

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

Office of the County Clerk, February 13, 2018.

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 410 South Walnut Street, Appleton, Wisconsin.

ROLL CALL: 33 present, 2 vacant, 1 absent. Members present: Thompson, Miller, Grady, Patience, Gabrielson, Foss, Hammen, T. Krueger, J. Krueger, Lamers, Meyer, McDaniel, Wegand, De Groot, Spears, Stueck, Thomas, Thyssen, Hagen, Klemp, Pleuss, Nooyen, Duncan, Culbertson, Sturn, Buchman, Griesbach, Clegg, VanderHeiden, O'Connor-Schevers, Rettler, Melchert, and Surprise. Vacancies: Districts 15 and 16. Member absent: Croatt.

The Board Chairperson requested the Board's confirmation to excuse Supervisors. No objections; so ordered.

The Pledge of Allegiance was led by Chairperson Nooyen.

MINUTES OF THE JANUARY 23, 2018 COUNTY BOARD MEETING

Supervisor McDaniel moved, seconded by Supervisor Culbertson, to approve the minutes of the January 23, 2018, County Board meeting.

ROLL CALL: 32 aye, 1 abstain, 2 vacant, 1 absent. MINUTES OF THE JANUARY 23, 2018, BOARD MEETING ARE APPROVED.

SPECIAL ORDER OF BUSINESS

County Conservationist Greg Baneck presented Outagamie County's 10 year Land and Water Resource Management Plan. As part of the presentation, a PowerPoint was provided regarding the 2018-2028 Outagamie County Land & Water Resource Management Plan (copy available in the County Clerk's office).

Mr. Baneck reported on the Land Conservation's mission, who staff work with (primarily farmers), how department funding is provided (primarily from grants), how staffing is utilized, and the reason the update was being given (the Land & Water Resource Management Plan will need County Board approval for necessary grant funding).

Components of the Land & Water Plan include: the Wolf River and Lower Fox watersheds, Farmland Preservation Program, which is managed through Land Conservation, Nutrient Management Plan which provides inventories of plans, TMDL (Total Management Daily Load) implementation schedule (TMDL to get nutrient level runoff rationed down to set levels permitted by the DNR); how staff is systematically working through the plans with identifying non-key sources, common issues with agricultural processes (farms practices), when planning is completed, and how practices and costs are prioritized for implementation to get discharge levels so that water is sustainable. Mr. Baneck reviewed various farm practices that assist with

reducing non-key sources such as cover cropping, livestock waste management, streamback stabilization, specialized equipment used, and how monitoring is done after the practices are established. Costs of projects were discussed, cost-sharing that occurs with equipment, and challenges the department faces with watershed projects. Mr. Baneck also discussed problems with some groups that provide project services with TMDLs. An issue that needs addressing is that while CAFOs require zero discharge from their facilities, similar requirements are not law for their cropland. Because of that lack of regulation, there are no incentives to offer these farms for any greater level of effort. Another impediment is that the State has set cost-share rates and staffs can't make them fix the problem until cost share funds are provided. The State's cost-share rate is outdated. Permitting is another issue as Land Conservation has to follow the same permitting that the private sector has with projects. On point source side of management, firms must ratchet down their discharges (technology available, but dollar funding is uncertain) or they can trade (cost-share programs). Multi discharger variances buys time for point sources where firms can pay a set amount for discharge rates above allowable limits. Of the department's \$4.576 million budget, approximately \$500,000 is county levy dollars. With dollars available, Land Conservation's strategy will continue to evolve forward for best management practices so that dollars available have the best impacts to improve water quality.

During question and answer, discussion took place on co-counties solutions/management practices; Land Conservation's role with urban areas/stormwater detention pond management; history, information available in the comprehensive report, the importance of the program provided through Land Conservation, and the amount of State grants provided to Outagamie County's Land Conservation vs. other counties.

ESTABLISH ORDER OF THE DAY

Supervisor Rettler requested that Ordinance Nos. Z-12 and Z-13—2017-18 be referred back to the Committee. No objection; so ordered.

COMMUNICATIONS

Board Chairperson Jeff Nooyen reported the following:

- Lobbyist Mark Wadium and the supervisors from Outagamie County who attended the Legislative Exchange in Madison were thanked.
- Three additional Blue Books were made available to County Board members interested.
- An announcement was made that following the meeting, the County Clerk's Office was available to demonstrate the new voting equipment. Supervisors and public were welcomed to attend.
- Information regarding a new outreach program by WI Counties Association was requested. An email will be provided for the link for those interested in participating in the program.
- A request was made that supervisors who provide feedback to legislators, that the supervisors also carbon copy Lobbyist Wadium so he is made aware of the comments.
- A February 27, 2018, County Board Meeting is not anticipated to be held. A formal notice of cancellation will be made.
- Supervisor Joy Hagen was thanked for the cookies provided at the meeting.

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

APPOINTMENTS

County Executive Nelson nomination for re-appointment of Dan Gabrielson, Justin Krueger, Christine Lamers, and Cathy Thompson to the Health & Human Services Board; set terms to expire December 31, 2020.

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

ROLL CALL: 32 aye, 1 abstain, 2 vacant, 1 absent. RE-APPOINTMENTS OF GABRIELSON, J. KRUEGER, LAMERS, AND THOMPSON TO THE HEALTH & HUMAN SERVICES BOARD ARE CONFIRMED.

REPORT BY THE COUNTY EXECUTIVE

County Executive Thomas Nelson congratulated the following supervisors on their birthdays: Jason Wegand (Feb. 15), Bob Buchman (Feb. 19), and Joy Hagen (Mar. 9). A round of applause was given.

Executive Nelson reported the following:

- Airport – A Post Crescent front page story reported on the significant passenger increases that have occurred. Passengers, year over year, had an annual 4.6% increase. In the 53 year history of the Airport, the largest month over month January increase occurred increasing 19%.
- Attorney General Schimel Roundtable – Articles regarding the roundtable were published in both the Post Crescent and Times Villager. Attendees from the county included Chairperson Nooyen, Judge Des Jardins, Sheriff Gehring, District Attorney Tempelis, Criminal Justice Treatment Services Director Vetrone, Patrol Captain Corey Besaw, and Public Health Supervisor Jo Ellen Biadasz. The roundtable discussion included discussion on mental health treatment, the drug abuse epidemic, and successes Outagamie County has had with criminal justice alternatives.
- WCA Legislative Exchange – thanks were extended for the supervisors who attended and their lobbying efforts on dark store legislation.

During question and answer, discussion took place that the Combined Locks paper mill has contractors who are retrofitting the mill for other use. While not the use anticipated, the facility is still being utilized. Thanks were extended to Executive Nelson and other staffs for their efforts.

REPORT AND PRESENTATION OF COUNTY LOBBYIST

County Lobbyist Mark Wadium reported the following:

- Juvenile Corrections - Bipartisan legislators unveiled a plan that would close Lincoln Hills by 2020 and give counties more control over juvenile corrections. The Department of Corrections (DOC) would establish a new type of juvenile correctional facility for the most serious juvenile offenders. The number of facilities has yet to be determined. The plan would expand the Mendota Health Institute and create a state grant program providing 95 percent of the funding for selected county proposals to establish "secure residential care facilities" for less serious youth offenders, and transfer care for those juveniles to county departments with support of the Department of Children and Families. Counties would work with local school districts to provide education for juveniles at the local centers. Legislators would encourage counties to submit joint plans for facilities that would house juveniles from several counties. The bill calls for the juvenile corrections committee to provide an inventory of existing state facilities by November 2018. DOC would use that inventory to determine whether to build any new facilities. By September 2019, the committee would provide service and programming recommendations to the Department of Children and Families for youth offenders in residential care centers. The bill requires counties to submit grant applications for residential care centers by March 31, 2019, and for a Juvenile Corrections Grant Committee to submit a plan for county care centers by July 1, 2019. County projects would need to be completed by July 1, 2020. The Lobbyist will participate in a County Executives and Administrators conference call on the bill (Feb. 14, 2018). On Feb. 15, the Assembly Corrections Committee will hold a public hearing LRB-5233.
- Dark stores bill – On Feb. 13, 31 members of the Assembly sent a letter requesting the governor call a special session on the dark stores bill.
- On Feb. 14, the Assembly will hear [AB-923](#), the County Executive Bill.

During question and answer, discussion took place on the juvenile detention facilities bill (costs associated with regional facilities, whether private contractors could operate facilities, and that the bill not force the average daily rate to go higher) and the dark store issue.

UNFINISHED BUSINESS – None.

NEW BUSINESS

Ordinance No. Z-12—2017-18 – Agriculture, Extension Education, Zoning & Land Conservation Committee. Recommend adoption of the petition by Ryan and Misty Griffin for rezoning .877 acres from Industrial and General Agricultural District to Residential Two-Family District located in the Town of Maple Creek (see attached map). The proposed rezoning will also impact 11 other parcels and will correct existing Zoning districts to match existing land use.

Ordinance No. Z-13—2017-18 – Agriculture, Extension Education, Zoning & Land Conservation Committee. Approve the attached proposed Amendment to the Outagamie County Comprehensive Plan for one parcel, currently classified as Future Commercial Zoning, to be amended as Future Residential, and four parcels, currently classified as Future Residential, to be amended as Future Agriculture, all located in the Town of Maple Creek.

Ordinance Z-12—2017-18 and Ordinance No. Z-13—2017-18 were held in committee (see Establish Order of the Day).

Resolution No. 143—2017-18 – Agriculture, Extension Education, Zoning & Land Conservation Committee. Recommend approval of the attached Cooperative Service Agreement between the Outagamie County Zoning Administration and the United States Department of Agriculture Animal and Plant Health Inspection Wildlife Services to review storm water ponds and make recommendations on behalf of the Federal Aviation Administration.

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

ROLL CALL: 32 aye, 1 nay, 2 vacant, 1 absent. RESOLUTION NO. 143—2017-18 IS ADOPTED.

Resolution No. 144—2017-18 – Agriculture, Extension Education, Zoning & Land Conservation Committee. Recommend approval of the Outagamie County 2018 Land and Water Resource Management Plan.

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

ROLL CALL: 33 aye, 2 vacant, 1 absent. RESOLUTION NO. 144—2017-18 IS ADOPTED.

Resolution No. 145—2017-18 – Property, Airport, Recreation and Economic Development Committee. Authorize the Parks Director and/or the Management Assistant to submit an application for State aid/grant for the purpose of maintaining, acquiring, developing and ensuring a program of snowmobile trails for public recreational use, which the County will meet the financial obligation of any accepted grants.

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

ROLL CALL: 33 aye, 2 vacant, 1 absent. RESOLUTION NO. 145—2017-18 IS ADOPTED.

Resolution No. 146—2017-18 – Property, Airport, Recreation and Economic Development Committee. Approve the Third Addendum to Lease Agreement for hangar space at the Appleton International Airport, between Outagamie County and Air Wisconsin as attached.

Chairperson Nooyen noted that this resolution requires a 2/3 vote in accordance to the Corporation Counsel.

Supervisor T. Krueger moved, seconded by Supervisor Wegand, for adoption.

ROLL CALL: 33 aye, 2 vacant, 1 absent. RESOLUTION NO. 146—2017-18 IS ADOPTED.

Supervisor Culbertson moved, seconded by Supervisor Wegand, to reconsider Resolution No. 146 for the purpose of lock in.

ROLL CALL to reconsider: 32 aye, 1 nay, 2 vacant, 1 absent. RESOLUTION NO. 146—2017-18 IS RECONSIDERED.

ROLL CALL to adopt & lock in: 33 aye, 2 vacant, 1 absent. RESOLUTION NO. 146—2017-18 IS ADOPTED & LOCKED IN.

Resolution No. 147—2017-18 – Legislative/Audit & Human Resources Committee. Request that the state address the shortage of prosecutors in the District Attorney Office by providing adequate funding in the next state budget for legal staff.

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

Supervisor Thyssen moved, seconded by Supervisor Pleuss, to amend the resolution as follows: On line 1, strike “in the next state budget” and also in the resolve lines 22-23, remove “in the next state budget”.

ROLL CALL to amend: 33 aye, 2 vacant, 1 absent. AMENDMENT CARRIED.

ROLL CALL to adopt as amended: 33 aye, 2 vacant, 1 absent. RESOLUTION NO. 147—2017-18 IS ADOPTED AS AMENDED.

Supervisor Thyssen moved, seconded by Supervisor Grady, to reconsider Resolution No. 147 for the purpose of lock-in.

ROLL CALL to reconsider: 32 aye, 1 nay, 2 vacant, 1 absent. RESOLUTION NO. 147—2017-2018 IS RECONSIDERED.

ROLL CALL to adopt & lock in: 33 aye, 2 vacant, 1 absent. RESOLUTION NO. 147—2017-18 IS ADOPTED AS AMENDED & LOCKED IN.

Resolution No. 148—2017-18 – Public Safety Committee. Authorize and approve the Outagamie County Sheriff to accept and expend the \$1,000 Bronze Award from the Wisconsin Department of Transportation.

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

ROLL CALL: 33 aye, 2 vacant, 1 absent. RESOLUTION NO. 148—2017-18 IS ADOPTED.

Resolution No. 149—2017-18 – Legislative/Audit & Human Resources Committee. Recommend that the State Legislature defeat adoption of SB 777 / AB 923 so that the current statutory balance of authority between the policy and legislative branches of county government remains unchanged.

Supervisor Thyssen moved, seconded by Supervisor Spears, for adoption.
Chairperson Nooyen stepped down from the chair; Supervisor Hagen assumed the chair.

Corporation Counsel Guidote reported on the proposed legislation and provided analysis of the legislation. He read analysis language from the Legislative Reference Bureau on the bill which reported that if the bill were to pass, any power conferred to the county executive or county administrator could be liberally construed.

Chairperson Nooyen retook the chair.

ROLL CALL: 32 aye, 1 nay, 2 vacant, 1 absent. RESOLUTION NO. 149—2017-18 IS ADOPTED.

Supervisor Thyssen moved, seconded by Supervisor Grady, to reconsider Resolution No. 149 for the purpose of lock in.

ROLL CALL to reconsider: 32 aye, 1 nay, 2 vacant, 1 absent. RESOLUTION NO. 149—2017-18 IS RECONSIDERED.

ROLL CALL to adopt & lock in: 33 aye, 2 vacant, 1 absent. RESOLUTION NO. 149—2017-18 IS ADOPTED & LOCKED IN.

Ordinance No. K—2017-18 – Public Safety Committee. Approve of amending the Outagamie County Code of Ordinances, Chapter 16 – EMERGENCY SERVICES, Sec. 16-66, Fee for Police Response.

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

ROLL CALL: 33 aye, 2 vacant, 1 absent. ORDINANCE NO. K—2017-18 IS ADOPTED.

REPORTS

The following rezoning petition has been received by Timothy P. Roach, Zoning Administrator:
Petitioner: Ryan Griffin and the Town of Maple Creek

Location: Maple Creek

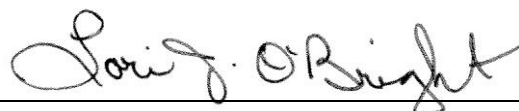
Proposed Rezoning: The proposed rezoning of 16.93 acres will correct existing Zoning districts to match existing land use on twelve parcels of land.

Notice of public hearing concerning the above will take place at the Highway Garage, 1313 Holland Road (East Entrance) Appleton, Wisconsin, at 10:30 a.m. on February 13, 2018.

REPORTS

Supervisor Thyssen moved, seconded by Supervisor Griesbach, to adjourn until March 13, 2018, at 7:00 p.m. (unless a second meeting on February 27, 2018 would be necessary).

The meeting adjourned at 8:20 p.m.



Outagamie County Clerk