

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

Office of the County Clerk, January 10, 2012.

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, Defferding, Iverson, Rabec, Mueller, Beckley, Stueck, Strauch, Groat, Gosse, Janssen, Buechel, Pleuss, Callies, Duncan, De Groot, VandenHeuvel, Trentlage, Hammen, Hirte, Schommer, McDaniel, McAndrews, Vander Heiden, Kramer, Austin, Schuette, Weyenberg, Hofacker, A. Schmidt, Culbertson, Griesbach, Thern, Anthony. Member absent: Mahan.

Chairperson Nagler requested the Board's confirmation to excuse Supervisor Mahan for the meeting and Supervisor DeGroot for the later part of the meeting (if necessary, leaving approximately 7:30 p.m.). No objection; so ordered.

The Invocation was offered and the Pledge of Allegiance was led by Supervisor Beckley.

MINUTES OF DECEMBER 13, 2011

Supervisor VandenHeuvel moved, seconded by Supervisor Schommer, to approve the minutes of the December 13, 2011, County Board meeting as printed.

Supervisor Weyenberg reported that he would like Resolution No. 94—2011-12 taken off the agenda due to Roberts Rules of Order.

Corporation Counsel Guidote reported that the reason that Resolution No. 94—2011-12 was listed on the agenda was to comply with the Wisconsin Open Meetings law. In order for the resolution to be acted on in accord to Open Meetings law, the resolution needed to be listed on the agenda. The resolution is not a resolution of the day until the County Board votes to take off the table. The Roberts of the Rules still apply for taking the resolution off the table; a motion and a second is required with a majority vote to take it off the table. If someone wants to speak to the resolution, the resolution should be taken off the table under Establish Order of the Day, which precedes the Public Participation.

ROLL CALL for adoption of the minutes: 34 aye, 1 abstain, 1 absent. MINUTES OF DECEMBER 13, 2011, ARE ADOPTED AS PRINTED.

SPECIAL ORDER OF BUSINESS

Airport Fixed Base Operator 1-Year Financial and Operational Review Presentation – Airport Director Marty Lenss / Available for questions were Finance Director Brian Massey, Controller Katie Horan, and Corporation Counsel Joe Guidote.

Airport Director Lenss thanked the County Board for the opportunity to speak regarding the first year operation and financial review of the Airport Fixed Based Operator (FBO). A PowerPoint was presented (copy available in the County Clerk's Office) by Director Lenss. The highlights of the report included a history of the fixed base operator leases with the previous operator and the RFP (request for proposal), the RFQ (request for qualifications) process that lead to the current County FBO arrangement, a financial snap-shot reporting 11 months (cash flow, asset increase, financial reporting basis with net increase of \$37,000); customer service survey results; additional enhancements that have occurred; charter financing including estimated cash flow after debt service; and an internal map of the Outagamie County Regional Airport with location of FBO operations.

A question and answer period was scheduled, but no questions were reported from the County Board.

ESTABLISH ORDER OF THE DAY

Ordinance Z-30—2011-12 Correction - Supervisor Anthony reported that Ordinance Z-30—2011-12, placed on the desks as replacement for the one in the packet, needed to be corrected on line 16. The wording from the “Town of Center” should be changed to the “Town of Seymour.” Chairperson Nagler asked if anyone had an objection to the correction. No objection; so ordered. ORDINANCE Z-30—2011-12 IS CORRECTED.

Supervisor A. Schmidt requested that all appointments be moved to the end of New Business due to the need of resolution approval for some of the appointments. No objection; so ordered.

COMMUNICATIONS

Communication Referral List was distributed in the packet.

Supervisor Hirte reported that FEMA awarded grant monies of over \$1 million to Outagamie County municipal fire departments and EMS units to ease equipment costs at the local level for the 700 MhZ radio system. The grant was written for over \$2 million. The awarded \$1 million will assist the municipalities to offset the infrastructure costs for the new system.

Chairperson Nagler reported that in addition to the corrected copy of Ordinance No. Z-30-2011-12 placed on the desks, a letter from Tom Janssen was also distributed on the desks regarding the Airport FBO.

PUBLIC PARTICIPATION FOR A PERIOD OF FIFTEEN MINUTES (PERTINENT TO THE RESOLUTIONS OF THE DAY) – No public participation was given at the meeting.

REPORT BY THE COUNTY EXECUTIVE

Chairperson Nagler reported that the County Executive would not be reporting out at this meeting.

REPORT AND PRESENTATION OF COUNTY LOBBYIST

County Lobbyist Mark Wadium reported the following:

- A report was distributed on the desks to the County Board regarding Lobbyist Wadium’s December 2011 activities.
- AB 269 – Prohibitions against contacting certain persons and providing penalties (County Board has a position Resolution No. 41) – The Senate Committee Labor, Public Safety, and Urban Affairs Committee voted out the bill 5-0 and it now goes to the Senate Org Committee.
- AB380 – Streamlining local government/non-profit tax exempt status for purchasing building materials – The County Board has a supportive position since 1997. The bill is scheduled for vote out of Assembly Committee January 12. To reduce the fiscal impact, an amendment is being introduced, which will delay implementation. SB362, the companion bill from the Senate, was introduced by Senator Grothman. It has bi-partisan support in the Senate, and the Senate version was sent to the Joint Survey Committee on Tax Exemptions.
- State Department of Revenue (DOR) Report – When the budget was put together, an assumption of 3% gross increase in revenue was projected. The DOR reported a 4.6% increase for 2011.
- Chapter 51 Wis. Statute Revision - The working group announced two subcommittees of that working group to revise the statute. They will meet January 19 and Lobbyist Wadium will attend.
- Lobbyist Wadium will post on the bulletin board other legislation he is following.
- Office of Justice Assistance Treatment Alternative Diversion Program Executive Summary of Report – Lobbyist Wadium will post. The synopsis is that the benefit/cost ratio for treatment court is approximately 1.35, for diversion the ratio is 2.08, for an overall ratio 1.93. The report states overall that treatment alternatives save money.

A question and answer period followed. Supervisor Gosse questioned current legislation regarding wetlands, which may reduce restrictions for development. Lobbyist Wadium reported that he has been following the legislation, which had a hearing today. Some amendments have been introduced, and Lobbyist Wadium will continue to watch the legislation and report.

UNFINISHED BUSINESS

Resolution No. 94—2011-12 – Property, Airport, Recreation & Economic Development Committee. Approve of a contribution of \$45,000 towards a study of the entire assets and infrastructure of the vacant New Page Mill facility to more effectively market the site for other manufacturing opportunities for the possible sale and reuse of the facility, as noted on the fiscal note attached to the resolution, and that \$50,000 has been included in the County Planning Department 2011 Budget, any unspent funds will be returned to the General Fund. *At the December 13, 2011, Meeting, Supervisor Rabec moved, seconded by Supervisor Stueck, for adoption. Supervisor Weyenberg requested an opinion on a previous resolution regarding New Page Mill, whether those contingencies would apply this year. Corporation Counsel reported that the contingencies in Resolution 50—2010-11 would not preclude voting on this resolution. Supervisor A. Schmidt questioned whether Resolution No. 94 would require a 2/3 vote. Corporation Counsel Guidote reported that the monies were budgeted in the Planning Department budget; therefore, a 2/3 vote was not necessary. The resolution authorized spending budgeted money. Supervisor Weyenberg moved, seconded by Supervisor C. Schmidt, to lay on the table indefinitely. The motion to table indefinitely succeeded by a vote of 19 aye, 17 nay.*

(See action taken under Reports.)

NEW BUSINESS

ORDINANCE NO. Z-30—2011-12 – Agriculture, Extension Education, Zoning & Land Conservation Committee. Recommend adoption of the petition of Nicholas P. Knutson, Town of Center, to rezone 1.68 acres from Exclusive Agricultural District to General Agricultural District in the Southwest corner of a 15 acre parcel located on Isaar Road approximately 900 feet north of Vanden Heuvel Road in the Town of Seymour.

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

ROLL CALL: 35 aye, 1 absent. ORDINANCE NO. Z-30—2011-12 IS ADOPTED.

Resolution No. 98—2011-12 – Property, Airport, Recreation and Economic Development Committee. Establish the Highway Building Addition Project as a public works project whose total cost will exceed \$250,000 in accordance with Section 50-87 of the Outagamie County Code of Ordinances.

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

ROLL CALL: 32 aye, 3 nay, 1 absent. RESOLUTION NO. 98—2011-12 IS ADOPTED.

Resolution No. 99—2011-12 – Property, Airport, Recreation and Economic Development Committee. Establish the Administration Building Renovation Project as a public works project whose total cost will exceed \$250,000 in accordance with Section 50-87 of the Outagamie County Code of Ordinances.

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

Supervisor McAndrews requested that the oversight committee review emergency back-up equipment for the Administration Building complex as back-up electrical power is currently now available for many downtown offices.

ROLL CALL: 33 aye, 2 nay, 1 absent. RESOLUTION NO. 99—2011-12 IS ADOPTED.

Resolution No. 100—2011-12 – Public Safety Committee. Approve of the Outagamie County Sheriff's Department applying for, accepting and expending the 2012 County/Tribal Law Enforcement Grant in the

amount of \$26,834, with no County match required, as noted on the fiscal note attached to the resolution, and approve the Sheriff's Department and the Oneida Tribe of Indians plans to use their share of funds as listed in the resolution.

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

ROLL CALL: 35 aye, 1 absent. RESOLUTION NO. 100—2011-12 IS ADOPTED.

Resolution No. 101—2011-12 – Finance Committee. Deny the claim submitted by Angela Kilishek.

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

ROLL CALL: 34 aye, 1 nay, 1 absent. RESOLUTION NO. 101—2011-12 IS ADOPTED.

APPOINTMENTS

A letter was received from County Executive Thomas Nelson recommending the appointments of Jerry Wittmann, Mike Hendrick, and Craig Moser to the Administration Building Renovation Project Oversight Committee.

Supervisor Pleuss moved, seconded by Supervisor Defferding, to approve the above listed appointments.

ROLL CALL: 34 aye, 1 nay, 1 absent. APPOINTMENTS TO THE ADMINISTRATION BUILDING RENOVATION PROJECT OVERSIGHT COMMITTEE ARE APPROVED.

A letter was received from County Executive Thomas Nelson recommending the appointments of Jerry Wittmann, Al Geurts and Craig Moser to the Highway Addition Project Oversight Committee.

Supervisor Pleuss moved, seconded by Supervisor Trentlage, to approve the above listed appointments.

ROLL CALL: 33 aye, 2 nay, 1 absent. APPOINTMENTS TO HIGHWAY ADDITION PROJECT OVERSIGHT COMMITTEE ARE APPROVED.

A letter was received from County Executive Thomas Nelson recommending the re-appointment of Roberta Buchholtz to the Outagamie Waupaca Counties Federated Library Systems Board, said term expiring December 31, 2014.

Supervisor Pleuss moved, seconded by Supervisor Defferding, for approval of the above listed re-appointment.

ROLL CALL: 35 aye, 1 absent. RE-APPOINTMENT OF ROBERTA BUCHHOLTZ TO OUTAGAMIE WAUPACA COUNTIES FEDERATED LIBRARY SYSTEMS BOARD COMMITTEE IS APPROVED.

A letter was received from County Board Chairperson Helen Nagler recommending the appointments of Al Schmidt, Peter Stueck and James Pleuss to the Administration Building Renovation Project Oversight Committee.

Chairperson Nagler reported that this vote and the subsequent appointment vote would be taken by voice vote.

Supervisor Defferding moved, seconded by Supervisor Groat, to approve the above listed appointments.

VOICE VOTE CARRIED. APPOINTMENTS TO THE ADMINISTRATION BUILDING RENOVATION PROJECT OVERSIGHT COMMITTEE ARE APPROVED.

A letter was received from County Board Chairperson Helen Nagler recommending the appointments of Al Schmidt, Judy Schuette and Nick Hofacker to the County Highway Addition Project Oversight Committee.

Supervisor Pleuss moved, seconded by Supervisor Defferding, to approve the above listed re-appointment.

VOICE VOTE CARRIED. APPOINTMENTS TO HIGHWAY ADDITION PROJECT OVERSIGHT COMMITTEE ARE APPROVED.

REPORTS

County Clerk O'Bright reported that the drawing for ballot placement for the County Board supervisory races was held in the morning. Copies of the ballot placement order were placed in the supervisor mailboxes for those supervisors who had races. Additionally, the information is available under the County Clerk's website under Elections.

Resolution No. 94—2011-12 – (See synopsis listed under Unfinished Business listed above.)

Supervisor A. Schmidt moved, seconded by Supervisor Hirte, to take Resolution No. 94—2011-12 off the table.

Corporation Counsel Guidote reported that for Resolution No. 94—2011-12 to be approved, an amendment would need to be included to rollover the \$45,000 from the 2011 budget to the 2012 budget. Because a rollover of funds was necessary, the amended resolution would then require a 2/3 vote for adoption by the County Board.

Corporation Counsel Guidote reported that if Resolution No. 94—2011-12 is not pulled off the table, the resolution would die and future action would require a new resolution.

ROLL CALL to take Resolution No. 94—2011-12 off the table: 13 aye, 22 nay, 1 absent. MOTION DEFEATED – RESOLUTION NO. 94—2011-12 REMAINS TABLED INDEFINITELY.

Supervisor A. Schmidt moved, seconded by Supervisor Rabec, to adjourn until January 24, 2012, at 6:30 p.m. VOICE VOTE CARRIED.

The meeting adjourned at 7:36 p.m.

\s\ Lori O'Bright
County Clerk