

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

Office of the County Clerk, June 14, 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: 35 present, 1 absent. Members present: C. Schmidt, Nagler, Mahan, Defferding, Iverson, Rabec, Mueller, Beckley, Stueck, Strauch, Groat, Gosse, Janssen, Buechel, Pleuss, Callies, Duncan, De Groot, VandenHeuvel, Hammen, Hirte, Schommer, McDaniel, McAndrews, Vander Heiden, Kramer, Austin, Schuette, Weyenberg, Hofacker, A. Schmidt, Culbertson, Griesbach, Thern, Anthony. Member absent: Trentlage.

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

Supervisor Beckley gave a reflection ("Don't You Quit" poem) and led the Pledge of Allegiance.

MINUTES OF MAY 24, 2011

Supervisor Miller moved, seconded by Supervisor McDaniel, to approve the minutes of the May 24, 2011, County Board meeting.

ROLL CALL: 35 aye, 1 absent. MINUTES OF THE MAY 24, 2011, BOARD MEETING ARE APPROVED.

SPECIAL ORDER OF BUSINESS

Presentation of the 2010 Audit by Baker Tilly Senior Manager John Rader.

Baker Tilly Senior Manager John Rader reported that he is the manager in charge of all aspects of the audit. The audit has been complete and reports were submitted (copies available in the County Clerk's Office for review). Mr. Rader's report included:

- Comprehensive Annual Financial Report (CAFR), Year Ended December 31, 2010. Brian Massey and the Financial Services Department staff prepare the report, which is the highest level of financial reporting for the County. Baker Tilly reviews the CAFR to assure that numbers reported are in accord to Generally Accepted Accounting Principles (GAAP).
- Report on Internal Control, December 31, 2010. This report relates to the financial portion of the audit and goes through several phases of the audit during the year to review internal controls. Issues were pointed out, but nothing of a material weakness or significant deficiency.
- Report on Federal and State Awards, Year Ended December 31, 2010. This report relates to federal and state awards/grants. Baker Tilly reviewed reporting requirements. No material weaknesses were discovered.

Presentation of the Fox Cities Exhibition Center Committee

Walter Rugland, Chairman of the Board of Fox Cities Exhibition Center, presented to the County Board a PowerPoint regarding the proposed Fox Cities Exhibition Center in the City of Appleton

(copy of the PowerPoint is available in the County Clerk's Office for review). Also attending were Karen Harkness, Director of Economic Development for the City of Appleton, and Jay Shirmath, Senior Executive Officer for the Radisson Paper Valley Hotel, to answer questions following the presentation.

Following are the major points to the presentation and question and answer period that followed:

- The study of a convention center began in 2008 with a feasibility study and concluded with this presentation on the Fox Cities Exhibition Center.
- The estimate for additional visitors includes an impact of 28,000 hotel rooms and an estimated impact of 15% that would include flights. The estimated annual economic impact is \$8.4 million/year or \$105 million over 20 years.
- Exhibition space would include 30,000 sq. ft. with 24 ft. high column-free clearance.
- The Outagamie County parking lot and site of former convent is the best site option due to accessibility from the street and to the hotel, preparation for construction, and accessibility to amenities. Alternative sites were considered outside of Appleton and in the Appleton downtown area. Sixteen factors were utilized to determine the best site.
- Estimated cost for construction is \$20 million. Funding would include bonding supported by a room tax (\$13 million), Fox Cities Visitors & Convention Bureau (FCVCB) capital fund monies (\$1 million), Appleton redevelopment support (\$2-4 million), and grants/gifts with opportunities for naming rights.
- Further steps are necessary for the project to move forward, as listed in Resolution No. 18, including responses to the County's future parking (153 spaces) and expansion needs.
- Estimated additional jobs include 8,600 full-time jobs in the area with the Exhibition Center adding approximately 142 jobs, which would include diverse occupations to the industry.
- An exhibition center, within this market, requires a 400+ hotel, meeting rooms, and a ballroom, which the Radisson Paper Valley (RPV) has available. The RPV has agreed to the real estate tax requirements (approximately \$50,000/year), running the facility, the connection to the hotel, and approximately 50 percent of funding for the bridge over Lawrence Street.
- The FCCVB and RPV put together a list of prospective clients who could potentially utilize the facility. Most potential clients rotate around the Midwest and would include the site on their rotations.
- In the conceptual design, parking would be provided west of the building for 90+ vehicles. A proposal is to have those spaces assigned for County employee parking during the week with card access. Another possibility for County parking would include use of the Midtown Ramp, which has 771 stalls, and is in the vicinity of the RPV and M&I Bank.
- Exhibition centers in Green Bay and Oshkosh are not anticipated to compete with this proposed facility. The exhibition center in Green Bay is a destination sports situation. Green Bay is considering enlarging the KI Center. Oshkosh is also discussing a convention center. Both sites require appropriate hotels. The proposed Appleton facility has amenities favorable to the market with close proximity of restaurants and entertainment activities.

#### ESTABLISH ORDER OF THE DAY

Resolution No. 20—2011-12 – Listed last on 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.

Supervisor Groat moved, seconded by Supervisor A. Schmidt, to suspend the rules to allow Resolution No. 20—2011-12 on the agenda.

ROLL CALL for suspension of the rules: 34 aye, 1 nay, 1 absent. SUSPENSION OF THE RULES TO ALLOW ACTION ON RESOLUTION #20—2011-12 AS LISTED ON THE AGENDA IS APPROVED.

Supervisor Pleuss moved, seconded by Supervisor A. Schmidt, to take up Resolution No. 18—2011-12 as the first order of New Business. No objections; so ordered. RESOLUTION NO. 18—2011-12 APPROVED TO BE TAKEN UP AS THE FIRST ORDER OF NEW BUSINESS.

### COMMUNICATIONS

Communication Referral List – Sent out in the packet.

Chairperson Nagler reported the following additional communications were distributed on the desks:

- The sign-up sheet for the September WCA Annual Convention in Wisconsin Dells was passed and requested to be returned to Legislative Services.
- A blue colored handout regarding the space needs summary relative to Resolution No. 18.
- A memo from WCA regarding Motion 352, regarding state transportation aids to local governments and the types of roadwork county highway departments could conduct.
- Two pink colored handouts regarding Resolution No. 20: 1) Draft Res. #LH.3 , which was suggested wording for an amendment, and 2) A memo from the Tri-County Solid Waste Directors regarding Motion #352.
- A map relative to Resolution No. 12 regarding the Casaloma Holdings, LLC Development Agreement.

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

Linda Muldoon, representative of the Old Third Ward neighborhood group, and an Appleton College Avenue business owner, reported concerns with Resolution No. 18 regarding the proposed Exhibition Center. Her concerns included parking needs for the County and that Old Third Ward neighborhood members and Lawrence Court residents be a part of the process of further reviewing concerns with the proposed Exhibition Center.

Mike Thomas, former County Board supervisor, urged support of Resolution No. 18. The resolution approves a conceptual design and allows for further dialogue to address concerns with an Exhibition Center in Appleton.

Antoinette Powell, resident of Old Third Ward, reported concerns with Resolution No. 18. Her preferred site to build would be the north side of College Avenue site across from the Radisson Paper Valley. Ms. Powell urged careful consideration of the County's future parking needs.

Dr. Susan May, President of Fox Valley Technical College (FVTC), urged support of Resolution No. 12. The resolution supports a student housing project which would generate tax revenue exceeding \$200,000/year and support FVTC student needs. FVTC has 12,000 degree-seeking, full-time students annually, which would be the market for the housing. The development would accommodate 750 residents, which would benefit area business and be a catalyst for future development.

Patti Jorgenson, FVTC Vice President of Student and Community Development, urged support of Resolution No. 12. Ms. Jorgenson reported she interfaces with 47,000 students, who are served by FVTC annually including the 12,000 program students. FVTC enrollment is up 30% over the last three years and serves a population aged 18 to 72 years. Parents of students have inquired about housing with many individuals waiting to see the project approved.

A scheduled recess was taken.

#### APPOINTMENTS

Chairperson Nagler reported she consulted with Assistant Corporation Counsel Mark Schroeder to determine whether a combined vote could be taken on all the appointments. This would be an acceptable action. Chairperson Nagler requested if County Board supervisors were was agreeable to having all appointments acted upon with one vote. Supervisor Kramer requested that the first appointment on the agenda be voted on separately. No objection; so ordered. ALL APPOINTMENTS EXCEPT THE FIRST ON THE AGENDA TO BE ACTED UPON WITH ONE MOTION/VOTE.

A letter was received from County Executive Nelson recommending the appointment of himself, as the Elected Official Representative, to the Local Emergency Planning Committee; said term expiring June 2013. Appointment is due to the retirement of Robert "Toby" Paltzer.

Supervisor Pleuss moved, seconded by Supervisor McDaniel, for approval of the appointment of County Executive Nelson to the Local Emergency Planning Committee.

ROLL CALL: 32 aye, 3 nay, 1 absent. APPOINTMENT OF COUNTY EXECUTIVE NELSON TO THE EMERGENCY PLANNING COMMITTEE IS APPROVED.

A letter was received from County Executive Nelson recommending the reappointment of the following persons to the Local Emergency Planning Committee; said terms expiring June 2013: Wayne Lannoye, Facility Representative; Christina Muller, Outagamie County Emergency Management; Lisa Van Schyndel, Buchanan EMS.

A letter was received from County Executive Nelson recommending the re-appointment of Randy Dorow to the Land Conservation Committee; said term expiring April 2012.

A letter was received from County Executive Nelson recommending the re-appointment of Marvin Fox to the Board of Adjustment Zoning Ordinance; said term expiring June 30, 2014.

A letter was received from County Executive Nelson recommending the appointment of Ginger Gruett as the Executive Office Representative to the Coordinating Council; said term expiring April 30, 2012.

A letter was received from County Executive Nelson recommending the re-appointment of John Kost to the Outagamie County Local Emergency Planning Committee; said term expiring June 2013.

A letter was received from County Executive Nelson recommending the appointment of Assistant Corporation Counsel Mark Schroeder as the Corporation Counsel Representative to the Coordinating Council; said term expiring April 30, 2012. Mr. Schroeder replaces Ken Wagner who has resigned.

A letter was received from County Executive Nelson recommending the appointment of Robert "Toby" Paltzer to the Local Emergency Planning Committee; said term expiring June 2013. Mr. Paltzer will fill the position of Mark Heimmermann who has resigned.

A letter was received from County Executive Nelson recommending the re-appointment of Melvin Lischefski to the Outagamie County Local Emergency Planning Committee; said term expiring June 2013.

Supervisor Mahan moved, seconded by Supervisor Austin, to approve the above listed remaining appointments and re-appointments as stated.

ROLL CALL: 33 aye, 1 nay, 1 abstain, 1 absent. APPOINTMENTS AND RE-APPOINTMENTS AS LISTED ABOVE (EXCEPT FIRST) ARE APPROVED AS STATED.

#### REPORT BY THE COUNTY EXECUTIVE

County Executive Nelson congratulated the following supervisors on their birthdays: Ralph Thern, June 14; Lee Hammen, June 22; and Jim Duncan, June 28. Mr. Nelson presented Supervisor VandenHeuvel a plaque for 25 years of service. A round of applause was given. Mr. Nelson reported the following:

- 2012 Budget - Meetings have started with department heads for 2012 staff requests. Those requests are conservative with a net increase to the Table of Organization of 1.5 full-time equivalents on the levy and a net of two additional staff off the levy. These are currently only requests and further consideration will be given for approval.
- Courts:
  - The Clerk of Courts successfully completed a test run for reminder calls to individuals for their scheduled court dates.
  - Provisions are in the State budget for bail bond companies to operate in the State for the first time in 31 years. Currently, an individual must have 100% of the cash bond ordered by the court. With bail bond companies individuals would only need to submit 10% in cash for bond. If the individual were to flee, 90% of the fees would need to be collected from the bail bond company

- State budget:
  - Mr. Nelson continues to work with department heads on state budget provisions and impacts to their respective departments. A number of setbacks have occurred with the State budget including provisions impacting Health & Human Services, Solid Waste, and Highway.
  - Joint Finance did reduce cuts in State shared revenues from 50% to 25% cuts. If the Legislature adopts the provision and the Governor does not veto, the County impact is reduced from the original \$1 million in cuts to \$500,000.
  - Thanks to the hard work of the Health & Human Services Department, Joint Finance did not adopt the Governor's recommendation for income maintenance eligibility. In place of a Statewide call center, there will be regional call centers, which was a recommendation spearheaded by the Outagamie County Health & Human Services Department.
  - Resolution No. 20 on the agenda addresses a State budget initiative that would impact Highway operations. Highway Commissioner Geurts reports that Wisconsin is the only State where the State does not handle snowplowing operations. Instead, the State relies on counties and many counties stabilize their workforce by conducting municipal work during summer months.
  - Recycling cuts will likely be cut by \$250,000 or the equivalent of \$4-5/ton on tipping fee. Solid Waste Director Phil Stecker has worked on this provision extensively to try to maintain the funding.
  - Family Care – Revised estimates with changes by Joint Finance were developed. Because of new monies set aside for an emergency fund, the cost projection of \$2.5-3 million has been reduced by \$3-400,000 less in cuts.
- Parks: Plamann Lake is open and busy. With \$8,500 in donations, the Dog Park handicapped access has been completed. The All Peoples Trail opened at Mosquito Hill Nature Center.
- Airport: The recent Honor Flight was a success with 79 World War II veterans included. Mr. Nelson recommended others to volunteer and observe. The next Honor Flight will occur at the end of August
- Breakfast on Farm held June 12 had approximately 4-5,000 people attending. Both Mr. Nelson and the Governor worked together at the event.

#### REPORT AND PRESENTATION OF COUNTY LOBBYIST

Chairperson Nagler reported that County Lobbyist Mark Wadium would not be reporting as he was attending meetings on the State budget.

#### UNFINISHED BUSINESS

Resolution No. 12—2011-12 – Property, Airport, Recreation & Economic Development Committee. Authorize amending a portion of Section 2.03 of the Development Agreement with Casaloma Holdings, LLC to allow private for-profit student housing as an acceptable form of development for approximately 18 acres of county-owned land north of the Fox Cities Stadium. Held in committee on May 24, 2011.

Chairperson Nagler reported the committee requested the resolution be brought forward. Supervisor Strauch moved, seconded by Supervisor Rabec, for adoption of Resolution #12—2011-12.

Supervisor Strauch moved, seconded by Supervisor Groat, to amend Resolution #12—2011-12 by adding the following resolve before the final resolve: “BE IT FURTHER RESOLVED, that the

monies approved from the sale of this land be set aside for future land acquisition, and”.

Supervisor Mueller questioned if the sale could include a contingency the property could not be sold where future use of the land would take it off the tax role. Assistant Corporation Counsel Schroeder reported that contract law does not allow perpetuity provisions.

Supervisor A. Schmidt questioned if a deed restriction could be used utilized for the use of the apartments. Assistant Corporation Counsel Schroeder reported a deed restriction could be allowed, but restrictions on future use through sale would not be allowed.

ROLL CALL to amend: 29 aye, 6 nay, 1 absent. AMENDMENT TO RESOLUTION #12—2011-12 IS APPROVED.

ROLL CALL to adopt as amended: 29 aye, 6 nay, 1 absent. RESOLUTION #12—2011-12 IS ADOPTED AS AMENDED.

Supervisor Culbertson moved, seconded by Supervisor Rabec, to reconsider Resolution #12—2011-12 for the purpose to lock in.

ROLL CALL to reconsider: 18 aye, 16 nay, 0 abstain, 2 absent. Supervisor Hofacker requested to be recorded as nay. No objection; so ordered. Supervisor Culbertson reported that he did not object to the change in vote, but he warned that changes in votes by a supervisor request could cause problems. Chairperson Nagler reported she would consider it carefully in the future.

ROLL CALL to reconsider: 18 aye, 17 nay, 1 absent. RESOLUTION #12—2011-12 IS RECONSIDERED.

ROLL CALL to adopt and lock in: 23 aye, 12 nay, 1 absent. RESOLUTION #12—2011-12 IS ADOPTED AND LOCKED IN.

### NEW BUSINESS

Resolution No. 18—2011-12 – Property, Airport, Recreation & Economic Development Committee. Approve of the conceptual release of the County land directly north of the Justice Center for the construction of an exhibition center, said conceptual release contingent upon terms as stated in the resolution.

Supervisor A. Schmidt moved, seconded by Supervisor Strauch, for adoption of Resolution #18—2011-12.

Supervisor Groat moved, seconded by Supervisor Hirte, to amend the Resolution #18—2011-12 by addition of the following resolve clause prior to the final resolve clause: “BE IT STILL FURTHER RESOLVED, that if the sale of the property goes through, the proceeds from the sale will be set aside for future land acquisition or expansion, and”.

ROLL CALL to amend: 31 aye, 4 nay, 1 absent. AMENDMENT TO RESOLUTION #18—2011-12 IS APPROVED.

Supervisor Mahan moved, seconded by Supervisor McAndrews, to cut off debate.

ROLL CALL to cut off debate: 24 aye, 11 nay, 1 absent. DEBATE ON RESOLUTION #18—2011-12 IS CUT OFF.

ROLL CALL to adopt as amended: 21 aye, 14 nay, 1 absent. RESOLUTION #18—2011-12 IS ADOPTED.

Supervisor A. Schmidt moved, seconded by Supervisor Schuette, to suspend the rules to not take a scheduled break.

ROLL CALL to suspend the rules: 29 aye, 6 nay, 1 absent. SUSPENSION OF THE RULES IS APPROVED TO NOT TAKE A SCHEDULED BREAK.

Resolution No. Z-6—2011-12 – Agriculture, Extension Education, Zoning & Land Conservation Committee. Approve of a proposed text amendment, which is an addition to Chapter 27, in the Town of Grand Chute Municipal Code. The request is to renumber Municipal Code 27.05(11) to 27.05(12). The Town is adding a Planned Development District that will become chapter 27.05(11).

Supervisor Anthony moved, seconded by Supervisor Vander Heiden, for adoption of Resolution No. Z-6—2011-12.

ROLL CALL: 33 aye, 2 nay, 1 absent. RESOLUTION #Z-6—2011-12 IS ADOPTED.

Resolution No. Z-7—2011-12 – Agriculture, Extension Education, Zoning & Land Conservation Committee. Approve of a proposed text amendment in the Town of Grand Chute Municipal Code, Chapter 27. The Town has recreated Chapter 27.06(12) redefining the portion that deals with fences, setting new definitions and requirements.

Supervisor Anthony moved, seconded by Supervisor Weyenberg, for adoption of Resolution #Z-7—2011-12.

ROLL CALL: 22 aye, 13 nay, 1 absent. RESOLUTION #Z-7—2011-12 IS ADOPTED.

Resolution No. Z-9—2011-12 – Agriculture, Extension Education, Zoning & Land Conservation Committee. Approve of a proposed text amendment in the Town of Grand Chute Municipal Code, Chapter 27 regarding zoning categories. [NOTE: Resolution Z-9—2011-12 was read and voted on prior to Resolution Z-8—2011-12 as listed on the agenda.]

Supervisor Anthony moved, seconded by Supervisor Schommer, for adoption of Resolution #Z-9—2011-12

ROLL CALL: 33 aye, 2 nay, 1 absent. RESOLUTION #Z-9—2011-12 IS ADOPTED.

Resolution No. Z-8—2011-12 – Agriculture, Extension Education, Zoning & Land Conservation Committee. Approve of a proposed text amendment in the Town of Grand Chute Municipal Code,

Chapter 27. The Town has submitted a new Chapter 27.05(11) providing for the creation of a new District called Planned Development District.

Supervisor Anthony moved, seconded by Supervisor Schommer, for adoption of Resolution #Z-8—2011-12.

ROLL CALL: 33 aye, 2 nay, 1 absent. RESOLUTION #Z-8—2011-12 IS ADOPTED.

Resolution No. Z-10—2011-12 – Agriculture, Extension Education, Zoning & Land Conservation Committee. Recommend approval of the proposed rezoning from Single Family Residential to Planned Development District for the Appleton Alliance Church, which is a parcel containing 41.29 acres located at the southwest corner of the intersection of CTH A and Grand Chute Boulevard in the Town of Grand Chute.

Supervisor Hofacker moved, seconded by Supervisor Weyenberg, for adoption of Resolution #Z-10—2011-12.

ROLL CALL: 34 aye, 1 nay, 1 absent. RESOLUTION #Z-10—2011-12 IS ADOPTED.

Resolution No. 16—2011-12 – Finance Committee. Approve of implementing an employer pick-up of employee retirement contributions to the Wisconsin Retirement System in accordance to Code section 414(h)(2), which allows contributions to be made on a pre-tax basis.

Supervisor Groat moved, seconded by Supervisor Beckley, for adoption of Resolution #16—2011-12.

ROLL CALL: 34 aye, 1 nay, 1 absent. RESOLUTION #16—2011-12 IS ADOPTED.

Resolution No. 17—2011-12 – Finance Committee. Authorize the sale of the parcel of property located at 101 E. Willow Street, Village of Bear Creek, to the Village of Bear Creek for \$3,100.

Supervisor Beckley moved, seconded by Supervisor Groat, for adoption of Resolution #17—2011-12.

ROLL CALL: 34 aye, 1 abstain, 1 absent. RESOLUTION #17—2011-12 IS ADOPTED.

Resolution No. 19—2011-12 – Property, Airport, Recreation & Economic Development Committee. Approve of the lease agreement with Forget Me Not Flowers and Outagamie County for selling floral arrangements at the airport.

Supervisor Culbertson moved, seconded by Supervisor Rabec, for adoption of Resolution #19—2011-12.

ROLL CALL: 35 aye, 1 absent. RESOLUTION #19—2011-12 IS ADOPTED.

Resolution No. 20—2011-12 – Legislative/Audit & Human Resources Committee. Request that state legislators eliminate the non fiscal provisions 16-28 of the Omnibus Transportation Motion

(Amendment 352), maintain current law, and oppose the Wisconsin Counties Association endorsement of the budget provisions 16-28 of the Omnibus Transportation Motion (Amendment 352).

Supervisor Pleuss moved, seconded by Supervisor Schuette, for adoption of Resolution #20—2011-12.

Supervisor Pleuss moved, seconded by Supervisor Schuette, to amend Resolution #20 as listed on the desks as LH.3, which adds on line 1 the word “initially” after “(WCA)”; on line 23, add the word “initial” after the word “Association”; on line 24, after the word “and” add “now concur with the current position of Wisconsin Counties Association removing the non fiscal provisions 16-28 of the Omnibus Transportation Motion (Amendment 352), and”.

ROLL CALL on amendment: 28 yes, 6 nay, 2 absent. AMENDMENT TO RESOLUTION #20—2011-12 APPROVED.

During debate Supervisor McAndrews requested an opinion on whether Supervisor Griesbach had a conflict of interest and should be allowed to vote on this resolution. Assistant Corporation Counsel Schroeder reported that the ethical rules prohibit somebody from voting on any legislation in which they have a personal or financial interest unless the interest is fully disclosed. As the disclosure was completed, Supervisor Griesbach would be allowed to vote. Supervisor Pleuss reported that correspondence was sent to Corporation Counsel Guidote from the Government Accountability Board (GAB) on this issue. The GAB reported Supervisor Griesbach should be allowed to vote.

ROLL CALL for adoption as amended: 28 aye, 5 nay, 2 abstain, 1 absent. RESOLUTION #20—2011-12 IS ADOPTED AS AMENDED.

#### REPORTS

None

Supervisor Groat moved, seconded by Supervisor Beckley, to adjourn until June 28, 2011, at 6:30 p.m. VOICE VOTE CARRIED.

The meeting adjourned at 10:18 p.m.

\s\ Lori J. O'Bright  
County Clerk