

**PROCEEDINGS OF THE BROWN COUNTY
EDUCATION & RECREATION COMMITTEE**

Pursuant to Section 19.84 Wis. Stats., a regular meeting of the **Brown County Education & Recreation Committee** was held on Thursday, January 8, 2009 in Room 200, Northern Building – 305 E. Walnut Street.

Present: John VanderLeest-Chair; Jesse Brunette, Kathy Johnson, Adam Warpinski, Pat Wetzel

Also Present: Supervisors Krueger, Evans & DeWane. Executive Hinz, Jayme Sellen, Fred Mohr, Chuck Lamine, Bill Dowell, Doug Hartman, Marv Hanson, Kerry Blaney, Sara Perrizo, Maria Fischer, Neal Anderson, Scott Anthes, Lynn Stainbrook, Lori Denault, Terry Watermolen.
Jerry Menne – Ashwaubenon Village President
Michael Pierner – Green Bay Metropolitan Sewerage District
Terry Johnson, Joseph Holzwart – Earth Tech
News Media and Other Interested Parties

I. CALL MEETING TO ORDER:
The meeting was called to order by Chairman Vander Leest at 5:15 p.m.

II. APPROVE/MODIFY AGENDA:

Motion made by Supervisor Warpinski & seconded by Supervisor Brunette to approve. Vote taken. MOTION APPROVED UNANIMOUSLY

III. APPROVE/MODIFY MINUTES OF DECEMBER 4, 2008:

Motion made by Supervisor Warpinski & seconded by Supervisor Brunette to approve. Vote taken. MOTION APPROVED UNANIMOUSLY

1. REVIEW MINUTES OF:

a) LIBRARY BOARD (11/20/08 @ 5 P.M. & 11/20/08 @ 6 P.M.):

Motion made by Supervisor Warpinski & seconded by Supervisor Johnson to approve. Vote taken. MOTION APPROVED UNANIMOUSLY

RESCH CENTRE/ARENA/SHOPKO HALL

2. ARENA EVENT ATTENDANCE (NOVEMBER 2008):

Motion made by Supervisor Warpinski & seconded by Supervisor Wetzel to receive and place on file. Vote taken. MOTION APPROVED UNANIMOUSLY

#2A REQUEST TO REVIEW THE LEASE FOR NITSCHKE FIELD/RESCH CENTER PARKING LOT AND TO DETERMINE WHAT AMENDMENTS ARE NEEDED TO THE LEASES SINCE A PORTION OF THE LAND WAS ALLOCATED FOR THE

PEDESTRIAN WALKWAY FOR THE VILLAGE OF ASHWAUBENON WITHOUT
COUNTY BOARD APPROVAL.

Chairman Vander Leest stated he had brought this forward because he felt that the process was not followed or handled properly and that there was an issue of authority. He assumed that any changes in the lease or use of the property should be brought back to the Education and Recreation Committee and to the County Board for approval. Vander Leest questioned the next step, whether or not to bring back the parties for discussion. The County had the right based on the fact that they are the sole owner of the property. He believed the intent of the property was presented to the County Board in 2007 by Ashwaubenon to have a walkway connecting through the County property and continuing on throughout the Village of Ashwaubenon.

County Board Attorney, Fred Mohr, stated that after he had been contacted by Vander Leest, he had the opportunity to pull out the various leases dated back to 1957. The original lease is not significantly different than the present lease when it came to the operative language. Recently, when the lease was renewed the issue of the use of the field had been addressed. Mohr believed the exact language that is contained in the lease is important in which it reads, "The Packers will use Nitschke field as a football practice field and directly related activities and will not use it for any other purpose without the written permission of the Brown County Executive and the Chairman of the Education and Recreation Committee." However, it continues, "The Packers will maintain the property and security at the Packers sole cost, the Packers will have the right to improve the property as they deem necessary for the purpose set for herein." Mohr explained that under the Landlord Tenant Law they had to question if the building of the walkway was a material breach of the lease. The Case Law stated that a breach is material if it destroys the essential object of the agreement. In his opinion, Mohr believed the courts would look at it and state it should have been contemplated by the County that the Packers may put in a walkway or sidewalk next to the practice field. He was made aware that the County Executive had discussions with the Packers where the Packers indicated they were going to put in a walkway. From a legal standpoint, Mohr believed that if the County were to argue that this was a breach, they would have a weak argument and felt the County had no case. Mohr suggested to have the committee refer it back to him so he can contact the Packers to schedule a meeting with the appropriate parties to discuss the future in the property.

Supervisor Johnson stated that it was her understanding that the intent of the use of the property was unclear and it had not been misused at this time but felt that the process and the protection to the County needed to be discussed.

Supervisor Warpinski asked Facility Management Director, Bill Dowell, to give an explanation of the project. Dowell stated the Packers were managing the project and have completed 99% of the parking lot and the practice field was under construction. There is a walkway that separates the parking lot from the practice field which was designed by the Packers to provide access to the practice field. In his opinion, he believed there needed to be access to the practice field and if the walkway were to be used for some other purpose in the future than he felt it would be necessary to address it at that time.

Village President of Ashwaubenon, Jerry Menne, came forward and stated there may have been a breakdown in the discipline of protocol but he can assure that there was no intent to subvert the authority of the County or belittle the situation. The intent was to beautify the area or to help the County with an area that needs reconstruction in a bad way. At one time the area was the original industrial park for the Town of Ashwaubenon and remnants are still there. The Village looked at the area and felt they could recreate it and saw it as a win/win situation for the County as well as the Village. He stated originally they did consider a boulevard but found that in the presentation of it, it was not going to work. They spoke in regards to creating another street but felt it wasn't practical.

Motion made by Supervisor Johnson & seconded by Supervisor Warpinski to suspend the rules to allow interested parties to speak. Vote taken. MOTION APPROVED UNANIMOUSLY.

Cora Haltaufderheid, Chief Operating Officer

Haltaufderheid stated that the County and PMI have had negotiations throughout the whole time. The County had a contract with PMI for parking for 205 spaces. As of today, they still have a contract that has been upheld for 205 spaces. The negotiations have always been going on and they were included when needed to be. She informed that the County's Facilities Department and the County Executive did work with them when asked. There was a time when they were asked to give up some of the parking spaces and at that time PMI said no and that the contract negotiations needed to go through the County. PMI was never involved in any other discussions other than the time they sat at the table. She explained that the contract is and always had protected a County asset.

Motion made by Supervisor Johnson & seconded by Supervisor Warpinski to return to regular order of business. Vote taken. MOTION CARRIED UNANIMOUSLY.

Motion made by Supervisor Warpinski & seconded by Supervisor Johnson to refer to County Board Attorney Fred Mohr to set up a meeting with the respected parties and report back in one month. Vote taken. MOTION APPROVED UNANIMOUSLY

3. **UPDATE ON POLICY RE: USE OF VETERANS MEMORIAL AREA NEAR RESCH CENTRE:**

Haltaufderheid stated PMI had met with a large group of veterans in regards to the Memorial grounds. A handout was provided (attached) in regards to what was agreed to as far as a policy.

Chairman Vander Leest wanted to recognize the efforts of PMI and thank them for their continued success. It shows how aggressive they have been with booking events and bringing economic activity to the County.

Motion made by Supervisor Johnson & seconded by Supervisor Brunette to refer to County Board Attorney Fred Mohr to draft an amendment to the

contract of PMI regarding the policy for the Brown County Veterans Memorial Grounds. Vote taken. MOTION APPROVED UNANIMOUSLY

NEW ZOO

4. REPORT BY TREASURER, KERRY BLANEY & NEIL ANDERSON/NEW ZOO DEPOSITS. (REQUESTED AT PREVIOUS MEETING.)

Treasurer, Kerry Blaney, came forward and spoke in regards to a handout (attached) provided by Finance Director, Carolyn Maricque.

Motion made by Supervisor Johnson & seconded by Supervisor Wetzel to receive and place on file. Vote taken. MOTION APPROVED UNANIMOUSLY

5. BUDGET STATUS FINANCIAL REPORT FOR NOVEMBER 30, 2008.

Motion made by Supervisor Johnson & seconded by Supervisor Warpinski to receive and place on file. Vote taken. MOTION APPROVED UNANIMOUSLY

6. ZOO MONTHLY ACTIVITY REPORT:
a. ANIMAL COLLECTION REPORT:

NEW Zoo Director, Neil Anderson, provided a copy of the Greater Green Bay and Lake Shore 2009 Official Visitors Guide (available in the County Clerks office) for the committee to show the lion cubs on the cover. In addition, he pointed out that the NEW Zoological Society had also had taken an add out in the magazine.

Motion made by Supervisor Warpinski & seconded by Supervisor Brunette to receive and place on file. Vote taken. MOTION APPROVED UNANIMOUSLY

7. NEW ZOO EDUCATION & VOLUNTEER PROGRAMS REPORT (DECEMBER 2008):

Operations Manager, Maria Fisher, reported that the total hours of volunteer services to the program over 2008 was 10,990 hours compared to 8,448 from the previous year.

Motion made by Supervisor Warpinski & seconded by Supervisor Wetzel to receive and place on file. Vote taken. MOTION APPROVED UNANIMOUSLY

8. GIFT SHOP CONCESSIONS REVENUE 2008 REPORT:

Fisher provided handouts (attached) re: NEW Zoo Gift Shop Concessions Revenue 2008 Report 2006, 2007, 2008 and Gift Shop, Concessions and Admissions Revenue December 2008 and spoke in regards to them.

To meet the needs to display gift shop items, Fisher was able to capitalize on the closing of local businesses and was able to get fixtures worth thousands of dollars for under \$800 in the month of December. They had also picked up a

wireless headset system worth \$5,000 that consisted of 17 units allowing the visitor center staff to be in touch with one another throughout the entire facility for only \$1,000.

Motion made by Supervisor Warpinski & seconded by Supervisor Wetzel to receive and place on file. Vote taken. MOTION APPROVED UNANIMOUSLY

9. AS OF DECEMBER 23, 2008 ZOO PASSES:

Motion made by Supervisor Warpinski & seconded by Supervisor Wetzel to receive and place on file. Vote taken. MOTION APPROVED UNANIMOUSLY

10. COMMUNICATION FROM JUDY KRAWCZYK, PRESIDENT NEW ZOOLOGICAL SOCIETY INC. RE: 2008 GENEROUS DONATIONS FROM COMMUNITY-MINDED INDIVIDUALS, BUSINESS, AND FOUNDATIONS IN SUPPORT OF THE NEW ZOO:

Anderson referred to the letter in the packet and provided a copy of a billboard (attached), which is currently being displayed, as an example of another project in which the NEW Zoological Society, Inc. will help with to support the NEW Zoo.

Motion made by Supervisor Warpinski & seconded by Supervisor Johnson to receive and place on file. Vote taken. MOTION APPROVED UNANIMOUSLY

PARKS

11. REQUEST FOR A WAIVER OF FEES FROM GREEN BAY DUCK HUNTERS ASSOCIATION FOR THE USE OF THE PAMPERIN PARK DANCE HALL ON MARCH 28, 2009:

Supervisor Brunette spoke in favor of the waiver with the exception that there be no waiver of garbage removal responsibilities.

Motion made by Supervisor Brunette & seconded by Supervisor Johnson to approve the waiver of fees but amend the proposal to remove the line as well as trash removal provision. Vote taken. MOTION APPROVED UNANIMOUSLY

12. FUTURE FAIRGROUNDS CAMP GROUND UPDATE:

Dowell provided a copy of the Brown County Fairgrounds Master Plan (available in the County Board office and County Clerks office) and reported that he and Assistant Park Director, Doug Hartman, are continuing discussions with DePere. They had met with the DePere Park Director, the City Administrator, the Mayor and the Mayor's assistant. It was suggested to go to the neighborhood and get input and issues and to set up a neighborhood meeting before the plan moves forward. DePere also suggested to participate together to update the master parks plan for the fairgrounds with the possibility of combining the lease again. A master plan had been completed approximately six years ago. They also want to look at other uses for the park.

Supervisor Johnson pointed out that the Master Plan was created January 26, 2000 and stated this needed to move forward and kept on the agenda.

Motion made by Supervisor Johnson & seconded by Supervisor Warpinski to keep pursuing this item and bring it back next month. Vote taken. MOTION APPROVED UNANIMOUSLY

13. DISCUSSION OF EASEMENT REQUEST BY GREEN BAY METROPOLITAN SEWAGE DISTRICT FOR A FORCE MAIN SEWER ACROSS BROWN COUNTY FAIRGROUNDS PROPERTY. (FROM PREVIOUS MEETING.)

Hartman referred to the information in the packet and stated he had gone over the information with Board Attorney, Fred Mohr, and at this point it was up to the committee to approve the easement.

Supervisor Johnson stated she was not in support and would like DePere to incorporate and work with Brown County.

Supervisor Warpinski believed that this project will benefit the City of DePere as a whole and provide jobs for individuals.

Consultants from Earth Tech, AECOM and Green Bay Metropolitan Sewerage District, who originally presented the issue, were present and answered questions from the committee.

Motion made by Supervisor Wetzel and seconded by Supervisor Johnson to suspend the rules to allow interested parties to speak. Vote taken. MOTION APPROVED UNANIMOUSLY

Terry Johnson, Project Manager, Earth Tech, AECOM

Johnson showed on the map an alternative route that they could construct in the pavement but stated it would break up the entire pavement on the roadway and they would have conflicts on the roadway with the utilities and become costly. The original plan for construction would start in April and be completed by the end of the year. In talking with the Park Director, the construction this year could take a couple weeks and be coordinated so it does not affect any of the events.

Michaek Pierner, Engineering Services Manager, Green Bay Metropolitan Sewerage District

Pierner stated for them to move forward with bidding the project, they need to have the right away established before they can go out for bids. This project was also submitted for consideration for the Presidents economic stimulus package. Pierner noted that the Metropolitan Sewer District is a separate entity from the City of DePere and don't have leverage to force them to the table.

Motion made by Supervisor Warpinski & seconded by Supervisor Wetzel to return to regular order of business. Vote taken. MOTION CARRIED UNANIMOUSLY.

Motion made by Supervisor Warpinski & seconded by Supervisor Brunette to approve the easement. Vote taken. Ayes: 4 (Brunette, Vander Leest, Warpinski, Wetzel); Nays: 1 (Johnson). MOTION CARRIED

14. UPDATE OF MAJOR FACILITY & PARKS PROJECTS:

Motion made by Supervisor Warpinski & seconded by Supervisor Wetzel to receive and place on file. Vote taken. MOTION APPROVED UNANIMOUSLY

15. BUDGET STATUS FINANCIAL REPORT FOR NOVEMBER 30, 2008:

Motion made by Supervisor Johnson & seconded by Supervisor Brunette to receive and place on file. Vote taken. MOTION APPROVED UNANIMOUSLY

16. DIRECTOR'S REPORT FOR NOVEMBER 2008:

Motion made by Supervisor Warpinski & seconded by Supervisor Wetzel to receive and place on file. Vote taken. MOTION APPROVED UNANIMOUSLY

GOLF COURSE

17. BUDGET FINANCIAL STATUS REPORT FOR NOVEMBER 30, 2008:

Motion made by Supervisor Warpinski & seconded by Supervisor Johnson to receive and place on file. Vote taken. MOTION APPROVED UNANIMOUSLY

18. GOLF REPORT FINANCIAL STATISTICS (TO BE DISTRIBUTED AT MEETING):

Golf Course Superintendent, Scott Anthes, provided a handout (attached) re: Golf Course Financial Statistics As Of December 28, 2008.

Motion made by Supervisor Warpinski & seconded by Supervisor Wetzel to receive and place on file. MOTION APPROVED UNANIMOUSLY

19. SUPERINTENDENT'S REPORT:

Anthes reported that the design of the new website is going well and gave a brief description of what had been added including a calendar, rates, etc. He stated that he had met with Land Conservation and the DNR last month in regards to the washout on number nine. They will be able to restore the area that washed out and the Land Conservationist had found a grant to pay for that project. It is a cost sharing grant so the golf course will have to pay 15% of it. The project is scheduled to start mid February.

Motion made by Supervisor Wetzel & seconded by Supervisor Warpinski to receive and place on file. MOTION APPROVED UNANIMOUSLY

LIBRARY

20. BUDGET STATUS FINANCIAL REPORT FOR NOVEMBER 30, 2008:

Motion made by Supervisor Warpinski & seconded by Supervisor Wetzel to receive and place on file. MOTION APPROVED UNANIMOUSLY

21. DIRECTOR'S REPORT:

Several items were handed out and highlighted by the Library Director (available in County Board and County Clerks office) re: the Library Report December 2008, New Integrated Library System (ILS)/automated services, Brown County Library Output Measurements Circulation, and the October 2007 issue of the ICMA Management Perspective.

Information regarding the selection of a new Integrated Library Automation System and the cost benefit analysis of joining the OWLSnet consortia for those services was distributed (available in the County Board and County Clerks office.) Questions clarifying the need for a new library automation system and reviewing the cost benefit chart were asked. Chair Vander Leest appointed Supervisor Brunette to work with the Library on the contract language of the OWLSnet membership. Supervisor Johnson requested that the Library work with the Purchasing Department on the contract, as well.

A lengthy discussion ensued in regards to the Brown County Central Library Space Needs Analysis. After speaking with the committee an informational meeting is scheduled to be held at the Central Library on Tuesday, January 20th at 6:00 p.m.

Motion made by Supervisor Warpinski & seconded by Supervisor Wetzel to receive and place on file. MOTION APPROVED UNANIMOUSLY

MUSEUM

22. ATTENDANCE & ADMISSIONS NOVEMBER 2008:

Motion made by Supervisor Warpinski & seconded by Supervisor Wetzel to receive and place on file. MOTION APPROVED UNANIMOUSLY

23. BUDGET STATUS FINANCIAL REPORT FOR NOVEMBER 30, 2008:

Motion made by Supervisor Warpinski & seconded by Supervisor Brunette to receive and place on file. MOTION APPROVED UNANIMOUSLY

24. MUSEUM REPORT COVERING OCTOBER – DECEMBER:

Motion made by Supervisor Warpinski & seconded by Supervisor Brunette to receive and place on file. MOTION APPROVED UNANIMOUSLY

OTHER

25. AUDIT OF BILLS:

Motion made by Supervisor Warpinski & seconded by Supervisor Brunette to Pay the Bills. MOTION APPROVED UNANIMOUSLY

26. SUCH OTHER MATTERS AS AUTHORIZED BY LAW: None.

**Motion made by Supervisor Brunette and seconded by Supervisor Warpinski
to adjourn at 8:25 p.m. MOTION APPROVED UNANIMOUSLY**

Respectfully submitted,

Alicia A. Loehlein
Recording Secretary