

# BOARD OF SUPERVISORS

# Brown County



305 E. WALNUT STREET  
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**PLAN. DEV. & TRANS. COMMITTEE**  
Bernie Erickson, Chair; Dave Kaster, Vice Chair  
Norbert Dantine, Steve Deslauriers, Alex Tran

**PLANNING, DEVELOPMENT &  
TRANSPORTATION COMMITTEE**  
**Monday, September 23, 2019**  
**Approx. 6:15 PM (Or to follow Land Con)**  
**Pittsfield Town Hall**  
**4862 Kunesh Road, Green Bay, WI 54313**

**NOTICE IS HEREBY GIVEN THAT THE COMMITTEE MAY TAKE ACTION ON  
ANY ITEMS LISTED ON THE AGENDA**

**\*\* NOTE LOCATION \*\***

**\*\*REVISED\*\***

- I. Call Meeting to Order.
- II. Approve/Modify Agenda.
- III. Approve/Modify Minutes of August 26, 2018.
- IV. Discussion re: Date, Time and Location of Budget Meeting.

## **Comments from the Public**

### **Consent Agenda**

1. Harbor Commission Minutes (July 29, 2019).
2. Solid Waste Board Minutes (July 29, 2019).
3. Airport – Budget Status Financial Report for August 2019 – Unaudited.
4. Planning – Budget Status Financial Report for July 2019 – Unaudited.
5. Property Listing – Budget Status Financial Report for July 2019 – Unaudited.
6. Zoning – Budget Status Financial Report for July 2019 – Unaudited.
7. Register of Deeds - Budget Status Financial Report August 2019 – Unaudited.
8. UW-Extension – Budget Status Financial Report for July 2019 – Unaudited.

### **Resolutions & Ordinances**

9. An Ordinance to Amend Chapter 26 of the Brown County Code of Ordinances (Animal Waste Management).

### **Communications**

10. Request to and Response from Town of Wrightstown regarding Digester Communication from Supervisors Deslauriers and Van Dyck. *Held for one month.*
11. Communication from Supervisor Van Dyck re: Request an explanation as to why it was necessary to remove and replace 12 different sections of the newly paved Highway PP, in a 1.8 mile section from Highway W to Lasee Road. *Referred from September County Board.*

12. communication from Supervisor Deslauriers re: As the legislative and policy making body of Brown County, that the County Board take a policy position, through resolution, on the recommended criteria for installation and removal of transverse rumble strips. *Referred from September County Board. **\*\*Although presented on this agenda, the intention of the Chair is to hold this item until the October meeting so Corporation Counsel can attend.***
13. Communication from Supervisor Tran re: To look at working hours of janitorial staff – moving working hours of 3:00-11:00 PM to 1:00-9:00 PM, for safety reason and energy savings. *Referred from September County Board.*

#### **Public Works**

14. Budget Adjustment Request (19-073): Reallocation of more than 10% of the funds originally appropriated between any of the levels of appropriation.
15. Budget Adjustment Request (19-074): Reallocation of more than 10% of the funds originally appropriated between any of the levels of appropriation.
16. Energy Update.
17. Summary of Operations Report.
18. Director's Report.

#### **Airport**

19. Open Position Report.
20. Director's Report.
  - a. Construction Projects:
    - i. East Ramp Expansion to the West.
    - ii. Runway 6/24 Safety Area.
  - b. Frontier service to Orlando, Florida (MCO).
  - c. Stars & Stripes "Flight of Champions" Honor Flight October 19, 2019.

#### **Port & Solid Waste**

- 20.5. *Transfer Station Overhead Signs – Request for Approval.*
- 20.5a. *Director's Report – Update.*

**Planning & Land Services; Planning Commission; Port & Resource Recovery; Zoning; Extension** – No agenda items.

#### **Other**

21. Acknowledging the bills.
22. Such other matters as authorized by law.
23. Adjourn.

Bernie Erickson, Chair

Please take notice that it is possible additional members of the Board of Supervisors may attend this meeting, resulting in a majority or quorum of the Board of Supervisors. This may constitute a meeting of the Board of Supervisors for purposes of discussion and information gathering relative to this agenda.

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**PLAN, DEV. & TRANS. COMMITTEE**  
Bernie Erickson, Chair; Dave Kaster, Vice Chair  
Norbert Dantine, Steve Deslauriers, Alex Tran

**ADDITION TO PLANNING, DEVELOPMENT & TRANSPORTATION COMMITTEE**

Monday, September 23, 2019 at 6:15 pm, Pittsfield Town Hall, 3041 Kunesh North Road,  
Pulaski, Wisconsin

**Port & Solid Waste**

- 20.5 Transfer Station Overhead Signs – Request for Approval.
- 20.5a Director’s Report – Update.

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News media notified by fax 09/20/2019.

Planning, Development & Transportation Committee Members and County Board notified by e-mail on 09/20/2019 and placing on desks at Planning, Development & Transportation Committee meeting on 09/23/2019.

**PROCEEDINGS OF THE BROWN COUNTY  
PLANNING, DEVELOPMENT & TRANSPORTATION COMMITTEE**

Pursuant to Section 19.84 Wis. Stats., a regular meeting of the Brown County Planning, Development & Transportation Committee was held on Monday, August 26, 2019 at the Duck Creek Center – Public Works Department, 2198 Glendale Avenue, Green Bay, WI

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**Present:** Chair Bernie Erickson, Supervisor Tran, Supervisor Deslauriers, Supervisor Dantine, Supervisor Kaster  
**Also Present:** Supervisors Landwehr, Brusky & Deneys, Area Extension Director Judy Knudsen, Deputy Executive Jeff Flynt, Airport Director Marty Piette, Engineer Doug Marsh, Facility Manager John Morehouse, Port and Resource Recovery Director Dean Hain, Public Works Director Paul Fontecchio, Director of Administration Chad Weininger, Planning Director Chuck Lamine, Zoning Administrator Bill Bosiacki, Stan Kaczmarek & other interested parties

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**I. Call Meeting to Order.**

The meeting was called to order by Chair Bernie Erickson at 6:14 pm.

**II. Approve/Modify Agenda.**

Motion made by Supervisor Dantine, seconded by Supervisor Tran to modify the agenda to take Item 26 after Item III. Vote taken. MOTION CARRIED UNANIMOUSLY.

**III. Approve/Modify Minutes of July 22, 2019 and Special August 21, 2019.**

It was pointed out that on Page 5 of the July 22, 2019 minutes, there is reference to Supervisor Dantine being the Chairman of Hollandtown. This should be corrected to read that Dantine was the Chairman of Humboldt.

Motion made by Supervisor Dantine, seconded by Supervisor Kaster to approve as corrected. Vote taken. MOTION CARRIED UNANIMOUSLY.

**Comments from the Public**

-Bonnie Lee, 3759 Park Road, Greenleaf, WI

Lee informed she is here to talk about rumble strips. She noted there are 12 planned rumble strips going in this year and 12 more planned for next year. This issue is not going to go away and there will be people in front of the Committee talking about this. Lee is asking that the process of how decisions are being made and what criteria is being used be reviewed and discussed. She continued that recently there was a story on WBAY on rumble strips and the information used in the news story showed recordings of decibels at 65, but the reporting she showed at a recent County Board meeting was up to 82 decibels. The news story showed 1 car going over 1 rumble strip, but at her home drivers are going over 3 rumble strips at 85 decibels and there are many people in the same situation.

-Bridget Clancy, 1493 Hill Road, Greenleaf, WI

Clancy addressed the Committee regarding rumble strips. She noted the second set of rumble strips were put in this morning on the other side of Highway 57 at the corner of County Z. Clancy stopped to ask the highway crew why they were putting the rumble strips so close and she was told there was an engineer that figured out where to put them. Clancy asked again why they had to be so close to the house and she was told it was according to the county. Signage was just put up that says "stop ahead", but there are 3 rumble strips. The first one is about 75 feet from Mark Clevens house and the next one is about 180 feet from his house and it is quite loud. Clancy lives just east of there and the closest rumble strip to her house is 400 some feet and it is loud at her house as well. She has talked to her neighbors and they would like to see some other alternatives tried. She noted they were not notified that the rumble strips were going in this soon or that they were going in at all. She wants to go on record saying communication is lacking and something needs to be done. There are semis going by constantly and a number of cars as well and it is loud and wakes Clevens up early in the morning. |||

## Referral from Land Conservation Subcommittee

1. **Consideration and possible action regarding request from Land Conservation Subcommittee to approve Proposed Changes to Chapter 26 Animal Waste Management Ordinance and to direct Corporation Counsel to Prepare Ordinance Amendment and bring back for final approval.**

Supervisor Dantine questioned if this will come back to Land Con. Corporation Counsel Dave Hemery said PD&T is the only Committee that has to approve the ordinance. His recommendation is to refer this to Corp. Counsel to prepare in ordinance format and bring back to the next PD&T meeting for approval and then it would go on to the full County Board. Hemery noted that Subcommittees do not have the ability to approve, but they can make a recommendation to the standing Committee who can take action. Dantine would like this to come back to Land Con for review and Hemery said it can be done that way.

Supervisor Deslauriers asked about section 26.02 and, specifically, if it was appropriate to have that in the ordinance. He would like an opinion from Corporation Counsel on this as he questions whether this belongs in a rule making ordinance. Hemery said part of his review and drafting would be to look at this document for legality and he asked that Deslauriers e-mail his request to him.

**Motion made by Supervisor Dantine, seconded by Supervisor Deslauriers to refer to Corporation Counsel to draft Ordinance and bring back to to the next Land Conservation Subcommittee and Planning, Development and Transportation Committee meetings. Vote taken. MOTION CARRIED UNANIMOUSLY.**

## Consent Agenda

2. Harbor Commission Minutes (June 10, 2019).
3. Planning Commission Minutes (June 5, 2019).
4. Solid Waste Board Minutes (May 20, 2019).
5. Airport – Budget Status Financial Report for June 2019 – Unaudited.
6. Planning – Budget Status Financial Report for June 2019 – Unaudited.
7. Property Listing – Budget Status Financial Report for June 2019 – Unaudited.
8. Zoning – Budget Status Financial Report for June 2019 – Unaudited.
9. Port – Budget Status Financial Report for June 2019 – Unaudited.
10. Resource Recovery - Budget Status Financial Report for June 2019 – Unaudited.
11. UW-Extension – Budget Status Financial Report for June 2019 – Unaudited.

**Motion made by Supervisor Tran, seconded by Supervisor Dantine to receive and place on file Items 2 - 11. Vote taken. MOTION CARRIED UNANIMOUSLY.**

## Communications

12. **Communication from Supervisors Tran and Borchardt re: For the County to do an energy audit on all county-owned buildings. *Held for one month.***

Supervisor Tran recalled the first phase of this was looking at LED lighting and this will be coming back to the Committee in September. The next phase Tran would like looked at is what other opportunities can be explored to reduce energy usage in county buildings.

Facility Manager John Morehouse said a lot of building related upgrades would be done in conjunction with roof replacements, wall facades and window and door replacements. Those types of things are typically not replaced until the useful life is almost over or there is another need to make a change. To do anything before that point is typically not energy efficient. Tran recalled talking with Engineer Doug Marsh about insulation that could possibly be looked at to see if something could be done to reduce energy costs. Marsh responded that typically when roofs are replaced, insulation is looked at and replaced or added to. They usually do not get into wall insulation unless they are doing a comprehensive renovation and taking the interior faces of walls out. He noted that a lot of the buildings are masonry and working with insulation on those would be very disruptive due to having to drill into the masonry. ///

Marsh continued that in commercial buildings, there are typically people and equipment that produce a heat load and most of the heat is lost through the roof of the building, as compared to the walls of the building.

Tran asked if there are any plans in the 5 year CIP to look at roofs or windows that need to be replaced or chillers or boilers that are outdated and noted that there was equipment in the courthouse that dated back to the 1950s. Marsh said the courthouse had a comprehensive renovation in the 1990s so the R values in the walls and windows and exterior doors is better than it previously was.

Public Works Director Paul Fontecchio talked about the CIP that was passed last month. There are a number of projects scheduled including chiller replacement at the courthouse next year, lower roof replacement and a chiller replacement at Sophie Beaumont in 2021 and chiller replacement and cooling tower and heating boilers at the 911 Center/Jail, and replacement of 6 air handler units in the Law Enforcement Center in 2022. There is also a steam boiler replacement at the Museum projected for 2024. These projects are well over \$1 million dollars.

Deslauriers referenced the energy audit done in 2009 and asked if there was any low hanging fruit identified. Marsh responded that that was a pretty comprehensive county-wide study that included facilities as well as vehicles and the prior Facilities Director had a pretty good analysis done. When Marsh came in 2011, the county was in the throws of about \$1 million dollars of energy conservation measures as well as looking at some renewable energy systems, all of which was funded as part of the federal stimulus package that was to help recover from the recession. A lot of work at that time went into upgrading and improving facilities in terms of energy performance.

Marsh asked Deslauriers what his definition of low hanging fruit was. Deslauriers responded that when the Committee toured Duck Creek, the biggest eye opening thing was that a boiler from 1950 was being used well beyond its efficient designated life and he considers that low hanging fruit. Chillers not being replaced at the courthouse beyond their useful life and having one down is not something Deslauriers considers an acceptable plan of replacement, although he is aware that Facilities has been trying to replace that. Deslauriers feels there are likely other things that we could look toward to accelerate replacement that would make both economic and environmental sense because those have to go hand in hand. Deslauriers would not recommend replacing something before its useful time is up because that would not make good economic sense for taxpayers. He is not suggesting replacing things before their useful life is up. He talked about shop doors and the innovative air handling equipment available as well as vestibules and high traffic doorways that may go a long way in solving specific energy usage that may not have been looked at in the audit. Deslauriers supports conservation efforts as he believes conservation is the answer, not additional crappy intermittent generation. He would support anything to further conservation.

Morehouse informed the county typically purchases as much as they possibly can in the form of energy efficiency and new technology. The county wants to do the best they can with what they have for the greatest durability and longevity of the asset. They try to do things with what they already have from a financial aspect. If there was an additional \$2 million dollars to spend, some good educated choices could be made with regard to upgrading from an energy standpoint, but there is not that kind of money to throw at things. Deslauriers asked if there was an amount Morehouse felt would be appropriate for the County Board to attempt to budget that would provide a good balance between how much is spent to find economic and environmental solutions and how much those would cost, whether through an outside consultant or county employees. Deslauriers is looking for a figure for a good balance point for how much to invest in investigating and searching for conservation efforts. He noted the County Board holds the purse strings and he would also like to see a prioritized list moving forward.

Fontecchio wanted to clarify what Deslauriers is asking for and whether what he is asking for are things for energy conservation above and beyond what is listed in the CIP. Deslauriers said what he is trying to figure out is what the appropriate balance is to find economic and environmental solutions to our energy usage needs. He realizes there is not enough manpower in the county to do an investigation on every single window and light in every single building, but he is trying to see if we could allocate a specific amount of money, for example \$50,000, for the next 2 years for a dedicated study, if that would be beneficial to the county. Morehouse noted nothing has been done with the 2009 study which cost about \$14,000. He said we can spend money to no end having things studied, but if there is no money to back up the results, we get no place.

Deslauriers said he would like to see a more targeted facilities priority list of things that are in the future that the county is actually looking at for conservation efforts or efficiency specifically. Tran would also like to have some sort

of prioritized list. Deslauriers said he would much rather see the county spend money on conservation than seek taxpayer money for additional generation that is expensive, doesn't produce what is needed and does not work.

Fontecchio agreed with Morehouse in that we do not want to do studies for the sake of doing studies, especially when there is no money to do anything. Facilities is currently overwhelmed with the sales tax projects going on – the jail, medical examiner's office and the expo center. He said there is just not staff available to do a study, they will have to augment with outside consultant sources. Morehouse said another direction the County Board could recommend is that a set number of dollars be targeted for energy efficiency and upgrades. If Facilities knew there was a bucket of money available they could do some study based on needs identified and bring it back to the Committee and share the needs and recommendation to spend the money as efficiently as possible.

Tran acknowledged that doing studies without any action is pointless. She is wondering why there was not much done following the 2009 study. Morehouse said that many times studies end up with recommendations that cost millions of dollars. If there was a bucket of money with a designated amount for upgrades, they could chip away at some projects and move forward. He feels the 2009 study was just so enormous and the county did not have any funds close to what was recommended. Marsh added that there were a lot of recommendations in the 2009 study with pay back periods which was a great tool for prioritizing. A lot of the recommendations have been carried out but others, for a variety of reasons, have not. Four buildings have been re-lamped and in the 8 years that Marsh has been here, numerous boilers have been replaced as have a number of water heaters. There have been roof projects and replacement of condensing units and chillers at various locations as well.

Supervisor Dantine agreed that studies get us nowhere. He agrees with conservation and feels Facilities knows what is in the buildings and what needs to be taken care of without doing a study. Morehouse agreed and said if they are given some resources to do their job, they will do so and get rid of some of the low hanging fruit.

Deslauriers said the refrain is repeatedly that Facilities is swamped and does not have the resources. Fontecchio said right now they are neck deep in the LED thing, and they are also working on the sales tax projects; they are pretty booked. The last thing Deslauriers wants is to spend money on an audit if in a few months Morehouse may have some time to work on this, so he would like some sort of timeline as to when time may be available. It would be a big help in the path moving forward to have some clarity in the availability and what is possible through county employees. Fontecchio responded that he does not see things slowing down until the jail and medical examiner projects are done. Realistically, with the current staff, Fontecchio said there likely would not be time for a couple years. Morehouse added that he is a taxpayer in Brown County and if he had \$500,000 to throw at energy efficiency, he would find a way, even on his own time, to look at this.

Tran thanked the Facilities staff for everything they do and all their hard work. She would like to see some kind of a priority list from Facilities of what needs to be done and what the cost may be so the County Board can try to find money. She noted that last month the electricity costs at CTC alone were almost \$13,000 and that is just one building. She would like to see some plan with actionable things. She wants to see something be done, not just this being discussed for years.

Fontecchio understands we all want to see things get done, but realistically if Facilities could have some time to put together a list to prioritize, Morehouse can work on that. He added that in the past, when he tries to add something to a budget at this point in the budget process, it does not go well, but he said maybe something could be built into the 2021 budget. That would give staff time to work on this when there may be a lull. Tran said she is a team player and is not looking to complicate anyone's jobs; she just would like to see something in the planning. She wants to see a process and some action. She wants to see something that shows things will get done because it seems that the Board thinks things are fine the way they are, but they are not fine. She wants to see some sort of plan for action and deadlines.

**Motion made by Supervisor Deslauriers, seconded by Supervisor Tran to refer to Public Works to come back in March, 2020 with a prioritized list of energy efficiency or conservation efforts with general costs. Vote taken.**  
**MOTION CARRIED UNANIMOUSLY.**

13. Request to and Response from Town of Wrightstown regarding Digester Communication from Supervisors Deslauriers and Van Dyck. *Referred back from July meeting.*

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Deslauriers informed he talked to Supervisor Van Dyck about this communication. The Plan Commission in the Town of Wrightstown will be voting on the conditional use permit on September 3 and the public hearing for the Town Board will be held on September 4 and the Town Board will be voting on the CUP on September 11. Deslauriers and Van Dyck would like this item held until next month's agenda.

**Motion made by Supervisor Deslauriers, seconded by Supervisor Tran to hold for one month. Vote taken. MOTION CARRIED UNANIMOUSLY.**

14. **Communication from Supervisor Deslauriers: That Highway Commissioner Paul Fontecchio deliver a report to, and answer questions from, the County Board at its October meeting. The report to include the following:**

**\*Where else in Wisconsin have transverse rumble strips been recently installed in a systematic, widespread manner in extremely close proximity to rural homes as they have been, and continue to be, installed throughout rural Brown County?**

**\*Since the Commissioner's stated purpose of the installation of the transverse rumble strips is to prevent distracted drivers from running stop signs, present any studies that prove that transverse rumble strips reduce accidents and fatalities caused specifically by distracted or impaired drivers (the cause of most intersection fatalities in rural Brown County)?**

**\*What low cost countermeasures were passed over in favor of installation of transverse rumble strips near homes?**

**\*Do Highway Commissioners typically react to a traffic accident by planning and promoting a solution months prior to the cause of that accident being known? *Referred from August County Board.***

Deslauriers informed he put this communication in because about 2/3 of the rumble strips scheduled for installation this year have been put in and there are another 12 scheduled for installation next year. There will be 2 communications next month that will require County Board vote. What Deslauriers is asking for is to have this discussion before the full County Board as we simply do not have the ability to give knowledge to the County Board to make educated votes one way or another without doing that. He continued that most of the time the committee structure works great in that things are passed through committee and then forwarded on to the full County Board and there are informed Supervisors making decisions, but in this instance Deslauriers does not see a way to do that without bringing this to the County Board. He is trying to be respectful in giving Highway Commissioner Fontecchio some of his concerns as well as time to address those concerns.

**Motion made by Supervisor Deslauriers, seconded by Supervisor Tran to have Highway Commissioner Fontecchio report and answer questions in the communication at the October County Board meeting. *Motion was later amended.***

**Motion by substitution made by Supervisor Dantine, seconded by Supervisor Kaster to refer to County Executive's Office. *Motion withdrawn; no vote taken.***

Dantine informed the County Board does not have any jurisdiction over what the Highway Commissioner does and by State Statute he is in charge of public safety. Recommendations have been made in the past and this has been discussed numerous times. Dantine noted the Highway Commissioner is hired by the County Executive. To air this out at County Board does not make a lot of sense to him because it is like saying Fontecchio is not doing his job and that is not something that should come before the Board because the Board cannot control what he does. Recommendations can be made, but the Board does not control what the Highway Commissioner does and for that reason Dantine feels this should be referred to the County Executive.

Deslauriers recalled this has already been sent to the County Executive, but what happened was there was a unanimous vote on Supervisor Landwehr's communication back in September that anything the Highway Commissioner did that was outside of standards would be reported to PD&T prior to being implemented. There was



also a very distinct recommendation to the Highway Commissioner to notify residents. Supervisor Landwehr's communication has not been followed nor has the recommendation to the Highway Commissioner (except for the first few corners) to communicate to landowners. Deslauriers did refer this to the County Executive and they did have a discussion, but it did not change anything. The County Board, just like with other discussions on things like the dark store loophole, can make recommendations to both staff and legislators. Whether the Board has authority on a specific issues does not mean we can't make our opinion known. Deslauriers continued that the 2 communications that will be coming at next month's County Board meeting will be actionable and he feels the only way to get through this issue once and for all is to just have this discussion at the full County Board.

Corporation Counsel Dave Hemery said this communication is basically to require the Highway Commissioner to report to the County Board and answer questions from the County Board, including specific questions. Hemery reviewed the statutes on this which state under Sec. 83.01 that the Highway Commissioner is subject only to the supervision of the County Executive or County Administrator. The Highway Commissioner does have the statutory duty to make an annual report to the Department and to the County Board at its annual meeting. That report concerns an itemized statement of expenditures made from the road and bridge fund. Further, the Attorney General has opined that the statutory powers and duties conferred upon a County officer, and the Highway Commissioner is a county officer, cannot be narrowed, enlarged or taken away by a County Board, unless the legislature specifically authorizes such action. This is not the case here. In addition, case law indicates the County Executive's day to day control power prevents the Board from taking actions that effectively direct what duties may or must be accomplished by officers or how they must perform those duties.

Hemery continued that he also requested an outside legal opinion which was consistent with the three other sources of authority cited and further states that the Highway Commissioner is only subject to supervision of the Executive. The Highway Committee and County Board serves as policy making body to determine the broad outlines and principles governing administration. The Highway Commissioner has the administrative powers and duties prescribed. Neither the County Board nor the Highway Committee may interfere with the exercise by the Highway Commissioner of the Commissioner's statutory authority and duties.

In general if someone has an issue with how an employee is doing their job, they would go to that employee's supervisor. In this case, there is a Highway Commissioner who clearly has broad authority that cannot be curtailed, expanded or made smaller and the Highway Commissioner cannot be directed to do specific things, but he does have to follow the statutory duties. One of those duties include making an annual report to the Board. Hemery said that Commissioner Fontecchio makes himself available and often comes to meetings to answer questions, but the motion to refer this to the person that actually supervises the Highway Commissioner makes sense rather than continuing this at the County Board that has no authority over this matter. If the County Board wants to discuss this, even though they do not have any authority over it, that would be in the Board's discretion, but with regard to the actual statutory powers and duties of the Highway Commissioner, he is clearly acting within the scope of his authority.

Deslauriers does not dispute what Hemery said. He asked if there is anything statutorily wrong with having the Highway Commissioner have a Q & A session about a highly controversial topic in the county, whether there is authority to change it or not, for transparency sake and for general knowledge. This would not limit the Highway Commissioner's ability to do his job or choose a counter measure, but it would give clear direction from the County Board as to their feelings on the subject and Deslauriers feels the only way that can be accomplished is through Q & A at the County Board. Hemery responded that the County Board may always express its feelings and this is often done through resolutions where the entire Board votes on a certain position on a matter. The communication being discussed now is regarding directing the Highway Commissioner to report to the County Board and answer questions, but there is not statutory authority to direct him to do that. It is Hemery's opinion that the Highway Commissioner makes himself quite available to answer questions and it would be up to him to decide what the most productive way to address these issues is, whether it be in an open public session, one on one with a Supervisor or whether he feels the questions have been asked and answered and he does not care to continue engaging in this, but this is up to the Highway Commissioner. |||

Deslauriers asked if a better motion would be to request that the Highway Commissioner do everything outlined in the communication instead of making a directive. Hemery responded that it could be requested. Deslauriers feels it is a reasonable request to have this conversation, especially if the County Board as a whole will be voting on things that require some baseline knowledge of the topic, which is not going away.

Deslauriers asked how the motion by substitution affects his initial motion. Erickson informed the motion by substitution has the floor and would move the communication to the County Executive if it passes. Hemery added that currently the motion for substitution is on the floor and once it is voted on, it will dispose of the agenda item.

Deslauriers indicated he finds this situation difficult because the Highway Commissioner was given clear directive to report to us when non-standard implementation of counter measures were installed. Hemery said it is his opinion, however, that that is not a directive that can be enforced by the Committee. Erickson added that that is not on the agenda, however, Deslauriers disagreed and said in this case, clear direction by a unanimous vote of this body was given to the Highway Commissioner to not only report to us but it was also recommended that he notify the highly impacted land owners that these counter measures will impact. That happened for the first implementation of rumble strips, but it is not being done now. Deslauriers continued that it is pointless to continue airing this at PD&T and that is why he would like this to be brought to County Board to have a fundamental discussion so when recommendations come up for advisory motions next month there is some baseline of understanding of the issue and what we are dealing with and what taxpayers and landowners are dealing with in rural Brown County. He does not want to see this referred to the County Executive because that has already been done. Deslauriers reiterated there is nothing stopping us from giving an opinion on what we do not have statutory authority to deal with. He feels it is important for the residents to know that we support them and understand their issue and we may not agree with the Highway Commissioner's implementation of transverse rumble strips located close to people's homes. For these reasons, he is asking the Committee to not vote in favor of the motion by substitution.

At this time Deslauriers informed he would make a motion requesting that the Highway Commissioner deliver a report and answer questions of the County Board at the October meeting regarding transverse rumble strips in the event the motion by substitution fails.

Dantinne said this issue has been going on for a year and there was a recommendation made. Commissioner Fontecchio does not have to listen to the recommendation, but he does have to follow statutory rules for public safety. Dantinne does not feel it does any good having this keep coming to this Committee and wasting time if we cannot make decisions. At this time he withdrew his motion by substitution.

Hemery informed requests of Commissioner Fontecchio can be made in two ways. A request could be personally made through a phone call just asking him to do a report, or it can be done through a motion. If the motion carries, the request would officially be made by the Committee. If a motion would fail, there would still be the opportunity to simply speak with Commissioner Fontecchio and ask him to make a report which may be a more streamlined way of making the request.

Erickson said after reading this communication a number of times, he feels asking Fontecchio to make a presentation would make the most sense.

Erickson noted that Fontecchio does not have to do any of this and that is why he suggested that Deslauriers request a presentation. Deslauriers indicated he understood what Erickson was saying but feels his motion is very reasonable and very respectful of staff as well as the citizens of Brown County. He also realizes the Highway Commissioner can choose not to do any of this; the motion is a request from this body and he hopes there are enough votes to at least have this discussion at County Board. Hemery said if the amended motion is seconded, there could be further discussion. Erickson could also request to amend the motion to have a presentation instead of a specific report.

Supervisor Landwehr said we all know what the statutory language is and what powers the executive branch holds, but the County Board holds the purse strings. He said a budget adjustment could be done that would state that

county Highway Department funds are not to be used to install any more rumble strips. He does not know if this is something that would pass the full Board, but he feels this may be a way to get attention and slow this down until it can be brought under control. Hemery referred to the outside legal opinion he talked about earlier which says that while the Board does have budgetary control over the County Highway Department, the Board may not limit the statutory administrative powers of a County Highway Commissioner appointed and supervised by a County Executive. In other words, the Board cannot effectively prohibit the Highway Commissioner from administering his statutory authority or duties by prohibiting the expenditure of general funds for specific items. The Board sets the budget, but the Highway Commissioner has the statutory duty and authority to determine how that is used for safety measures. This outside opinion is that the Board cannot prohibit the expenditure of general funds for a specific item. Further, the Board may not limit the Highway Commissioner's administrative authority to expend such funds on particular items so long as such expenditures are consistent with the Commissioner's statutory authority. This goes back to what Hemery referenced earlier that the statutory powers and duties conferred about a County Officer cannot be narrowed, enlarged or taken away by a County Board. The County Board does have the power of setting the budget, but once that is set, the Highway Commissioner is authorized to make safety determinations based on his best judgment. Based on the research he has done and the outside opinion he has reviewed, it is Hemery's opinion that the Board cannot prohibit a specific measure such as installing rumble strips.

**Motion amended by Supervisor Deslauriers, seconded by Supervisor Kaster that PD&T requests that Highway Commissioner Paul Fontecchio deliver a presentation to and answer questions from the County Board at its October meeting. Vote taken. MOTION CARRIED UNANIMOUSLY.**

Erickson noted that budget meetings start in October and questioned if Fontecchio could put something together by September. Fontecchio responded that this is not something that would come back to this Committee, it would be going right to the County Board. Deslauriers said he does not have any issue with Fontecchio doing this at the next County Board meeting, if he chooses to do this.

#### Port & Resource Recovery

##### 15. Director's Report.

Port and Resource Recovery Director Dean Haen outlined the items included in his Director's Report contained in the agenda packet. With regard to the South Landfill Plan, Haen said they are taking their time to make sure it will be deemed complete and he anticipates approval by the end of the year. Haen also informed he anticipates 2 positions being added to his department next year in connection with the South Landfill. One of the positions would oversee the excavation and the second position would be added later in 2020 and will be a landfill manager. Haen also talked about the rate stabilization fund and noted there is a little over \$1 million dollars and roughly 100,000 tons in the contract with the large users and that is who the break would be offered to. The \$8 dollar a ton increase would be done incrementally so they would only experience a \$2 increase per year.

With regard to the BOW Agreement, Haen informed the document will be revised and restated to bring Outagamie County's northwest landfill into the agreement. He is hoping to see this agreement brought to the County Board sometime early next year.

Haen continued by talking about the Pulliam Plant and said he believes the highest and best use of the property is port-related industrial property and Planning agrees with this. This is 80 acres on the water and roughly 100 acres behind and it is very important that it stays in port and industrial use. They are working with the State and DOT to try to find funds to do the due diligence to find out what the soil conditions are and if there is any contamination on the site. With regard to the highest and best use, Haen said this will not be cheap; it will likely be anywhere from \$30 - \$50 million dollars to do this and they have to demonstrate port growth to maximize state and federal grants by creating jobs, infrastructure and economic development opportunities.

Haen also talked about the Solid Waste Transfer Station modifications and, specifically, the new kiosks that will be put in and he also mentioned several events his Department participated in recently. |||

Deslauriers wished to publicly thank Haen and Chris Blan for setting aside the expired fire extinguishers for the Morrison Fire Department.

**Motion made by Supervisor Dantine, seconded by Supervisor Deslauriers to receive and place on file. Vote taken.  
MOTION CARRIED UNANIMOUSLY.**

### Planning and Land Services

#### Planning Commission

**16. Brown County STEM Innovation Center Construction Update and Field Order Reports for Project.**

Planning Director Chuck Lamine provided a handout, a copy of which is attached, which outlines the construction progress and field orders. He thanked Doug Marsh for his work on the project and said he has spent the last year working on this and has done great work assisting with the project management. Lamine outlined the construction progress and also explained the field orders as outlined in the handout. He also noted that Judy Knudsen has been working on putting together building procedures regarding scheduling out the rooms and thinks like that which has been a huge relief and is greatly appreciated.

Dantine asked if more than one person was walked through the facility to learn how to operate the boilers and things of that nature so that when someone retires, there are others who know how to handle things. Marsh said key staff has met with a variety of subcontractors to go over the systems and how panels and equipment operates. All of those sessions have been videotaped so there is a record of everything.

Lamine continued that the building is beautiful and UWGB has said it is the gem of the campus. There are currently 82 students enrolled in the engineering program which is about twice as many as were expected and there are still some applicants pending.

Lamine concluded by saying the building should be open for the first day of classes and a building opening event will be held sometime in October. He also mentioned he would love to have PD&T hold a meeting in the building in the near future.

**Motion made by Supervisor Tran, seconded by Supervisor Deslauriers to receive and place on file. Vote taken.  
MOTION CARRIED UNANIMOUSLY.**

### Zoning

**17. Private Onsite Wastewater Treatment System (POWTS) property owners not currently on 3-year maintenance program update.**

Zoning Administrator Bill Bosiacki referenced language in the Administrative Code which states the governmental unit shall develop and implement a comprehensive POWTS maintenance program by October 1, 2019. He informed they are in compliance with that. There are approximately 11,400 private sewer systems in the county. When they started this, there were about 3000 – 4000 systems that were not giving notices. For the last 4 – 5 years they have been sending out annual letters advising them to get this done and at this time they are down to about 500 that have not responded. Sometime after October 1 they will be sending out letters saying the time is up and they have to get this done. Zoning will likely give the people until spring to get it done so people don't have to pump their tanks out in the winter.

Bosiacki continued that he suspects a number of these places are going to be old abandoned farmhouses and people have just not responded. That will be a simple fix because all they have to do is make sure the well is disconnected and the septic tank has been crushed and filled.

Dantine asked if they check to see if the houses are occupied or even still there before letters are sent. Bosiacki said typically people call to let them know if the house has been torn down, but sometimes they do not. He added that the property owners still have to let Zoning know if the well has been disconnected and the tank crushed and filled. Over time, the tanks become a hazard because people don't know where they are and that creates problems. The letters are sent to the same address the tax bill goes and there is a picture included so people should be able to recognize the property. |||

Erickson asked what happens if people continue to ignore the letters. Bosiacki said at that point they turn it over to Corporation Counsel who sends out a letter telling them they are in violation. If there is no response, a small claims action is started and a forfeiture of \$5000 is asked for.

**Motion made by Supervisor Dantine, seconded by Supervisor Kaster to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY.**

#### Area Extension

18. **Budget Adjustment Request (19-069): Any increase in expenses with an offsetting increase in revenue.**

The UW-Extension Community Garden Program received a grant from United Healthcare for construction of tabletop garden beds, vouchers for the teen farmers' market program, Church Road community garden road repair, and garden soil improvement.

**Motion made by Supervisor Kaster, seconded by Supervisor Dantine to approve. Vote taken. MOTION CARRIED UNANIMOUSLY.**

19. **Resolution Regarding Table of Organization Change for UW Extension – Add Hours for LTE After School Instructors.**

Extension Brown County Director Judy Knudsen said this is in regard to the after school programming they do for the Green Bay Area Public School District. STEM education is one of their core programs and grades K – 5 in 13 elementary schools participate in this. There is money in the budget to get them through spring so this resolution is for additional funding to get them through until the end of the year. There will be funding in the 2020 budget for the first part of next year. They are in the process of hiring after school instructors to teach STEM programming.

Deslauriers asked how children get involved in the after school program. Knudsen said it is voluntary and the 13 schools they work with are the low income schools so a lot of the kids would not have care if they go home so they stay after school and then are picked up later. The kids are super engaged in the STEM program and Knudsen explained the progression of the program from starting with Legos to progressing to building and coding computers. The program takes place right at the school and each grade is done separately. Deslauriers asked why the program is geared to low income children only. Knudsen responded that that is where the money is right now. They have to hire staff and there are not dollars in the levy to do this so the school district pays. Knudsen continued that they have heard inquiries from other schools who would like similar programming so they are looking at how to do that without increasing the tax levy. Knudsen said it is a great program and the kids do great in it.

**Motion made by Supervisor Dantine, seconded by Supervisor Deslauriers to approve. Vote taken. MOTION CARRIED UNANIMOUSLY.**

20. **Director's Report.**

Extension Brown County Director Judy Knudsen provided a handout, a copy of which is attached which outlines some of the things going on. She also informed Extension is moving into the STEM Innovation Center at the end of September and she thanked Chuck Lamine and Doug Marsh who have spent many, many hours on the project. She said the building is highly impressive and they are very excited to get the Committee out there to see it.

Knudsen continued that their Agricultural Agent is working on a research project looking at alternative feed sources and she noted that a lot of farmers are running low on feed and with the weather we have had this year in some cases there is probably not going to be sufficient feed so the agent is looking at the nutritional value of some of the cover crops and if they can be harvested and fed to dairy cows. Knudsen continued that there are about 35 farmers in the county that are raising hemp, some with more success than others. The Agricultural Agent is working on getting some equipment in to give farmers a sense of what they may be able to use to make the process easier because raising hemp is really quite labor intensive.

Knudsen also talked about the teen market garden as outlined in the handout and noted that the teens have planned a field trip with the money they raised and the rest will be used to get the gardens started for next year. She also talked about a program she is working on with Brown County Child Support Agency that will be in the 2020 budget to

provide education to non-custodial parents. They are currently surveying 250 non-custodial parents to see what their interest is regarding issues they are facing as non-custodial parents and what education would be helpful for those issues.

Dantinne thanked Knudsen for the Sunset on the Farm event and said it was very well done. Knudsen said the event was attended by about 450 people and it was a great event that taught people a little bit about cover crops and what is being done to reduce erosion and reduce phosphorous.

**Motion made by Supervisor Kaster, seconded by Supervisor Tran to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY.**

#### Airport

**21. 12+ Hour Shift Report.**

Airport Director Marty Piette said this overtime is related to a football charter flight for one of the home pre-season games.

**Motion made by Supervisor Tran, seconded by Supervisor Deslauriers to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY.**

**22. Open Position Report.**

Piette informed the airfield maintenance mechanic position has now been offered and accepted and the new hire will be starting within the next 30 days.

**Motion made by Supervisor Dantinne, seconded by Supervisor Kaster to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY.**

**23. Award RFB #2336 to Northeast Asphalt Inc.**

This is in regard to some repair work on several of the lanes in the long-term parking lot. There was a base bid as well as some alternate bids, not knowing what the prices were going to come in at. The budget for the project was \$150,000 and the bids came in at about \$122,000 so they will be able to do all the alternate bids and Piette recommends approval of the bid of Northeast Asphalt.

**Motion made by Supervisor Dantinne, seconded by Supervisor Tran to approve the base bid of \$72,630, alternate bid 1 of \$23,640, alternate bid 2 of \$23,640 and alternate bid 3 of \$900 by Northeast Asphalt for project 2336, airport parking lot repaving. Vote taken. MOTION CARRIED UNANIMOUSLY.**

**24. Director's Report**

**a. Construction Projects:**

- i. Exit Lane Breach Control (ELBC).**
- ii. East Ramp Expansion to the West.**

Piette updated these projects and said there is not a lot going on with the exit lane breach control at this time. The bids came in well under the estimates and this is 90% funded federally, 5% funded by the state and the remaining 5% of funding is local but they do not anticipate construction starting until January. The second project is the east ramp expansion to the west which is between Jet Air and the customs building. The ramp will be expanded to accommodate overflow parking for large events like Packer home games and Air Adventure. The project is about 40% complete at this time and paving should happen later this week. The entire project should be done by the end of October.

Tran asked if there have been any issues with the REAL ID with the star in the corner. Piette said TSA put out a national press release on REAL ID requirements and the airport has done the same thing. The deadline for this is October of next year and Piette said the compliance date is October 2020. They are advising travelers to get it done

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and it is easy to do at the DMV. They will be pushing out more information as they get closer to the date to be sure everyone is in compliance.

Tran also asked how Frontier is doing and Piette said they are doing very well. He watches the loads each week and they are selling all of the seats on the flights. He does not know if they plan on adding routes in the future, but he will keep the Committee advised as he receives information.

**Motion made by Supervisor Kaster, seconded by Supervisor Tran to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY.**

### Public Works

25. **Recommendation and Approval for the Resch Center LED Upgrade Project Base Bid plus Alternate 1 and #2 – Project #2329 for a total of \$579,445.**

Public Works Director Paul Fontecchio said this is one of the projects approved through VMCC Committee. PMI wants to go with the base bid plus alternates 1 and 2 and that is what Fontecchio is recommending.

**Motion made by Supervisor Dantinne, seconded by Supervisor Kaster to approve the base bid of \$432,729, alternate bid 1 of \$43,476 and alternate bid 2 of \$103,240 by Elmstar Electric for project number 2329, Resch Center LED Upgrade. Vote taken. MOTION CARRIED UNANIMOUSLY.**

26. **Courthouse Security Report.**

Sheriff Todd Delain and Fontecchio referred to the information in the agenda packet. Fontecchio said they got the estimate back from the Concord Group and it was quite a bit higher than was expected which is due to the historical nature of the building and wiring that needs to be redone. The best place to put the addition would be the north side of the building and there is a sketch of it in the agenda packet. This was used by the Concord Group as the basis for their estimate. Fontecchio likes the way all 4 sidewalks lead up to the 1 entry focal point. The wait line is a little larger than what Winnebago County has and this is because the Brown County Courthouse will likely be a little busier. There will also be a bypass gate for handicap accessibility. There are also plans for the south side of the building to fence off the parking lot where the judges park as well as some security work on the ramp. The \$1.95 million dollars from Concord is an all-inclusive number.

Sheriff Delain said they took information from the previous reports that had been put together to make sure all of the security recommendations of the US Marshall Service and other recommendations from the judges were considered and he believes that what is set forth here meets all of the security needs and does it in a way that will maintain the integrity and beauty of the courthouse which is a focal point of Brown County. Delain was happy the Committee authorized the Concord Group to provide an estimate because it would have been very difficult for the county to do, specifically because the courthouse is a historical site and the red granite has to be matched which is expensive.

Delain continued that at this time this is an unfunded capital improvement. From discussions he has had with Supervisor Brusky, Delain feels there may be money available in the next few years to fit this in. One of the most pressing questions of this addition is what the long-term operational expenses for the Sheriff's Department would be for this and Delain hopes to have the answer for that sometime next week. His goal is to do this with as close to the staff they currently have at the courthouse now as possible. He would like to reallocate resources currently at the courthouse or change some duties around. The best case scenario would be to make the improvements outlined and then be able to provide the increased security without having to increase staff. Delain said if it is not possible to provide the security with the staff they currently have, he would likely look at some limited term employees that would fill in different locations, whether it be courthouse monitoring or at the security desk as a civilian to help handle the property with current staff.

Dantinne asked if the entrance would be used for the employees as well as the public. Delain responded that that has not been determined yet, but in Winnebago County they have 2 exceptions to those who go through the screening and those are people that are authorized to carry firearms in the building which is the judges and the DAs. In Winnebago County they have a tunnel similar to what Brown County has and they authorize their DAs and Assistant

DAs to use that tunnel and avoid screening and the judges do not get screened, but all other employees do. He said it becomes quick and routine and the employees move through quickly. That being said, Delain said that is an operational decision that he would also like to clear with the judges and the DA before a final decision is made.

Deslauriers asked if this security checkpoint would limit egress in any way. Delain said it does not. It is very specifically designed for all of the doors to open for egress in the event of an emergency. He is confident that if we follow Winnebago County's model there would not be any issue. Deslauriers is interested in the operational costs and would like to hold off on making any decision regarding moving forward until we know the operational expenses.

Tran noted that the figure from the Concord Group is about twice the amount of the earlier estimate. Fontecchio said the number he previously threw out was only his opinion. The Concord Group really emphasized matching the red granite which the Historical Society will require. In addition, there is a lot of electrical rewiring that will need to be done because it is an older building. Fontecchio said the unique nature of the building is the reason he pushed to have professionals look at this and he reiterated that the \$1.95 million dollar figure is all inclusive.

Kaster said although he is not big on spending money, he wants this to look right and look good. He wants to be sure the granite matches and things like that. Fontecchio said the way it is currently designed it will look like it is supposed to be there. Kaster also said he does not ever want this to become something where people are questioned why they are in the courthouse or anything like that. He wants whoever wants to come in to be able to come in and those that are able to carry weapons to be able to do so. Delain said as Sheriff he would not support anything that did not reflect positively upon the historical site as he feels anything less than that would be a disservice to the citizens and reflect poorly on the Sheriff's Department. He truly believes this is designed in a way that will look like it belongs there and will be done well. He noted there were a few judges that were opposed to this and he heard that there were concerns that this would be done in a manner that would hurt the aesthetics of the building. Delain feels this project will meet the security needs as well as maintain the beauty of the courthouse which will then also ease the concerns of people who may have been concerned about the project. Kaster said there are a lot of things that change people's lives and a lot of contentious things that go on the courthouse and he feels it is probably time for this safety measure.

Erickson would like to see a motion to refer this to Public Safety so it is handled there property so Delain and Fontecchio are not running around to a bunch of meetings to talk about this. It is ultimately going to end up at County Board, but in the meantime PD&T is not really part of this other than initiating finding the funding for Facilities to hire the Concord Group.

**Motion made by Supervisor Erickson, seconded by Supervisor Deslauriers to refer to Public Safety Committee and have Sheriff Delain include updates in his report as appropriate and bring that information back to PD&T. Vote taken. MOTION CARRIED UNANIMOUSLY.**

27. **Summary of Operations Report.**

Deslauriers asked about PP and why there are so many patches on the new asphalt. Fontecchio said they ran into some nasty subgrade problems and it seemed to rain every time they opened a new portion of the road. They switched over to a mix and ran out of the wrap for a while and there were some slides in some areas that they had to go back and patch. He continued that they have done a lot of excavation below subgrade to get rid of some of the soft soil and that is why it is running high in the budget. The estimating game is tough but Fontecchio feels the patches should hold up quite well.

With regard to the capital projects page, the total percentage number is very skewed because of the Green Bay Packaging project. Dollar wise it is a huge project and there is a lot of money sitting out there, but once they get going, they will be spending a lot of money very quickly.

**Motion made by Supervisor Dantine, seconded by Supervisor Kaster to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY.**

28. **Director's Report.**

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Fontecchio referred to his report on the agenda packet and provided brief updates on the projects outlined as well as the sandbag machine. Fontecchio said the sandbags will be used primarily by the municipalities and noted that earlier this year they did not have a way to fill sandbags to protect areas in the county. There is a lot of critical infrastructure, like sanitary lift stations that need to be protected. At this time, none of the municipalities have a machine like this, other than the City of Green Bay, but their machine is not that great. The machine the county has can fill about 1000 bags an hour. The problem with sandbags is you cannot fill them up and stack them on pallets because they rot too easily, so they have to be done as they are needed. Fontecchio has sent information out to the DPWs and Town Chairs to let them all know that sandbags can be put together in a hurry. This machine will also fill rock bags which are used for erosion control.

Fontecchio concluded by saying they have finally filled the engineering position and the person started today and Fontecchio feels it will be a good fit.

**Motion made by Supervisor Tran, seconded by Supervisor Kaster to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY.**

**Other**

29. Acknowledging the bills.

Motion made by Supervisor Dantine, seconded by Supervisor Tran to acknowledge receipt of the bills. Vote taken. MOTION CARRIED UNANIMOUSLY.

30. Such other matters as authorized by law. None.

31. Adjourn.

Motion made by Supervisor Dantine, seconded by Supervisor Deslauriers to adjourn at 8:57 pm. Vote taken. MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,

Therese Giannunzio  
Administrative Specialist

PORT & RESOURCE RECOVERY DEPARTMENT

*Brown County*

2561 SOUTH BROADWAY  
GREEN BAY, WI 54304

PHONE: (920) 492-4950 | FAX: (920) 492-4957

DEAN R. HAEN

DIRECTOR

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**MINUTES OF THE BROWN COUNTY HARBOR COMMISSION**

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A meeting was held on **Monday, July 29th, 2019**  
at the Resource Recovery Facility, 2561 S Broadway, Green Bay, WI 54304

1) Call to Order:

The meeting was officially called to order by President Tom Klimek at 10:30 am.

2) Roll Call:

Present:                   President Tom Klimek  
                                  Vice President Bryan Hyska  
                                  Commissioner Hank Wallace  
                                  Commissioner Wes Kornowske  
                                  Commissioner Mike Vizer  
                                  Commissioner Ron Antonneau  
                                  Commissioner Tim Feldhausen  
                                  Commissioner Pete Diemer

Excused:                   Commissioner Bernie Erickson

Also Present:             Dean Haen, Brown County P&RR  
                                  Mark Walter, Brown County P&RR  
                                  Samantha Jerome, Brown County P&RR  
                                  Sara Beine, Foth  
                                  Paul Killian, GEI Consultants, Inc  
                                  Sue GreenGrass, Ho Chunk Nation  
                                  Mary Lopez, Ho Chunk Nation  
                                  Pamela Wilber, Ho Chunk Nation  
                                  Ron Wilber, Ho Chunk Nation  
                                  Jim & Sylvia Groefe, Interested Parties  
                                  Chet McDonald, McDonald Companies  
                                  Paul Spillers, Tetra Tech

3) Approval/Modification – Meeting Agenda

**A motion to approve the Agenda was made by Ron Antonneau and seconded by Hank Wallace. Unanimously approved.**

4) Approval/Modification – Minutes of June 10, 2019 Meeting

**A motion to approve the minutes of the June 10th, 2019 meeting was made by Ron Antonneau and seconded by Tim Feldhausen. Unanimously approved.**

5) Announcements/Communications

Dean Haen announced that there will be an American Great Lakes Ports Association (AGLPA) in Green Bay on August 8-9 and a Wisconsin Commercial Ports Association meeting in Manitowoc on August 15-16. Commissioners are welcome and encouraged to attend.

6) 2020 Budget

Mr. Haen presented the 2020 proposed Port & Resource Recovery Department budget. The budget is flexible and there could be changes made in each step of the approval process with ultimate County Board approval in November. Mr. Haen also noted the Statement of Funds was not included as the Finance Department had not completed it in time. In the past, Mr. Haen had prepared a draft of the Statement of Funds, but decided to not include it since the numbers would change. The Statement of Funds will be presented at the September Harbor Commission Meeting.

Amounts budgeted for Port are similar to 2019. The major differences will relate to new initiatives. The Land Rents will increase due to new foreign trade zone customer ProAmpac.

New 2020 initiatives:

- Pursue acquisition or other involvement in the future use of the WE Energies Pulliam Plant to ensure property is used for its highest and best uses as industrial port property.
- Budget for a contribution towards an Economic Development Manager position should Brown County have an ownership role at the Pulliam site. Duties could include pursuing and applying for grants, permitting, market research and other efforts associated with developing the WPS Pulliam Plant into port facilities and an intermodal facility.
- Implement the Renard Island End-Use Plan. Begin implementing approved End-Use Plan, leasing land, forging partnerships and pursuing grants.
- Assist and facilitate in establishing Green Bay as a cruise ship destination. Several port calls are scheduled for 2020.

**A motion to approve the 2020 Budget was made by Bryan Hyska and seconded by Mike Vizer. Unanimously approved.**

7) Pulliam Plant

Mr. Haen explained that he and several Commissioners had met with the Mayor of Green Bay regarding the Pulliam Plant land. There was a good, open-line of communication during the meeting. The Wisconsin Department of Transportation is also taking interest in the project and possible grant and funding ideas will be discussed in the near future.

The County Planning department has been advancing a plan for the property and have considered three scenarios. They will be meeting with several interested port terminal operators regarding the property.

8) Renard Island

Ron Wilbur from the Ho Chunk Nation presented on their possible plans for their educational presence on Renard Island. Mr. Wilbur told the story of the history of the Ho Chunk Nation. He then began to discuss the kinds of educational activities that could be held on Renard Island including replicas of existing Native American effigy mounds found throughout Wisconsin, canoe races, educational workshops and seminars and the ability to hold powwows on the island.

Mr. Wilbur stated that there will be a meeting held on August 7<sup>th</sup> with the Ho Chunk legislative and executive branches regarding plans and possible funding for Renard Island.

9) Beneficial Reuse RFP

Mark Walter stated that the port received three RFPs in response to its proposal to develop a beneficial reuse plan for dredge material. The Port is optimistic that it will be able to market its dredged material to be reused beneficially. A consultant will be selected in August and the Port aims to have a plan in place within six months to a year's time.

10) Tallship Festival

Mr. Haen announced that the 2019 Tallship Festival went well. Tim Feldhausen stated that the sandwich board signs that were posted along the boardwalk were great for the Port's presence at the festival. It was a great way to bring awareness to those who did not previously know about the Port.

11) Ducks Unlimited Project

Mr. Haen explained that Ducks Unlimited is doing some work around Bay Port by taking down trees along the shoreline of the bay as well as building duck habitats in shallow waters. It appears that the scope of their work has expanded beyond what was originally agreed to with the Port. The Port has been working with Ducks Unlimited to make sure that there is agreement with their actions in and around Bay Port. Ducks Unlimited recently signed an agreement with the Port regarding the project.

12) Tonnage Report

Mr. Haen announced that water levels on the Great Lakes continue to rise and in turn, ships are able to carry more tonnage which is driving the Port's tonnage numbers up by 22% on the same number of vessels as previous years.

13) Director's Report

No items to discuss.

14) Acknowledgement of Bills

**A motion to acknowledge the payment of bills was made by Ron Antonneau and seconded by Tim Feldhausen. Unanimously approved.**

15) Such Other Matters as Authorized by Law

No other matters.

16) Adjourn

**A motion to adjourn the Harbor Commission meeting at 11:45 am was made by Mike Vizer and seconded by Ron Antonneau. Unanimously approved.**

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Tom Klimek, President  
Harbor Commission

Dean R. Haen, Director  
Port & Resource Recovery Department

PORT & RESOURCE RECOVERY DEPARTMENT



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DEAN R. HAEN  
DIRECTOR

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**PROCEEDINGS OF THE BROWN COUNTY SOLID WASTE BOARD**

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A regular meeting was held on **Monday, July 29th, 2019**  
at the Brown County Resource Recovery Facility, 2561 S Broadway, Green Bay, WI 54304

1) Call to Order:

The meeting was called to order by Solid Waste Board Chair John Katers at 2:30 pm.

2) Roll Call:

Present:                    John Katers, Chair  
                                  Mark VandenBusch, Vice-Chair  
                                  Michael Lefebvre  
                                  Mike VanLanen  
                                  Norb Dantine  
                                  Bill Seleen  
                                  Doug Martin  
                                  Dave Landwehr  
                                  Bud Harris

Un-Excused:

Also Present:            Dean Haen, Brown County P&RR  
                                  Mark Walter, Brown County P&RR  
                                  Samantha Jerome, Brown County P&RR  
                                  Sara Beine, Foth  
                                  Brian Roebke, Wrightstown Spirit  
                                  Michael Geiger, Town of Holland

3) Approval/Modification – Meeting Agenda

**A motion to approve the agenda was made by Norb Dantine and seconded by Dave Landwehr. Unanimously approved.**

4) Approval/Modification – Meeting Minutes of May 20, 2019

**A motion to approve the May 20, 2019 meeting minutes was made by Bud Harris and seconded by Mike Lefebvre. Unanimously approved.**

5) Announcements/Communications

No items to discuss.

6) 2020 Budget

Dean Haen presented the 2020 proposed Port & Resource Recovery Department budget. Mr. Haen also noted the Statement of Funds was not included as the Finance Department

had not completed it in time. In the past, Mr. Haen had prepared a draft of the Statement of Funds, but decided to not include it since the numbers would change. The Statement of Funds will be presented at the September Solid Waste Board Meeting.

New 2020 initiatives:

### SOLID WASTE

- The Solid Waste area utilizes a tiered tipping fee system. The Preferred Contract rate and Contract rate are contractually bound to no more than the increase based on the change in the Consumer Price Index (CPI) for Urban Wage Earners and Clerical Workers from June 2018 to June 2019 which was a 1.44% increase. Because the June 2017 to June 2018 CPI was 3.09% and Brown County used 2.51% as the increase for the 2019 budget, the composite change for 2020 would be 2.02%. Brown County is budgeting for 2.0% increase. Prior to this year, for the past 7 years, Brown County has not raised the Preferred Contract and Contract rate customers the actual full CPI increase.

The tiered tipping fee system provides long-term and high tonnage customers with the best available tipping fees. All municipal customers of Brown County are eligible for the Preferred Contract rate no matter their tonnage level. Customers with short-term contracts and/or low tonnage are eligible for the Contract rate. Customers with no commitment to Brown County are offered the Gate rate.

Brown County continues to experience an increasing number of small users of the Solid Waste Transfer Station. This is likely the result of municipalities charging for bulk pick-up. The congestion continues to increase at the scale house and within the transfer station from residential customers. Additional staffing on Saturdays is scheduled to help traffic and process customers. Minimum delivery charge will increase from \$21.00 to \$22.00 for up to 800 lbs.

- The BOW landfill at Outagamie County will not see an increase in landfill tipping fees.
- South Landfill excavation will begin estimated at \$6M. Initial staff needs will include a Resource Recovery Technician for construction supervision and a Landfill Manager in late 2020 for overseeing 2021 landfill and ancillary facilities construction. The lower level of the Recycling Transfer Station will be remodeled with cubicles and computer equipment estimated at \$25,000.
- After DNR review and comments on the South Landfill Plan of Operation submittal, additional engineering work estimated at \$50,000 is being budgeted.
- Replace WLF leachate tank estimated at \$150,000
- Install new candlestick flares at the East and West landfill as a result of reducing gas flow estimated at \$235,000

- Replacement of West Landfill 4-wheeler with a UTV is budgeted at \$28,000.
- Evaluate and consider extending BOW Cooperative Landfill Plan beyond the South Landfill.

### RECYCLING

- Recycling is state law, provides well-known environmental benefits and is better than landfilling the valuable resources. World markets for recycling commodities have significantly declined from averaging \$100/ton in previous years to \$36/ton in June 2019, requiring Brown County to charge for recyclables. Brown County is anticipating the markets to remain depressed and is budgeting a \$30/ton charge to cover the difference in processing costs/ton and commodity revenue/ton.
- Brown County has adjusted the Recycling TIP Fee Tiers to better align with the rates at the BOW Single Stream Recovery Facility. This allows for a better rate to municipal partners who bring in higher value residential material while ensuring that the cost of lower value commercial material is covered.
- The BOW Single Stream Recycling Facility will enter its 11<sup>th</sup> full year of operation in 2020. The facility processes more than 110,000 tons/yr. and is beginning to replace the original equipment. Capital investment will be paid by each county using proceeds from the sale of recyclables retained in a capital reserve fund.

### HAZARDOUS MATERIAL RECOVERY (HMR)

- The HMR program will continue to work on growing VSQG business users and renegotiating contracts with partners to reduce program costs.
- Replacement of the HMR forklift is expected to cost \$35,000.
- The HMR program is budgeting \$18,630 in Clean Sweep, Ag Clean Sweep and Drug Grants from WI-DATCP. The total grant will be in the amount of \$52,310 with the difference being distributed directly to the partner counties.

**A motion to approve the 2020 Budget was made by John Katers and seconded by Bill Seleen. Unanimously approved.**

#### 7) South Landfill

Mr. Haen explained that the department is putting out RFBs for construction of the South Landfill (SLF). The plan is to have the landfill operational by January 2022. Next year the excavation of clay will begin as well as putting out bids for purchasing equipment and construction. The liner of the landfill is planning to be put down in 2021.



Mr. Haen also discussed that the Plan of Operation for the SLF has been deemed incomplete by the state. Many of the items in discussion are minor details and are being addressed. Leachate treatment and discharge agreements are also being worked on.

8) Transfer Station Scale, Building and Software/Kiosk Project

Mark Walter updated the board on the construction at the Waste Transfer Station. Construction on the bypass lane and the scalehouse remodel has begun. It is estimated that the new scale will take 6 weeks to complete. An RFB will need to be put out in order to build new, electronic signage. The plan is to have four lanes with electronic signage to assist in directing traffic.

Dave Landwehr suggested that there should be a small shade on the sign as to avoid any glares from the sun that could make them difficult to read.

9) Director's Report

No items to discuss

10) Such other Matters as Authorized by Law

No other matters.

11) Adjourn

**A motion to adjourn was made by Norb Dantine and seconded by Mike VanLanen. Unanimously approved. Meeting adjourned at 3:13 pm.**

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John Katers, Chairman  
Solid Waste Board

Dean R. Haen, Director  
Port & Resource Recovery Department

**Brown County  
Airport  
Budget Status Report  
August-19**

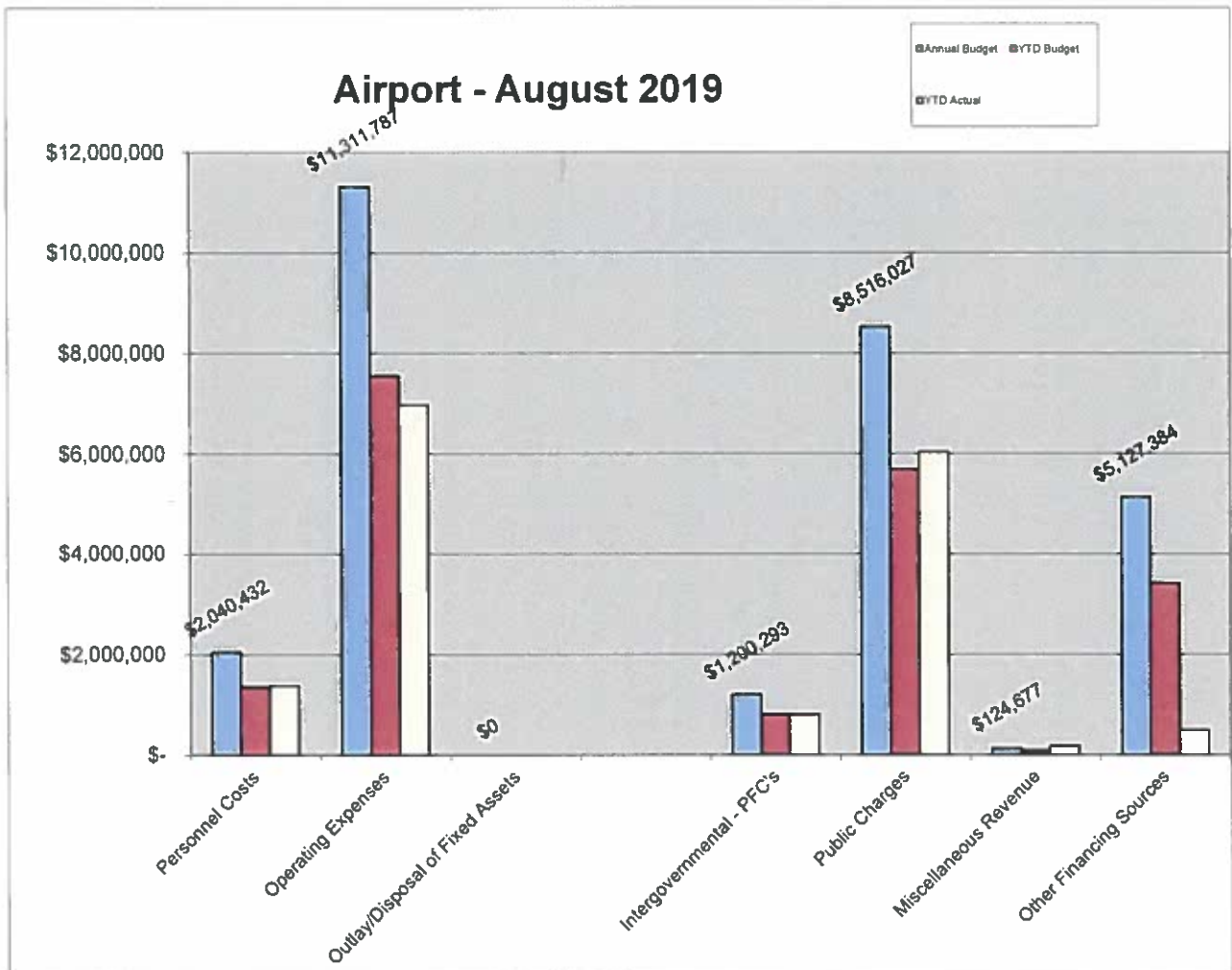
	Annual Budget	YTD Budget	YTD Actual
Personnel Costs	\$2,040,432	\$1,360,288	\$1,372,827
Operating Expenses	\$11,311,787	\$7,541,191	\$6,970,633
Outlay/Disposal of Fixed Assets	\$0	\$0	\$0
Intergovernmental - PFC's	\$1,200,293	\$800,195	\$801,889
Public Charges	\$8,516,027	\$5,677,351	\$6,026,250
Miscellaneous Revenue	\$124,677	\$83,118	\$169,072
Other Financing Sources	\$5,127,384	\$3,418,256	\$482,113

**HIGHLIGHTS**

Operating Expenses are tracking about 8% under budget, while Public Charges are tracking about 6% over budget.

Passenger traffic in August 2019 was up 14.9% over August 2018.

YTD passenger traffic is up 8.0%



Brown County - Planning  
Budget Status Report  
July 31, 2019

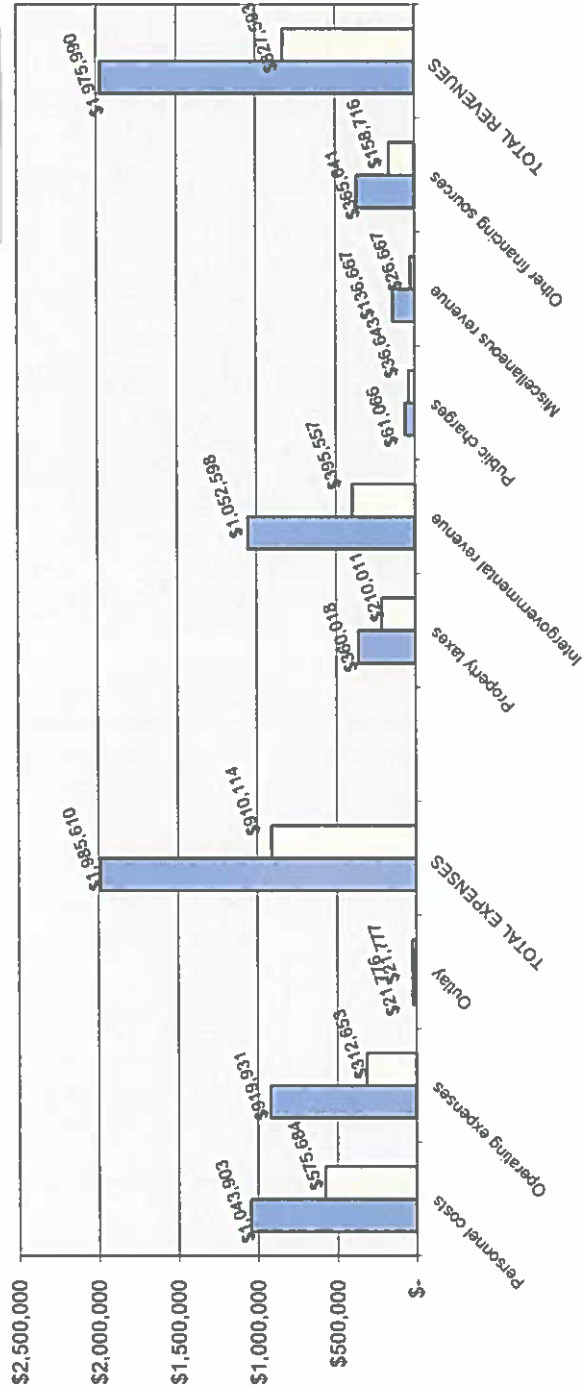
	2019 Amended Budget	2019 YTD Transactions	2018 Amended Budget	2018 YTD Transactions
Personnel costs	\$ 1,043,903	\$ 575,684	\$ 952,817	\$ 481,279
Operating expenses	\$ 919,931	\$ 312,653	\$ 838,717	\$ 326,856
Outlay	\$ 21,776	\$ 21,777	\$ 21,887	\$ -
<b>TOTAL EXPENSES</b>	<b>\$ 1,985,610</b>	<b>\$ 910,114</b>	<b>\$ 1,813,421</b>	<b>\$ 808,136</b>
Property taxes	\$ 360,018	\$ 210,011	\$ 363,314	\$ 211,933
Intergovernmental revenue	\$ 1,052,598	\$ 395,557	\$ 963,731	\$ 398,083
Public charges	\$ 61,066	\$ 36,643	\$ 54,500	\$ 36,123
Miscellaneous revenue	\$ 136,667	\$ 26,667	\$ 56,667	\$ 26,767
Other financing sources	\$ 365,641	\$ 158,716	\$ 364,152	\$ 109,511
<b>TOTAL REVENUES</b>	<b>\$ 1,975,990</b>	<b>\$ 827,593</b>	<b>\$ 1,802,364</b>	<b>\$ 782,418</b>

**HIGHLIGHTS:**

Expenditures: All categories are progressing as anticipated.

Revenues: All categories are at or near expectations.

**Planning - July 31, 2019 - Unaudited**

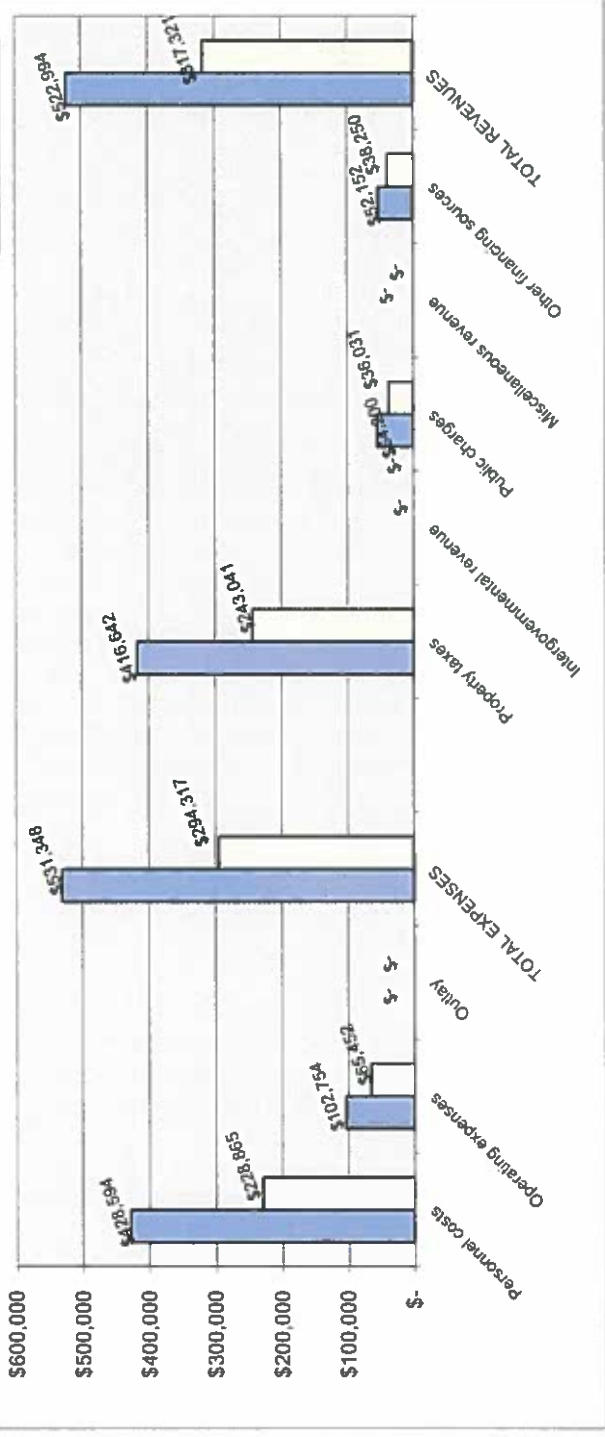


**Brown County - Property Listing  
Budget Status Report  
July 31, 2019**

	2019 Amended		2018 YTD	
	Budget	Transactions	Budget	Transactions
Personnel costs	\$ 428,594	\$ 228,865	\$ 424,460	\$ 211,735
Operating expenses	\$ 102,754	\$ 65,452	\$ 107,376	\$ 69,438
Outlay	\$ -	\$ -	\$ -	\$ -
<b>TOTAL EXPENSES</b>	<b>\$ 531,348</b>	<b>\$ 294,317</b>	<b>\$ 531,836</b>	<b>\$ 281,173</b>
Property taxes	\$ 416,642	\$ 243,041	\$ 417,116	\$ 243,318
Intergovernmental revenue	\$ -	\$ -	\$ 3,000	\$ -
Public charges	\$ 54,200	\$ 36,031	\$ 52,750	\$ 40,492
Miscellaneous revenue	\$ -	\$ -	\$ -	\$ 300
Other financing sources	\$ 52,152	\$ 38,250	\$ 52,182	\$ 37,964
<b>TOTAL REVENUES</b>	<b>\$ 522,994</b>	<b>\$ 317,321</b>	<b>\$ 525,048</b>	<b>\$ 322,074</b>

**HIGHLIGHTS:**  
Expenditures: All expenditures are within anticipated levels.  
Revenues: All revenues are progressing as anticipated.

**Property Listing - July 31, 2019 - Unaudited**



Brown County - Zoning  
Budget Status Report  
July 31, 2019

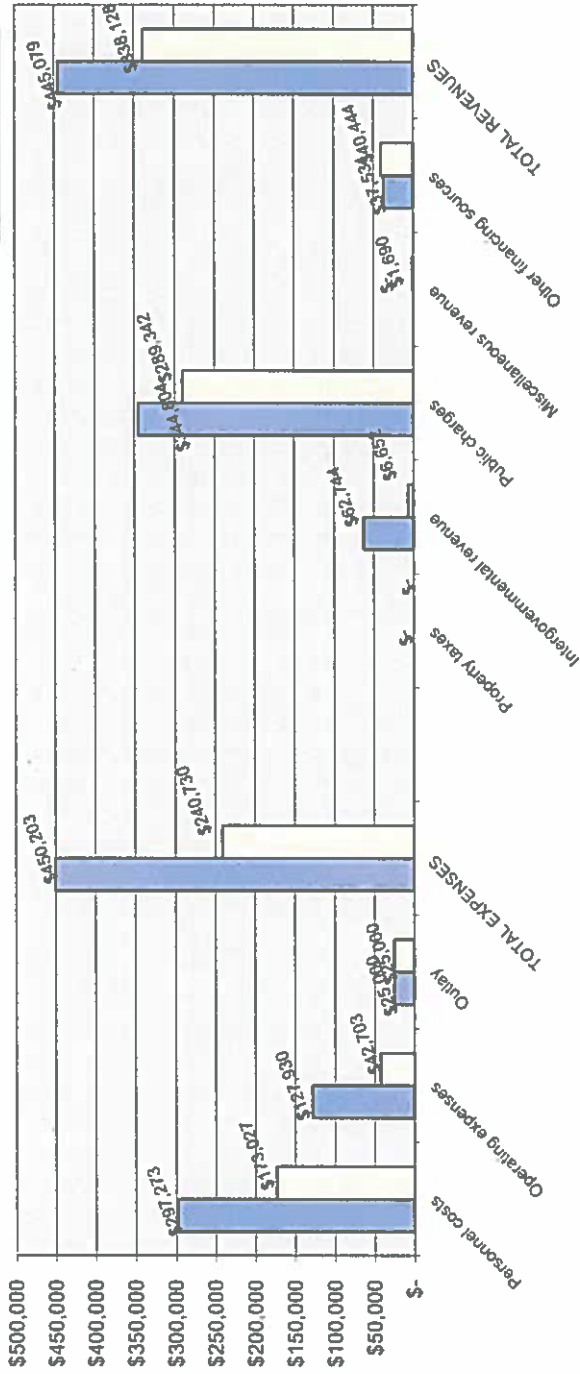
	2019 Amended Budget	2019 YTD Transactions	2018 Amended Budget	2018 YTD Transactions
Personnel costs	\$ 297,273	\$ 173,027	\$ 298,699	\$ 162,804
Operating expenses	\$ 127,930	\$ 42,703	\$ 124,561	\$ 45,715
Outlay	\$ 25,000	\$ 25,000	\$ 25,000	\$ -
<b>TOTAL EXPENSES</b>	<b>\$ 450,203</b>	<b>\$ 240,730</b>	<b>\$ 448,260</b>	<b>\$ 208,519</b>
Property taxes	\$ -	\$ -	\$ -	\$ -
Intergovernmental revenue	\$ 62,744	\$ 6,652	\$ 62,502	\$ 3,740
Public charges	\$ 344,804	\$ 289,342	\$ 368,282	\$ 305,761
Miscellaneous revenue	\$ -	\$ 1,650	\$ -	\$ 1,150
Other financing sources	\$ 37,531	\$ 40,444	\$ 13,308	\$ 3,718
<b>TOTAL REVENUES</b>	<b>\$ 445,079</b>	<b>\$ 338,128</b>	<b>\$ 444,092</b>	<b>\$ 314,369</b>

**HIGHLIGHTS:**

Expenditures: All categories are progressing as anticipated.

Revenues: Public charges for P.O.W.T.S. program are progressing as planned.

Zoning - July 31, 2019 - Unaudited



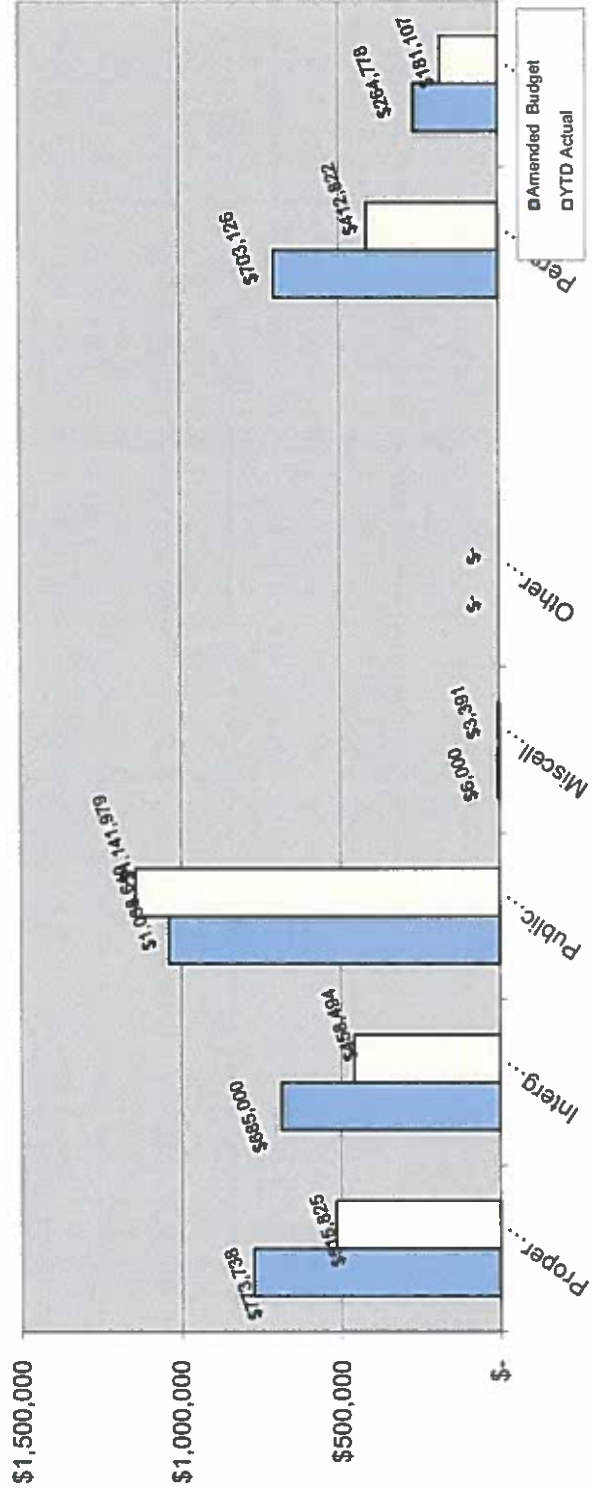
**Brown County**  
**Register of Deeds**  
**Budget Status Report (Unaudited)**  
**Fiscal year through 08/31/2019**

**HIGHLIGHTS:**

**Expenditures:** All categories are progressing as anticipated  
**Revenues:** All categories are progressing as anticipated

	Amended Budget	YTD Actual	Percent of Budget
Property Taxes	\$ 773,738	\$ 515,825	66.7%
Intergovernmental Rev	\$ 685,000	\$ 458,494	66.9%
Public Charges	\$ 1,038,640	\$ 1,141,978	109.9%
Miscellaneous Rev	\$ 6,000	\$ 3,391	56.5%
Other Financing Sources	\$ -	\$ -	0.0%
Personnel Costs	\$ 703,126	\$ 412,822	58.7%
Operating Exp	\$ 264,778	\$ 181,107	68.4%

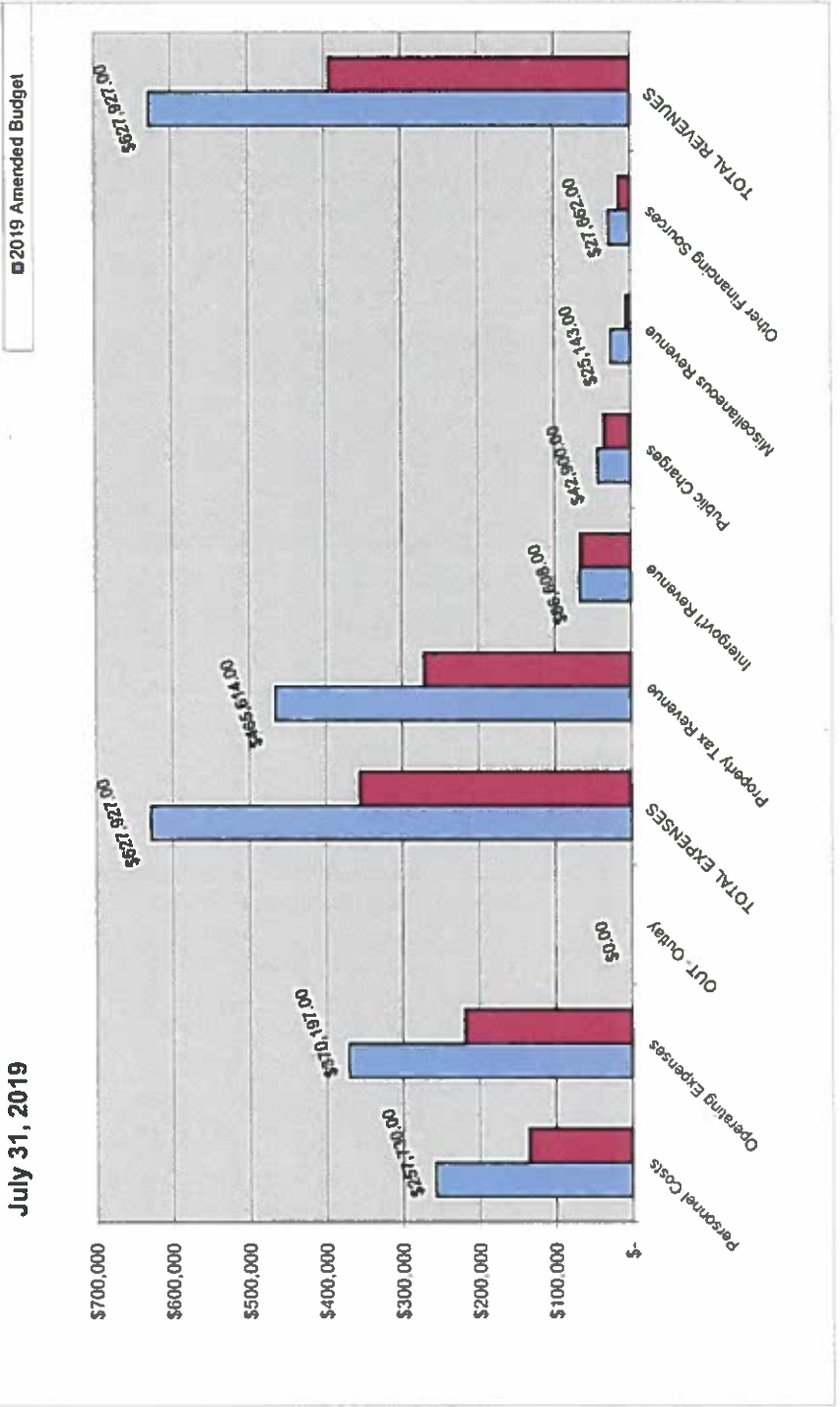
**Register of Deeds - Through 08/31/2019 Unaudited**



**Brown County UW-Extension**  
**Unaudited**  
**July 31, 2019**

	<u>2019 Amended Budget</u>	<u>2019 YTD Transactions</u>	<u>2018 Amended Budget</u>	<u>2017 YTD Transactions</u>
Personnel Costs	\$257,730.00	\$135,396.89	\$246,287.00	\$197,698.51
Operating Expenses	\$370,197.00	\$219,711.26	\$378,315.00	\$364,834.80
OUT- Outlay	\$0.00	\$0.00	\$0.00	\$0.00
<b>TOTAL EXPENSES</b>	<b>\$627,927.00</b>	<b>\$355,108.15</b>	<b>\$624,602.00</b>	<b>\$562,533.31</b>
Property Tax Revenue	\$465,614.00	\$271,608.19	\$473,697.00	\$473,697.00
Intergov't Revenue	\$66,608.00	\$65,892.76	\$43,111.00	\$49,106.20
Public Charges	\$42,900.00	\$35,143.26	\$47,890.00	\$49,097.59
Miscellaneous Revenue	\$25,143.00	\$5,469.56	\$35,365.00	\$14,732.89
Other Financing Sources	\$27,662.00	\$15,086.11	\$24,539.00	\$25,075.40
<b>TOTAL REVENUES</b>	<b>\$627,927.00</b>	<b>\$393,199.88</b>	<b>\$624,602.00</b>	<b>\$611,709.08</b>

**July 31, 2019**



8

October 16, 2019

**AN ORDINANCE TO AMEND CHAPTER 26  
OF THE BROWN COUNTY CODE OF ORDINANCES  
(ANIMAL WASTE MANAGEMENT)**

**THE BROWN COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:**

**Section 1 - Chapter 26 is hereby amended as follows:**

**CHAPTER 26**

**ANIMAL WASTE MANAGEMENT**

**26.01 AUTHORITY.** This ordinance is adopted under authority granted under Section 59.70(1), 92.15 and 92.16 of the Wisconsin Statutes. The title of this ordinance is "Brown County Animal Waste Management Ordinance" and it regulates design, construction, abandonment and maintenance of animal waste storage facilities, animal feedlots, and nutrient management.

**26.02 FINDINGS AND DECLARATION OF POLICY.** The Brown County Board finds this ordinance is designed to protect and promote our agricultural industry and also to promote and enhance the aesthetic conditions and general welfare of the people and communities within Brown County.

The County of Brown permits operation of properly conducted agricultural operations within the county. If the property you are purchasing or own is located near agricultural lands of operation or included within an area zoned for agricultural purposes, you may be subject to outcomes arising ~~from~~ from such operations. Such outcomes may include, but are not limited to: noises, odors, lights, fumes, dust, smoke, insects, chemicals, operation of machinery (including aircraft) during an 24 hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. One or more of the outcomes described may occur as a result of any agricultural operation which is in conformance with existing laws and regulations and accepted customs and standards. If you live near an agricultural area, you should be prepared to accept such outcomes as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector. Brown County has established the Land Conservation Sub-Committee to assist in the resolution of any animal waste management disputes which might arise between residents of the county regarding agricultural operations.

**26.03 PURPOSE.** The purpose of this ordinance is to regulate the location, construction, installation, alteration, design and use of animal waste storage facilities and animal feedlots so as to protect the health and safety of residents and transients; prevent the spread of disease and promote the prosperity and general welfare of the citizens of Brown County. It is also intended to provide for the administration and enforcement of the ordinance and to provide penalties for its violation. It is also intended to protect the groundwater and surface water resources of Brown County. The ordinance also implements the agricultural performance standards and manure management prohibitions.



**26.04 INTERPRETATION.** In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of Brown County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

**26.05 SEVERABILITY CLAUSE.** If any section, provision or portion of this ordinance is ruled invalid by a court, the remainder of the ordinance shall not for that reason be rendered ineffective.

**26.06 APPLICABILITY.** This ordinance applies only in unincorporated areas of Brown County and incorporated areas of Brown County which have delegated such authority to Brown County. Abandonment requirements apply to all animal waste storage facilities regardless of the date of construction. Nutrient Management Plan (590) provisions shall apply to all animal waste storage facilities issued a permit under this ordinance regardless of the date of construction. Animal feedlot requirements shall apply only to sites that exceed the prohibitions in section 26.11 of this ordinance or the standards in Section 10.04(1)(b), Brown County Code; or receive a notice of discharge under ch. 283 Wis. Statutes; or existing sites that exceed 500 animal units; or new animal feedlots that exceed 40 animal units.

**26.07 EFFECTIVE DATE.** This ordinance shall become effective upon adoption and publication by Brown County.

**26.08 DEFINITIONS.** Definitions herein are to conform to the provisions set forth in the Wisconsin Administrative Code and Brown County Code.

"Abandonment" means a livestock waste storage facility is no longer being used for its intended purpose, and is no longer receiving animal wastes, has not received any animal wastes for a period of two years and, based on available evidence, will not receive animal wastes from an active livestock operation within the next six months.

"Animal Feedlot" means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals, specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts. New animal feedlots are those that are established after the effective date of this ordinance.

"Animal Unit" means a unit of measure used to determine the total number of single animal types or combination of animal types, as specified in NR243, which are fed, confined, maintained, or stabled in an animal feeding operation.

"Animal Waste" means livestock excreta and other materials such as bedding, rain or other water, soil, hair, feathers and other debris normally included in animal waste handling operations.

"Animal waste storage facility" means concrete, steel or otherwise fabricated structure and earthen animal waste storage facility used for temporary storage of animal waste or other organic waste.

"Applicant" means any person who applies for a permit under this ordinance.

"Clean water diversion" has meaning in s. NR 151.06

"Direct conduits to groundwater" means wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, tile inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.

"Direct runoff" includes any of the following:

- (a) Runoff from a feedlot that can be predicated to discharge a significant amount of pollutants to surface waters of the state or to a direct conduit to groundwater.
- (b) Runoff of stored manure, including manure leachate, that discharges a significant amount of pollutants to surface waters of the state or to a direct conduit to groundwater.
- (c) Construction of a manure storage facility in permeable soils or over fractured bedrock without a liner designed in accordance with s. NR 154.04 (3)
- (d) Discharge of a significant amount of leachate from stored manure to waters of the state.

"Earthen animal waste storage facility" means a facility constructed of earth dikes, pits or ponds used for temporary storage of animal waste.

"Karst Feature" means an area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.

"Land Conservation Sub-Committee" means an operating committee of the Brown County Board of Supervisors.

"Land and Water Conservation Department" means the enforcing authority of this ordinance.

"Liquid Manure" means manure that contains less than 12 percent solid material by volume.

"Manure" means livestock excreta. "Manure" includes the following when intermingled with excreta in normal farming operations: debris including livestock bedding, water, soil, hair, feathers; processing derivatives including separated sand, separated manure solids, precipitated manure sludges, supernatants, digested liquids, composted biosolids, and process water; and runoff collected from barnyards, animal lots and feed storage areas.

"Manure storage facilities" has meaning given in NR 151.05.

"Navigable water" and "navigable waterway" has the meaning given in s. 30.01 (4m), Stats.

"Nonpoint source" has the meaning given in s. 281.65 (2)(b), Stats.

"Nonpoint source water pollution" has the meaning given in s. 281.16 (1) (f), Stats.

"Nutrient management" has given meaning in s. NR 151.07 and other debris that becomes intermingled with livestock excreta in normal manure handling operations.

"Nutrient Management Plan (590)" means a plan that balances the nutrient needs of a crop with the nutrients available from legume crops, manure, fertilizers or other sources. Management includes the rate, method, and timing of the application of all sources of nutrients to minimize the amount of nutrients entering surface and groundwater. The requirements for a nutrient management plan are as established in ATCP 50.04(3).

"Other Waste" means industrial waste as defined in NR214 Wis. Adm. Code, domestic sewage sludge as defined in NR204 Wis. Adm. Code, septic or holding tank waste as defined in NR113 Wis. Admin. Code or any other material processed and mixed with animal waste to be stored pursuant to the Brown County Animal Waste Management Ordinance.

"Pasture" means land with a permanent, uniform cover of grasses or legumes used as forage for livestock. Pastures do not include areas where supplemental forage feeding is provided on a regular basis.

"Permit" means the signed, written statement issued by the Brown ~~County Land~~County Land and Water Conservation Department under this ordinance authorizing the applicant to construct, install, reconstruct, enlarge or substantially alter an animal waste storage facility or animal feedlot; or authorizing a winter spreading plan or unconfined manure pile.

"Permittee" means any person to whom a permit is issued under this ordinance.

"Person" means any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or state agency within Wisconsin, the federal government, or any combination thereof.

"Phosphorus index" has given meaning in NR 151.04.

"Process wastewater" has the meaning given in s. NR243.03 (53).

"Sheet, rill and wind erosion" has given meaning in s. NR 151.02

"Silurian bedrock" means the area in Wisconsin where the bedrock consists of Silurian dolomite with a depth to bedrock of 20 feet or less. This area comprises portions of the following counties: Brown, Calumet, Dodge, Door, Fond du Lac, Kenosha, Kewaunee, Manitowoc, Milwaukee, Outagamie, Ozaukee, Racine, Sheboygan, Walworth, Washington, and Waukesha. Areas where Silurian bedrock occurs in Wisconsin can be identified by the most current NRCS, Wisconsin Geological Natural History Survey, Department of Agriculture, Trade and Consumer Protection, Department of Natural Resources, county maps, or infield bedrock verification methods

"Silurian bedrock performance standards" has meaning in s. NR 151.075.

"Site that is susceptible to groundwater contamination" under s.281.16 (1)(g), Stats., means any one of the following:

- (a) An area within 250 feet of a private well.
- (b) An area within 1000 feet of a municipal well.
- (c) An area within 200-300 feet upslope or 100 feet downslope of karst features direct conduit to groundwater.
- (d) A channel ~~with a cross-sectional area equal to or greater than 3 square feet that flows to a karst feature~~ that flows to a direct conduit to groundwater.

- (e) An area where the soil depth to groundwater or bedrock is less than 2 feet.
- (f) An area where the soil does not exhibit one of the following soil characteristics:
  1. At least a 2-foot soil layer with 40% fines or greater above groundwater or bedrock.
  2. At least a 3-foot soil layer with 20% fines or greater above groundwater or bedrock.
  3. At least a 5-foot soil layer with 10% fines or greater above groundwater or bedrock.

"Substantial alteration" means a change that results in a relocation of, or significant changes to the size, depth, configuration or use as determined by the Department.

"Technical Guide" means the United States Department of Agriculture (U.S.D.A.) Natural Resources Conservation Service Field Office Technical Guide that is currently in effect, and as amended from time to time.

"Tillage setback" has meaning given in NR 151.03

"Unconfined Manure Pile" means a quantity of manure, at least 175 cu.-ft.-ft<sup>3</sup> in volume and which, that covers the ground surface to a depth of at least 2 inches and is not confined within a manure storage facility, livestock housing facility or barnyard runoff control facility or covered or contained in a manner that prevents storm water access and direct runoff to surface water or leaching of pollutants to groundwater.

"Waters of the State" means those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface water and groundwater, natural or artificial, public or private within the state or its jurisdiction as defined in Section ~~147.015(20)~~283.01(20) of the Wisconsin Statutes.

"Water Quality Management Areas" means the area within 1,000 feet from the ordinary high water mark of navigable waters that consist of a lake, pond or flowage, except that, for a navigable water that is a glacial pothole lake, the term means the area within 1,000 feet from the high water mark of the lake; the area within 300 feet from the ordinary high water mark of navigable waters that consist of a river or stream; and a site that is susceptible to groundwater contamination, or that has the potential to be a direct conduit for contamination to reach groundwater.

"Winter Spreading Plan" means any plan developed and approved by the Brown ~~County~~LandCounty Land and Water Conservation Department and provided to farmers, which identifies high risk fields that should be completely avoided or restricted from receiving winter applications of manure.

## 26.09 ADMINISTRATION.

(1) Delegation of Authority. Brown County hereby designates the Brown ~~County~~LandCounty Land and Water and Water Conservation Department to administer and enforce this ordinance.

(2) Administrative Duties. In the administration and enforcement of this ordinance, the ~~County~~LandCounty Land and Water Conservation Department shall:

(a) Keep an accurate record of all permit applications, animal waste facility plans, animal feedlot plans, animal waste storage facility abandonment plans, permits issued, inspections made, and other official actions.

(b) Review permit applications and issue permits in accordance with Section 26.10 of this ordinance.

(c) Inspect animal waste facility and animal feedlot construction and animal waste facility abandonment to insure the facility is being constructed according to plan specifications.

(d) Animal waste storage facility inspections are required for operations with 500 animal units or greater on site. An inspection report will be generated to document and confirm the operation is in compliance with state, federal, and local standards and prohibitions.

(de) Investigate complaints relating to compliance with the ordinance.

(ef) Monitor the adequacy of manure storage systems including compliance with nutrient management plans.

(fg) Perform other duties as specified in this ordinance.

(3) Inspection Authority. The Brown ~~County Land~~County Land and Water Conservation Department is authorized to enter upon any lands affected by this ordinance to inspect the land prior to or after permit issuance to determine compliance with this ordinance. If permission cannot be received from the applicant or permittee, entry by the Brown ~~County Land~~County Land and Water Conservation Department shall be according to Sections 66.122 and 66.123, Wisconsin Statutes.

(4) Implementation. The Brown County Land and Water Conservation Department will implement this ordinance in accordance with NR151.09 and NR151.095.

## **26.10 APPLICATION FOR AND ISSUANCE OF PERMITS.**

### **(1) Permit Required.**

(a) No animal waste storage facility, including a facility combining animal waste with other waste or parts thereof may be located, installed, moved, reconstructed, extended, enlarged, converted, substantially altered or its use changed, including abandonment, without an animal waste management permit as provided in this ordinance, and without compliance with the provisions of this ordinance, and without compliance with Natural Resources Conservation Service Technical Guide as adopted as part of this ordinance.

(b) Animal feedlots that exceed the prohibitions in Section 26.11 of this ordinance, or exceed the standards in Section 10.04(1)(b) of the Brown County Code, or receive a notice of discharge under ch. 283 Wis. Statutes, or exceed 500 animal units shall obtain an animal waste management permit as provided in this ordinance.

(c) The requirements of this ordinance shall be in addition to any other ordinance regulating animal waste management, such as Chapter 22 Brown County Code, Shoreland Floodplain Ordinance, and Chapter 10 Brown County Code, Agricultural Shoreland Management ordinance. In the case of conflict, the most stringent provisions shall apply.

(d) No person may apply animal waste or animal waste combined with other waste/material between December 1<sup>st</sup> and March 31<sup>st</sup> without first obtaining a winter spreading permit as provided in this ordinance. The winter spreading permit shall be issued after the completion of the winter spreading plan as described in this ordinance. Operations with a permitted animal waste storage facility and adequate storage capacity are only eligible to be issued a winter spreading permit in emergency circumstances. Emergency conditions include adequate storage is being fully utilized by manure, extraordinary weather or other unforeseen circumstances.

(e) No unconfined manure pile shall be utilized without a temporary unconfined manure stacking permit as provided in this ordinance, and without compliance with the provisions of this ordinance, and without compliance with Natural Resources Conservation Service Technical Guide as adopted as part of this ordinance.

(2) Emergency Repairs. Emergency repairs such as repairing broken pipe or equipment, leaking dikes or the removal of stoppages may be performed without an animal waste storage facility permit. Such work shall be reported to the Land Conservation Department as soon as possible for a determination as to whether an animal waste storage facility permit will be required for an additional alteration or repair to the facility. The County Land and Water Conservation Department shall consult with the Land Conservation Committee prior to making this determination.

(3) Fee. The fee for a permit or inspection under this ordinance shall be established through the annual budget process.

(4) Animal Waste Storage Facility Plan Requirements. Each application for a permit under this section shall include an animal waste storage facility or transfer system plan. Such plans shall meet all applicable USDA, NRCS technical standards and at a minimum include the following:

~~The plan shall specify:~~

- (a) The number and kinds of animals for which storage is provided.
- (b) A sketch of the facility and its location in relation to buildings within two hundred fifty (250) feet and homes within five hundred (500) feet of the proposed facility. The sketch shall be drawn to scale, with a scale no smaller than one inch equals one hundred (100) feet.
- (c) The structural details, including dimensions, cross sections, and concrete thickness.
- (d) The location of any wells within three hundred (300) feet of the facility.
- (e) The soil test pit locations and detailed soil descriptions to a depth ~~of at least three feet below the planned bottom of the facility~~ required in Standards 313 and 634, USDA NRCS Technical Guide.
- (f) The elevation of groundwater or bedrock if encountered in the soil profile and the date of any such determinations.
- (g) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater such as exposed bedrock or sinkholes. If a navigable body of water lies within five hundred (500) feet of the facility, the location and distance to the body of water shall be shown.

- (h) The scale of the drawing and the North arrow.
- (i) A time schedule for construction of the facility.
- (j) A description of the method in transferring animal waste into the facility.
- (k) A recoverable benchmark(s) including elevation(s) expressed in feet and hundredths.

(l) A preliminary Nutrient Management Plan, verifying the ability of the permittee to comply with Standard 590. A Nutrient Management Plan checklist will be completed-reviewed by the County for this purpose.

(m) Landowners must plan and document the availability of acceptable acreage of cropland per animal unit for all future expansions of their livestock operations. Use either Phosphorus Index (PI) or Soil Test Phosphorus Management Strategy found in the most current Conservation Practice Standard NRCS 590 Nutrient Management. A Nutrient Management Checklist will be completed-reviewed by the county for this purpose.

(n) Prior to issuance of a permit, the landowner must disclose any intention to store animal waste with other waste in the storage facility.

(o) Other conditions to current standards

(5) Animal Feedlot Plan Requirements. Each application for a permit under this section shall include an animal feedlot facility plan. The plan shall specify:

(a) A plan map showing location of the facility, including buildings, homes, and wells within 300 feet of the proposed site. The sketch shall be drawn to scale, with a scale no smaller than 1 inch: 100 feet.

(b) The location of any wells within 300 feet of the facility.

(c) The location of all soil test pits, including a detailed log of each pit, to a depth of at least 3 feet below the planned bottom elevation of the facility. The location of each test pit, prior to digging, and the log descriptions of each pit, as it is excavated, shall be determined and recorded, by Brown County Land Conservation Department staff.

(d) Depth of high ground water, estimated or observed, in the soil profile and date determined.

(e) Depth to bedrock, estimated or observed.

(f) Ground contours (2 foot maximum intervals), with spot elevations, indicating land slope at and around the site for a minimum distance of 100 feet.

(g) Provisions for adequate drainage and control of runoff to prevent pollution of surface and ground water such as exposed bedrock or sinkholes. The location of any navigable body of water within 500 feet of the proposed site must be shown. Rivers and streams in Brown County shall be presumed to be navigable if they are designated as continuous waterways or intermittent waterways on U.S. Geological Survey (USGS) quadrangle maps.

(h) Description of the type(s) of materials the facility is to consist of; size, dimensions, and cross sections of the facility, and any other specific details including, but not limited to, concrete thickness in floor and walls, steel schedules, and fencing.

(i) A time schedule for construction of the facility.

(j) Scale of the plan drawing(s) and north arrow.

(k) Description of bench mark(s) including elevation(s) expressed in feet and hundredths.

(l) Landowners must plan and document the availability of acceptable acreage of cropland per animal unit for all future expansions of their livestock operations. Use either Phosphorus Index (PI) or Soil Test Phosphorus Management Strategy found in the most current Conservation Practice Standard NRCS 590 Nutrient Management. A Nutrient Management Checklist will be ~~completed~~reviewed by the county for this purpose.

(6) Animal Waste Storage Facility Abandonment Plan Requirements. Each application for a permit under this section shall include an abandonment plan. The plan shall specify:

(a) The abandonment plan may include provisions for future operation of the animal waste storage facility. The facility shall meet the standards and specifications in Section 26.11 of the ordinance and shall have a permit issued under this ordinance. Facilities not meeting this requirement shall be properly abandoned under this section.

(b) A preliminary Nutrient Management Plan, verifying the ability of the permittee to comply with Standard 590. A Nutrient Management Plan checklist will be completed by the county for this purpose.

(c) Provisions to remove and properly dispose of all accumulated wastes in the manure facility.

(d) Provisions to remove any concrete or synthetic liner, or properly use pieces of the concrete or synthetic liner, or properly use pieces of the concrete or synthetic liner as clean fill at the site.

(e) Provisions to remove and properly dispose of any soil saturated with waste from the manure storage facility.

(f) Provisions to remove any soils, to the depth of significant manure saturation or 2 feet whichever is less, from the bottom and sides of a facility without a constructed liner.

(g) Provision to remove or permanently plug the waste transfer system serving the manure storage facility.

(h) Covering all disturbed area with topsoil, seeding the areas with a grass mixture, and mulching the seeded area. This subdivision does not apply if an alternative use of the site is authorized under an abandonment plan approved by the county or town as part of the permit.

(7) Winter Spreading Plan Requirements. Each application for a permit under this section shall include a Winter Spreading Plan. The plan shall specify:

(a) The lowest risk fields for the application of winter spread manure based on slope, length of slope, soils, and depth to bedrock. Permitting shall be based on NRCS 590 winter spreading criteria found in NRCS 590 IV.A.2d.



(b) Specify rates of application and applicable setbacks from the nearest surface waters and/or direct conduit to groundwater as determined by Brown ~~County Land~~County Land and Water Conservation Department.

(c) The plan must include a description of the emergency response procedures that will be engaged immediately in the event of direct runoff related to the spreading of animal waste as approved by the Brown County Land and Water Conservation Department.

(d) Only maps ~~prepared~~approved by Brown ~~County Land~~County Land and Water Conservation Department, using GIS technology, may be used to identify appropriate fields for animal waste applications.

(e) For the purpose of this practice winter spreading plans shall take effect no later than December 1<sup>st</sup> prior to the winter for which the plan is developed and continue through the following March 31<sup>st</sup> unless animal waste can be effectively incorporated.

(f) The landowner shall maintain an accurate record of the date, location, and rate of application for every application of manure on the land that is subject to the winter spreading permit. The record shall be made available to the Brown ~~County Land~~County Land and Water Conservation Department upon request and shall be retained by the landowner for one year following the date of application.

(8) Temporary Unconfined Manure Stacking Requirements. Each application for a permit under this section shall include a site plan. The plan shall specify:

(a) Waste consistencies. ~~Waste materials having less than 16% solids shall not be stacked in the field.~~

(b) Size and stacking period.

(c) Hydrologic Soil Groups.

(d) Subsurface Separation Distance.

(e) Surface Separation Distances.

(9) Review of Application. The ~~County Land~~County Land and Water Conservation Department shall receive and review all permit applications.

(a) The ~~County Land~~County Land and Water Conservation Department shall determine if the proposed facility meets the required standards set forth in Section 26.11 of this ordinance. Within sixty days after receiving the completed application and fee, the ~~County Land~~County Land and Water Conservation Department shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the ~~County Land~~County Land and Water Conservation Department has thirty days from the receipt of the additional information in which to approve or disapprove the application. If the ~~County Land~~County Land and Water Conservation Department fails to approve or disapprove the permit application in writing within sixty days of the receipt of the permit application or within thirty days of the receipt of additional information, as appropriate, the application shall be deemed approved and the applicant may proceed as if a permit had been issued.

(b) Prior to approval or disapproval of the permit application, the County LandCounty Land and Water Conservation Department shall submit a copy of the proposed plan(s) to the town office of the town where the site is located for their review and/or approval if appropriate.

(10) Permit Conditions. All permits issued under this ordinance shall be issued subject to the following conditions and requirements:

(a) Design, construction and management shall be carried out in accordance with the animal waste facility plan and applicable standards specified in Section 26.11 of this ordinance.

(b) The permittee shall give five (5) working days notice to the County LandCounty Land and Water Conservation Department before starting any construction activity authorized by the permit.

(c) Approval in writing must be obtained from the County LandCounty Land and Water Conservation Department prior to any modifications to the approved animal waste facility plan.

(d) The permittee and, if applicable, the contractor, shall certify in writing by signing the certification sheet that the facility was installed as planned and designed. A copy of the signed certification sheet shall be mailed to the County LandCounty Land and Water Conservation Department within thirty days of completion of installation.

(e) Activities authorized by permit must be completed within two years from the date of issuance after which such permit shall be void.

(f) Nutrient management plans shall be submitted to the Brown County LandCounty Land and Water Conservation Department annually by June 1.

(11) Permit Revocation. The County LandCounty Land and Water Conservation Department may revoke any permit issued under this ordinance if the holder of the permit has misrepresented any material fact in the permit application or animal waste facility plan, or if the holder of the permit violates any of the conditions of the permit.

## 26.11 STANDARDS AND SPECIFICATIONS.

(1) Animal Feedlots. The standards and specifications for design, construction, operation and maintenance of animal feedlots are those identified in ~~Standards 350 and 312;~~ USDA-NRCS Technical Guide. Feedlots requiring a permit under this ordinance shall not allow direct runoff to waters of the state.

~~Feedlots requiring a permit under this ordinance shall not deliver more than 20 pounds of phosphorus annually as determined by the County Land Conservation Department.~~

~~(2) Animal Feedlot Separation Requirements. All new animal feedlots shall be sited a minimum of 100 feet from adjacent properties, 300 feet from any lake or perennial stream (as defined by U.S.G.S. quadrangle maps), and at least 2 vertical feet from groundwater.~~

~~(3) Animal Waste Storage Facilities. The standards and specifications for design, construction, operation, and maintenance of animal waste storage facilities are those identified in Standards 313 and 634, USDA-NRCS Technical Guide. The Standards and Specifications for abandonment/closure of animal waste storage facilities are those identified in Standard 360, USDA-NRCS Technical Guide.~~

~~(a) NRCS Standard 313 Waste Storage (NRCS WI-12/05) III Facility, Conditions Where Practice Applies. This standard does not apply to: facilities in which greater than 10% of the design storage volume or greater than 25,000 gallons is occupied by any combination of domestic waste, industrial wastewater generated offsite, or sludge. These types of facilities are defined and regulated under various codes administered by the Wisconsin Department of Natural Resources (WDNR), the storage of human waste, routine animal mortality, the unstacked waste that accumulates in animal housing units (barns) or animal production areas not intended to store waste.~~

~~(53) Nutrient Management. Animal wastes for which permits are issued under this chapter of the Code and all wastes from existing livestock waste storage facilities shall be managed and utilized in accordance with Standard 590, USDA-NRCS Technical Guide. A current (590) Nutrient Management Plan must be submitted annually to the Brown County Land County Land and Water Conservation Department by June 1<sup>st</sup>, until the animal waste storage facility is no longer in use and it has been properly abandoned.~~

~~ATCP 50.04 (3)(a) —~~

~~(a) A landowner shall have and follow an annual nutrient management plan when applying nutrients to any field after the date specified in par. (h). A nutrient management plan shall comply with this subsection. (Register November 2006 No. 611)~~

~~ATCP 50.04 (3)(b) —~~

~~(b) The plan shall include every field on which the landowner mechanically applies nutrients. (Register November 2006 No. 611)~~

~~ATCP 50.04 (3)(c) —~~

~~(c) A nutrient management planner qualified under s. ATCP 50.48 shall prepare or approve the plan. (Register November 2006 No. 611)~~

~~ATCP 50.04 (3)(g) —~~

~~(g) The plan shall be consistent with any nutrient management plan required under ch. NR 113, 204 or 214 if the landowner applies septage, municipal sludge, industrial waste or industrial byproducts to the land. A landowner is not required to have a nutrient management plan under this subsection if the landowner applies only septage, municipal sludge, industrial waste or industrial byproducts according to ch. NR 113, 204 or 214. (Register November 2006 No. 611)~~

~~Nutrient Management (acre) code 590 Natural Resources Conservation Service Conservation Practice Standard V. Criteria (NRCS WI, 9/05)~~

~~(j) Organic byproducts of other than manure (i.e., industrial wastes, municipal sludge, and septage) applied to fields shall be analyzed for nutrient content and applied in accordance with applicable regulations including restrictions on heavy metal content and land application rates.~~

~~(k) Manure, organic byproducts, and fertilizers shall not run off the field site during or immediately after application. If ponding, runoff or drainage to subsurface tiles occurs, implement the following activities as appropriate:~~

~~(1) Stop application.~~

~~(2) Take corrective action to prevent offsite movement.~~

~~(3) Modify the application (rate, method, depth of injection, timing to eliminate runoff or draining to subsurface tiles.~~

(64) Temporary Unconfined Manure Stacking Requirements. Each application for a permit under this section shall include plan specifications identified in Standard 3183, USDA - NRCS Technical Guide.

(57) Manure Management Prohibitions. The following prohibitions are incorporated into this ordinance:

- (a) All livestock producers shall comply with this section.
- (b) A livestock operation shall have no overflow of manure storage facilities.
- (c) A livestock operation shall have no unconfined manure pile in a water quality management area.
- (d) A livestock operation shall have no direct runoff ~~from from~~ a feedlot or stored manure into the waters of the state.
- (e) A livestock operation may not allow unlimited access by livestock to waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod or self-sustaining vegetative cover.
  - 1. This prohibition does not apply to properly designed, installed and maintained livestock or farm equipment crossings.

(6) Agricultural Performance Standards. The following standards are incorporated into this ordinance as found in Administrative Rule NR151:

- (a) Sheet, rill and wind erosion
- (b) Tillage setback
- (c) Phosphorous index
- (d) Manure storage facilities
- (e) Process wastewater handling
- (f) Clean water diversion
- (g) Nutrient management
- (h) Silurian bedrock

**26.12 VIOLATIONS.** (1) Penalties. Any person who violates, neglects, or refuses to comply with or resists the enforcement of any provision of this ordinance shall be subject to a forfeiture of not less than \$250 nor more than \$5,000 plus costs of prosecution of each violation. An unlawful violation includes failure to comply with any standard of this ordinance or with any condition or qualification attached to the permit. Each day that a violation exists shall be a separate offense. Failure to obtain proper permit is considered a violation. ~~Brown County Land~~County Land and Water Conservation Department shall refer all enforcements to the Brown County Corporation Counsel for commencement of enforcement action.

(2) Enforcement Actions, Temporary Restraining Orders and/or Other Necessary Remedial Action. As a substitute for or an addition to forfeiture actions, Brown County may seek enforcement of any part of this ordinance by Court Actions seeking injunctions or restraining orders. Brown County has the right to recover all costs associated with manure runoff and spill recovery if responsible party or parties does not properly do so.

**26.13 APPEALS.** (1) Authority. Under authority of Chapter 68, Wisconsin Statutes the Brown ~~County Land~~County Land -Conservation Sub-Committee, created under Sections 59.878 Wisconsin Statutes and by the Brown County Board of Supervisors on May 19, 1982, acting as an appeal authority under Section 68.09(2) Wisconsin Statutes is authorized

to hear and decide all appeals where it is alleged that there is error in any order, requirement, decision, or determination by the ~~County Land~~County Land and Water Conservation Department in administering this ordinance.

(2) Procedure. The rules, procedures, duties and powers of Land Conservation Committee and Chapter 68 Wisconsin Statutes, shall apply to this ordinance.

(3) Who May Appeal. Appeals may be taken by any person having a substantial interest which is adversely affected by this order, requirement, decision, or determinations made by the ~~County Land~~County Land and Water Conservation Department.

Section 2 - This ordinance shall become effective upon passage and publication pursuant to law.

Respectfully submitted.

LAND CONSERVATION SUB COMMITTEE

PLANNING, DEVELOPMENT AND  
TRANSPORTATION COMMITTEE

Approved By:

COUNTY EXECUTIVE (Date)

COUNTY CLERK (Date)

COUNTY BOARD CHAIR (Date)

19-1210

Authored by: Land and Water Conservation Department (Mike Mushinski, County Conservationist)

Approved by: Corporation Counsel

Fiscal Note: This amendment does not require an appropriation from the General Fund.

BOARD OF SUPERVISORS ROLL CALL # \_\_\_\_\_

Motion made by Supervisor \_\_\_\_\_

Seconded by Supervisor \_\_\_\_\_

SUPERVISORS	DIST. #	AYES	NAYS	ABSTAIN	EXCUSED
SIEBER	1				
DE WANE	2				
NICHOLSON	3				
HOYER	4				
GRUSZYNSKI	5				
LEFEBVRE	6				
ERICKSON	7				
BORCHARDT	8				
EVANS	9				
VANDER LEEST	10				
BUCKLEY	11				
LANDWEHR	12				
DANTINNE, JB	13				

SUPERVISORS	DIST. #	AYES	NAYS	ABSTAIN	EXCUSED
BRUSKY	14				
BALLARD	15				
KASTER	16				
VAN DYCK	17				
LUSSEN	18				
KNEISZEL	19				
DESLAURIERS	20				
TRAN	21				
MOYNIHAN, JB	22				
SUENNEN	23				
SCHADEWALD	24				
LUND	25				
DENEYS	26				

Total Votes Cast \_\_\_\_\_

Motion \_\_\_\_\_ Adopted \_\_\_\_\_ Defeated \_\_\_\_\_ Tabled \_\_\_\_\_



2420 NICOLET DR., ES307  
P.O. BOX 23600  
GREEN BAY, WI 54305-3600

MIKE MUSHINSKI

PHONE (920) 391-4620 WEB: www.co.brown.wi.us

COUNTY CONSERVATIONIST

**RESOLUTION/ORDINANCE SUBMISSION TO COUNTY BOARD**

**DATE:** September 18, 2019

**REQUEST TO:** Land Conservation Committee, PD&T

**MEETING DATE:** September 23, 2019

**REQUEST FROM:** Mike Mushinski  
County Conservationist

**REQUEST TYPE:**  New resolution  Revision to resolution  
 New ordinance  Revision to ordinance

**TITLE:** **AN ORDINANCE TO AMEND CHAPTER 26  
OF THE BROWN COUNTY CODE OF ORDINANCES  
(ANIMAL WASTE MANAGEMENT)**

**ISSUE/BACKGROUND INFORMATION:**

Ordinance changed to include updated State Performance Standards.

**ACTION REQUESTED:**

Approval of the proposed changes by the Land Conservation Subcommittee and Planning, Development, and Transportation Committee.

**FISCAL IMPACT:**

*NOTE: This fiscal impact portion is initially completed by requestor, but verified by the DOA and updated if necessary.*

1. What is the amount of the fiscal impact? \$0
2. Is it currently budgeted?  Yes  No  N/A (if \$0 fiscal impact)
  - a. If yes, in which account? \_\_\_\_\_
  - b. If no, how will the impact be funded? \_\_\_\_\_
  - c. If funding is from an external source, is it one-time  or continuous?
3. Please provide supporting documentation of fiscal impact determination.

**COPY OF RESOLUTION OR ORDINANCE IS ATTACHED**

**Hemery, David P.**

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**From:** Kalny, James M. <jkalny@dkattorneys.com>  
**Sent:** Monday, August 12, 2019 4:11 PM  
**To:** Hemery, David P.  
**Cc:** Bill Verbeten  
**Subject:** CUP process in the Town of Wrightstown

Dear Mr. Hemery,

We are in receipt of the e-mail below. As requested we forwarded your communication to the Planning Commission and placed it on the agenda of their August 5 special meeting. After brief discussion, the commission authorized me to respond by explaining where the Town is in the conditional use permit (CUP) process with regard to the digester application.

As the digester is a listed conditional use in the Town's Ag Farmland Preservation Zone, the Town clerk forwarded the application of BC Organics to the Town Planning commission to gather substantial evidence (as defined in the statutes and ordinance) regarding the proposed use and any conditions that should be imposed to protect the public interest. The Town of Wrightstown planning commission has had 4 meetings to date for that purpose. At each of these meetings the Commission allowed the public to be heard.

At the August 5 meeting the commission considered 37 questions that had been voiced by citizens and board members including the 4 questions posed by the county in your correspondence. A representative of the DNR clean water program was there to address the questions as well as the applicant.

The Commission has asked that staff compile the findings from the meetings and assist in making recommendations for the next meeting.

The next step in the process is to create recommendations to the Town Board regarding the proposed use and any conditions that should be imposed. The Planning Commission will be meeting on August 21 for that purpose.

The conditional use process requires a public hearing before the Town Board (preceded by a class 2 notice) prior to the Town Board making its decision. As provided by Town ordinance and state law the requirements and conditions considered in the granting of a conditional use must be reasonable and, to the extent practicable, measurable. The applicant must demonstrate that the application and all requirements and conditions established by the town relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. All determinations, including whether to approve or deny the CUP, shall be based on substantial evidence produced and not on conjecture and mere opinion. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the town ordinance or those imposed by the town board, the town shall grant the conditional use permit. (see Section 60.61 (4e) Wis. Stats.) The Town intends to use the public hearing to gather the required evidence to support any conditions and to form the basis for the Town Board's decision.

The public hearing is in the process of being noticed for September 4. The likely course would be that the Town Board would act on the information formally put in the record on the 4<sup>th</sup> at its regular meeting of the 11<sup>th</sup> of September.

If you have any questions, please contact me.

Very Truly Yours,

Jim Kalny



Attorney for the Town of Wrightstown.

---

**From:** "Hemery, David P." <david.hemery@browncountywi.gov>  
**To:** "Bill Verbeten" <williamverbeten@yahoo.com>, "Ron Diny" <rddiny@gmail.com>, "Juedes@sbcglobal.net" <juedes@sbcglobal.net>  
**Cc:** "ME" <tcmarzahl@centurytel.net>  
**Sent:** Thursday, July 25, 2019 3:36:05 PM  
**Subject:** Proposed Anaerobic Digester



Chairperson Verbeten, and Supervisors Diny and Juedes:

Good afternoon.

This email is to inform you that the Brown County Planning, Development and Transportation (PD&T) Committee met last Monday, 07-22-2019, and requested that I forward a Communication they discussed to the Town of Wrightstown (the Town). Given your positions with the Town, I felt the information would best be received by the three of you, to do with as you see fit. I also cc'd in your Town Clerk, Donna Martzahl, in case she is in a better position to get this information where it needs to go.

At the 07-22-2019 PD&T Committee meeting, the Communication of two County Supervisors was on the Agenda. The Communication raised some concerns regarding a lack of available information about the Anaerobic Digester (the Digester) proposed to be built in the Town of Wrightstown (the Town), and requested that an expert be retained to render an opinion regarding several questions. The PD&T Committee did not approve of hiring an expert at County (or other) expense, but did note the importance of keeping local water and the environment clean, and felt it prudent to have me forward the Communication to the Town as the issue of whether or not to grant a Conditional Use Permit for the Digester rests squarely with the Town's Planning Commission and/or Board.

I want to emphasize here that the County is not attempting in any way to interfere with the Town's business. The Communication mentioned above has not yet even been considered by our full County Board, and won't be until they meet on 08-21-2019 at the earliest. The directive to forward the Supervisor's Communication to the Town was solely that of the PD&T Committee, as opposed to coming from our full County Board. The PD&T Committee felt the need to get the information to you prior to your Planning Commission meeting on 08-05-2019, and felt that the more information/suggestions provided to the Town to consider during its decision making process, the better.

I'm hoping that Chairperson Verbeten, as Chair of the Town Board and as a member of the Planning Commission, or another of you will share this email with Planning Commission members (I was unable to locate the email addresses of other Planning Commission members).

The Communication reads as follows:

=====

*Communication from Supervisors Deslauriers and Van Dyck re: That Brown County hire a waste water expert in the field of anaerobically digested dairy manure, selected at the discretion of the County Board and paid for by BC Organics, to determine the following:*

*\*If the waste water discharge permit the developer is seeking would allow more phosphorus to be released in to the East River watershed.*

*\*If the discharge and emissions from the digester would be detrimental to the environment or potentially harmful to Brown County residents.*

*\* If the waste water treatment methodology being proposed by BC Organics is first time this technology has been installed and continuously operated at a manure digester that discharges treated waste water as clean water.*

*\* If the waste water treatment methodology has not been proven viable on this scale for an anaerobic dairy manure digester.*

*If any of these conditions are found to be true by the hired expert, that Brown County, to the extent is has the ability to do so, deny any land lease, deny any easement, and withdraw any support for BC Organics to construct or operate the proposed industrial manure digester in District 20.*

=====

Finally, the PD&T Committee also desired to have an update on the status of the Digester regarding where things are at in the Town's processes. If one of your staff, and/or the Town attorney, would be kind enough to provide that it would be much appreciated, and I'd make sure to get any such response to our PD&T Committee.

Thank you for your time and attention to this matter.

Very truly yours,

/s/

David P. Hemery, Brown County Corporation Counsel  
WI Bar Number: 1033291  
Phone: (920) 448-4006  
Fax: (920) 448-4003  
Mailing Address: P.O. Box 23600, Green Bay, WI 54305-3600  
Physical Address: 305 E. Walnut St., Suite 680, Green Bay, WI 54301

This email message and any attachments may contain privileged or confidential information that is intended only for the use of the recipient(s) named above. If you have received this message in error, please notify us immediately and destroy the message.

BOARD OF SUPERVISORS

Brown County



BROWN COUNTY  
BOARD OF SUPERVISORS  
GREEN BAY, WISCONSIN

Meeting Date: 9/18/19

Agenda No.: Communication

Motion from the Floor

I make the following motion:

Request an explanation as to why it was necessary to  
remove and replace 2 different sections of the newly  
paved highway PP, in a 1.8 mile section from highway W  
to Lasee Road

PDS

Signed: [Signature]

District No. 17

(Please deliver to County Clerk after motion is made for recording into minutes.)



**BROWN COUNTY  
BOARD OF SUPERVISORS  
COURT HOUSE  
GREEN BAY, WISCONSIN**

BROWN COUNTY BOARD OF SUPERVISORS

Meeting Date: September 18, 2019

Agenda No. : late communication

Motion from the Floor

I make the following motion: As the legislative and policy making  
body of Brown County, that the County Board take  
a policy position, through resolution, on the  
recommended criteria for installation and  
removal of transverse rumble strips

Signed: [Signature]

District No.: 20

(Please deliver to the County Clerk after the motion is made for recording into the minutes.)

12



**BROWN COUNTY  
BOARD OF SUPERVISORS  
COURT HOUSE  
GREEN BAY, WISCONSIN**

**BROWN COUNTY BOARD OF SUPERVISORS**

Meeting Date: 18 Sep 19

Agenda No.: 7D + 1

Motion from the Floor

I make the following motion: to look @ working hours of  
janitorial staff - moving working hours of 3-11 pm  
to 1-9 pm, for safety reasons + energy savings

Signed: [Signature]

District No.: 21

(Please deliver to the County Clerk after the motion is made for recording into the minutes.)

13

19-073

### BUDGET ADJUSTMENT REQUEST

**Category**

**Approval Level**

- 1 Reallocation from one account to another in the same level of appropriation Dept Head
- 2 Reallocation due to a technical correction that could include:
  - Reallocation to another account strictly for tracking or accounting purposes
  - Allocation of budgeted prior year grant not completed in the prior yearDirector of Admin
- 3 Any change in any item within the Outlay account which does not require the reallocation of funds from another level of appropriation County Exec
- 4 Any change in appropriation from an official action taken by the County Board (i.e., resolution, ordinance change, etc.) County Exec
- 5 a) Reallocation of up to 10% of the originally appropriated funds between any levels of appropriation (based on lesser of originally appropriated amounts). Admin Comm
- 5 b) Reallocation of more than 10% of the funds originally appropriated between any of the levels of appropriation. Oversight Comm  
2/3 County Board
- 6 Reallocation between two or more departments, regardless of amount Oversight Comm  
2/3 County Board
- 7 Any increase in expenses with an offsetting increase in revenue Oversight Comm  
2/3 County Board
- 8 Any allocation from a department's fund balance Oversight Comm  
2/3 County Board
- 9 Any allocation from the County's General Fund (*requires separate Resolution*) Oversight Comm  
*After County Board approval of the resolution, a Category 4 budget adjustment must be prepared.* Admin Committee  
2/3 County Board

**Justification for Budget Change:**


1) Move 6,500 savings from Jail/911 Ceiling Tile Replacement to Jail/911 Carpet & Flooring Replacement. Both are sales tax projects.

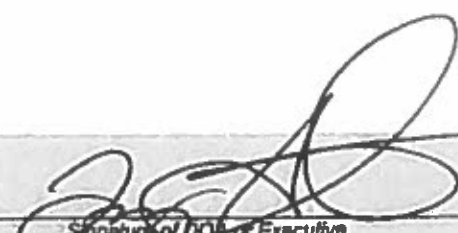
**Fiscal Impact\*: \$0**

\*Enter \$0 if reclassifying previously budgeted funds. Enter actual dollar amount if new revenue or expense.

Increase	Decrease	Account #	Account Title	Amount
<input checked="" type="checkbox"/>	<input type="checkbox"/>	410.054.001.6182.100	Construction General	6,500
<input type="checkbox"/>	<input checked="" type="checkbox"/>	410.054.001.6182.100	Construction General	6,500
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			

**AUTHORIZATIONS**

  
 \_\_\_\_\_  
 Signature of Department Head  
 Department: Public Works  
 Date: 8/26/19

  
 \_\_\_\_\_  
 Signature of Director of Executive  
 Date: 9/3/19

14

19-074

### BUDGET ADJUSTMENT REQUEST

Category

Approval Level

- 1 Reallocation from one account to another in the same level of appropriation Dept Head
- 2 Reallocation due to a technical correction that could include:
  - Reallocation to another account strictly for tracking or accounting purposes
  - Allocation of budgeted prior year grant not completed in the prior yearDirector of Admin
- 3 Any change in any item within the Outlay account which does not require the reallocation of funds from another level of appropriation County Exec
- 4 Any change in appropriation from an official action taken by the County Board (i.e., resolution, ordinance change, etc.) County Exec
- 5 a) Reallocation of up to 10% of the originally appropriated funds between any levels of appropriation (based on lesser of originally appropriated amounts). Admin Comm
- 5 b) Reallocation of more than 10% of the funds originally appropriated between any of the levels of appropriation. Oversight Comm  
2/3 County Board
- 6 Reallocation between two or more departments, regardless of amount Oversight Comm  
2/3 County Board
- 7 Any increase in expenses with an offsetting increase in revenue Oversight Comm  
2/3 County Board
- 8 Any allocation from a department's fund balance Oversight Comm  
2/3 County Board
- 9 Any allocation from the County's General Fund (*requires separate Resolution*) Oversight Comm  
*After County Board approval of the resolution, a Category 4 budget adjustment must be prepared.* Admin Committee  
2/3 County Board

**Justification for Budget Change:**

1) Move savings from HPOD Ceiling Mold Remediation (92,912 sales tax budget 29,048 non-sales tax budget) to the Duck Creek Fuel System Upgrade (also a sales tax project) as those bids have come in higher than the estimates used to budget this project.

Fiscal Impact\*: \$0

*\*Enter \$0 if reclassifying previously budgeted funds. Enter actual dollar amount if new revenue or expense.*

Increase	Decrease	Account #	Account Title	Amount
<input checked="" type="checkbox"/>	<input type="checkbox"/>	410.054.001.6182.100	Construction General - Sales Tax	92,912
<input type="checkbox"/>	<input checked="" type="checkbox"/>	410.054.001.6182.100	Construction General - Sales Tax	92,912
<input checked="" type="checkbox"/>	<input type="checkbox"/>	410.054.001.6182.100	Construction General - Non-Sales Tax	29,048
<input type="checkbox"/>	<input checked="" type="checkbox"/>	410.054.001.6182.100	Construction General - Non-Sales Tax	29,048
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			

23 8/26/19

**AUTHORIZATIONS**

Paul [Signature]  
Signature of Department Head

[Signature]  
Signature of DOA or Executive

Department: Public Works  
Date: 8/26/19

Date: 8/26/19

15

PUBLIC WORKS DEPARTMENT

Brown County

2198 GLENDALE AVENUE  
GREEN BAY, WI 54303  
PHONE (920) 492-4925 FAX (920) 434-4576  
EMAIL: bc\_highway@co.brown.wi.us

PAUL A. FONTECCHIO, P.E.  
DIRECTOR

TO: PD&T Committee  
FROM: Paul Fontecchio, P.E.  
DATE: September 23, 2019  
RE: Summary of Operations

The Public Works Department is performing at a significantly higher than normal budget rate through the month of August. The end of August represents 66.67% of the year. Here is a summary of our operations:

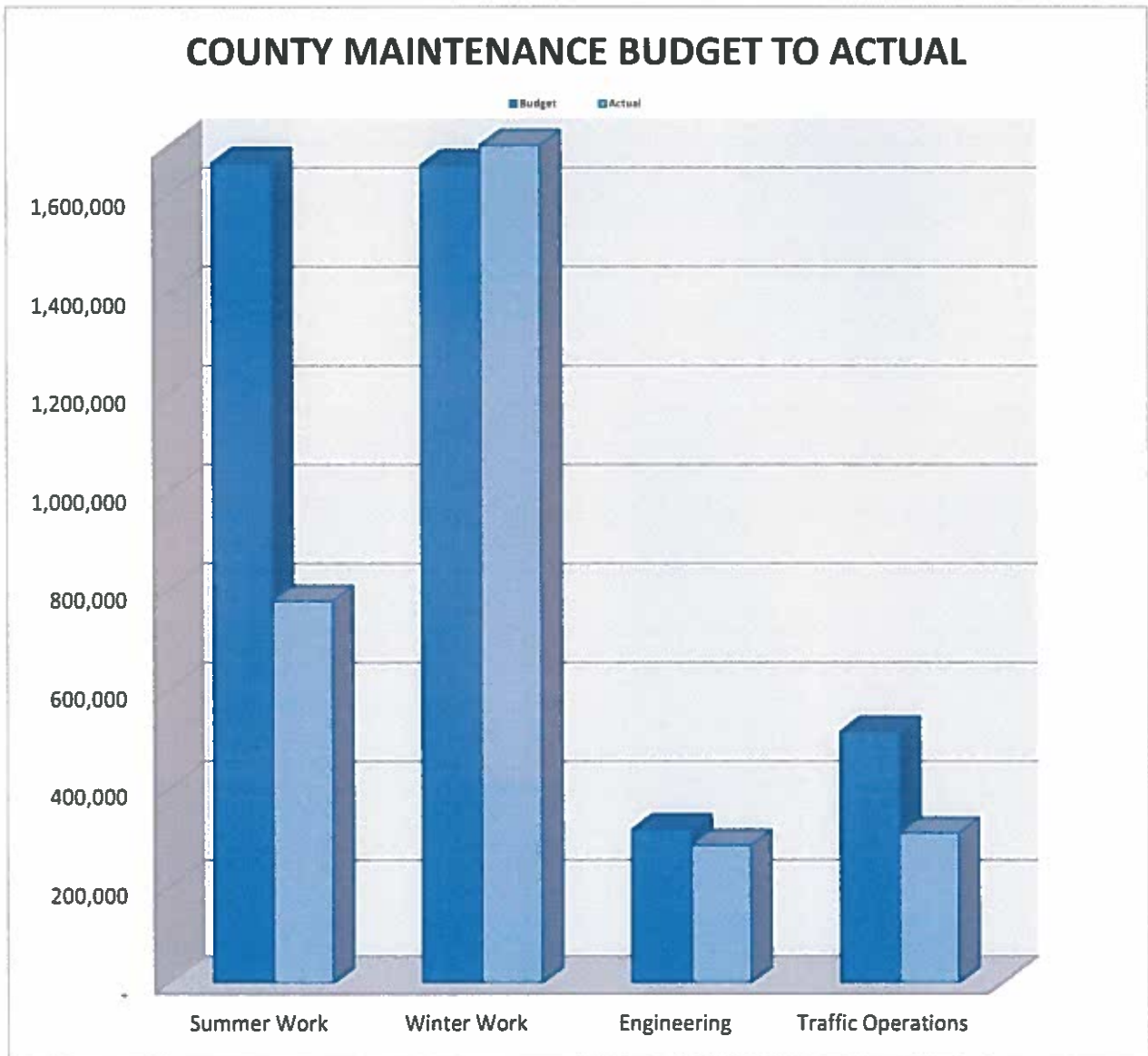
(240) County Maintenance	90.15%
(660) State Maintenance	75.04%
(660) Other Work (Interdepartmental, Municipal, etc.)	100.08%
(400) Capital Projects	36.78%
Facilities	64.45%

Please see the attached charts for more details.



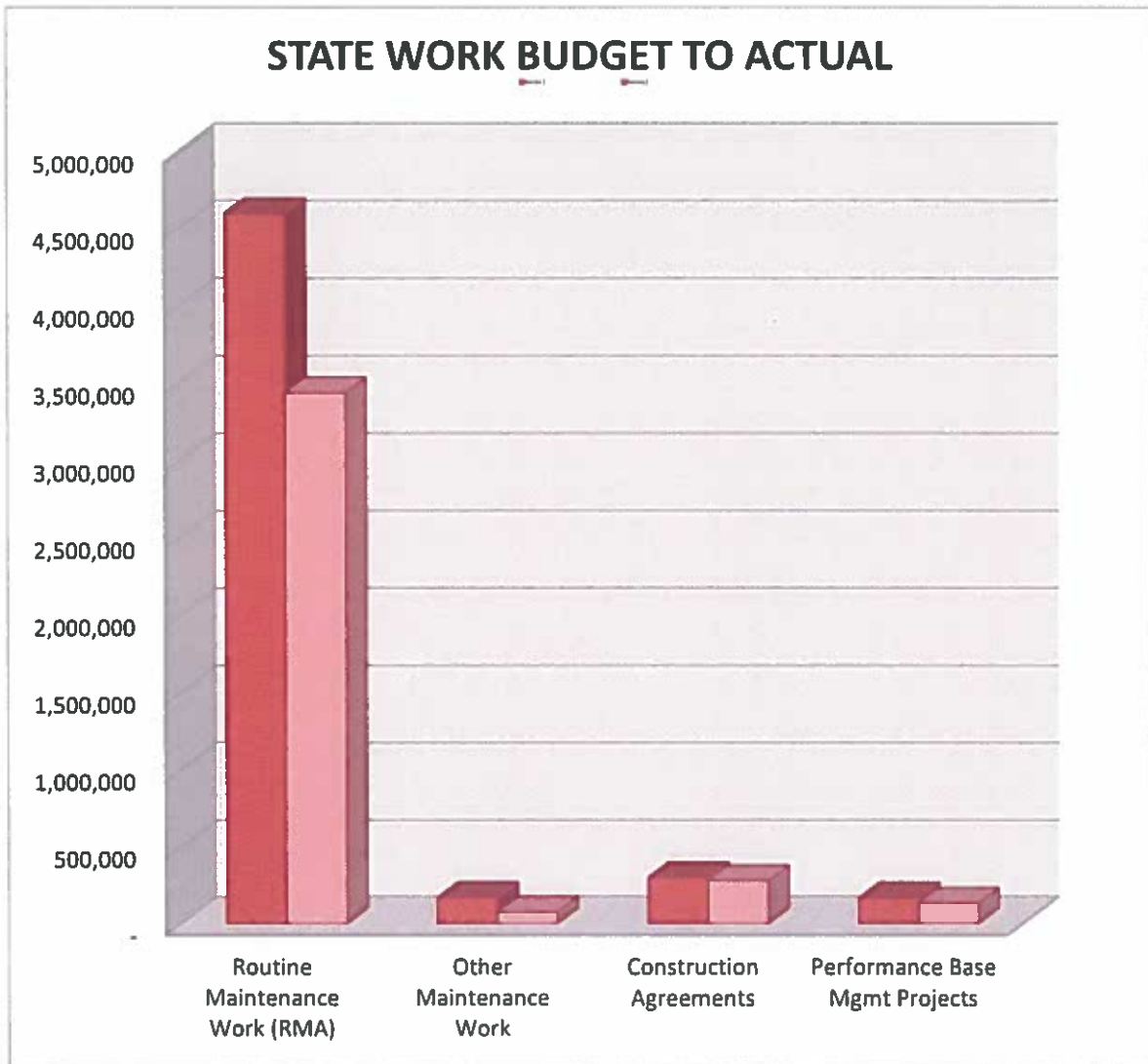
**BROWN COUNTY PUBLIC WORKS  
COUNTY MAINTENANCE BUDGET TO ACTUAL-FUND 240  
As Of 8/31/19**

	Budget	Actual	Remaining	Percentage Used
Summer Work	1,663,949	779,410	884,539	46.84%
Winter Work	1,659,750	2,367,253	(707,503)	142.63%
Engineering	316,225	285,046	31,179	90.14%
Traffic Operations	514,306	309,558	204,748	60.19%
County Incidents	30,000	30,720	(720)	102.40%
<b>Total</b>	<b>4,184,230</b>	<b>3,771,987</b>	<b>412,243</b>	<b>90.15%</b>



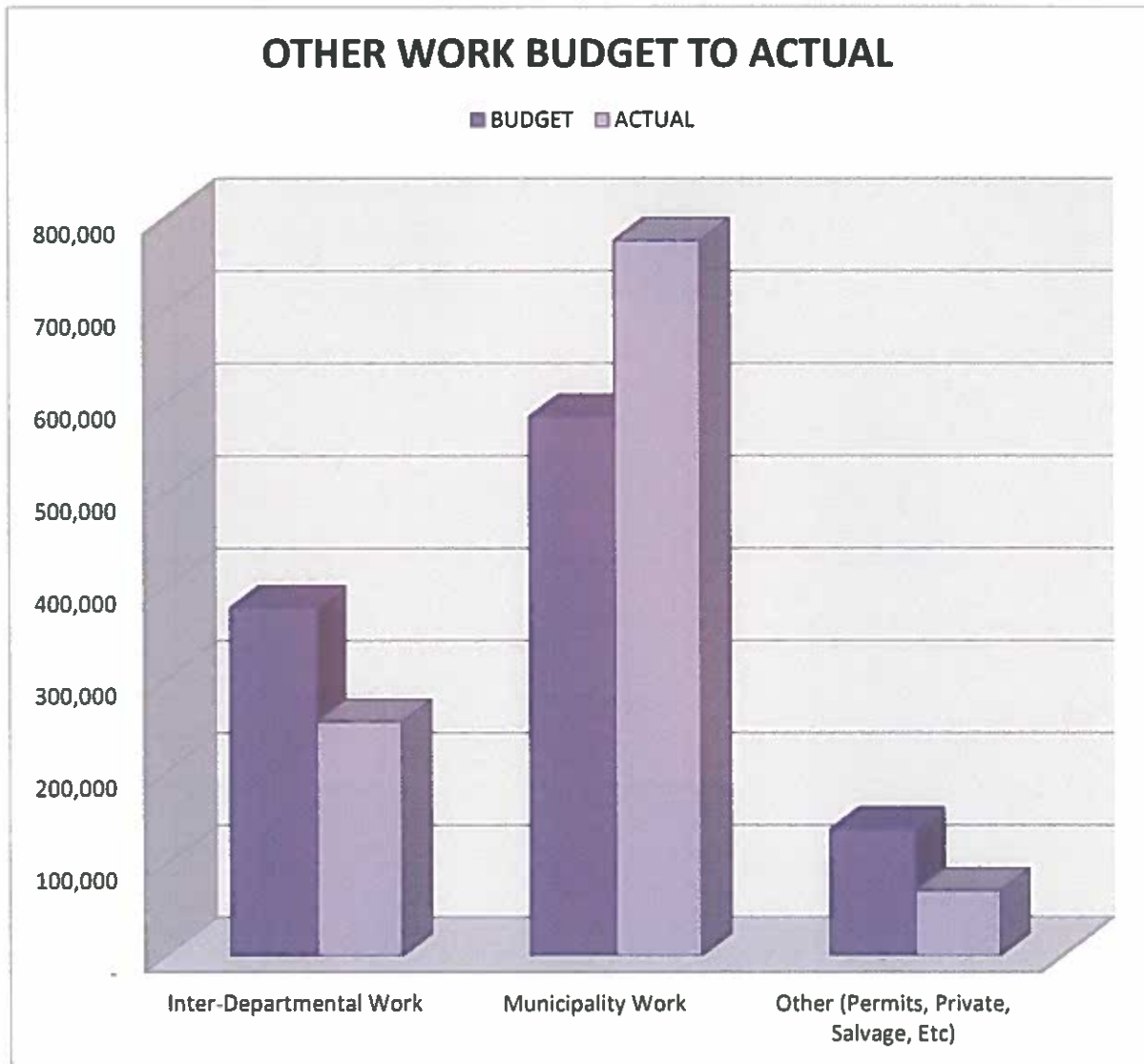
**BROWN COUNTY PUBLIC WORKS-HIGHWAY  
STATE WORK BUDGET TO ACTUAL  
As Of 8/31/2019**

	Budget	Actual	Remaining	Percentage Used
Routine Maintenance Work (RMA)	4,593,000	3,437,179	1,155,821	74.84%
Other Maintenance Work	170,471	75,760	94,711	44.44%
Construction Agreements	301,058	281,197	19,860	93.40%
Performance Base Mgmt Projects	168,706	133,121	35,585	78.91%
<b>Total</b>	<b>5,233,235</b>	<b>3,927,258</b>	<b>1,305,977</b>	<b>75.04%</b>



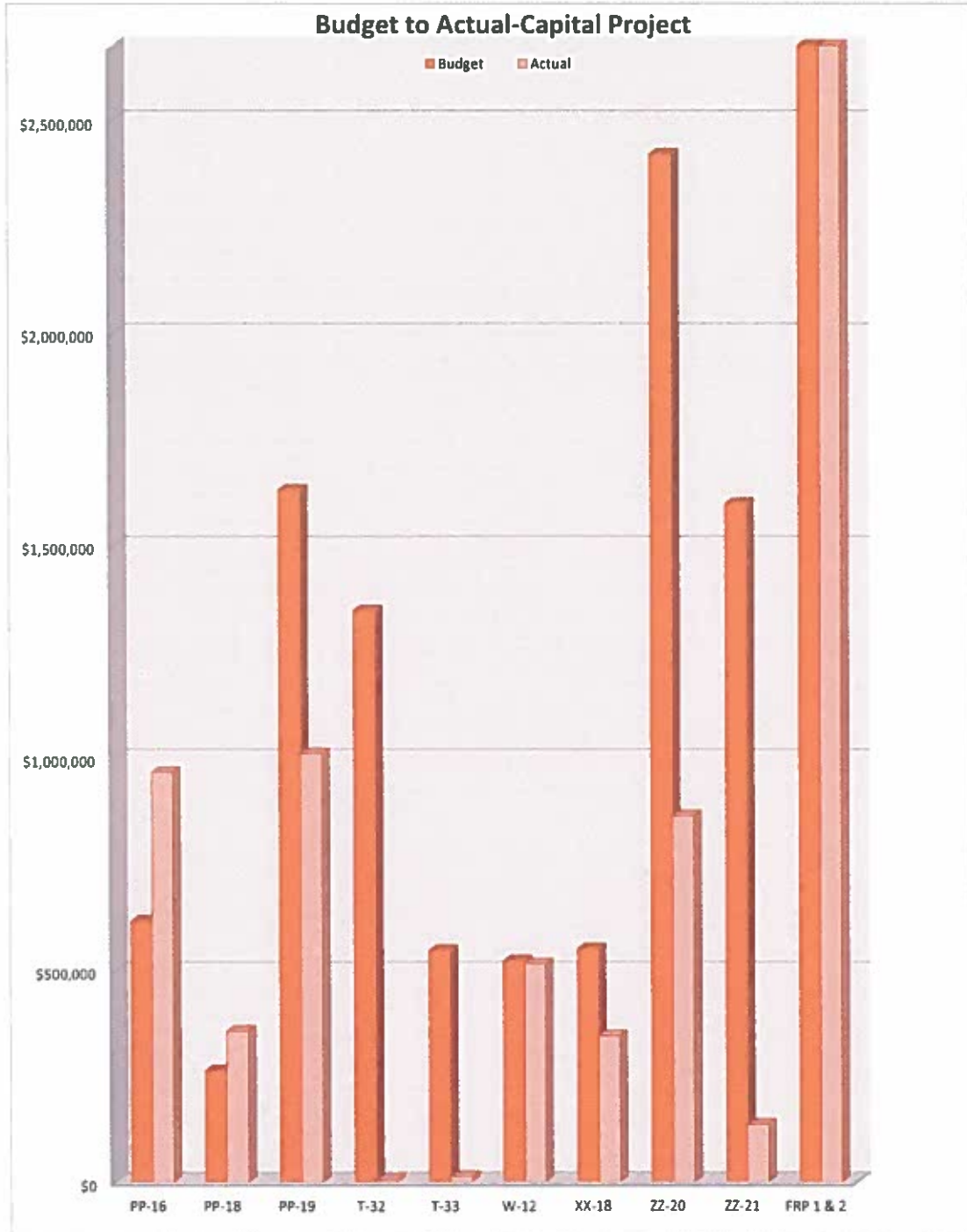
**BROWN COUNTY PUBLIC WORKS-HIGHWAY  
OTHER WORK BUDGET TO ACTUAL  
As Of 8/31/19**

	Budget	Actual	Remaining	Percentage Used
Inter-Departmental Work	377,466	254,207	123,259	67.35%
Municipality Work	584,300	774,746	(190,446)	132.59%
Other (Permits, Private, Salvage, Etc)	137,285	70,945	66,340	51.68%
<b>Total</b>	<b>1,099,051</b>	<b>1,099,898</b>	<b>(847)</b>	<b>100.08%</b>



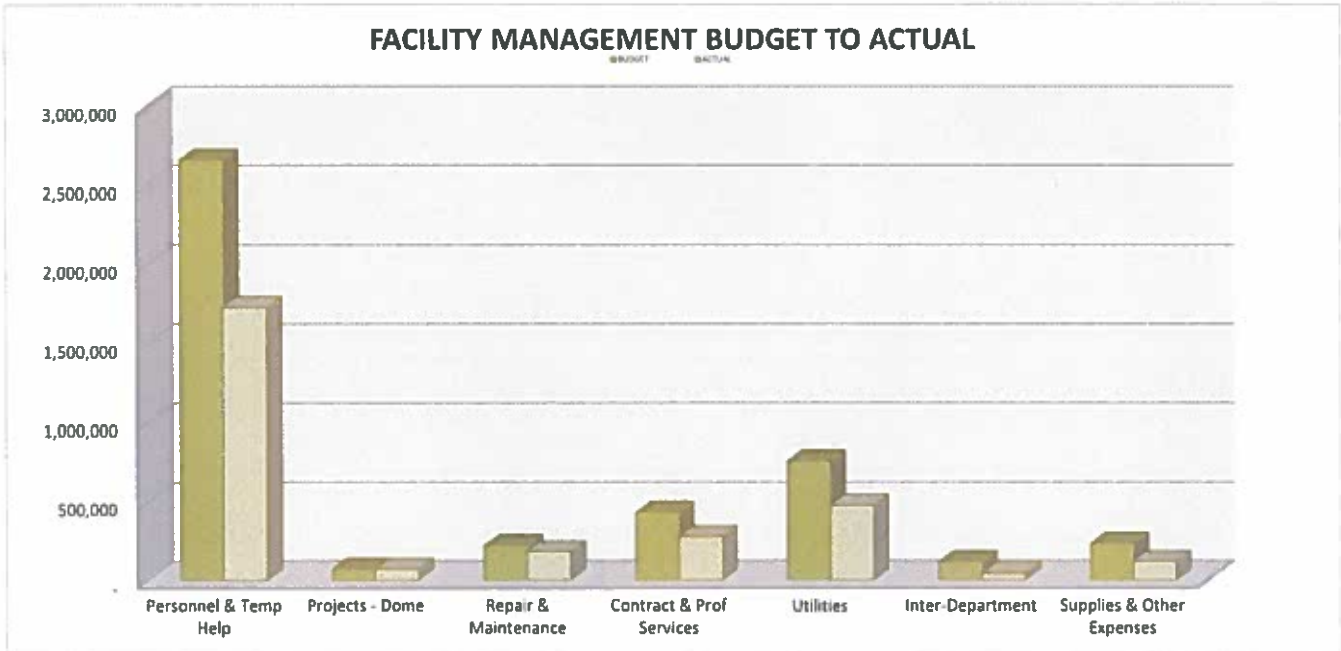
**BROWN COUNTY HIGHWAY DEPARTMENT  
CAPITAL PROJECT EXPENSE-BUDGET TO ACTUAL  
As Of 8/31/19**

Project	Project Description	% BC Cost	Budget	Actual	Remaining	Percentage
PP-16	School Rd to Shirley Rd	100%	\$618,750	\$968,442	-\$349,692	156.52%
PP-18	Shirley Rd to Lasee Rd	100%	\$267,000	\$359,936	-\$92,936	134.81%
PP-19	Lassee Rd to Viking Lane	100%	\$1,632,000	\$1,012,757	\$619,243	62.06%
T-32	CTH KB to North Ave (V. Denmark)	22%	\$1,348,000	\$4,598	\$1,343,402	0.34%
T-33	North Ave to Town Hall Rd	100%	\$550,000	\$13,244	\$536,756	2.41%
W-12	Man-Cal Rd to Kings Rd	100%	\$525,000	\$517,988	\$7,012	98.66%
XX-18	East River Bridge to Bellevue Street	100%	\$554,000	\$348,939	\$205,061	62.99%
ZZ-20	Partridge Rd to Wrightstown Rd	100%	\$2,420,000	\$865,725	\$1,554,275	35.77%
ZZ-21	CTH ZZ 2019 Slope Repair	100%	\$1,600,000	\$138,368	\$1,461,632	8.65%
FRP 1 & 2	Earthwork & Stormwater Retention Pond	100%	\$10,462,412	\$3,117,351	\$7,345,061	29.80%
<b>Total</b>			<b>\$19,977,162</b>	<b>\$7,347,347</b>	<b>\$12,629,815</b>	<b>36.78%</b>



**BROWN COUNTY PUBLIC WORKS  
FACILITY MANAGEMENT BUDGET TO ACTUAL  
As Of 8/31/2019**

	Budget	Actual	Remaining	% Used
Personnel & Temp Help	2,659,936	1,727,248	932,688	64.94%
Projects - Dome	70,000	69,567	433	99.38%
Repair & Maintenance	219,733	182,004	37,729	82.83%
Contract & Prof Services	430,392	276,547	153,845	64.25%
Utilities	755,446	474,880	280,566	62.86%
Inter-Department	115,321	41,673	73,648	36.14%
Supplies & Other Expenses	233,121	118,082	115,039	50.65%
<b>Total</b>	<b>4,483,949</b>	<b>2,890,001</b>	<b>1,593,948</b>	<b>64.45%</b>



PUBLIC WORKS DEPARTMENT

Brown County

2198 GLENDALE AVENUE  
GREEN BAY, WI 54303  
PHONE (920) 492-4925 FAX (920) 434-4576  
EMAIL: bc\_highway@co.brown.wi.us

PAUL A. FONTECCHIO, P.E.  
DIRECTOR

TO: PD&T Committee  
FROM: Paul Fontecchio, P.E.  
DATE: September 23, 2019  
RE: Director's Report

**PROJECTS** – To be given orally at PD&T.

**SEPTEMBER FLOODING** – To be given orally at PD&T.

**TWELVE-HOUR DAYS:**

**Highway Division:** Highway incurred 2,072.5 hours of overtime in August. Substantially, all overtime was related to roadway construction projects. The amounts in excess of 12 hours per day for August are attached.

**Facility Management Division:** Facilities incurred 60.5 hours of overtime in August. The overtime was related to longer cleaning shifts to cover vacancies and mechanical repairs. There were no +12 hour days for August for Facilities.

**STAFFING REPORT:**

See Attached Table.

**Public Works - Highway Division**  
**12-Hour Work Days**  
**8/1/19 - 8/31/19**

DATE	EMPLOYEE	OPERATION PREFORMED	HOURS WORKED
8/1/2019	Ferry, Jim	Mechanic Shop, Fuel Equipment in the Field	13.5
8/1/2019	Gussert, Tim	ZZ-20	12.5
8/1/2019	Johnson, Jason	ZZ-20	12.25
8/1/2019	LeGrave, Stee	ZZ-20	12.5
8/1/2019	Loritz, Nancy	ZZ-20	12
8/1/2019	Mangin, Justin	ZZ-20	12.25
8/1/2019	Maus, Todd	ZZ-20	13
8/1/2019	Messerschmidt, Bill	ZZ-20	12.5
8/1/2019	Schraufnagel, Dan	ZZ-20, Sweep Cty Roads	12.5
8/1/2019	Sequin, Scott	TLAW-4, County Paintstriping, ZZ-20, PP-19	15.5
8/2/2019	Maus, Todd	ZZ-20	12.25
8/5/2019	DuBois, Dave	Signing, ERC Call	13
8/5/2019	Johnson, Jason	ZZ-20	12
8/5/2019	LeGrave, Steve	ZZ-20	12
8/5/2019	Liebergen, Dale	PP-19, ZZ-20	12
8/5/2019	Maus, Todd	PP-19, ZZ-20	12.75
8/5/2019	Noe, Terry	Asphalt Plant	12
8/5/2019	Schraufnagel, Dan	ZZ-20, PP-19	12.5
8/5/2019	Sperberg, Mark	PP-19, ZZ-20	12.25
8/5/2019	Zelten, Brian	PP-19, ZZ-20	12
8/6/2019	Bockelman, Ben	PP-19	13
8/6/2019	Burney, Tim	PP-19	12
8/6/2019	Dallas, Chris	PP-19	12.25
8/6/2019	Engelmann, Curt	PP-19, ZZ-20	12.5
8/6/2019	Ignatowski, Paul	State Roamer, PP-19, ZZ-20	12.5
8/6/2019	Kapinos, Vince	PP-19	12.5
8/6/2019	Kostreva, James	PP-19	12.5
8/6/2019	Liebergen, Dale	PP-19	12
8/6/2019	Mangin, Justin	ZZ-20, PP-19	12.25
8/6/2019	Maus, Todd	ZZ-20	12.5
8/6/2019	Melbauer, Charlie	PP-19	12.25
8/6/2019	Noe, Terry	Aphalt Plant	12.25
8/6/2019	Prasnicky, Lexi	PP-19	13.25
8/6/2019	Schraufnagel, Dan	ZZ-20, PP-19	13.5
8/6/2019	Smits, Mike	PP-19	12.25
8/6/2019	Sperberg, Mark	PP-19, ZZ-20	12.75
8/6/2019	Thompson, Nick	PP-19	13
8/6/2019	Vieth, Ryan	Asphalt Plant	12
8/6/2019	Wessley, Brad	PP-19, ZZ-20	12
8/6/2019	Woelfel, Jon	PP-19	12
8/6/2019	Zelten, Brian	PP-19, ZZ-20	12.75

## 12-Hour Report

8/1 - 8/31/19

Page 2

DATE	EMPLOYEE	OPERATION PREFORMED	HOURS WORKED
8/7/2019	Bockelman, Ben	PP-19	12.25
8/7/2019	DuBois, Dave	Signing, ERC call in	13.5
8/7/2019	Johnson, Jason	ZZ-20	12
8/7/2019	Kapinos, Vince	PP-19	12.25
8/7/2019	Kostreva, Jim	PP-19	12.5
8/7/2019	Maus, Todd	ZZ-20, PP-19	13.25
8/7/2019	Sausen, Jim	Stockroom, ERC call in	12
8/7/2019	Schraufnagel, Dan	PP-19, County Sweeping	12.75
8/7/2019	Sperberg, Mark	PP-19, Raw Materials to Asphalt Plant	12.25
8/7/2019	Thompson, Nick	PP-19	12.25
8/7/2019	Woelfel, Jon	PP-19	12.5
8/8/2019	Ferry, Jim	Mechanic Shop, Fuel Equipment in the Field	14.25
8/8/2019	Healy, Aaron	ZZ-20, ERC Call-in	12
8/8/2019	Johnson, Jason	ZZ-20	12.5
8/8/2019	Mangin, Justin	ZZ-20	12.25
8/8/2019	Schraufnagel, Dan	PP-19, County Sweeping	12
8/8/2019	VanDeHei, Jamie	Sweeping (state, county, fairgrounds)	12.5
8/8/2019	Zalewski, Jared	Paintstripping; ERC call in	12
8/12/2019	Buhr, Mike	Mechanic Shop	12.75
8/12/2019	Mangin, Justin	ZZ-20	12
8/12/2019	Sweemer, Steve	Mechanic Shop	12.25
8/12/2019	Zalewski, Jared	Signing, Signal Knockdown, ERC call-in	13.75
8/13/2019	Bastian, Dan	Asphalt Plant	12.5
8/13/2019	Bockelman, Ben	PP-19	12.25
8/13/2019	Dallas, Chris	PP-19	12
8/13/2019	Guns, Taylor	PP-19	12.25
8/13/2019	Gussert, Tim	ZZ-20	12.25
8/13/2019	Johnson, Jason	ZZ-20	12
8/13/2019	Kapinos, Vinnie	PP-19	12.25
8/13/2019	Kostreva, Jim	PP-19	12
8/13/2019	Maus, Todd	ZZ-20	13.75
8/13/2019	Schraufnagel, Dan	ZZ-20, County sweeping	13
8/13/2019	Sequin, Scott	PP-19, B-17	12
8/13/2019	Sperberg, Mark	PP-19, ZZ-20	12.25
8/13/2019	Thompson, Nick	PP-19	12.25
8/13/2019	Wessley, Brad	PP-19, PP-16, B-17	12
8/13/2019	Woelfel, Jon	PP-19	12.75
8/14/2019	Engelmann, Curt	ZZ-20	12
8/14/2019	Gussert, Tim	ZZ-20	12.25
8/14/2019	Johnson, Jason	ZZ-20	12.5
8/14/2019	Mangin, Justin	ZZ-20	12.25



## 12-Hour Report

8/1 - 8/31/19

Page 3

DATE	EMPLOYEE	OPERATION PREFORMED	HOURS WORKED
8/14/2019	Maus, Todd	ZZ-20	13.5
8/14/2019	Rentmeester, Dan	ZZ-20	12
8/14/2019	Schraufnagel, Dan	ZZ-20, County sweeping	12
8/14/2019	Sequin, Scott	B-17, ZZ-20, PP-19	12.5
8/15/2019	Burney, Tim	ZZ-20	12.5
8/15/2019	Engelmann, Curt	PP-19, ZZ-20	12
8/15/2019	Ferry, Jim	Mechanic Shop, Fuel Equipment in the Field	12.25
8/15/2019	Gussert, Tim	ZZ-20	12
8/15/2019	Healy, Aaron	ZZ-20	12
8/15/2019	LeGrave, Steve	ZZ-20	12.5
8/15/2019	Mangin, Justin	ZZ-20	12.75
8/15/2019	Maus, Todd	ZZ-20	14
8/15/2019	Messerschmidt, Bill	ZZ-20	12.75
8/15/2019	Rentmeester, Dan	PP-19, ZZ-20	12
8/15/2019	Schraufnagel, Dan	PP-19, ZZ-20, County Sweeping	14
8/15/2019	Sequin, Scott	PP-19, ZZ-20	12.5
8/15/2019	Wessley, Brad	PP-19, ZZ-20	12
8/19/2019	Maus, Todd	ZZ-20	13.25
8/19/2019	Schraufnagel, Dan	PP-19, ZZ-20	12.5
8/19/2019	Sequin, Scott	Haul Man-Sand, PP-19, ZZ-21, ZZ-20	12.25
8/20/2019	Beihoff, Chad	ZZ-20 Engineer	12
8/20/2019	DuBois, Dave	State Closure; B-17	12
8/20/2019	Gussert, Tim	ZZ-20	12.25
8/20/2019	Ignatowski, Paul	State Roamer, State Traffic Control & Sweeping	12
8/20/2019	Johnson, Jason	ZZ-20	12.5
8/20/2019	Mangin, Justin	ZZ-20	12.5
8/20/2019	Maus, Todd	ZZ-20	13.5
8/20/2019	Messerschmidt, Bill	ZZ-20	12.25
8/20/2019	Schraufnagel, Dan	PP-19, ZZ-20, B-17	13
8/20/2019	Vieth, Ryan	ZZ-20	12
8/20/2019	Zelten, Brian	ZZ-20	12
8/21/2019	Engelmann, Curt	ZZ-20	12.25
8/21/2019	Loritz, Nancy	B-17, ZZ-20	12.25
8/21/2019	Maus, Todd	ZZ-20	12.5
8/21/2019	Schraufnagel, Dan	County & State Sweeping, ZZ-20	12.5
8/21/2019	Sequin, Scott	B-17, ZZ-20	12.25
8/21/2019	Zelten, Brian	ZZ-20	12
8/22/2019	Engelmann, Curt	ZZ-20	12
8/22/2019	Ferry, Jim	Mechanic Shop, Fuel Equipment in the Field	12.5
8/22/2019	Gussert, Tim	ZZ-20	13
8/22/2019	Johnson, Jason	ZZ-20	12.75

18

12-Hour Report

8/1 - 8/31/19

Page 4

DATE	EMPLOYEE	OPERATION PREFORMED	HOURS WORKED
8/22/2019	Messerschmidt, Bill	ZZ-20	12.5
8/22/2019	Schraufnagel, Dan	PP-19, ZZ-20	13.25
8/22/2019	Vieth, Ryan	ZZ-20	13.5
8/26/2019	DuBois, Phil	County paintstripping	12
8/26/2019	Rentmeester, Dan	County paintstripping	12
8/26/2019	Zalewski, Jared	County paintstripping	12
8/27/2019	DuBois, Phil	Signing	12
8/27/2019	Johnson, Jason	ZZ-20	12.25
8/27/2019	Ledvina, Jason	County Paintstripping, PP-19	12
8/27/2019	Maus, Todd	ZZ-20	13.5
8/27/2019	Rentmeester, Dan	Signing	12
8/27/2019	Schraufnagel, Dan	ZZ-20, County sweeping	12.5
8/27/2019	Zalewski, Jared	County Painstripping	12
8/28/2019	Curl, Todd	Mechanic Shop	12.25
8/28/2019	Goral, Nick	PP-19	12.25
8/28/2019	Healy, Aaron	PP-19	12
8/28/2019	Liebergen, Dale	PP-19	12.25
8/28/2019	Loritz, Nancy	PP-19	12.5
8/28/2019	Maus, Todd	ZZ-20	13.5
8/28/2019	Prasnicky, Lexi	PP-19	12.25
8/28/2019	Schraufnagel, Dan	ZZ-20, County sweeping	12.5
8/28/2019	Sequin, Scott	PP-19	12.5
8/28/2019	Sperberg, Mark	PP-19	12
8/28/2019	Tilkens, Todd	County Mowing	12
8/29/2019	Mangin, Justin	ZZ-20	12
8/29/2019	Maus, Todd	ZZ-20, PP-19	13.75
8/29/2019	Messerschmidt, Bill	ZZ-20	12
8/29/2019	Peot, Tracy	Cut Grass (County & T. Green Bay)	12
8/30/2019	Maus, Todd	ZZ-20	13

18

**BROWN COUNTY PUBLIC WORKS  
STAFFING SUMMARY**

As of 8/31/2019

**HIGHWAY DIVISION:**

Position	Vacancy Date	Reason for Leaving	Fill or Hold	Filled Date	Unfilled Reason
Senior Civil Engineer	5/11/18	Resigned	Filled	8/26/19	N/A
Mechanic	1/27/19	Transfer	Fill: Open	In Process	N/A

	Budgeted FTE's	Actual #FTE's
Mgmt / Admin	10.75	10.75
Electrician	1.0	1.0
Engineering	7.0	7.0
Mechanics / Shop	12.0	11.0
Highway Crew	72.0	72.0
Sign Crew	2.0	2.0
Summer *	4.12	0
LTE *	2.0	0
<b>TOTAL</b>	<b>110.87</b>	<b>103.75</b>

**FACILITY MANAGEMENT DIVISION:**

Position	Vacancy Date	Reason for Leaving	Fill or Hold	Filled Date	Unfilled Reason
Housekeeper	5/10/19	Discharged	Fill: Open	In Process	N/A
Facility Mechanic	Newly Created	N/A	Fill: Open	In Process	N/A

	Budgeted FTE's	Actual #FTE's
Mgmt / Admin	5.25	5.25
Facility Technicians	1.0	1.0
Facility Mechanics	8.0	7.0
Facility Workers	9.0	9.0
Housekeeping	20.0	19.0
Electrician	1.0	1.0
Summer Help *	0.46	0
<b>TOTAL</b>	<b>44.71</b>	<b>42.25</b>

\* NOTE: Starting 8/9/19 – the Seasonal LTE & Summer employees began returning to college – numbers reflected in "Actual FTE's" for both divisions.

BROWN COUNTY  
 GREEN BAY AUSTIN STRAUBEL INT'L AIRPORT

Departmental Openings Summary  
 To: Planning, Development & Transportation Committee  
 From: Airport

9/17/2019

Position	Vacancy Date	Reason for Leaving	Fill or Hold	Unfilled Reason
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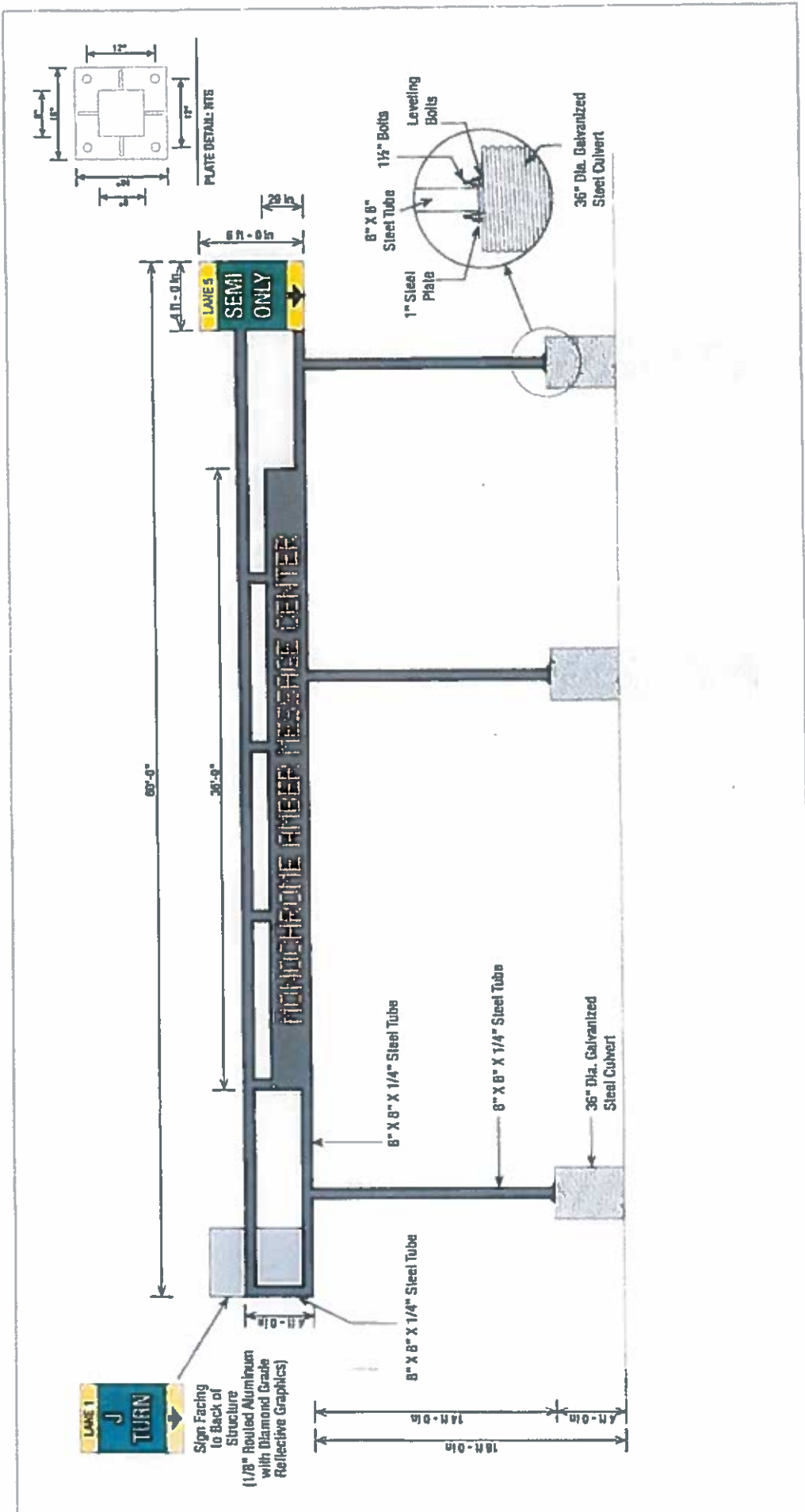
Maintenance Mechanic - Airfield

7/6/2019

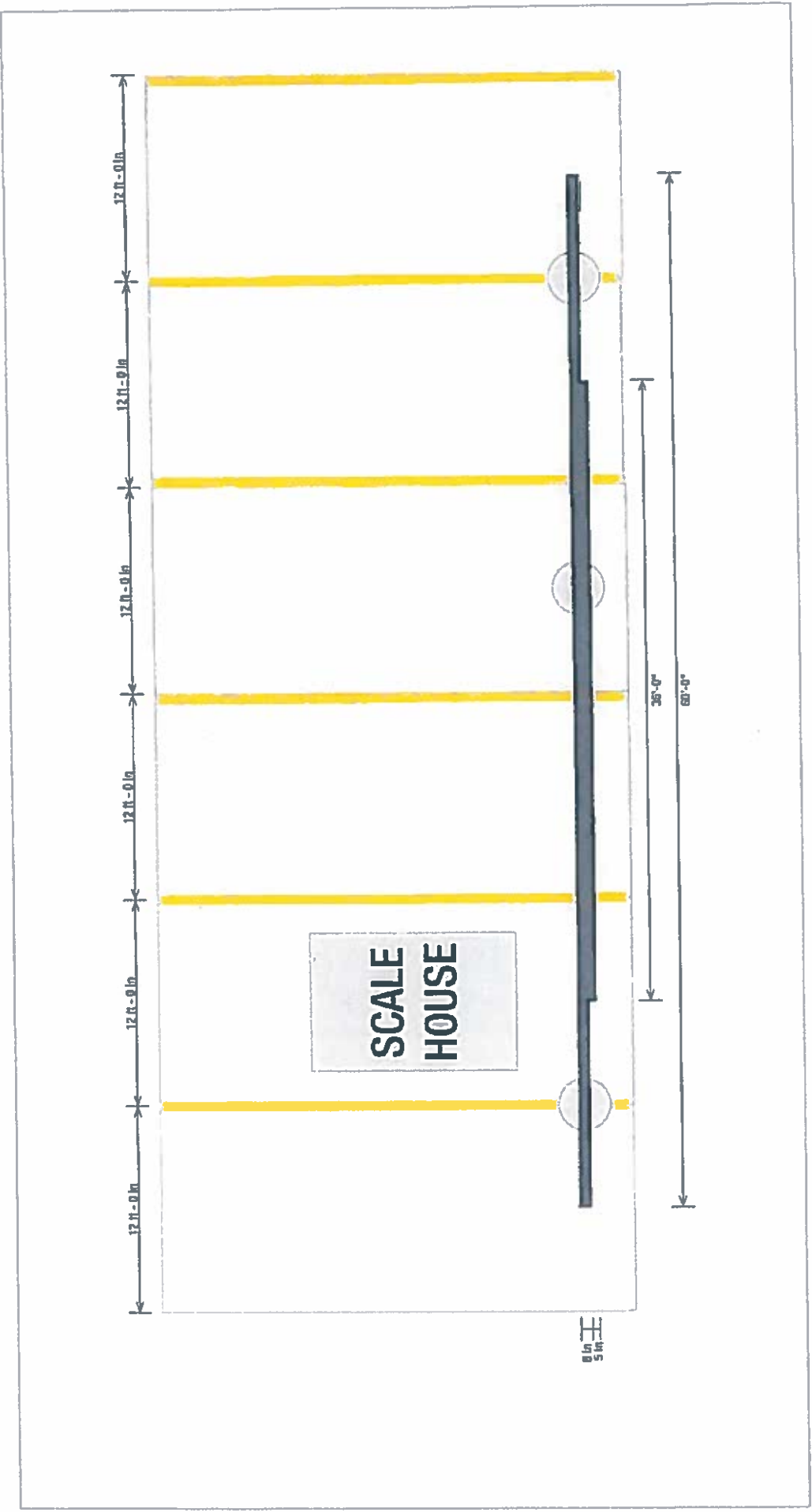
Resigned

Fill

Candidate was offered and accepted position in August. He rescinded his acceptance due to personal reasons. Position has been re-posted.



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**ATTACHMENT B: RFB COST SHEET***(Use of this form is required when submitting your documents; do not submit copy of project details with your submission)***Vendor Information**

COMPANY PHYSICAL LOCATION INFORMATION					
Legal Name:	ELEVATE 97				
Address:	1085 PARKVIEW RD.				
City:	GREEN BAY	State:	WI	Zip:	54304
Phone:	(920) 338-9383	Fax:			
Federal ID #:	39-1915925	Website:	elevate97.com		
COMPANY REMIT INFORMATION (where to send payment, if different than above)					
Billing Name:					
Name to print on check, if different than above					
Address:					
City:		State:		Zip:	
Accounts Payable Contact:			Phone:		
Accounts Payable Email:			Payment Terms:		
CONTACT INFORMATION / PRIMARY PERSON TO NOTIFY FOR INTENT TO AWARD OR THANK YOU					
Primary Name:	AL SMITH		Title:	ACCOUNT EXECUTIVE	
Email:	allen@colortechwi.com				
CONTACT INFORMATION / SECONDARY PERSON TO NOTIFY FOR INTENT TO AWARD OR THANK YOU					
Secondary Name:	BILL HAWKER		Title:	DIRECTOR OF BUSINESS DEVELOPMENT	
Email:	bhawker@elevate97.com				
CONTACT INFORMATION / PROJECT MANAGER					
Project Manager Name:	SARAH PERERA		Title:	PROJECT MANAGER	
Phone:	(920) 337-0660		Fax:		
Email:	sarah@colortechwi.com				
CONTACT INFORMATION / PERSON AUTHORIZED TO SIGN CONTRACT					
Contract Signer Name:	TOM BURGESS		Title:	C.O.O.	
Phone:	(920) 338-9383		Fax:		
Email:	tburgess@elevate97.com				

Does your Company accept MasterCard Credit Card for payment? YES  NO (Circle one)

If credit card payment is accepted, do you charge a service fee? YES NO (Circle one)

If yes, service fee is \_\_\_\_\_%

Comments:	
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Does your Company accept the Brown County Standard Contract?  YES  NO (Circle one)

Comments:	
-----------	--

**RFB Pricing**

**BASE BID:** Provide costs for all labor, materials and equipment to complete the project in strict accordance to the Specifications and/or Drawings

FOR THE SUM OF

Dollars (\$ 47,024.00)

*\*All pricing is to be inclusive of all costs including travel and meals.*

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**ATTACHMENT C: RFB ADDENDUM ACKNOWLEDGEMENT**

*(If Addendums exist for this project, please sign and date and send with your bid)*

**Important: Failure to submit this form when addendums have been issued may result in the rejection of your bid**


The undersigned acknowledges receipt of the following addenda by checking the box(es) below:

- 1       2       3       4       5       6

Additional Addenda should be written here:

I have examined and carefully prepared the RFB/RFP/RFQ from the plans and specifications and have checked the same in detail before submitting the RFB/RFP/RFQ to Brown County.

The Undersigned agrees to the above statement:

Printed Name: ALLEN R. SMITH
Signature: 
Date: 8-27-19

If this RFB/RFP/RFQ is assigned a project number all vendors are responsible to check for addendums, published on the Onvia DemandStar website and our website at [www.co.brown.wi.us](http://www.co.brown.wi.us), for this project prior to the due date.

If RFB/RFP/RFQ has already been submitted, vendor is required to acknowledge receipt of addendum via fax or e-mail prior to due date. New RFB/RFP/RFQ must be submitted by vendor if addendum affects costs.

Vendors that do not have Internet access are responsible for contacting our purchasing department at 920-448-4040 to ensure receipt of addendums issued.

RFBs/RFPs/RFQs that do not acknowledge addendums may be rejected.

All RFBs/RFPs/RFQs submitted will be sealed. Envelopes are to be clearly marked with required information. Sealed RFBs/RFPs/RFQs that are opened by mistake due to inadequate markings on the outside may be rejected and returned to the vendor.

205

**ATTACHMENT F: BIDDER'S CERTIFICATE**

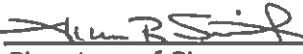
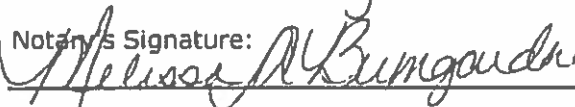
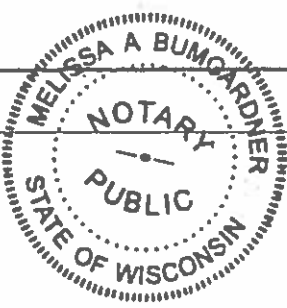
**BIDDER'S CERTIFICATE**  
Per Wis. Stat. Sec. 66.0901(7)

This Bidder's Certificate form must be completed by the contractor submitting a bid/proposal, and must be sworn to, notarized and timely returned to Brown County, as directed in the Request for Bids.

**Statement of Bidder:**

I hereby incorporate this sworn Bidder's Certificate into my bid/proposal, and hereby make this Bidder's Certificate part of my bid/proposal.

I affirmatively state that I, or an authorized representative of mine, have/has examined and carefully prepared the bid/proposal submitted from the plans and specifications provided, and have checked the same in detail before submitting the bid/proposal to the County of Brown. I have also included the names of subcontractors I propose to contract with and the class of work to be performed by each elsewhere in my bid/proposal.

ALLEN SMITH Printed Name of Signor	State of WI County of: BROWN
 Signature of Signor	Signed and Sworn to Before Me on (Date): 8/27/2019
8-27-2019 Date Signed	By (Printed Name): Melissa Bumgardner
ACCOUNT EXECUTIVE Title of Signor	Notary's Signature: 
(920) 337-0660 Phone of Signor	Notary's Expiration Date: 8/21/20
allen@colortechwi.com Email Address of Signor	Notary's Seal: 

**ATTACHMENT G: BIDDER'S PROOF OF RESPONSIBILITY**

**BIDDER'S PROOF OF RESPONSIBILITY**

**Per Wis. Stat. Sec. 66.0901(2) and Per Brown County Code Sec. 3.01(5)**

This Bidder's Proof of Responsibility form must be completed by the contractor submitting a bid, and must be notarized and timely received by Brown County as directed in the Request for Bids. **This form must be received by Brown County not less than 5 days prior to the time set for the opening of bids.**

**Definitions.** The following definitions apply below:

"Contractor" means a person, corporation, partnership or any other business entity that performs work on a public works contract as a general contractor, prime contractor or subcontractor at any tier.

"Registered Apprenticeship Program" means an apprenticeship program that is currently registered with either a State or Federal governmental entity and that has a graduated apprentices to journey person job classification system process as well as a bonafide training program.

"Public Works Contract" includes any contract for the construction, repair, remodeling or improvement of any public work, building, or furnishing of supplies or material of any kind where the estimated cost of such work will exceed \$25,000.

**Responsible Bidder Questions for Contractor to Evidence Proof of Responsibility** (circle either "Yes" or "No" after each question, and in addition you may submit a separate sheet if you wish to provide more descriptive responses).

1. Does the contractor maintain a permanent place of business?

Yes or No

2. Is the contractor authorized to do business in the State of Wisconsin?

Yes or No

3. Has the contractor, agent, partner, employee and/or officer of the contractor, been debarred, suspended, or declared ineligible from contracting with any unit of federal, state or local government?

Yes or  No

4. Is the contractor in compliance with the provisions of Section 2000e of Chapter 21, Title 42 of the United States Code, and Federal Executive Order No. 11246, as amended by Executive Order No. 11375 (known as the Equal Opportunity Employer provisions)?

Yes or No

5. Does the contractor have adequate and appropriate:

a) General liability insurance;

Yes or No

b) Automobile insurance, except when a licensed motor vehicle is not used in the performance of the contract; and

Yes or No

c) Workers' compensation and unemployment insurance, except when the contractor does not have employees?

Yes or No

6. Has the contractor complied with all provisions of any prevailing wage laws and federal Davis-Bacon related Acts, and the rules and regulations therein, for projects undertaken by the contractor that are covered by these laws, for the past five (5) years?

Yes or No

7. The Brown County Purchasing Department is **NOT** requiring in this Request for Bids that in order to be considered a responsible bidder, the contractor must participate in a Registered Apprenticeship Program;

**No Answer Required**

8. Does the contractor have a written substance abuse prevention program meeting the requirements of Wisconsin Statutes Section 103.503?

Yes or  No

9. Are the employees who will perform work on the project for the contractor properly classified as employees or independent contractors under all applicable laws;

Yes or  No

10. Has the contractor been the subject of any order or judgment from any state or federal agency or court concerning an employment practice?

Yes or  No

If you answered "Yes" directly above, then the contractor must provide copies of the investigation, order or judgment for the county to consider as a factor in determining whether the contractor is a responsible bidder. The contractor may be disqualified for failing to provide said documentation.

11. Are the contractor's employees who will perform work on the project covered under a current workers' compensation policy and properly classified under such policy?

Yes or  No

12. Is the contractor in compliance with all laws regarding health insurance coverage for employees?

Yes or  No

13. Does the contractor possess all applicable professional and trade licenses required for performing the public works?

Yes or  No

14. Does the contractor have adequate financial resources to complete the public works contract, and to complete all other work the bidder is presently under contract to complete?

Yes or  No

15. Is the contractor bondable for the terms of the proposed public works contract?

Yes or  No

16. The Brown County Purchasing Department is **NOT** requiring in this Request for Bids that in order to be considered a responsible bidder, the contractor must have a record of satisfactorily completing a specific number of projects of similar size and complexity within the last specific number of years.

**No Answer Required**

17. Does the contractor have a history of satisfactorily completing projects?

Yes or  No


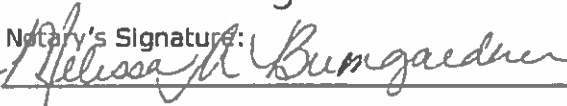
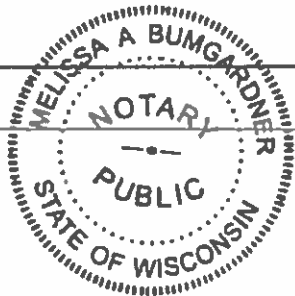
Criteria which will be considered in determining whether the contractor is a responsible bidder regarding satisfactorily completing projects may include, but are not limited to, whether the contractor has an acceptable past history of: a) completing contracts in accordance with drawings and specifications; b) diligently performing work and completing contracts in accordance with established time schedules, including any granted extensions of time; and c) fulfilling guarantee requirements of the contract documents.

18. Does the contractor have, and diligently maintain, a written safety program?

Yes or  No

No Restriction on Discretion. If information is discovered or comes into the possession of the county or a county department, official and/or employee responsible for awarding the public works contract, and if such information calls into question the contractor's abilities or competence to faithfully and responsibly comply with the terms of a public works contract and is considered to be both credible and verifiable, then that information shall be considered in determining whether the contractor is a responsible bidder.

By signing below, I affirm under oath that I have authority to complete this form on behalf of contractor, the information provided in this Bidder's Certificate of Responsibility is true, accurate and complete, and that my signature on this Bidder's Certificate of Responsibility was sworn to before an officer authorized by law to administer oaths. I understand that in order to be considered a responsible bidder, this form must be received by Brown County, as indicated in the Request for Bids, not less than 5 days prior to the time set for the opening of bids.

ALLEN R. SMITH	State of WI
Printed Name of Signor	County of: BROWN
	Signed and Sworn to Before Me on (Date):
Signature of Signor	8/22/2019
8-22-19	By (Printed Name):
Date Signed	Melissa Bumgardner
ACCOUNT EXECUTIVE	Notary's Signature:
Title of Signor	
920-337-0660	Notary's Expiration Date:
Phone of Signor	8/21/2020
allen@colortechwi.com	Notary's Seal:
Email Address of Signor	



		3.) Weather conditions dictate a change in installation methods
Colortech of Wisconsin, Inc. Officer	Date	4.) Unforeseen ground/digging conditions occur
*This proposal shall not obligate Colortech Signs and Graphics in anyway, until it is accepted and signed by Colortech Signs and Graphics Officer		



COLORTECH SIGNS AND GRAPHICS

TERMS AND CONDITIONS OF SALE

1. **TERMS OF AGREEMENT.** Purchaser's payment for and/or receipt of the materials provided for hereof (the "Product") constitutes an acceptance of Seller's offer of sales and is limited to acceptance of the express terms contained herein. Any proposal for additional or different terms, or any attempt by Purchaser to vary in any degree any of the terms of this offer. Purchaser's acceptance is hereby objected to and rejected: but such proposal shall be deemed a material alteration thereof: and this offer shall be deemed accepted by Purchaser without said additional or different terms. If this bill of Sale shall be deemed an acceptance of a prior offer by Purchaser accepted by Purchaser such acceptance is limited to the express terms contained herein. Additional or different terms, or any attempt by Purchaser to vary in any degree any of the terms of this Bill of Sale, shall be deemed material and are objected to and rejected: But this Bill of Sale shall not operate as a rejection of the Purchaser's offer, unless it contains variances in the terms of the description, quantity, price or delivery schedule of the Product.

2. **WARRANTY, EXCLUSION OF WARRANTIES, AND LIMITATIONS OF DAMAGES AND REMEDY.** Subject to the limitations set forth below, Seller warrants that the Product sold by it conforms to the description appearing on the Product, itself, or on any container in which the Product is sold. SELLER MAKES NO OTHER OR FURTHER WARRANTY, EXPRESS OR IMPLIED; AND ALL OTHER OR FURTHER WARRANTIES, INCLUDING ANY WARRANTIES OF MERCHANTABILITY, OR FITNESS FOR A PARTICULAR PURPOSE, ARE HEREBY EXCLUDED. MOREOVER, WHERE PURCHASER PROVIDES THE MATERIALS USED IN PRODUCT MANUFACTURE, SELLER SPECIFICALLY MAKES NO WARRANTY CONCERNING PRINT ADHESION TO THE MATERIAL SO SUPPLIED. ALL MATERIAL, FOR WHATEVER REASON, THAT IS LOST OR DESTROYED IN PRODUCTION IS AT RISK OF THE PURCHASER. REPLACEMENT WILL BE AT PURCHASERS EXPENSE.

SELLER'S LIABILITY, WHETHER BREACH OF CONTRACT, BREACH OF WARRANTY, NEGLIGENCE, PRODUCTS LIABILITY, OR OTHERWISE, IS LIMITED TO REPAIR OR REPLACEMENT OF ANY DEFECTIVE PRODUCT; AND PURCHASER'S SOLE AND EXCLUSIVE REMEDY SHALL BE SUCH REPAIR OR REPLACEMENT. IN NO EVENT SHALL SELLER BE LIABLE FOR LOSS OF PRODUCT, PROFIT, OR ANY OTHER SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES.

ALL WARRANTIES BECOME NULL & VOID IF INVOICE IS NOT PAID WITHIN 45 DAYS OF COMPLETION.

Seller shall have no liability for breach of warranty, unless notice of any breach is given within a reasonable time, not to exceed thirty (30) days after such breach is, or should have been, discovered. Any action for breach of warranty must be commenced within one (1) year after cause of action has accrued.

In the event of resale by Purchaser, Seller does not adopt or ratify any warranty, express or implied, made by Purchaser: and Seller shall have no liability there under. Purchaser agrees to defend, indemnify, and hold Seller harmless from and against any liability of any kind to any person or entity whatsoever arising out of any warranty, express or implied, made by Purchaser in connection with any resale of the Product.

3. **RETURN POLICY AND CLAIMS NOT ARISING UNDER WARRANTY.** No product may be returned without the prior authorization of Seller. Requests for the return of merchandise concerning any claims or complaints not arising under Seller's warranty must be made within ten (10) days after Purchaser's receipt of the product.

4. **DELAYS IN DELIVERY, SHORTAGES, AND SUBSTITUTIONS.** Seller shall not be responsible for delays in delivery, or for losses or damages resulting from delays in delivery, due to weather conditions, government actions, strikes, acts of war, fire, casualty, shortage, inability to obtain materials, or other causes beyond Seller's control.

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5. **PRICES.** Prices of some Items may vary due to changes in raw material prices. All prices are subject to change without notice, and the price in effect at the time of shipment or delivery will prevail.

6. **PAYMENT.** The full invoice amount is due and payable upon delivery of the Product. All payments shall be made in U.S. funds. Purchaser agrees that, in the event of a default in the payment of any amount when due, SELLER SHALL BE ENTITLED TO COLLECT LATE CHARGES IN THE AMOUNT OF TWO PERCENT (2%) PER MONTH (TWENTY-FOUR PERCENT (24%) PER YEAR), OR THE MAXIMUM RATE ALLOWED BY LAW, WHICHEVER IS LESS, ON ALL AMOUNTS PAST DUE FROM THE DATE DUE UNTIL THE DATE PAID, in addition to all other rights and remedies available to Seller under law.

Customer Initial: \_\_\_\_\_

7. **CONFIRMATION AND GOVERNING LAW.** All orders and contracts are subject to acceptance or rejection by Seller in Green Bay, WI. The law of the state of Wisconsin shall govern the rights, duties, and obligations of the parties. Purchaser hereby submits to the jurisdiction of the courts of the State of Wisconsin as to any dispute arising out of the contract between the parties and agrees that any litigation between the parties shall be brought in the Circuit Court of Brown County, Wisconsin, and that venue and jurisdiction shall be exclusive in the Brown County Circuit Court.

8. **PROPRIETARY INFORMATION – CONFIDENTIALITY.** Purchaser shall consider all information furnished by Seller to be Confidential and shall not disclose any such information to any other person, or use such information to any other person, or use such information, for any purpose other than performing this contract, unless Purchaser obtains written permission from Seller to do so. This paragraph shall apply to drawings, specification, or other documents prepared by Seller and transmitted to Purchaser in connections with this order. Unless otherwise agreed in writing, any commercial, financial, or technical information disclosed in any manner, or at any time, by Seller to Purchaser shall be deemed secret or confidential.

9. **INTEGRATION AND MODIFICATION.** The terms and conditions of sale stated herein constitute the final, complete, and exclusive agreement of the parties: and all prior negotiations and agreements with Seller, or any agent of Seller, are merged herein. Purchaser acknowledges that he/she has not relied upon any representations not contained herein. No modification of the terms and conditions of sales shall be of any force or effect, unless, unless in writing and signed by Seller at its offices.

10. **SURVIVAL.** If any provision of the terms and conditions of sale stated herein shall, for any reason, be held prohibited by or invalid under applicable law, in whole or in part, such provision shall be ineffective to the extent of such prohibition or invalidity without invalidating the remainder of such provision, or the remaining provisions hereof.

11. **CANCELLATION COSTS.** If Purchaser seeks and Seller consents to any product order cancellation after Seller has started production work on the order, Purchaser agrees to pay for all labor and material charges incurred by Seller in undertaking such preparatory work.

Customer Signature / Title: \_\_\_\_\_

Date: \_\_\_\_\_

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# Tabulation Record / Intent to Award Documentation

305 E. Walnut Street, Green Bay, WI 54305 Phone: (920) 448-4040 Fax: (920) 440-4036  
 Web: www.co.brown.wi.us

**Project Number:** 2337  
**Project Name:** Overhead Sign at Transfer Station Scale House  
**Type of Project (RFB, RFP, RFQ):** RFB  
**Purchasing Representative:** Dale DeNamur  
**Due Date:** August 28, 2019      **Location:** Brown County Clerk's Office  
**Opening Date:** August 28, 2019      **Location:** Northern Building, 2nd Floor, Room 201

CONTRACTOR	CITY, STATE	BASE BID	BIDDERS PROOF OF RESPONSIBILITY SUBMITTED BY 11:00AM ON AUGUST 23, 2019	BIDDERS CERTIFICATE	BID BOND	Addenda Acknowledged?		Intent To Award
						No Addendums Issued		
1 Elevate 97 (Colortech)	Green Bay, WI	\$ 49,024.00	Yes	Yes	N/A			