

August 15, 2007

**TO THE MEMBERS OF THE BROWN
COUNTY BOARD OF SUPERVISORS**

Ladies and Gentlemen:

The PLANNING, DEVELOPMENT & TRANSPORTATION COMMITTEE met in special session on August 7, 2007, and recommends the following motions.

1. Discussion of Department of Justice Landfill Air Permit Settlement Stipulation. (No Action. Committee went into closed session for discussion.)
2. **Closed Session:** Pursuant to Sec. 19.85 (1) (g) of the Wis. Statutes for the purpose of conferring with legal counsel who is rendering advice concerning litigation strategy – Port/Solid Waste-Department of Justice Landfill Air Permit Settlement Stipulation/litigation.
 - a) Enter into closed session.
 - b) Return to regular order of business.
3. Return to open session for possible action on proposed air permit settlement stipulation. (See attached.) Approve the \$75,000 with the change on the order for judgment to be changed to \$75,000 also.

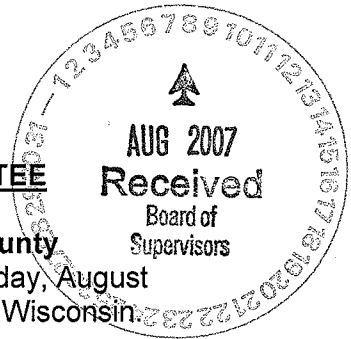
Approved by:

COUNTY EXECUTIVE

Date

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



Pursuant to Section 19.94 Wis. Stats., a **Special** meeting of the **Brown County Planning, Development & Transportation Committee** was held on Tuesday, August 7, 2007 in Room 200, Northern Building, 305 E. Walnut Street, Green Bay, Wisconsin.

Present: Bernie Erickson, Mike Fleck, Norb Dantine, Dave Kaste, John Vander Leest.

Excused:

Also Present: Chuck Larscheid, John Jacques

1. **CALL MEETING TO ORDER:**
The meeting was called to order by Chairman Erickson at 5:45 p.m.
2. **APPROVE/MODIFY AGENDA:**

MOTION MADE BY SUPERVISOR DANTINNE AND SECONDED BY SUPERVISOR FLECK TO APPROVE. VOTE TAKEN. MOTION APPROVED UNANIMOUSLY.

3. **DISCUSSION OF DEPARTMENT OF JUSTICE LANDFILL AIR PERMIT SETTLEMENT STIPLUATION:**

Solid Waste Director Chuck Larscheid suggested the committee hear from Corporation Counsel John Jacques during closed session since Jacques participated in reaching the settlement.

4. **CLOSED SESSION: PURSUANT TO SEC. 19.85 (1) (g) OF THE WIS. STATUTES FOR THE PURPOSE OF CONFERRING WITH LEGAL COUNSEL WHO IS RENDERING ADVICE CONCERNING LITIGATION STRATEGY – PORT/SOLID WASTE-DEPARTMENT OF JUSTICE LANDFILL AIR PERMIT SETTLEMENT STIPULATION/LITIGATION.**

MOTION MADE BY SUPERVISOR KASTER AND SECONDED BY SUPERVISOR DANTINNE TO ENTER INTO CLOSED SESSION. ROLL CALL. PRESENT: ERICKSON, DANTINNE, FLECK, KASTER. ABSENT: VANDER LEEST. MOTION APPROVED UNANIMOUSLY.

*Recording Secretary excused at 5:46 p.m.
Supervisor Vander Leest arrived at 6:03 p.m.*

MOTION MADE BY SUPERVISOR KASTER AND SECONDED BY SUPERVISOR DANTINNE TO RETURN TO REGULAR ORDER OF BUSINESS. ROLL CALL. ALL PRESENT. MOTION APPROVED UNANIMOUSLY.

Recording Secretary returned at 6:17p.m.

5. RETURN TO OPEN SESSION FOR POSSIBLE ACTION ON PROPOSED AIR PERMIT SETTLEMENT STIPLUATION.

See attached Stipulation and Order for Judgment

MOTION MADE BY SUPERVISOR FLECK AND SECONDED BY SUPERVISOR DANTINNE TO APPROVE THE \$75,000 WITH THE CHANGE ON THE ORDER FOR JUDGMENT TO BE CHANGED TO \$75,000 ALSO. VOTE TAKEN. MOTION APPROVED UNANIMOUSLY.

6. SUCH OTHER MATTERS AS AUTHORIZED BY LAW.

MOTION MADE BY SUPERVISOR DANTINNE AND SECONDED BY SUPERVISOR FLECK TO ADJOURN AT 6:18 P.M. VOTE TAKEN. MOTION APPROVED UNANIMOUSLY.

Respectfully submitted,

Alicia Loehlein
Recording Secretary

STATE OF WISCONSIN

CIRCUIT COURT
Branch _____

DANE COUNTY

STATE OF WISCONSIN,

Plaintiff,

v.

Case No. 07-CX-_____

BROWN COUNTY
305 East Walnut Street
Northern Building
Green Bay, Wisconsin 54301,

Complex Forfeiture: 30109

Defendant.

STIPULATION AND ORDER FOR JUDGMENT

STIPULATION

The State brought this action against Brown County, to enforce the State's air pollution control laws at closed landfills owned and operated by the County in the Town of Ledgeview and Village of Hobart in Brown County. The parties wish to settle this matter by agreement, now, therefore,

IT IS HEREBY STIPULATED AND AGREED that:

1. The defendant will pay \$75,000.00 for the violations described in the Complaint. This sum is comprised of forfeitures, statutory surcharges and costs as follows: forfeitures of \$54,662.04 under Wis. Stat. § 285.87(1), a 26 percent penalty surcharge of \$14,212.13 under Wis. Stat. § 814.75(18), a 10 percent environmental surcharge of \$5,466.20 under Wis. Stat. § 814.75(12), \$25.00 in court costs under Wis. Stat. § 814.63(1), an \$8.00 crime laboratories and drug law enforcement surcharge under

Wis. Stat. § 814.75(3), a \$68.00 court support services surcharge under Wis. Stat. § 814.75(2), a 1 percent jail surcharge of \$546.62 under Wis. Stat. § 814.75(14), and a \$12.00 justice information system surcharge under Wis. Stat. § 814.75(15).

2. The defendant will each pay the amount of \$75,000.00 by checks payable to the Dane County Clerk of Circuit Court and delivered to the Clerk of Court, 215 S. Hamilton St., Madison, Wisconsin 53703-3285, in installments as follows:

\$25,000.00 within thirty (30) days of the date of entry of judgment,

\$25,000.00 by May 1, 2008, and

\$25,000.00 by December 31, 2009,

along with a cover letter to the Court identifying the case by name and number. A copy of the checks and the cover letters to the clerk identifying the case by name and number shall be simultaneously mailed as proof of payment to Assistant Attorney General Shari Eggleston at the Wisconsin Department of Justice, P.O. Box 7857, Madison, Wisconsin, 53707-7857.

3. If by December 31, 2009, the defendant has implemented a landfill gas recovery project, approved by DNR, under which it captures for energy production at least 75% of the gas generated at its two closed solid waste landfills, i.e., the East Landfill at 3852 Heritage Road in the Town of Ledgeview and the West Landfill at 3743 West Mason Street in the Village of Hobart, then the final installment of \$25,000.00 under paragraph 2, above, will be waived by the plaintiff and need not be paid; provided, however, that if at any time in the three years following system start-up, the defendant ceases operating the above-described landfill gas recovery system(s) it shall be required to make the final \$25,000 payment at that time.

4. Judgment on these terms may be entered without further notice to either party, and the judgment may be docketed pursuant to Wis. Stat. § 806.10(1).

Dated: _____
J.B. VAN HOLLEN
Attorney General

Dated: _____
Brown County Corporation Counsel

SHARI EGGLESON
State Bar No. 1018462
Assistant Attorney General
Attorneys for Plaintiff
17 West Main Street
Post Office Box 7857
Madison, Wisconsin 53707-7857
608-266-9627

JOHN JACQUES

ORDER FOR JUDGMENT

The Court approves the terms of the foregoing stipulation in *State of Wisconsin v. Brown County*, Case No. 07-CX-_____, under which the County must pay ~~\$81,000.00~~ ^{75,000.00}, and directs the clerk to enter, and upon payment of the docketing fee, docket the judgment accordingly, this ____ day of June, 2007.

BY THE COURT:

Circuit Court Judge