

## PROCEEDINGS OF THE BROWN COUNTY EXECUTIVE COMMITTEE

Pursuant to Section 18.94 Wis. Stats., a regular and budget meeting of the **Brown County Executive Committee** was held on Monday, December 6, 2010 in Room 200 of the Northern Building – 305 East Walnut Street, Green Bay, Wisconsin

---

**Present:** Mary Scray, Chair, Jesse Brunette, Tom DeWane, Bernie Erickson, Pat Evans, Tom Lund, Guy Zima  
**Also Present:** Tom Hinz, Fred Mohr, Debbie Klarkowski, Sara Perrizo, Bill Dowell, Jeff Oudeans, Bob Heimann, Ellen Sorenson, Lynn Stainbrook, John Luetscher, Supervisors, Moynihan, Nicholson, Fleck, Schuller, Joe VanDeurzen, Other interested Parties, Media

---

I. **Call Meeting to Order:**

The meeting was called to order Chair Mary Scray at 6:33 p.m.

II. **Approve/Modify Agenda:**

**Motion made by Supervisor DeWane, seconded by Supervisor Erickson to approve the agenda. MOTION APPROVED UNANIMOUSLY**

III. **Approve/Modify Minutes of November 1, 2010:**

**Motion made by Supervisor DeWane, seconded by Supervisor Lund to approve. MOTION APPROVED UNANIMOUSLY**

**Communications:**

1. **Communication from Supervisor Evans re: If there is no purchase, lease, or functional use of the old Mental Health Center by June 1, 2011, the facility will be torn down/razed. *Referred from November County Board:***

**Motion made by Supervisor Lund, seconded by Supervisor DeWane to refer to January meeting for the presence of Supervisor Evans. MOTION APPROVED UNANIMOUSLY**

*(Supervisor Evans arrived 6:35 p.m.)*

Supervisor Evans explained his communication, asking that if there are no plans for the old MHC building by June 1, 2011 that it be torn down or razed, pointing out that the 2011 budget provides for maintenance through this date only.

Executive Hinz indicated there have been discussions regarding using the facility for transitional housing for the proposed VA Clinic. He stated there should be a plan in place within the next 60 days.

Supervisor Erickson expressed concern with the cost to tear down the building, estimated by Executive Hinz as \$1.5 million.

Supervisor Zima clarified that \$75,000 has been budgeted for utilities for the next six months and if a future plan for the building is possible that the County consider taking additional dollars from the General Fund before spending \$1.5 million to tear it down. He asked that the committee be updated regularly and that there be an update in 60 days.

**Motion made by Supervisor Evans, seconded by Supervisor Lund to hold for 60 days and bring back to committee. MOTION APPROVED UNANIMOUSLY**

2. **Communication from Supervisor Erickson re: Formation of a Sub Committee to discuss future labor contracts. *Referred from November County Board:***

Supervisor Erickson stated the intent of this communication is to form a sub-committee that discuss concerns related to future labor contracts.

**Motion made by Supervisor Lund, seconded by Supervisor Brunette that the Chair appoint Supervisor Erickson to serve on a sub-committee to discuss future labor contracts.**

Supervisor Zima opined this action would usurp the rights and responsibilities of the County Board and suggested that sometime prior to May when contracts open up would be a more appropriate time to discuss parameters.

**Motion by Lund and Brunette to withdraw. WITHDRAWN**

**Motion by Supervisor Zima to start early to set parameters related to future labor contracts. No Second.**

**Motion by Supervisor DeWane to receive and place on file. No Second.**

Further discussion resulted in the suggestion by Supervisor Zima that Erickson's idea to discuss parameters of labor contracts early be put on the agenda of the January County Board meeting for discussion.

**Motion by Supervisor Zima, seconded by Supervisor Evans to discuss the parameters of future labor contracts at the January County Board meeting in closed session. MOTION APPROVED UNANIMOUSLY**

*(Back to #1)*

3. **Communication from Supervisor Krueger re: Request the Human Services Department report their amount of County patient revenue each month (or at least quarterly) to the Human Services Committee and to eliminate the "fund balance" Account. When funds are needed the County Board should be voting to pay these bills. *Referred from November County Board:***

**Motion made by Supervisor DeWane, seconded by Supervisor Zima to hold for the presence of Supervisor Krueger.**

Supervisor Evans questioned the intent of this communication noting that the Human Services Committee already receives monthly reports on patient revenue. Questions about the fund balance were brought forward by Supervisor Zima and Evans indicated that this is also discussed at committee meetings and urged other supervisors to attend if they have questions. It was also suggested that Director of Human Services, Brian Shoup, be asked to attend a future meeting.

**Motion made by Supervisor Evans, seconded by Supervisor Lund to receive and place on file. MOTION WITHDRAWN**

4. **Communication from Supervisor Scray re: For the 2012 budget to have staff review the increase for employee's contribution to their retirement fund. *Referred from November County Board:***

Supervisor Scray requested that Debbie Klarkowski of Human Resources review employee contribution to their retirement funds and bring back to committee.

**Motion made by Supervisor Lund, seconded by Supervisor Erickson to refer to staff for review of employee's contribution to their retirement fund. MOTION APPROVED UNANIMOUSLY**

5. **Communication from Supervisor Scray re: Review and Possible Action on Process and Timeline for moving the Sheriff's Department into the S&L Building. "Closed Session: Pursuant to Wis. Stats 19.85 (1)(e) to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. (S&L Building Renovation):**

**Motion made by Supervisor DeWane, seconded by Supervisor Evans to hold until after item #20. MOTION APPROVED UNANIMOUSLY**

**Legal Bills:**

6. **Review and Possible Action on Legal Bills to be paid:**

**Motion made by Supervisor Evans, seconded by Supervisor Erickson to approve. No Vote**

Questions related to bills from Michael Best for Fox River cleanup were again asked. Executive Hinz indicated that until there is a settlement, bills will continue. Further comments by the committee resulted in a request to have the matter reviewed by Corporation Counsel and the Board Attorney and brought back in a closed session in January.

**Motion made by Supervisor Lund, seconded by Supervisor DeWane to have Corporation Counsel and the Board Attorney review payment of bills of Michael Best and bring back in a closed session in January.**

**MOTION APPROVED UNANIMOUSLY**

**Reports:**

7. **County Executive:**

- a. **Budget Status Financial Report for October 2010:**

**Motion made by Supervisor DeWane, seconded by Supervisor Evans to receive and place on file.**

**MOTION APPROVED UNANIMOUSLY**

8. **Internal Auditor Report:**

- a. **Budget Status Financial Report for October 2010:**

**Motion made by Supervisor DeWane, seconded by Supervisor Lund receive and place on file. MOTION APPROVED UNANIMOUSLY**

- b. **2011 Audit Plan:**

Sara Perrizo highlighted the 2011 Audit Plan included in packet material which is related to projects in the Highway Department, HR, General County, County Board, etc. See plan for details.

**Motion made by Supervisor DeWane, seconded by Supervisor Lund to approve.**

**MOTION APPROVED UNANIMOUSLY**

- c. **Other: None**

9. **Board Attorney Report:**

- a. **Labor Negotiations:**

**Motion made by Supervisor Erickson, seconded by Supervisor Zima to refer to closed session. MOTION APPROVED UNANIMOUSLY**

b. **Review the Solid Waste Board Ordinance and Statute:**

Attorney Mohr stated he was asked to research whether the Solid Waste Board has authority to acquire and sell land. As a result of his review of the ordinance and state statute he found that their authority was restricted by the County Board, that the Solid Waste Board does not have the authority to acquire or sell land without County Board approval. The process includes a recommendation from the Solid Waste Board to the Planning, Development & Transportation Committee, and then to the County Board for final approval. This is specific to Brown County ordinance as State Statute would allow this.

When asked by Supervisor Zima if the SW Board has authority to sell garbage to the Oneida Project, Attorney Mohr replied that they do, although the language includes a grey area and should be clarified.

**Motion made by Supervisor Lund, seconded by Supervisor DeWane to suspend the rules to allow interested parties to speak. MOTION APPROVED UNANIMOUSLY**

**Mike Aubinger – Ashwaubenon Village President**

Mr. Aubinger explained there are concerns with the site chosen by the Oneida Tribe of Indians to build a waste-to-energy facility at 3100 Packerland Drive. Although the plan will be within Ashwaubenon's borders, because it is federal trust land, it is not subject to approval from the Village. Their concern is that the plant will clash with the rest of the area, which has been zoned for corporate offices. Aubinger stated that a Village Board meeting has been scheduled to discuss the option of blocking the project. He also advised that the Oneida Corporation will host an open house on December 16<sup>th</sup> to answer questions about the process.

**Joe VanDeurzen – Former County Board Supervisor, DePere**

Mr. VanDeurzen referred to the Tri County Solid Waste Agreement and Attorney Mohr agreed to review this document.

**Motion made by Supervisor Zima, seconded by Supervisor Evans to return to regular order of business. MOTION APPROVED UNANIMOUSLY**

Supervisor Erickson informed the committee that the Tri County group has been involved in discussions about this matter over the past two years. He indicated that their operations should not be effected as the new plant will serve as a demo plant, rather than a full power plant. Erickson announced there will be a seminar held on December 15<sup>th</sup> from 6 to 8 p.m. at the Radisson with the EAP, Oneida Tribe, the DNR, and other interested parties present.

Executive Hinz also voiced concerns explaining that the Oneida Seven Generation Corp could make the County a provider of waste materials to fuel the plant. Negotiations broke down after the corporation was told they would have to answer the County Board's questions regarding regulation, operation, and location of the facility. At this time construction is stalled while the US Department of the Interior reviews an environmental impact study of the new site plan.

Other concerns were expressed with the status of the permitting process and with the location of the gasification facility.

**Motion made by Supervisor Zima, seconded by Supervisor Lund to refer to Attorney Mohr to bring back appropriate language to clarify County Board intent relative to Solid Waste Board authority at a special meeting of the Executive Committee before the County Board on December 15<sup>th</sup>. MOTION APPROVED UNANIMOUSLY**

**Motion made by Supervisor Lund, seconded by Supervisor Evans that a presentation be made to the Executive Committee at their January meeting regarding gasification and the Oneida 7 Generation Venture; that there be representation from 7 Generation, the Solid Waste Director (Chuck Larscheid), Alliance Construction, and any other interested parties related to questions regarding:**

- **The exact gasification process**
- **Has gasification been tried in other places in the US**
- **Benefits and drawbacks**
- **Intent of the 7 Generation**
- **Location of property in relationship to the Ashwaubenon Business Park**
- **Status of permitting process.**

**MOTION APPROVED UNANIMOUSLY**

**Vacant Budgeted Positions (Request to Fill):**

Chair Scray informed the committee that the following positions are all included in the 2011 budget but are presently vacant.

**10. County Board – Secretary: (Vacated 11/05/2010)**

Duties of this position were reviewed. Supervisor Lund asked that performance measures for this position related to “little to no errors” be eliminated, and that it state, “That agendas be put out in a timely fashion with accurate minutes of committee meetings”.

**Motion made by Supervisor Zima, seconded by Supervisor Evans to approve. MOTION APPROVED UNANIMOUSLY**

**11. Human Resources – Senior Analyst: (Vacated 11/1/2010)**

Ms. Klarkowski explained that the Senior Analyst is responsible for participation in labor relations, wage and salary administration, employee development, records, affirmative action, FMLA, ADA, and the administration of County labor agreements.

**Motion made by Supervisor Zima, seconded by Supervisor Lund to approve. MOTION APPROVED UNANIMOUSLY**

**12. Human Services – SW/CM (Child Protection/Intake): Vacated 11/09/10)**

This position fulfills state mandated child protection and court duties and carries a caseload of 18 court ordered child protection cases, with an average of 30 children on the caseload.

**Motion made by Supervisor Evans, seconded by Supervisor Erickson to approve. MOTION APPROVED UNANIMOUSLY**

**13. Human Services – Staff RN: (Will be vacated 1/8/11)**

Responsibilities of this Staff RN include providing supervision of the medical care plan for recipients of Medical assistance and delivery of appropriate level personal care to recipients.

**Motion made by Supervisor Lund, seconded by Supervisor Erickson to approve. MOTION APPROVED UNANIMOUSLY**

**14. Library – Senior Library Assistant: (Vacated 9/28/10)**

This staff member is responsible for receiving and recording all new books and library materials.

**Motion made by Supervisor Brunette, seconded by Supervisor DeWane to approve.  
MOTION APPROVED UNANIMOUSLY**

15. **Sheriff's Department – Clerk Typist III: (Will be vacated 1/3/11)**  
This position is responsible for fulfilling data entry needs.

**Motion made by Supervisor DeWane, seconded by Supervisor Brunette to approve.  
MOTION APPROVED UNANIMOUSLY**

16. **Human Services – Economic Support Supervisor (vacated 10/1/2010).  
*Held for one month.***  
Economic Support programs are state mandated and this position is critical to the operation of the department.

**Motion made by Supervisor Evans, seconded by Supervisor Erickson to approve.  
MOTION APPROVED UNANIMOUSLY**

- 16a. **Facility Management – Facilities Engineer Position: (Vacated 6/25/10)**  
HR Director, Debbie Klarkowski, distributed a handout outlining the duties of the Facilities Engineer position and its justification (attached). Supervisor Lund had questions related to this position and one which was eliminated from the Table of Organization. Mr. Dowell addressed the committee stating these questions were also asked at the Administration Committee, indicating it is not in the plan to move the employee from the eliminated position into the Facilities Engineer position. Dowell explained that many of the tasks of this position vacated in June have been distributed resulting in hardship to other employees and their job duties.

Questions related to the duties of the Facilities Engineer and the Mechanical Engineer resulted in a request that the job descriptions be rewritten and brought back in January.

**Motion made by Supervisor Lund, seconded by Supervisor Erickson to refer to Human Resources to rewrite the job description for Mechanical Engineer and bring back in January. MOTION APPROVED UNANIMOUSLY**

**Resolutions/Ordinances:**

17. **Resolution re: Creating "Section 4.51(7) Pay Increases during Probationary Employment" of the Brown County Code:**

**Motion made by Supervisor Zima, seconded by Supervisor Brunette to approve. MOTION APPROVED UNANIMOUSLY**

18. **Resolution re: Reclassification of Clerk/Typist II Clerk of Courts:**

**Motion made by Supervisor Erickson, seconded by Supervisor Evans to approve for discussion.**

Debbie Klarkowski informed the committee that this resolution was not approved by the Public Safety Committee.

**Motion made by Supervisor Zima, seconded by Evans to refer to Public Safety.**

Supervisor DeWane stated that the Public Safety Committee has denied this request for reclassification and there is no need to send it back.

**Motion made by Supervisor Zima to receive and place on file. No second.**

Supervisor Zima stated if it is the intent to go over the Public Safety Committee to the Executive Committee, a presentation is in order. Lund pointed out that although Judge McKay has come before the committee, the Clerk of Courts has never come before the committee to present any justification.

**Motion made by Supervisor Zima, seconded by Supervisor Lund to hold until the January Executive Committee meeting, requesting that interested parties come before the committee with their justification.**

**MOTION APPROVED UNANIMOUSLY**

19. **Resolution re: Authorizing \$1,540,108 Brown County, Wisconsin, Industrial Development Revenue Bonds (Wesco Project) Series 2010 Bonds:**

Corporation Counsel, John Luetscher, informed the committee that this resolution will serve as the authorizing resolution to that adopted in September 2010 directing the consummation of a financing agreement with Ashland Avenue LLC, pursuant to which the County would issue industrial development revenue bonds to Wesco Distribution.

Although not a requirement of bonding, Supervisor Evans had questions about hiring plans and stated he would follow-up.

**Motion made by Supervisor Zima, seconded by Supervisor Erickson to approve. MOTION APPROVED UNANIMOUSLY**

20. **Resolution – Brown County, Wisconsin Resolution re: Public Bidding and Non-Discrimination in connection with Industrial Development Revenue Bond Financing:**

This resolution relates to the one above involving the issuance of industrial development revenue bonds by the County on behalf of Ashland Avenue LLC (Wesco). Mr. Luetscher explained that requirements are to be waived in accordance with Wisconsin Statute as the County is not responsible for controlling any of the acquisition, construction, improvement and/or equipping costs, etc.

**Motion made by Supervisor Lund, seconded by Supervisor Erickson to approve. MOTION APPROVED UNANIMOUSLY**

**Closed Session:**

5. **Communication from Supervisor Scray re: Review and Possible Action on Process and Timeline for moving the Sheriff's Department into the S&L Building. *"Closed Session: Pursuant to Wis. Stats 19.85 (1)(e) to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. (S&L Building Renovation):***

**Motion made by Supervisor Lund, seconded by Supervisor Erickson to enter into closed session at 8:20 p.m. Roll Call: All Present**

**Also Present: Nicholson, Fleck, Oudeans, Mohr**

**MOTION APPROVED UNANIMOUSLY**

*(Recording Secretary excused 8:25 p.m.)*

**Motion made by Supervisor Lund, seconded by Supervisor Erickson to return to regular order of business at 8:35 p.m. Roll Call: All Present**

**Also Present: Nicholson, Fleck, Oudeans, Mohr**

**MOTION APPROVED UNANIMOUSLY**

**Motion made by Lund, seconded by Erickson to recommend that an architect be chosen and brought forward for approval at a special Executive Committee meeting before the County Board meeting on December 15<sup>th</sup>. MOTION APPROVED UNANIMOUSLY**

21. **Pursuant to Wis. Stats 19.985 (1)(e) to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session (Safari Restaurant):  
No Closed Session held**
22. **Closed Session: For the purpose of deliberating whenever competitive or bargaining reasons require a closed session pursuant to Wisc. Stats. 19.85 (1)(e). (Labor Negotiations):**

**Motion made by Supervisor Lund, seconded by Supervisor Zima to enter into closed session at 8:45 p.m. Roll Call: All Present  
Also Present: Nicholson, Fleck, Klarkowski, Mohr  
MOTION APPROVED UNANIMOUSLY**

**Motion made by Supervisor Lund, seconded by Supervisor DeWane to return to regular order of business at 9:05 p.m. Roll Call: All Present  
Also Present: Nicholson, Fleck, Klarkowski, Mohr  
MOTION APPROVED UNANIMOUSLY**

**Motion made by Supervisor Lund, seconded by Supervisor Erickson to direct the Board Attorney to move forward in establishing the Sheriff's Supervisory Employees as exempt employees and to rescind the Letter of Agreement providing that employees receive full benefits in the last year of employment". Roll Call: All Present  
Also Present: Nicholson, Fleck, Klarkowski, Mohr  
MOTION APPROVED UNANIMOUSLY**

**Other:**

23. **Such Other Matters as Authorized by Law:**

**Motion made by Supervisor Lund and seconded by Supervisor Erickson to adjourn at 9:08 p.m. MOTION APPROVED UNANIMOUSLY**

Respectfully submitted,

Rae G. Knippel  
Recording Secretary









- Loss of grant money for Renewable and Energy Efficiency Projects including Block Grants, FOE Grants, and WPS Grants

9. Has the position met its required budgeted vacancy savings?

- Yes

10. Should the position be held vacant to offset projected budget shortfalls?

- No. The position is required to provide critical engineering services needed by the county at cost effective rates.