

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

Office of the County Clerk, April 19, 2011.

The Board met pursuant to adjournment, and was called to order by Chairperson Nagler at 6:30 p.m. in the County Board Room, located in the Administrative Building, 410 S. Walnut Street, Appleton, WI.

ROLL CALL of the Board of Supervisors: 32 present, 4 absent. Members present: C. Schmidt, Nagler, Mahan, Defferding, Iverson, Rabec, Mueller, Beckley, Strauch, Groat, Gosse, Janssen, Buechel, Callies, Duncan, DeGroot, VandenHeuvel, Trentlage, Hammen, Hirte, Schommer, McDaniel, Vander Heiden, Kramer, Austin, Schuette, Hofacker, A. Schmidt, Culbertson, Griesbach, Thern, Anthony. Member absent: Stueck, Pleuss, McAndrews, Weyenberg.

The Board Chairperson requested the Board's confirmation to excuse Supervisors Stueck, Pleuss, McAndrews, and Weyenberg. Hearing no objections; so ordered.

The Pledge of Allegiance was led by Chairperson Nagler.

Chairperson Nagler recognized newly elected County Clerk Lori O'Bright, who was sworn into office at 4 p.m. April 19, 2011. Members gave a round of applause.

MINUTES OF MARCH 22, 2011

Supervisor Strauch moved, seconded by Supervisor Mahan, to approve the minutes of the March 22, 2011, County Board meeting.

ROLL CALL to approve the minutes: 31 aye, 0 nay, 1 abstain, 4 absent. MINUTES OF THE MARCH 22, 2011, BOARD MEETING ARE APPROVED.

MINUTES OF MARCH 31, 2011

Supervisor Vander Heiden moved, seconded by Supervisor Duncan, to approve the minutes of the March 31, 2011, County Board meeting.

ROLL CALL to approve the minutes: 30 aye, 0 nay, 2 abstain, 4 absent. MINUTES OF THE MARCH 31, 2011, BOARD MEETING ARE APPROVED.

SWEARING IN OF THE COUNTY EXECUTIVE

The Oath of Office was administered by Judge Michael Gage to newly elected County Executive Tom Nelson. A round of applause was given.

Chairperson Nagler invited County Executive Tom Nelson to speak.

County Executive Tom Nelson reported that it was an honor to stand before those present as the seventh County Executive for Outagamie County. Mr. Nelson thanked outgoing County Executive Toby Paltzer for his distinguished 12 years of service. A round of applause was given. Toby's service was recognized at his retirement party on April 16, 2011. Approximately 1,000 members of the County visited to wish Mr. Paltzer well on his retirement. Mr. Nelson reported that a theme he used during his campaign was encompassed in the word, "stability," in recognition of Outagamie County's past as one of the best run counties in the State. The track record for Outagamie County includes strong financials and consistent service provision at a low cost. Outagamie County service provision was demonstrated by response to the April 10 storm by the County Emergency Management team, Health & Human Services, Sheriff, Solid Waste staff, and many others during and following the event. The most extensive damage occurred in the City of Kaukauna. Response assisted 150 households and the community. Mr. Nelson commended both the response for the storm event and continued service provision by various departments and County staff on a daily basis. Mr. Nelson reported that the State budget imposes financial challenges to the County. County staff and elected officials will be able to meet future financial and emergency challenges to continue to deliver high-quality services. County Executive Nelson reported he looks forward to working

with each County Board member and serving Outagamie County during the next four years.

APPOINTMENT OF SERGEANT-AT-ARMS

Supervisor Callies moved, seconded by Supervisor Duncan, to approve appointment of Robert Stadel as the Sergeant-at-Arms for a term of one year.

ROLL CALL for Sergeant-at-Arms: 31 aye, 0 nay, 4 absent. MOTION CARRIED – THE APPOINTMENT OF ROBERT STADEL AS SERGEANT-AT-ARMS IS CONFIRMED.

APPOINTMENT OF PARLIAMENTARIAN

Supervisor Mahan moved, seconded by Supervisor Defferding, for approval of the appointment of Joseph Guidote as the parliamentarian.

ROLL CALL for Parliamentarian: 32 aye, 0 nay, 4 absent. MOTION CARRIED – APPOINTMENT OF JOSEPH GUIDOTE AS PARLIAMENTARIAN IS CONFIRMED.

DESIGNATION OF OFFICIAL COUNTY NEWSPAPER FOR LEGAL AND ELECTION NOTICES

Supervisor Groat moved, seconded by Supervisor Hofacker, to designate *The Post-Crescent* as the official County newspaper for legal and election notices.

ROLL CALL: 32 aye, 0 nay, 4 absent. MOTION CARRIED - THE POST CRESCENT IS APPROVED AS THE OFFICIAL COUNTY NEWSPAPER FOR LEGAL AND ELECTION NOTICES.

ESTABLISH ORDER OF THE DAY

No additions or corrections were made to the agenda.

COMMUNICATIONS

Communication Referral List – Sent out in the packet.

Chairperson Nagler announced that the following correspondence was placed on the desks:

- From County Executive Paltzer, a report on the April 10 storm damage.
- From Corporation Counsel Guidote, an opinion on contract ratification procedures
- From Supervisor Shane Griesbach, information regarding Phase 1 Landfill Construction for the NE landfill.

Chairperson Nagler reported that posted in the County Board room were maps prepared by Planning Department for consideration for redistricting. Under Chair Supervisor Anthony, the Redistricting Committee learned at the last meeting that map 36A had the least objections.

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

Chairperson Nagler allowed the following speaker one minute to speak on support of the renaming of the Airport.

Rob Kettelson, candidate for City of Appleton Mayor, reported that he supported the Outagamie County Regional Airport renaming to the Appleton Regional Airport. Mr. Kettelson reported his reasons for support include identity to Appleton, a logo that lends itself to Appleton vs. Outagamie County, Appleton being within three counties, and the Airport's proximity to the Timber Rattlers.

Steve Kagen, former U.S. Representative to the 8th Congressional District, presented to Toby Paltzer a tribute from the House of Representatives in recognition of Mr. Paltzer's service as Outagamie County Executive.

REPORT BY THE COUNTY EXECUTIVE

Mr. Paltzer reported on his mentoring activities with newly elected County Executive Tom Nelson including the review of the April 10 storm damage. Mr. Paltzer commended the Emergency Management team and Planning Department GIS staff, who assisted with mapping of Kaukauna neighborhoods. Mr. Paltzer also commended the County's alert system and siren alerts to residents of the danger. Of 44 sirens within the County, 43 operated correctly during the storm. The alert system worked well as no one was hurt or killed despite that four houses were destroyed. Mr. Paltzer wished Tom Nelson the best of luck in his new position. Mr. Palter also reported that he was in Madison with Brewster Village Director Rothmann to push for additional Medicaid and Medicare funding for Brewster Village.

Chairperson Nagler reported that County Executive Nelson allowed Mr. Paltzer to complete the above report.

APPOINTMENTS

A letter was received from County Executive Paltzer recommending that Roy Hegard be appointed as Alternate to the Board of Adjustment Zoning Ordinance. Said term expires June 30, 2012.

Supervisor Duncan moved, seconded by Supervisor Mahan, for confirmation.

ROLL CALL for confirmation: 31 aye, 1 nay, 4 absent. MOTION CARRIED. APPOINTMENT OF ROY HEGARD AS ALTERNATE TO THE BOARD OF ADJUSTMENT ZONING ORDINANCE IS APPROVED.

A letter was received from County Executive Paltzer recommending the following persons for appointments to the Sustainability Committee:

- Phil Stecker, Director Solid Waste Department – 2 year term.
- Jerry Wittmann, Acting Facilities Director & Maintenance Supervisor – 3 year term.
- Bill Hinkley, Employment & Training Administrator, Human Resources Department – 2 year term.
- Jim Resick, Community Development Educator, UW Extension – 2 year term.
- Michael Hendrick, Director Planning Department – 1 year term.

Supervisor McDaniel moved, seconded by Supervisor Schommer, for confirmation.

ROLL CALL for confirmation: 31 aye, 1 nay, 4 absent. MOTION CARRIED. APPOINTMENTS OF PHIL STECKER, JERRY WITTMANN, BILL HINKLEY, JIM RESICK, AND MICHAEL HENDRICK TO THE SUSTAINABILITY COMMITTEE ARE APPROVED.

A letter was received from Chairperson Nagler recommending the appointment of the following to the Outagamie County Sustainability Committee: Supervisor Peter Stueck-Property, Airport, Recreation & Economic Development Committee Member. Supervisor Richard Gosse-Finance Committee Member.

Supervisor Mahon moved, seconded by Supervisor Defferding, for confirmation. VOICE VOTE CARRIED. APPOINTMENTS OF SUPERVISORS PETER STUECK AND RICHARD GOSSE TO THE SUSTAINABILITY COMMITTEE ARE APPROVED.

REPORT AND PRESENTATION OF COUNTY LOBBYIST

Chairperson Nagler reported that Lobbyist Mark Wadium was not requested to report to the County Board due to inclement weather.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Resolution No. 1—2011-12 – Public Safety Committee. Support the Governor's allocation in the 2011-2013 Budget for Assistant District Attorney pay progression.

Supervisor Hirte moved, seconded by Supervisor Strauch, for adoption.

Supervisor Defferding moved, seconded by Supervisor C. Schmidt to amend Resolution 1—2011-12 as follows: In line 25, delete the wording after the word "Attorney" and delete all lines 26 and 27. Add after the wording "Attorney" in line 25 the following words: "and to the Outagamie County Executive with a request that the Outagamie County Executive write a letter to the Governor supporting this resolution, with a copy to our area legislators, the District Attorney, and the Outagamie County Lobbyist."

Supervisor Defferding reported the amendment intent was to save copy distribution to those listed including 33 State senators, 99 State assembly persons, and 72 counties.

Supervisor Hirte moved, seconded by Supervisor Schuette, to amend Supervisor Defferding's amendment to Resolution 1 by changing the references of "Outagamie County Executive" to "County Board Chair."

Supervisor Hirte reported that the resolution authorized by the Public Safety Committee included the wording of the resolution. Staff in offices attempted to provide much detail to the Governor's budget and wording associated with the Governor's budget. However, the Committee's intent was that the resolution not include the detail sheets.

Chairperson Nagler questioned Corporation Counsel whether it would be appropriate to take the detail off the resolution. Corporation Counsel Guidote reported that discussion should be limited to the amendment.

Supervisor Strauch reported, confirmed by Supervisor Hirte, that the Public Safety Committee's action for approval of the resolution was without the attachments. Chairperson Nagler reported that the resolution would be acted upon without the attachments.

Chairperson Nagler allowed County Clerk O'Bright to speak to past practice of distribution of resolutions. County Clerk O'Bright reported to the County Board that in consulting with Deputy Clerk Hickey she confirmed that recent past practice of distribution to counties is done to the County Clerks via email and similarly by email to legislators.

Supervisor Mahan reported that the 436 people affected by the resolution equates to \$2,093 per person.

ROLL CALL on Supervisor Hirte's amendment to Supervisor Defferding's amendment: 26 aye, 6 nay, 4 absent. MOTION CARRIED. AMENDMENT TO SUPERVISOR DEFFERDING'S AMENDMENT TO RESOLUTION 1--2011-2012 IS APPROVED.

ROLL CALL on Supervisor Defferding's amendment as amended: 11 aye, 21 nay, 4 absent. MOTION DEFEATED. SUPERVISOR DEFFERDING'S AMENDMENT TO RESOLUTION 1--2011-2012, AS AMENDED, IS DEFEATED.

ROLL CALL on adoption of Resolution 1—2011-12: 30 aye, 0 nay, 2 abstain, 4 absent. RESOLUTION 1—2011-12 IS ADOPTED.

Resolution No. 2—2011-12 – Finance Committee. Approve of an increase in the County Clerk's Purchased Services budget of \$4,500 to purchase 750 Plat Books for 2011.

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

ROLL CALL for adoption: 32 yes, 0 nay, 4 absent. RESOLUTION 2 IS ADOPTED.

Supervisor Groat moved, seconded by Supervisor Duncan to reconsider Resolution 2 for the purpose of locking it in.

ROLL CALL for reconsideration: 29 aye, 3 nay, 4 absent. RESOLUTION 2 IS RECONSIDERED.

ROLL CALL to lock in: 31 aye, 0 nay, 1 abstain, 4 absent. RESOLUTION 2 IS ADOPTED AND LOCKED IN.

Resolution No. 3—2011-12 – Highway & Solid Waste Committee. Approve of the Holland Road Agreement with the Village of Little Chute and the Town of Vandebroek for the Holland Road reconstruction project. Also approve of the budget adjustment of \$86,000 to increase the Site Development cost center purchased services line item for the Holland Road reconstruction project with funds coming from the Solid Waste fund balance.

Supervisor Schuette moved, seconded by Supervisor De Groot, for adoption.

ROLL CALL for adoption: 32 yes, 0 nay, 4 absent. RESOLUTION 3 IS ADOPTED.

Supervisor Schuette moved, seconded by Supervisor A. Schmidt to reconsider Resolution 3 for the purpose of locking it in.

ROLL CALL for reconsideration: 30 aye, 2 nay, 4 absent. RESOLUTION 3 IS RECONSIDERED.

ROLL CALL to lock in: 31 aye, 0 nay, 1 abstain, 4 absent. RESOLUTION 3 IS ADOPTED AND LOCKED IN.

Resolution No. 4—2011-12 – Highway & Solid Waste Committee. Authorize the Outagamie County Executive, with assistance of the Corporation Counsel, to file the Petition for Annexation, along with any other necessary documents, requesting annexation of a parcel of land owned by Outagamie County, from the Town of Vandebroek to the Village of Little Chute.

Supervisor Schuette moved, seconded by Supervisor VandenHeuvel, for adoption.

Supervisor C. Schmidt questioned whether the County is in compliance of all the Village ordinances and whether there were any potential costs.

Corporation Counsel Guidote reported that Solid Waste Director Phil Stecker met with the Village of Little Chute and the Town of Vandebroek. Both are in agreement to the annexation and no additional permits should be needed.

ROLL CALL for adoption: 31 yes, 1 nay, 4 absent. RESOLUTION 4 IS ADOPTED.

Supervisor Schuette moved, seconded by Supervisor A. Schmidt, to reconsider Resolution 4 for the purpose of locking it in.

ROLL CALL for reconsideration: 29 aye, 3 nay, 4 absent. RESOLUTION 4 IS RECONSIDERED.

ROLL CALL to lock in: 31 aye, 0 nay, 1 abstain, 4 absent. RESOLUTION 4 IS ADOPTED AND LOCKED IN.

Resolution No. 5—2011-12 – Highway & Solid Waste Committee. Authorize the Outagamie County Highway Department to construct a portion of the Phase 2 Final Cover System East Landfill project, estimated to cost approximately \$900,000.

Supervisor Schuette moved, seconded by Supervisor VandenHeuvel, for adoption.

Supervisor Griesbach reported on the communication distributed to the County Board on their desks regarding the prevailing wage rates and competitive bidding of the NE landfill construction.

The County Board began the voting process. Supervisor Griesbach reported his intent was to request a motion to send Resolution 5 back to committee. Supervisor Groat noted that Supervisor Griesbach's intent was to make a motion. Supervisors Culbertson, Schuette, and C. Schmidt objected to acceptance of a motion by Supervisor Griesbach as voting had begun on the motion for adoption. Chairperson Nagler

queried Corporation Counsel Guidote on whether the Board could consider a motion by Supervisor Griesbach to refer back to committee. Corporation Counsel Guidote requested time to address the issue. Chairperson Nagler subsequently requested the vote proceed on the motion that was on the floor.

ROLL CALL vote for adoption: 22 aye, 8 nay, 2 abstain, 4 absent. RESOLUTION 5 IS DEFEATED. 3/4 - 27 VOTES REQUIRED.

Ordinance No. A—2011-12 – Highway & Solid Waste Committee. Amend Section 50-89: “County Board May Decline Creation of Committee” of the Outagamie County Code of Ordinances.

Supervisor Schuette moved, seconded by De Groot, for adoption.

ROLL CALL vote for adoption: 30 aye, 2 nay, 4 absent. ORDINANCE A IS ADOPTED.

REPORTS

No reports given.

The County Board gave a round of applause to Supervisor Norman Austin on his 92nd birthday.

Supervisor Mahan moved, seconded by Supervisor Trentlage, to adjourn until May 10, 2011, at 6:30 p.m. VOICE VOTE CARRIED.

The meeting adjourned at 7:36 p.m.

\s\ Lori J. O’Bright
County Clerk