for an amendment provided to the County Board.

Supervisor Culbertson moved, seconded by Supervisor Thyssen, to amend Substitute Resolution No. 164 as follows: On line 1, strike the word “approve” and replace with “include”; on lines 16-18 strike “that the Sheriff’s Department Administration be moved to the Brewster Street location as the first step in making all the remaining actions take place and concurs with the 2013 CIP 10 23 and CIP 07 45 to address an” and replace with “an independent consultant study the”; on line 19 at the end of the sentence strike “at the downtown campus”; on line 20 strike the word “downtown”; on line 21 after the word “study” add “and provide recommendations, taking into consideration the Ad Hoc Committee’s study” and strike “to make”; on lines 25-28 strike “recognize space needs and security concerns and recommends the relocation of the Sheriff’s Administration and BE IT FURTHER RESOLVED, that the Outagamie County Board of”; on page 2 line 1, strike “the vacated”; on line 3 strike “STILL”; after line 6 add another resolve to read “BE IT FURTHER RESOLVED, that the consultant study will be funded with unbudgeted revenue from the VPI lease, and”

Supervisor Patience noted that the word “Supervisor” should also be included in the amendment to strike wording on line 28. No objections; so ordered.

ROLL CALL to amend: 31 aye, 4 absent, 1 vacant. AMENDMENT CARRIED.

ROLL CALL to adopt as amended: 30 aye, 1 nay, 4 absent, 1 vacant. SUBSTITUTE RESOLUTION NO. 164—2013-2014 IS ADOPTED AS AMENDED.

NEW BUSINESS

Resolution No. Z-9—2013-14 – Agriculture, Extension Education, Zoning and Land Conservation Committee. Approve of the proposed rezoning request for Habitat for Humanity of 1.48 acres located in the Town of Grand Chute, from Local Commercial District to Single Family Residential District, as depicted on the attached review and map.

Supervisor Anthony moved, seconded by Supervisor Nooyen, for adoption.

ROLL CALL: 30 aye, 1 abstain, 4 absent, 1 vacant. RESOLUTION NO. Z-9—2013-2014 IS ADOPTED.

Resolution No. 165—2013-14—Finance Committee. Approve of all excess or deficiency of revenues over/under expenditures and unexpended appropriations of the various accounts reverting back to the County's General Fund, or from the General Fund, as indicated in the attachment as of December 31, 2013, with the exception of those detailed in the attachment.

Supervisor Nagler moved, seconded by Supervisor Groat, for adoption.

ROLL CALL: 30 aye, 1 nay, 4 absent, 1 vacant. RESOLUTION NO. 165—2013-2014 IS ADOPTED.

Resolution No. 166—2013-14—Property, Airport, Recreation and Economic Development Committee. Approve the transfer of \$16,000 from the Planning Department Salaries and Fringes Line Item to the Purchased Services Line Item, as noted on the attached fiscal note, for the purpose of hiring a limited term employee.

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

Supervisor Schmidt questioned whether the resolution should be referred to the Legislative Audit/Human Resources Committee as it was taking action on a position relative to the Table of Organization (T.O.).

Corporation Counsel reported that the position already exists on the T.O.; therefore, referral was not necessary to the Legislative Audit/Human Resources Committee.

ROLL CALL: 30 aye, 1 nay, 4 absent, 1 vacant. RESOLUTION NO. 166—2013-2014 IS ADOPTED.

Resolution No. 167—2013-14—Public Safety Committee. Support the implementation of assessment tools in the criminal justice system.

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

ROLL CALL: 31 aye, 4 absent, 1 vacant. RESOLUTION NO. 167—2013-2014 IS ADOPTED.

Ordinance No. P—2013-14—Highway and Solid Waste Committee. Amend Section 36-91 “Speed Zones Established” of the Outagamie County Code of Ordinances reducing the speed limit from 45 mph to 35 mph on CTH “JJ” from Highway 47 to 0.10 miles east of Lightning Drive as noted on the attached map.

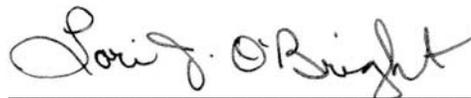
Supervisor Thyssen moved, seconded by Supervisor Pleuss, for adoption.

ROLL CALL: 27 aye, 4 nay, 4 absent, 1 vacant. ORDINANCE NO. P—2013-2014 IS ADOPTED.

REPORTS - None

Supervisor Patience moved, seconded by Supervisor Rabec, to adjourn sine die. VOICE VOTE CARRIED.

The meeting adjourned at 8:05 p.m.

A handwritten signature in cursive script that reads "Lori J. O'Bright". The signature is written in black ink and is positioned above a horizontal line.

Lori J. O'Bright, County Clerk