

PROCEEDINGS OF THE BROWN COUNTY
EXECUTIVE COMMITTEE

Pursuant to Section 19.84 Wis. Stats., a regular meeting of the Brown County Executive Committee was held on Monday, April 9, 2018 in Room 200 of the Northern Building, 305 E. Walnut Street, Green Bay, Wisconsin.

Present: Chair Lund, Supervisor Moynihan, Supervisor Erickson, Supervisor Schadewald, Supervisor Van Dyck, Supervisor Buckley
Excused: Supervisor Hoyer
Also Present: Supervisor Landwehr, UW Extension Director Judy Knudsen, Zoo and Parks Director Neil Anderson, Human Resources Director Kathryn Roellich, Corporation Counsel Dave Hemery, media, other interested parties

I. Call meeting to order.

The meeting was called to order by Chair Lund at 5:30 pm.

II. Approve/modify agenda.

Motion made by Supervisor Van Dyck, seconded by Supervisor Schadewald to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

III. Approve/modify Minutes of March 1, 2018.

Motion made by Supervisor Erickson, seconded by Supervisor Moynihan to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

Comments from the Public: None.

1. Review Minutes of: None.

Legal Bills

2. Review and Possible Action on Legal Bills to be paid.

Supervisor Van Dyck asked if the full \$67,368 on the von Briesen bill is attributed to the BCTPA lawsuit. Corporation Counsel Dave Hemery said the entire von Briesen bill is related to the tax lawsuit defense and, in addition, the January bill was also attributed to that. Van Dyck would like to have an update on the status of the case on occasion in closed session. Hemery said he does not like to review strategy in closed session because there have been what appear to be leaks in the past of things brought up in closed session. Van Dyck said he appreciated that, but he has a hard time voting on legal bills when he does not know what is going on or what the status of the case is.

With regard to the initial BCTPA suit, Hemery said the suit was filed with the County, the County defended it and it was then dismissed by Judge Atkinson. There is a 45 day period for either side to appeal the dismissal. Since then, a new notice of claim was filed with the County regarding the same allegations as the original suit and the County has 120 days to respond to that. Currently we are within both the 45 day timeframe to appeal Judge Atkinson's dismissal and the 120 day timeframe to respond to the newly filed claim.

Supervisor Buckley asked at what point the taxpayers become aware of the costs of defending these issues. Hemery responded that hopefully as the public becomes more aware of the costs the BCTPA is inflicting on the County, allegedly in the name of taxpayers, that further pressure is put on BCTPA to stop pursuing this. Buckley asked if the media is made aware of the costs associated with this and Hemery responded that he has provided information to the media of the \$250,000 he requested recently for defending this matter so the public can be aware of the amount of damage the BCTPA is doing.

Supervisor Erickson noted the BCTPA only represents a small amount of people and he feels this should be brought up. Hemery said he has received a letter of resignation from someone from the BCTPA earlier in the day. In addition,

Hemery said the BCTPA has roughly \$3,000 - \$5,000 to its name, but there is a special interest group out of Milwaukee with deep pockets funding the lawsuit. Hemery believes the County will come out on the right side of this case in the end.

Supervisor Moynihan asked if the County could countersue for damages when this is settled. Hemery said if it could be shown that this suit was frivolous, the judge would have the option of imposing equitable sanctions.

Motion made by Supervisor Moynihan, seconded by Supervisor Buckley to suspend the rules to allow interested parties to speak. Vote taken. MOTION CARRIED UNANIMOUSLY

-Megan Borchardt, 1146 9th Street, Green Bay, WI

Borchardt referenced the deep pockets of the special interest group Hemery mentioned and asked if there is anything the public could do to put pressure on them such as making phone calls, writing letters or circulating petitions. Hemery responded that any of that could be done. Borchardt feels this is something that should be looked into. Hemery added these are ideological arguments being made by an ideological group and that typically means you fight until every resource is exhausted, whether it be state courts or federal courts. Without a client, in this case the BCTPA, the group would have no standing.

Motion made by Supervisor Buckley, seconded by Supervisor Moynihan to return to regular order of business. Vote taken. MOTION CARRIED UNANIMOUSLY

Motion made by Supervisor Moynihan, seconded by Supervisor Schadewald to pay the legal bills. Vote taken. MOTION CARRIED UNANIMOUSLY

Communications

3. **Communication from County Board Chairman Moynihan, Jr. re: Please accept this communication as an official request from me in regard to seeking a County-wide Dark Store November Referendum Question resolution, to be presented to the Executive Committee for next week's meeting. I ask you to fashion a referendum question which mirrors that of which the Outagamie County Board of Supervisors recently passed.**
 - a) **Resolution for Dark Store Advisory Referendum.**

Moynihan said Outagamie County recently passed a county-wide referendum for this November. This Board took a position as have many municipalities and citizens but the Senate sat on their hands and did not take up either SB 291 or SB 292. Moynihan thought if the Senate is not going to listen to individuals, perhaps a collective vote in the affirmative by the citizens of Brown County may garner some attention. He said there would be some potential cost to this, but noted that 68% of homeowners currently pay the property tax levy and with some of the commercial strategies, there will be a serious cost shift to residential and homeowners in general and that is why this resolution is before the Committee.

Erickson would like to see figures presented at the Board meeting of what savings to a homeowner would be as well as what businesses are paying versus what they would be paying. He would like to see this because the way retail is right now, he does not know if driving retail out is a good idea. Moynihan said Howard recently faced a legal challenge from a company based in Eau Claire who has filed dozens of dark store suits in Wisconsin. The retailer claimed a store it had built for \$10.6 million dollars, and Howard assessed at \$12.45 million dollars, was only worth \$5.8 million dollars. What Erickson is asking for would differ from municipalities to municipality.

Supervisor Schadewald said for every \$200,000 that would be saved, one penny would be added to the tax rate for residents. Every penny on the tax rate represents \$200,000 and if it is not gotten from the dark stores, it has to come from someplace else.

Van Dyck said in looking at the community as a whole, there are several big box stores that have multiple locations in Brown County, so if they are worth x dollars in valuation, and there is a pattern as to what they are looking for for a reduction, say 50%, this could be narrowed down to get the figures Erickson is looking for. Moynihan said he represents part of Ashwaubenon and the Village Manager has advised him that Ashwaubenon's tax rate would jump from 19.65 to 25.70 which would be a 30.8% increase of what the dark store proponents are asking in courts.

Lund noted this would be a non-binding referendum because we would be asking the State to make legislation. Moynihan agreed and said he wanted to get the discussion started.

Supervisor Landwehr said he agrees with the conversation here, but his concern is that the Board seems to be spending more and more time talking about what the State legislature should be doing. He feels there are plenty of things in Brown County we should be spending our time on. He is against spending a lot of time trying to decide whether or not to send a letter to the State telling them what we feel they should be doing and feels we should be spending our time first and foremost working on issues we can directly affect. Moynihan agreed but noted this is something that hits everyone's pocketbook and affects everyone in a domino effect. Madison is obviously not listening and he feels this is a fiscal matter and that is why he brought it forward.

Motion made by Supervisor Moynihan, seconded by Supervisor Schadewald to approve the resolution as presented. Vote taken. MOTION CARRIED UNANIMOUSLY

Resolutions, Ordinances

4. **Resolution Approving Budget Adjustment General Fund Transfer.**

Motion made by Supervisor Schadewald, seconded by Supervisor Moynihan to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

5. **Resolution Regarding a Change in the N.E.W. Zoo and Adventure Park Table of Organization.**

Motion made by Supervisor Van Dyck, seconded by Supervisor Schadewald to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

6. **Resolution Regarding a Change in the Treasurer's Department Table of Organization.**

Motion made by Supervisor Schadewald, seconded by Supervisor Moynihan to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

7. **Resolution Regarding a Change in Table of Organization for U.W. Extension Teen Market Garden Coordinator – LTE.**

Motion made by Supervisor Erickson, seconded by Supervisor Moynihan to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

8. **Ordinance to Amend Subsection 3.25 (County Vehicle I.D. Markings) of Chapter 3 of the Brown County Code of Ordinances. Referred from March County Board.**

Hemery provided a handout, a copy of which is attached. Landwehr said it is his opinion from reading through the proposed ordinance that it just needs to be tightened up a little bit. He agrees with the general notion of what is being done. He is aware of some instances where the logos are quite small and placed on back windows where they could be easily obscured. Landwehr would like to see a minimum size added and suggested the minimum be 12 inches and he noted that that is the size of the other County logos he sees on other vehicles. Landwehr said the ordinance also contains language that vehicles have language on the bumper that the vehicle is for official use only, but he has not seen this on any County vehicle so this either needs to be enforced or taken out of the ordinance. Hemery noted the ordinance he is proposing that was in the agenda packet includes language regarding the minimum size of identification markings to be not less than 12 inches in diameter and also strikes the language regarding the vehicles being for official use only.

Lund questioned if the "for official use only" language should actually be included as good practice. Landwehr felt the same and said there have been occasions in the past where County-owned vehicles were used in a personal manner and having the language included on the vehicles would be a reminder that we take it seriously.

Motion made by Supervisor Moynihan, seconded by Supervisor Buckley to amend the ordinance by striking the following language “where practical, and in addition identification markings which shall state “Brown County - For Official Use Only” – on the back portion of said vehicles and equipment. No vote taken.

The language was discussed further and Van Dyck asked why the ordinance was specific to the 2017 and 2018 vehicles because it seems when the County gets rid of those vehicles, the ordinance will have to be amended. Hemery said the last sentence would apply in that instance.

After more discussion regarding the language, Hemery suggested Section 2 of the ordinance read as follows:

- (2) **Requirements.** All County-owned vehicles and equipment used in County operations, with the exception of County-owned vehicles designated by the Sheriff for purposes of detection and prevention of unlawful activities, shall have identification markings not less than 12” in diameter in the form of the official seal of Brown County affixed on both the passenger and driver doors of said vehicles and equipment, and in addition identification marking which shall state “Brown County – For Official Use Only” on the back portion of said vehicles and equipment. Exceptions to these requirements may be granted by the Director of Administration.

At this time, Moynihan modified his earlier motion to include this language:

Motion made by Supervisor Moynihan, seconded by Supervisor Buckley to amend Section (2) of the ordinance to read as follows:

- (2) **Requirements.** All County-owned vehicles and equipment used in County operations, with the exception of County-owned vehicles designated by the Sheriff for purposes of detection and prevention of unlawful activities, shall have identification markings not less than 12” in diameter in the form of the official seal of Brown County affixed on both the passenger and driver doors of said vehicles and equipment, and in addition identification marking which shall state “Brown County – For Official Use Only” on the back portion of said vehicles and equipment. Exceptions to these requirements may be granted by the Director of Administration.

No vote taken.

Schadewald said since this is not a rush, he would like it referred back to check with all departments to see if there are any inconsistencies and to be sure that all departments have had the opportunity to share any concerns or issues. He does like the idea of having the “for official use only” language added on vehicles and noted there will be a cost associated with adding that and the cost should be set forth. Landwehr noted that the markings he has seen on vehicles are somewhat different than the official County logo in that the department is included where the “established 1818” language appears on the logo and this is something else that should be cleaned up.

Buckley said he is also in favor of having the “for official use only” language added on all vehicles because the minute someone takes a piece of equipment home for personal use, and the language that it is for official use only is not there, the employee will use that as a defense.

Motion made by Supervisor Schadewald, seconded by Supervisor Moynihan to refer back to administration to check with all departments to see if there are any concerns or inconsistencies. Vote taken. MOTION CARRIED UNANIMOUSLY

Corporation Counsel

9. Budget Performance Report Fiscal Year to Date - Unaudited.

Motion made by Supervisor Schadewald, seconded by Supervisor Buckley to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

10. Corporation Counsel’s Report.

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

Human Resources

11. Budget Status Financial Report through February 2018 - Unaudited.

Motion made by Supervisor Schadewald, seconded by Supervisor Moynihan to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

12. Director's Report.

Roellich referred to her report in the agenda packet and said they are moving forward with the Class and Comp and they have scheduled a manager overview for April 30. She also indicated there have been some savings with workers comp on lost and restricted days.

Motion made by Supervisor Moynihan, seconded by Supervisor Schadewald to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

Department of Administration

13. Budget Status Financial Reports for December 2017 and February 2018 - Unaudited.

Motion made by Supervisor Schadewald, seconded by Supervisor Erickson to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

14. Director of Administration's Report.

No report; no action taken.

County Executive

15. County Executive's Report.

No report, no action taken.

Internal Auditor – No agenda items.

Other

16. Such other matters as authorized by law.

Van Dyck said he would like to see the BCTPA lawsuit listed as a standing item on future agendas to get the number out as to what the County is spending to defend this.

17. Adjourn.

Motion made by Supervisor Moynihan, seconded by Supervisor Buckley to adjourn at 6:16 pm. Vote taken. MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

**Therese Giannunzio
Administrative Specialist**



Green Bay Crime Reports - Police, Fire, and Rescue @GREENBAYCRIME

Home

About

Posts

Photos

Videos

Notes

Community

Welcome

Create a Page

Liked Following Share ...

Jeff Krish Way to young to be out alone I'm happy a caring person made sure they were safe but what about the crazy's out there. Could of ended up really bad. Let this be a lesson to the parents. Like Reply 1d

Jason Kulhanek Children are going in to protective custody Like Reply 1d

Heidi Paul Radosevich How do you know this Jason Like Reply 1d

Jason Kulhanek I watched them get put into county van that how. Like Reply 1d

Christa Lallaman Cps doesn't come in a county van. Like Reply 22h

Allison Kassner Fortney Sheriff department might. Like Reply 20h

Jessica Coleman Actually, CPS has two county vans for transportation. Like Reply 18h

Vicki Debeck-Shimek So glad these kids are safe and protected. Like Reply 16h

Heidi Paul Radosevich OK Jason thank you for clarifying that. Glad to see the kids are being taken care of. Like Reply 13h

Write a reply

Beth Anderson-Van Gheem

Melinda Mommaerts, MSW
Child Protection Supervisor
Brown County Health and Human Services
(920) 448-6015
Fax (920) 448-4443

8