

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

Office of the County Clerk, October 25, 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: 33 present, 3 absent. C. Schmidt, Nagler, Mahan, Iverson, Rabec, Mueller, Beckley, Stueck, Strauch, Groat, Gosse, Buechel, Pleuss, Callies, Duncan, De Groot, VandenHeuvel, Trentlage, Hammen, Hirte, Schommer, McDaniel, McAndrews, Vander Heiden, Kramer, Austin, Schuette, Weyenberg, Hofacker, A. Schmidt, Griesbach, Thern, Anthony. Member absent: Janssen, Defferding, Hofacker.

The Board Chairperson requested the Board's confirmation to excuse Supervisors Janssen, Defferding, and Hofacker. No objection; so ordered.

The Pledge of Allegiance was led by Supervisor Stueck.

MINUTES OF OCTOBER 11, 2011

Chairperson Nagler announced that the County Clerk would correct the minutes on the vote information on page 2, paragraphs 5 and 8, the word "abstain" should be "absent." No objection; so ordered.

Supervisor Callies moved, seconded by Supervisor McDaniel, to approve the minutes of the October 11, 2011, County Board meeting as corrected.

ROLL CALL: 30 aye, 3 abstain, 3 absent. MINUTES OF OCTOBER 11, 2011, ARE ADOPTED.

SPECIAL ORDER OF BUSINESS - None

ESTABLISH ORDER OF THE DAY

Supervisor Stueck requested to move up Resolution No. 54 as the first item under New Business. No objection; so ordered.

COMMUNICATIONS

Communication Referral List – None.

Supervisor Hirte reported that Public Safety Committee met and had several resolutions of urgency for the November 7 meeting. Because of the length of the agenda, it sometimes is difficult for the members to get through their agenda in the time allotted. Therefore, Supervisor Hirte requested that Board Chairperson Nagler contact department heads to get information in a more timely manner to Legislative Services to facilitate a better flow of business.

Chairperson Nagler reported the following correspondence was placed on the desks:

- A 2012 Farm Technology Days volunteer form. Members of the 2012 Farm Technology Days Standing Committee were listed on the back of the volunteer form. Approximately 1,500 volunteers are needed for the event.
- Additional information regarding the conceal carry ordinance was to be placed on the desks, but at the announcement had not been distributed. Chairperson Nagler reported she would check on it and have Legislative Services distribute in another manner.
- Lobbyist Wadium passed out a handout regarding information given under his report.

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

Randy Leiker, Town of Greenville Chair, reported that the Town of Greenville is in favor of Resolution No. 45—2011-12, which is in regards to the Airport overlay district. He thanked Supervisor Stueck in facilitating a meeting between himself and Airport Director Marty Lenss in which a compromise was reached.

APPOINTMENTS

A letter was received from County Executive Nelson requesting the appointment of Marcia Trentlage to fill the unexpired term of Stephen Ware on the Outagamie Waupaca Counties Federated Library Systems (OWLS) Board, said term to expire December 31, 2011.

Supervisor Mahan moved, seconded by Supervisor DeGroot, to approve the above listed appointment. VOICE VOTE CARRIED – APPOINTMENT OF MARCIA TRENTLAGE TO THE OUTAGAMIE COUNTY FEDERATED LIBRARY SYSTEMS BOARD IS APPROVED.

A letter was received from County Executive Nelson requesting the appointment of Craig Moser as County Executive's alternate representative on the Local Emergency Planning Committee, said term expiring June 2013.

Supervisor Iverson moved, seconded by Supervisor Duncan, to approve the above listed appointment.

ROLL CALL: 33 aye, 3 absent. MOTION CARRIED – APPOINTMENT OF CRAIG MOSER AS COUNTY EXECUTIVE'S ALTERNATE REPRESENTATIVE ON THE LOCAL EMERGENCY PLANNING COMMISSION IS APPROVED.

A letter was received from County Executive Nelson requesting the appointment of John Weyenberg to the County Housing Authority, said term expiring May 1, 2015.

Supervisor Trentlage moved, seconded by Supervisor Culbertson, to approve the above listed appointment.

ROLL CALL: 32 aye, 1 nay, 3 absent. MOTION CARRIED – APPOINTMENT OF JOHN WEYENBERG TO THE COUNTY HOUSING AUTHORITY IS APPROVED.

REPORT BY THE COUNTY EXECUTIVE

County Executive Thomas Nelson congratulated Supervisors Al Schmidt, October 27, and Supervisor Dan Schommer, November 4, on their birthdays. A round of applause was given each supervisor.

County Executive Nelson reported on the following:

- Brewster Village – A wonderful celebration of the tenth anniversary occurred on October 19. Thanks to Dave Rothmann and his staff for their work and to those supervisors who attended. Staff continue to monitor the Federal “Super Committee” which is negotiating budget cuts that are to be approved by December 1. If they do not reach agreement, automatic cuts will take effect, which will likely have a financial impact either way to Brewster Village.
- Highway – The department previously contracted with Calumet County for line painting work. Because of Act 32, this contract no longer is allowed. The department went out for quotes, which were six to eight times what they had been paying. Executive Nelson will be taking a tour of 2012 highway projects along with Highway Commissioner Al Geurts, Supervisor Schuette and Highway Committee members on November 14.
- Clerk of Courts – Staff will be following up on bi-partisan legislation that would allow the federal intercept of tax refunds to capture for delinquent court fines. The concealed carry legislation has mandated additional report requirements that will have to be implemented. Technical issues have arisen that Clerk of Courts and Corporation Counsel will be working to address.
- Finance – The external auditors were at the County last week, and no major findings had to be addressed. Finance is working closely with Human Resources related to the implementation of Wis. Act 10, which will require additional paperwork and staff time for compliance.
- MIS – The department is working with Emergency Management on Continuation of Operation Planning (COOP) to update their COOP plan in the event of a disaster.
- Corporation Counsel – The department has been working with the Airport on several issues including the Tailwind contract and FAA concurrent land use process required to move forward with the FVTC public safety training facility. Also, initial discussions are being held with MIS for updates to the cell phone/smart phone policy.
- Airport – Last week, the Executive was pleased to announce an additional Delta flight to Atlanta beginning in March. Two daily round trip flights will occur. Executive Nelson thanked Marty Lenss and his team. Executive Nelson urged support for resolutions the Board would consider this evening regarding the Tailwinds contract and for future land acquisition by the Airport. Executive Nelson commended Supervisor Stueck on assisting with working on compromise language.
- Human Resources – Staff are conducting informational meetings this week and next regarding health insurance coverage options for 2012. Feedback has been positive about the proposed changes. Executive Nelson urged support for the resolution this evening approving the contract for the Outagamie County Deputies Association.

REPORT AND PRESENTATION OF COUNTY LOBBYIST

County Lobbyist Mark Wadium reported the following:

- Concealed Carry Law – Lobbyist Wadium attended a meeting today with the Wisconsin Coalition Against Domestic Violence, where they had an attorney from Milwaukee whose specialty is work place law and they discussed the concealed carry law. Despite the law states that if you do not post, you have some immunity provision, his provision was that he expects the immunity protections to be circumvented
- List of various bills and legislation that Lobbyist Wadium is working on was distributed on the desks. Part of the list includes AB152 regarding changes in airport improvement program, which has come out of the committee today and is scheduled for the floor. AB180, pothole liability bill, also came out of committee.
- Mining in Wisconsin – The Assembly Jobs Committee will have a hearing this Thursday in Hurley, but the bill is not out. The Board has a position on mining with the concern being contamination of the head waters of the Wolf River. Lobbyist Wadium will not attend the hearing.
- Federal Super Committee – This committee is charged with coming up with \$1.2 trillion in deficit reduction cuts over ten years. The cuts must be completed by December 1, and if they do not come up with cuts, automated cuts will occur. A few articles will be posted for the supervisors to review. No one knows how the committee is progressing.
- Federal law provision that require local governments to withhold 3% of any item they spend money on over \$10,000 – This provision essentially makes local governments tax collectors for the IRS and will probably make the cost of business go up as business will have that money held for months. A coalition of businesses and local governments are against this requirement.

Supervisor McAndrews requested that Lobbyist Wadium inform the Board should the Crandon Mine be reconsidered.

UNFINISHED BUSINESS

Resolution No. 45—2011-12 – Property, Airport, Recreation and Economic Development Committee. Require that the Airport Director only pursue land acquisition of property within the boundaries of County Highway BB, State Highway 76, State Highway 96 and County Highway CB.

Supervisor Stueck requested at the September 13, 2011, Board meeting that that Resolution No. 45—2011-12 be held in committee. No objection; so ordered. The Property/Airport Committee is requesting this resolution be held until November 7, 2011. Supervisor Culbertson asked to hold this in committee.

Chairperson Nagler reported that because the agenda stated the resolution was to be held until November 7, 2011, the County Board could not act on the resolution at this meeting. She apologized for the confusion to those who were in attendance at the meeting regarding the resolution.

NEW BUSINESS

Resolution No. 54—2011-12 – Property, Airport, Recreation and Economic Development Committee. Authorize the Outagamie County Regional Airport to enter into a Second

Addendum to the Tailwind Flight Center lease agreement and to enter into a loan agreement with Tailwind Flight Center, not to exceed \$200,000.00 at 3% interest, and direct the Corporation Counsel's Office to draft the necessary documents for both the addendum and loan agreement.

Supervisor Culbertson moved, seconded by Supervisor A. Schmidt, for adoption.

Questions were posed regarding the precedence of loaning money and security for the loan.

Corporation Counsel Joe Guidote reported that revolving fund loans have been offered by the County and a loan has been given to Valley Packaging Industries. Regarding security for the loan, two accountants for Outagamie County reviewed the books of Tailwind and Maxair and reported sufficient ability to meet the loan payments. The amount of the loan will most likely be approximately \$150,000 but could be as high as \$200,000 depending on fuel and accounts receivable balances at the Maxair closing. Security will be in fuel inventory and accounts receivables (within 30 days), and some equipment, which are approximated to be \$150,000 in value. The balances for the accounts receivables and fuel inventory will be locked-in on date of closing but may fluctuate after that. The principals will provide personal guarantees to make-up any difference between the value of those accounts between the date of closing and actual value in the event the guarantees are needed. Additionally, loan amounts in excess of \$150,000.00 will be personally guaranteed by the principals. The projected payback on the loan is approximately 3.5 years. Under the existing agreement, the initial plan was for Tailwinds to run a charter booking operation with projected revenue of approximately \$4,000/year. With approval of this agreement, the loan would be paid via a payment of 7% of gross revenues, less \$4,000.00 per year that would be airport revenue, until the loan is paid off. Once the loan is paid-off, the county would continue to receive 7% of gross revenue for six months, then 5% of gross revenue for an additional six months and 3.5% thereafter. Total value over a five-year term under the existing lease, would be \$20,000.00. Under the proposed lease amendment and loan, additional lease revenue would be generated at \$2,000/month, or over a five-year period, \$120,000. Paragraph 4 of the Essential Terms and Conditions lists the percentages of gross revenue the county would earn under the new agreement. The percentage revenues over a projected five-year period are estimated at approximately \$77,937.50 for a total revenue projection of approximately \$198,000.00 over a five-year period. That would be approximately \$178,000.00 of revenue over the current lease arrangement, exclusive of loan payments.

ROLL CALL: 31 aye, 2 nay, 3 absent. RESOLUTION NO. 54—2011-12 IS ADOPTED.

Supervisor Culbertson moved, seconded by Supervisor Rabec, to reconsider Resolution No. 54—2011-12 for the purpose of locking in the resolution.

ROLL CALL to reconsider: 30 aye, 3 nay, 3 absent. MOTION CARRIED.

ROLL CALL to adopt and lock in: 30 aye, 2 nay, 1 abstain, 3 absent. RESOLUTION NO. 54—2011-12 IS ADOPTED AND LOCKED IN.

Ordinance Z-26—2011-12 – Agriculture, Extension Education, Zoning and Land Conservation Committee. Recommend adoption of the petition of Robert Peterson, Town of Center, to rezone

from General Agricultural District to Local Commercial District a lot .93 acre located at the Northwest corner of the Rock Road and County Highway A intersection.

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

ROLL CALL: 32 aye, 1 nay, 3 absent. ORDINANCE Z-26—2011-12 IS ADOPTED.

Resolution No. 49—2011-12 – Finance Committee. Approve reallocating the EECBG funding from the Geomembrane Project in the Solid Waste fund to the Waste Heat Recovery unit in the Solid Waste fund for \$23,000 and to the Parking Lot Project for \$17,000 as noted on the fiscal note.

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

ROLL CALL: 29 aye, 4 nay, 3 absent. RESOLUTION NO. 49—2011-12 IS ADOPTED.

Resolution No. 50—2011-12 – Agriculture, Extension Education, Zoning and Land Conservation Committee. Approve of applying, accepting and expending the Urban Forestry Outreach Grant in the amount of \$9,063 to be utilized over a two year period, as noted on the attached fiscal note.

Supervisor Anthony moved, seconded by Supervisor Vander Heiden, for adoption.

ROLL CALL: 33 aye, 3 absent. RESOLUTION NO. 50—2011-12 IS ADOPTED.

Resolution No. 51—2011-12 – Agriculture, Extension Education, Zoning and Land Conservation Committee. Approve of the proposed amendments to the Outagamie County Comprehensive Plan – A Look to the Future with the addition of Appendix F and approve of proposed amendments to the Comprehensive Plan which includes revisions to the future land use map including areas in: City of Appleton, Town of Freedom, Town of Grand Chute, and the Town of Vandebroek as noted on maps attached and also available on the internet at www.co.outagamie.wi.us, Departments, Planning, “Smart Growth – Comprehensive Plan.”
NOTE: A large map was posted in the County Board Room relative to the resolution.

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

ROLL CALL: 33 aye, 3 absent. RESOLUTION NO. 51—2011-12 IS ADOPTED.

Supervisor Anthony moved, seconded by Supervisor Vander Heiden, to reconsider Resolution No. 51—2011-12 for the purpose of locking in the resolution.

ROLL CALL to reconsider: 30 aye, 3 nay, 3 absent. MOTION CARRIED.

ROLL CALL to adopt and lock in: 31 aye, 1 nay, 1 abstain, 3 absent. RESOLUTION NO. 51—2011-12 IS ADOPTED AND LOCKED IN.

Resolution No. 52—2011-12 – Health and Human Services Committee. Approve of various budget transfers and alternations in the 2011 Health and Human Services Budget as noted on the fiscal note attached to the resolution.

Supervisor Schmidt moved, seconded by Supervisor Trentlage for adoption.

ROLL CALL: 32 aye, 1 nay, 3 absent. RESOLUTION NO. 52—2011-12 IS ADOPTED.

Resolution No. 53—2011-12 – Legislative/Audit and Human Resources Committee. Approve of the Settlement Agreement with the Outagamie County Deputy Sheriff's Association, as attached to the resolution, and approve the changes listed in the resolution to the Hospital/Surgical and Dental Insurance for the Outagamie County Deputy Sheriff's Association.

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

ROLL CALL: 32 aye, 1 abstain, 3 absent. RESOLUTION NO. 53—2011-12 IS ADOPTED.

Supervisor Pleuss moved, seconded by Supervisor Mahan, to reconsider Resolution No. 53—2011-12 for the purpose of locking in the resolution.

ROLL CALL to reconsider: 31 aye, 1 nay, 1 abstain, 3 absent. MOTION CARRIED.

ROLL CALL to adopt and lock in: 31 aye, 1 nay, 1 abstain, 3 absent. RESOLUTION NO. 53 IS ADOPTED AND LOCKED IN.

Resolution No. 55—2011-12 – Public Safety Committee. Approve of a budget transfer of \$15,000 from the Clerk of Courts Fringe Benefit Cost Center to the Court Commissioner Salary Cost Center as noted on fiscal note attached to the resolution.

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

ROLL CALL: 32 aye, 1 abstain, 3 absent. RESOLUTION NO. 55—2011-12 IS ADOPTED.

Ordinance No. C—2011-12 – Legislative/Audit and Human Resources Committee. Recommend that Chapter 34 of the Outagamie Code of Ordinances be changed regarding MISCELLANEOUS OFFENSES, Section 34-2, Carrying concealed weapons prohibited.

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

ROLL CALL: 28 aye, 5 abstain, 3 absent. ORDINANCE NO. C—2011-12 IS ADOPTED.

Supervisor Mahan moved, seconded by Supervisor Hirte, to reconsider Ordinance C—2011-12 for the purpose of locking in the ordinance.

ROLL CALL to reconsider: 30 aye, 3 nay, 3 absent. MOTION CARRIED.

ROLL CALL to lock in: 28 aye, 4, nay, 4 absent. ORDINANCE NO. C—2011-12 IS ADOPTED AND LOCKED IN.

REPORTS

County Clerk O'Bright reported that the Government Accountability Board came out on October 19 with a uniform informational brochure that all clerks throughout the state are to utilize for distribution regarding recent election law changes on Photo ID legislation. Clerk O'Bright will print the brochures and personalize them to direct the public to the County's Election website. These brochures can be distributed to the Board's constituents, and she requested Board members let her know how many copies they might need so that she can have them prepared for the second meeting in November. Please let her know by November 11.

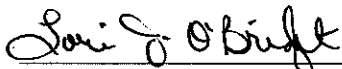
Supervisor Beckley reported that the final Finance Committee meeting on the budget would be Thursday, October 28, at 8:00 a.m. in the County Board Room.

Chairperson Nagler announced the following upcoming meetings:

- Monday, October 31 – 5:00 p.m. – Public Hearing on the Final Redistricting Plan
- Monday, November 7 – 5:30 p.m. – Annual Meeting on the 2012 County Budget. If additional meeting time is required, the Board would meet the evening of November 8 with the start time to be set November 7, but most likely to begin at 5:30 p.m.

Supervisor Mahan moved, seconded by Supervisor Rabec, to adjourn until November 7, 2011, at 5:30 p.m. VOICE VOTE CARRIED.

The meeting adjourned at 7:27 p.m.



County Clerk

ROLL CALL SUMMARY October 11, 2011 COUNTY BOARD MEETING

DIST. NO.	NAME	NO. OF ROLL	NO. VOTES	CUMULATIVE	NO. VOTES
		CALLS TAKEN	CAST THIS	CALLS TAKEN	CAST THIS
		THIS MEETING	MEETING	THIS TERM	TERM
1	C. Schmidt	11	11	146	146
2	Nagler	11	11	146	146
3	Mahan	11	11	146	146
4	Defferding	11	11	146	146
5	Iverson	11	11	146	138
6	Rabec	11	11	146	146
7	Mueller	11	11	146	146
8	Beckley	11	11	146	138
9	Stueck	11	11	146	124
10	Strauch	11	11	146	139
11	Groat	11	11	146	126
12	Gosse	11	11	146	138
13	Janssen	11	11	146	140
14	Buechel	11	11	146	146
15	Pleuss	11	0	146	113
16	Callies	11	11	146	128
17	Duncan	11	11	146	138
18	DeGroot	11	11	146	146
19	VandenHeuvel	11	11	146	146
20	Trentlage	11	11	146	123
21	Hammen	11	11	146	146
22	Hirte	11	11	146	139
23	Schommer	11	11	146	138
24	McDaniel	11	11	146	146
25	McAndrews	11	11	146	103
26	Vander Heiden	11	11	146	146
27	Kramer	11	11	146	146
28	Austin	11	11	146	146
29	Schuette	11	11	146	146
30	Weyenberg	11	11	146	124
31	Hofacker	11	11	146	146
32	A. Schmidt	11	11	146	146
33	Culbertson	11	0	146	117
34	Griesbach	11	11	146	146
35	Thern	11	11	146	146
36	Anthony	11	11	146	146