

PROCEEDINGS OF THE BROWN COUNTY BOARD OF SUPERVISORS
NOVEMBER 13, 2006

Pursuant to Section 19.84 and 59.094, Wis. Stats., notice is hereby given to the public that the REGULAR BUDGET meeting of the **BROWN COUNTY BOARD OF SUPERVISORS** was held on **Monday, November 13, 2006, at 9:00 a.m.**, at City Hall, 100 N. Jefferson Street, Green Bay, Wisconsin.

The following matters will be considered:

Call to order.

Invocation.

Pledge of Allegiance to the Flag.

Opening Roll Call:

Present: Warpinski, De Wane, Theisen, Krueger, Haefs, Erickson, Zima, Evans, Vander Leest, Johnson, Dantine, La Violette, Zeller, Kaster, Backmann, Van Deurzen, Fleck, Clancy, De Cleene, Zabel, Scray, Hoeft, Lund, Fewell

Excused: Kaye

Total Present: 24

Supervisor Nicholson arrived at 9:15 a.m.

No. 1 -- Adoption of Agenda.

A motion was made by Supervisor Warpinski and seconded by Supervisor De Wane **“to adopt the agenda”**. Voice vote taken. Motion carried unanimously with no abstentions.

No. 2 -- Approval of Minutes (Minutes of October 18, 2006 sent to November 9, 2006 County Board Meeting.)

A motion was made by Supervisor De Wane and seconded by Supervisor Warpinski **“to adopt”**. Voice vote taken. Motion carried unanimously with no abstentions.

No. 3 -- Announcements of Supervisors.

Supervisor Haefs stated that each standing committee has worked hard on the department’s budgets it oversees. They have made some changes and they have presented responsible budgets. He is making a motion to adopt the Budget as presented. County Board Chairperson suggested we have areas in the budget to review. No vote was taken on that motion.

No. 4 -- Communications: (None)

No. 5 -- Appointments by County Executive: (None)

No. 6a -- Report by County Executive. (None)

No. 6b -- Report by Board Chairman.

Chair Lund asked the Supervisors to remember that through today's Budget deliberations, each Supervisor is representing his/her constituents. He asked the County Board to do a good job deliberating and decision-making for the Citizens of Brown County.

No. 7 -- Other Reports. (None)

No. 8 -- Standing Committee Reports.

No. 8a -- LAND CONSERVATION SUBCOMMITTEE REPORT OF OCTOBER 23, 2006

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The LAND CONSERVATION SUB COMMITTEE met in regular session (**non-budget item**) on October 23, 2006, and recommends the following motions.

Ordinance re: To Repeal and Recreate Chapter 26 of the Brown County Code entitled "Animal Waste Management." Repeal and recreate Chapter 26 of the Brown County Code entitled "Animal Waste Management with all of the recommended changes from the handout (see attached). See Resolutions, Ordinances November 13, 2006 County Board.

A motion was made by Supervisor Warpinski and seconded by Supervisor De Wane "**to adopt**". Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: _____ \s\ _____ Carol Kelso, County Executive Date: 11/27/2006

No. 8b -- HUMAN SERVICES COMMITTEE REPORT OF OCTOBER 30, 2006

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The HUMAN SERVICES COMMITTEE met in regular session (**non-budget item**) on October 30, 2006, and recommends the following motions:

1. Human Services Dept. - Request to certify Brown County Mental Health Center for Medicare clients and to evaluate the potential fiscal impact receiving Medicare clients would have on future Brown County levy. (Held from previous meeting for detailed report.) Have Corporation Counsel draft a resolution to proceed with obtaining Medicare certification. See Resolutions, Ordinances November 13, 2006 County Board.

A motion was made by Supervisor Evans and seconded by Supervisor Warpinski "**to adopt**". Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: _____ \s\ _____ Carol Kelso, County Executive Date: 11/27/2006

No. 9 -- RESOLUTIONS, ORDINANCES

No. 9a -- ORDINANCE REGARDING: TO REPEAL AND RECREATE CHAPTER 26 OF THE BROWN COUNTY CODE ENTITLED "ANIMAL WASTE MANAGEMENT"

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE
BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The Brown County Board of Supervisors does ordain as follows.

Section 1: Chapter 26 of the Brown County Code entitled "Animal Waste Management," is hereby repealed and recreated to read 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 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 ~~customers~~ 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 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.

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. 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 ~~compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer. The following equivalents shall apply:~~ 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.

- ~~A.— One mature dairy cow, 1.4 animal units;~~
- ~~B.— One slaughter steer or heifer, 1.0 animal units;~~
- ~~C.— One horse, 1.0 animal unit;~~
- ~~D.— One swine over 55 pounds, 0.4 animal units;~~
- ~~E.— One veal calf under 400 pounds, 0.2 animal units;~~
- ~~F.— One sheep, 0.1 animal units;~~
- ~~G.— One swine under 55 pounds, 0.05 animal units;~~
- ~~H.— One turkey, 0.018 animal units;~~
- ~~I.— One chicken, 0.01 animal units~~

“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.

“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 Committee” means an operating committee of the Brown County Board of Supervisors.

“Land Conservation Department” means the enforcing authority of this ordinance.

“Manure” means livestock excreta. “Manure” includes livestock bedding, water, soil, hair, feathers, and other debris that becomes intermingled with livestock excreta in normal manure handling operations.

“Nutrient Management Plan (590)” means a plan that ~~outlines~~ balances the ~~management and crediting of~~ nutrient needs of a crop with the nutrients available from ~~all sources, including~~ legumes crops, manure, ~~and soil reserves for the application of manure and commercial~~ 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. ~~This practice includes manure nutrient testing and routine soil testing.~~ The requirements for a nutrient management plan are as established in ATCP 50.04 (3).

“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 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.

“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 300 feet upslope or 100 feet downslope of karst features.
- (d) A channel with a cross-sectional area equal to or greater than 3 square feet that flows to a karst feature.
- (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.

“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.

“Unconfined Manure Pile” means a quantity of manure, at least 175 cu. Ft. in volume, 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.

“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) 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. ~~surface water defined as the land area within 300 feet along both sides of a stream and the land area within 1,000 feet around a lake; and groundwater defined as specific sites based on susceptibility and the possibility of direct conduits to groundwater.~~

“Winter Spreading Plan” means any plan developed and approved by the Brown County Land 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 Land Conservation Department to administer and enforce this ordinance.
- (2) Administrative Duties. In the administration and enforcement of this ordinance, the County Land 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) Investigate complaints relating to compliance with the ordinance.
 - (e) Monitor the adequacy of manure storage systems including compliance with nutrient management plans.
 - (f) Perform other duties as specified in this ordinance.
- (3) Inspection Authority. The Brown County Land 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 Conservation Department shall be according to Sections 66.122 and 66.123, Wisconsin Statutes.

26.10 APPLICATION FOR AND ISSUANCE OF PERMITS.

(1) Permit Required.

- (a) No animal waste storage facility 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 between December 1st and March 31th 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.
 - (e) No unconfined manure pile shall be utilized without a temporary unconfined manure stacking permit as provide 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 ~~will~~ 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 Conservation Department shall consult with the Land Conservation Committee prior to making this determination.

- (3) Fee. The fee for a permit 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 plan.

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 soil descriptions to a depth of at least three feet below the planned bottom of the facility.
 - (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 by the County for this purpose.
- (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 floors 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.
- (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 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.
 - (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 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.
 - (d) Only maps prepared by Brown County Land 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 1st prior to the winter for which the plan is developed and continue through the following March 31st 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 Conservation Department upon request and shall be retained by the landowner for one year following the date of application.

Transitional Provision.

Applicators / landowners of animal waste required to have a permit under s. 26.10 (d) in the Towns of Green Bay, Scott and Morrison shall notify the Brown County Land Conservation

Department by December 1, 2006 of their intent to comply. BCLCD shall work with the applicator/landowner to develop winter spreading plans in priority order based on the potential for off-site impacts. An applicator / landowner is considered to be in compliance for the 2006 – 2007 winter season provided they have contacted the department prior to December 1, 2006 and cooperates with the department in the development of the winter spreading plan.

Applicators / landowners required to have a permit under s. 26.10 in the Towns of Glenmore, Holland, Humboldt and Wrightstown shall be required to obtain a winter spreading permit prior to December 1, 2007.

Applicators / landowners in all other areas of the county will be required to obtain a winter spreading permit prior to December 1, 2008.

(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 Conservation Department shall receive and review all permit applications.

- (a) The County Land 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 Conservation Department shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the County Land Conservation Department has thirty days from the receipt of the additional information in which to approve or disapprove the ~~permit application in writing~~. If the County Land 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 Land 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 Land Conservation Department before starting any construction activity authorized by the permit.
- (c) Approval in writing must be obtained from the County Land 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 Land 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 Land Conservation Department annually by June 1.

(11) Permit Revocation. The County Land 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.

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- (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 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 USGS 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.
- (4) Animal Waste Storage Facilities Separation Requirements. All new animal waste storage

facilities shall be sited a minimum of 250 feet from adjacent properties, 300 feet from any lake or perennial stream (as defined by USGS quadrangle maps), and at least 3 vertical feet from groundwater. Reception pits as part of the animal feedlot or buildings with under-floor storage shall be sited a minimum of 100 feet from adjacent properties.

- (5) ~~Animal Waste Nutrient Management and Utilization.~~ Animal wastes for which ~~storage~~ 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 Conservation Department by June 1st, until the animal waste storage facility is no longer in use and it has been properly abandoned.
- (6) Temporary Unconfined Manure Stacking Requirements. Each application for a permit under this section shall include plan specifications identified in Standard 313, USDA - NRCS Technical Guide.
- (7) ~~Animal Waste Manure Management Prohibitions.~~ The following ~~four~~ 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 ~~structures~~ facilities.
 - (c) A livestock operation shall have ~~No~~ unconfined manure pile ~~stacking (piling) within~~ in a water quality management areas ~~(adjacent to streambanks, lakeshores, and in drainage channels.)~~
 - (d) A livestock operation shall have ~~No~~ direct runoff from a feedlots or stored manure into the waters of the state.
 - (e) A livestock operation may not allow ~~No~~ unlimited ~~livestock~~ 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 ~~maintenance.~~
 - (1) This prohibition does not apply to properly designed, installed and maintained livestock or farm equipment crossings.

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 ~~\$50~~ \$250 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 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.

26.13 APPEALS.

- (1) Authority. Under authority of Chapter 68, Wisconsin Statutes the Brown County Land Conservation 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 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 Conservation Department.

Section 2: This Ordinance shall become effective upon passage and publication.

Respectfully submitted,

LAND CONSERVATION
SUBCOMMITTEE PLANNING, DEVELOPMENT &
TRANSPORTATION COMMITTEE

A motion was made by Supervisor Kaster and seconded by Supervisor Van Deurzen **“to adopt”**. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: _____ \s\ _____ Carol Kelso, County Executive Date: 11/27/2006
 Approved by: _____ \s\ _____ Darlene K. Marcelle, County Clerk Date: 11/27/2006
 Approved by: _____ \s\ _____ Thomas Lund, Board Chairman Date: 11/28/2006

No. 9b -- RESOLUTION REGARDING: TO PROCEED WITH OBTAINING MEDICARE CERTIFICATION FOR THE BROWN COUNTY MENTAL HEALTH CENTER

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, for a skilled nursing facility to qualify to enter the Medicare program, the facility must be in compliance with the Requirements for Long Term Care Facilities, requirements for reimbursement, including financial solvency, and the requirements of Title VI of the Civil Rights Act of 1964; and

WHEREAS, it is estimated that 2% - 5% of the current Brown County Mental Health Center residents could qualify for Medicare; and

WHEREAS, currently the average Medicare per diem rate is \$314 and by obtaining Medicare certification for the Brown County Mental Health Center, there could be an increase in revenue for the Mental Health Center.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors that it

hereby authorizes the appropriate individuals to complete the documentation necessary to apply for Medicare certification for the Brown County Mental Health Center.

Fiscal Impact: Per the October 30, 2006 Human Services Committee meeting, Medicare certification will be cost neutral for 2007 with \$133,289 of expenses and revenue reflected in the 2007 Mental Health Center budget.

Respectfully submitted,
HUMAN SERVICES COMMITTEE

A motion was made by Supervisor Johnson and seconded by Supervisor Clancy **“to adopt”**. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: /s\ Carol Kelso, County Executive Date: 11/27/2006

No. 10 -- Such other matters as authorized by law. None.

**** 10:00 a.m. -- PUBLIC HEARING ON 2007 BUDGET ****

1. Roger Messick, Bay Area Humane Society, 2288 Oliver Lane, Howard, WI, spoke in favor of a Brown County Dog Park.
2. Mary Ann Anderson, Principal at Jackson School, 1009 S. Jackson St., Green Bay, WI spoke in favor of hearing & vision screening in the Green Bay School District.
3. David Running, 1229 Gail Drive, Green Bay, WI thanked the County Board and staff for their support for the Brown County Fair.
4. Mike Duschene, 1063 Coprinus Ct., Green Bay, WI spoke in support of ASPIRO. He thanked Beth Manning and staff for their continued support of ASPIRO.
5. Pat Collins, 2310 Greenwald St., Green Bay, WI spoke in general on past and present County Boards relating to their position on recent votes.
6. Kathy Potter, 714 Eau Plein Ct., De Pere, WI spoke on the need for a Psychiatric Nurse for the Brown County Jail.
7. David Zadnik, 2737 Whipperwill Dr., Green Bay, WI spoke in favor of restoring funding for hearing programs in public schools.
8. Dan Lavelle, 3333 Heaven Dr., spoke in favor of restoring the Welfare Fraud Investigator Position.
9. Marian Downing, 2334 Pristine Lane, Green Bay, WI spoke in favor of restoring the Fraud Investigator Position in the Human Services Department Budget.
10. Barbara Shiffer, 774 Winding Tr., Oneida, WI spoke on improving services at the Mental Health Center.
11. Supervisor Clancy read a letter on behalf of Marty & Lori Adams, 1848 Mill Rd., Greenleaf, WI speaking against the 25% increase in salary for the County Executive, Assistant to the County Executive and Executive Assistant. The County Executive budget should be reduced by 25%.

AT 10:30 A.M. THE PUBLIC HEARING CLOSED.

RECOMMENDATIONS BY STANDING COMMITTEES:

No. 11a -- REPORT OF ADMINISTRATION COMMITTEE OF OCTOBER 31, 2006

TO THE MEMBERS OF THE BROWN COUNTY
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The ADMINISTRATION COMMITTEE met in regular session (**budget items**) on October 31, 2006, and recommends the following motions:

1. **Clerk** – Review of 2007 department budget.
 - a. Approve an increase in marriage license fees to \$95..
 - b. Approve 2007 Clerk’s Department budget.
2. **Treasurer** – Review of 2007 department budget. Approve 2007 Treasurer’s Department budget.
3. **Corporation Counsel** – Review of 2007 department budget. Approve 2007 Corporation Counsel’s Department budget.
4. **Department of Administration** – Review of 2007 department budget.
 - a. Add an Accountant I to Finance and remove a Senior Accountant for a levy savings of \$13,491.
 - b. Approve 2007 Department of Administration budget as amended. Ayes: 4 (Haefs, Hoeft, Warpinski, Zeller); Nays: 1 (Fewell). Motion Carried.
5. **Facility Management** – Review of 2007 department budget.
 - a. Approve the recommendation of the Facility Manager to add a .4 Maintenance Worker I position @ \$18,588, and a .5 Maintenance Worker II position @ \$25,294 plus expenses of \$7,500 for a total increase of \$51,382. Motion amended to add a 1.4 Maintenance Worker I and a .5 Maintenance Worker II for a levy impact of \$97,854, which includes \$7,500 for expenses. Ayes: 3 (Haefs, Warpinski, Fewell); Nays: 2 (Hoeft, Zeller). Motion Carried.
 - b. Approve the 2007 Facility Management Department budget as amended.
6. **Human Resources** – Review of 2007 department budget.
 - a. Eliminate an Analyst position (\$73,430) and re-establish the Risk Benefit Analyst position as in the 2006 budget, with the salary as stated in the 2007 budget, for a levy reduction of \$2,415.
 - b. Reinstate the Benefits Program Coordinator position as in the 2006 budget at a Pay Grade 14, and remove an Analyst position (\$69,217), for a reduction in levy of \$10,227.
 - c. Re-establish the HR Administrative Coordinator position, and eliminate the two HR Coordinator positions (leaving a .6 Coordinator) as proposed in the current budget, for an increase in levy of \$3,267 (for the HR Administrative Coordinator) and a decrease in levy \$54,965 (with the deletion of the other HR Coordinator).
 - d. Eliminate \$50,000 from the Professional Services budget.
 - e. Approve the 2007 Human Resources Department budget as amended.

Year 2007 Nondivisional Budgets Review

7. Debt Service Fund. Approve.
8. Capital Projects. Approve.
9. Taxes, Special Revenues, Certain Internal Service & Fiduciary Funds. Approve.

A motion was made by Supervisor Haefs and seconded by Supervisor Van Deurzen **“to adopt the Administration Committee budget as presented”**.

A motion was made by Supervisor Haefs and seconded by Supervisor Van Deurzen **“to adopt the 2007 budget submitted by the County Executive as amended by all standing committees”**.

Supervisor Haefs explained the committees have done a good job in preparing this Budget.

Supervisor Fewell asked for separation by committee. This motion overrides Supervisor Haefs’ motion.

Under Separation:

A motion was made by Supervisor Krueger and seconded by Supervisor Theisen **“to budget for Facility**

Maintenance rather than bonding for this and take the needed money from the Asset Maintenance Accounts \$265,000". Following discussion on this motion, Supervisor Krueger withdrew his motion and Supervisor Theisen withdrew his second to the motion.

A motion was made by Supervisor Fleck and seconded by Supervisor Zima **"to reduce the Information Technology and Human Resources Directors' Salaries and Fringes to Step 1; Human Resources Salary \$84,848 + Fringes - Reduction of \$18,094 and Information Technology Salary \$71,324 + Fringes - Reduction of \$16,282."**

Corporation Counsel, John Jacques informed the County Board that Supervisor Fleck's motion would violate the employment contracts of the named employees. After further discussion, Supervisor Fleck withdrew his motion and Supervisor Zima withdrew his second to the motion.

A motion was made by Supervisor Theisen and seconded by Supervisor Zima **"to reduce bonds of \$265,000 to \$200,000 on page 265 of the Budget and add \$65,000 to Capital Outlay"**. After discussion, Supervisor Theisen withdrew his motion and Supervisor Zima withdrew his second to the motion.

A motion was made by Supervisor Fewell and seconded by Supervisor Warpinski **"to add .4 Human Resources Coordinator and add \$21,986"**. Discussion followed. Vote taken. Roll Call #11a6c:

Ayes: Warpinski, De Wane, Krueger, Erickson, Kaster, Backmann, Van Deurzen, Fleck, Clancy, De Cleene, Hoeft, Fewell

Nays: Nicholson, Theisen, Haefs, Zima, Evans, Vander Leest, Johnson, Dantine, La Violette, Zeller, Zabel, Scray, Lund

Excused: Kaye

Total Ayes: 12 Total Nays: 13 Excused: 1

Motion defeated.

A motion was made by Supervisor Evans and seconded by Supervisor Warpinski **"to adopt that part of report"**. Voice vote taken. Motion carried with Supervisor Krueger voting nay.

A motion was made by Supervisor Vander Leest and seconded by Supervisor Warpinski **"to add \$3,229 in Passport revenue to the County Clerk's budget"**. Voice vote taken. Motion carried unanimously with no abstentions.

A motion was made by Supervisor Zima and seconded by Supervisor Haefs **"to reduce salaries and fringes \$4,492 for the Finance Director position"**. Discussion followed. Upon recommendation of Corporation Counsel John Jacques, Supervisor Zima submitted the following motion which was seconded by Supervisor Haefs **"to set the finance director at the 2006 level of \$77,234 for a levy reduction of \$2,317"**. Vote taken. Roll Call #11a(2):

Ayes: De Wane, Nicholson, Theisen, Erickson, Zima, Vander Leest, Johnson, Dantine, La Violette, Kaster, Fleck, Clancy, De Cleene, Zabel, Scray, Lund

Nays: Warpinski, Krueger, Haefs, Evans, Zeller, Backmann, Van Deurzen, Hoeft, Fewell

Excused: Kaye

Total Ayes: 16 Total Nays: 9 Excused: 1

Motion carried.

A motion was made by Supervisor Warpinski and seconded by Supervisor De Wane **"to adopt the Administration Budget as amended"**. A request was made to revisit the Administration Report. Chair Lund ruled he would not go back; he would now take up the Education and Recreation budget.

A motion was made by Supervisor Fewell and seconded by Supervisor Evans **"to challenge the Chair's ruling of saying they couldn't go back"**. Vote taken. Roll Call #11a(3):

Ayes: Nicholson, Theisen, Krueger, Haefs, Erickson, Zima, Evans, Vander Leest, Kaster, Fleck, Clancy, Fewell

Nays: Warpinski, De Wane, Johnson, Dantine, La Violette, Zeller, Backmann, Van Deurzen, De Cleene, Zabel, Scray, Hoeft, Lund

Excused: Kaye

Total Ayes: 12 Total Nays: 13 Excused: 1

Motion to Challenge the Chair did not pass.

A motion was made by Supervisor Warpinski and seconded by Supervisor De Wane **“to adopt the Administration Budget as amended”**. A voice vote was taken on Administration Budget. Motion carried with Supervisors Johnson, Nicholson, Evans, Krueger, Vander Leest and Zima voting nay.

Approved by: _____ \s\ _____ Carol Kelso, County Executive Date: 11/27/2006

COUNTY EXECUTIVE VETOED ITEM #5A.

No. 11b -- REPORT OF EDUCATION AND RECREATION COMMITTEE OF NOVEMBER 2, 2006

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The EDUCATION & RECREATION COMMITTEE met in regular session (**budget items**) on November 2, 2006 and recommends the following:

1. **Parks:** Review of 2007 department budget. Approve 2007 Parks budget.
2. **NEW Zoo:** Review of 2007 department budget. Approve 2007 NEW Zoo budget.
3. **Golf Course:** Review of 2007 department budget. Approve 2007 Golf Course budget.
4. **Library:** Review of 2007 department budget. Approve 2007 Library department budget.
5. **Museum:** Review of 2007 department budget. Approve 2007 Museum budget.

A motion was made by Supervisor Johnson and seconded by Supervisor Vander Leest **“to adopt the Education and Recreation Budget”**.

Supervisor Scray requested \$25,000 for Dog Park be voted on separately.

A motion was made by Supervisor Kaster and seconded by Supervisor De Cleene **“to approve the remainder of the report”**. Voice vote taken. Remainder of the report approved unanimously with no abstentions.

A motion was made by Supervisor Scray **“to decrease \$25,000 from the Budget earmarked for the Dog Park”**.

After further discussion a friendly amendment was made to Supervisor Scray’s motion by Supervisor Evans and seconded by Supervisor Scray **“to cut \$15,000 from the \$25,000 for the East Side Dog Park”**. Vote taken. Roll Call #11b(1):

Ayes; Krueger, Haefs, Erickson, Zima, Evans, Vander Leest, Johnson, Dantine, Fleck, De Cleene, Zabel, Scray, Hoeft, Lund

Nays: Warpinski, De Wane, Nicholson, Theisen, La Violette, Zeller, Kaster, Backmann, Van Deurzen, Clancy, Fewell

Excused: Kaye

Total Ayes: 14 Total Nays: 11 Excused: 1

Motion carried.

After discussion, a motion was made by Supervisor Johnson and seconded by Supervisor Vander Leest **“to adopt the Education and Recreation Budget as amended”**. Voice vote taken. Motion carried.

Approved by: \s\ Carol Kelso, County Executive Date: 11/27/2006

No. 11c -- REPORT OF EXECUTIVE COMMITTEE OF NOVEMBER 6, 2006

TO THE MEMBERS OF THE BROWN COUNTY
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The EXECUTIVE COMMITTEE met in regular session on November 6, 2006 and recommends the following motions:

1. **County Executive** – Review of 2007 department budget. Approve County Executive budget.
2. **Board of Supervisors**, Review of 2007 department budget.
 - a) Add \$7,000 to Professional Services.
 - b) Add \$4,200 to budget to continue the membership in NACo.
 - c) Approve \$1,400 for telephone.
 - d) Create a new position and bring it forth on the County Board floor for discussion at that time, and the dollars spent.
 - i) Amend motion to seek a job description of a Policy Analyst/Legislative Analyst.
 - ii) Amend motion to create a Legislative Aide position in the County Board Table of Organization at a cost of \$72,000, pending a job description and final salary recommendation by Human Resources prior to the November 13th County Board meeting.
 - e) Approve the Board of Supervisors budget as amended.

A motion was made by Supervisor De Wane and seconded by Supervisor Warpinski **“to adopt”**. Supervisor Zeller requested item #2b be taken separately and Supervisor Theisen requested item 2d(ii) be taken separately. Voice vote taken. Remainder of report passed unanimously with no abstentions.

Item #2b -- Board of Supervisors. Review of 2007 department budget. COMMITTEE ACTION: Add \$4,200 to budget to continue the membership in NACo.

Supervisor Zeller questioned the NACo investment, asking what advantages Brown County has as a member?

Supervisor Erickson explained that Brown County is getting into the prescription drug program, which will help Medicare Part 2. Supervisor Erickson asked the County Board to continue their membership in NACo because of the many benefits realized from our membership. Supervisor Zeller thanked Supervisor Erickson for his explanation.

A motion was made by Supervisor Zeller and seconded by Supervisor Erickson **“that this item remain in the Budget”**. Voice vote taken. Motion carried with Supervisor Backmann voting nay.

Item #2d(ii) -- Board of Supervisors. Review of 2007 department budget. COMMITTEE ACTION: Amend motion to create a Legislative Aide position in the County Board Table of Organization at a cost of \$72,000, pending a job description and final salary recommendation by Human Resources prior to the November 13th County Board meeting.

A motion was made by Supervisor Fleck and seconded by Supervisor Warpinski **“to adopt”**. Vote taken. Roll Call #11c(1):

Ayes: Warpinski, Krueger, Erickson, Zima, Evans, Johnson, La Violette, Van Deurzen, Fleck, Clancy, Hoeft, Lund, Fewell

Nays: De Wane, Nicholson, Theisen, Vander Leest, Dantine, Zeller, Kaster, Backmann, De Cleene, Zabel, Scray

Excused: Kaye

Absent: Haefs

Total Ayes: 13 Total Nays: 11 Excused: 1 Absent: 1

Motion carried.

A motion was made by Supervisor Kaster and seconded by Supervisor De Wane **“to adopt the Executive Committee Budget”**. Voice vote taken. Motion carried with Supervisor Vander Leest voting nay.

Approved by: _____ \s\ _____ Carol Kelso, County Executive Date: 11/27/2006

THE COUNTY EXECUTIVE VETOED ITEMS #2D(I) AND #2D(II).

A motion was made by Supervisor Johnson and seconded by Supervisor Nicholson **“to take Planning, Development and Transportation Committee out of order”**. Voice vote taken. Motion carried unanimously with no abstentions.

No. 11e -- REPORT OF PLANNING, DEVELOPMENT AND TRANSPORTATION COMMITTEE AND LAND CONSERVATION SUBCOMMITTEE OF OCTOBER 23, 2006

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The PLANNING, DEVELOPMENT & TRANSPORTATION COMMITTEE & LAND CONSERVATION SUB COMMITTEE met in regular session (**budget items**) on October 23, 2006, and recommends the following motions.

Land Conservation Subcommittee

1. Land Conservation – Review of 2007 Department budget.
 - a) Put the technician position back into the budget at a cost of \$69,265. Ayes: 5 (Kaster, Fleck, Erickson, Vanden Plas, Dantine); Nays: 1 (Vander Leest). Motion carried.
 - b) Approve the remainder of the Land Conservation budget as is. Ayes: 5 (Kaster, Fleck, Dantine, Erickson, Vanden Plas); Nays: 1 (Vander Leest). Motion Carried.

Planning, Development & Transportation Committee

2. Airport - Review of 2007 department budget. Approve the Airport budget.
3. Register of Deeds - Review of 2007 department budget. Approve the Register of Deeds budget.
4. UW-Extension - Review of 2007 department budget. Approve the UW-Extension budget.
5. Planning & Land Services
 - a) **Planning Office** - Review of 2007 department budget and Land Records Modernization. Approve the Planning Office budget.

- b) **Property Listing** - Review of 2007 department budget. Approve the Property Listing budget.
- c) **Zoning** - Review of 2007 department budget. Approve the Zoning budget.
- 6. Port/Solid Waste - Review of 2007 department budget. Approve the Port/Solid Waste budget.
- 7. Highway – Review of 2007 department budget. Approve the Highway budget.

A motion was made by Supervisor La Violette and seconded by Supervisor Dantine “**to adopt the Budget of the Planning, Development and Transportation Committee**”. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: _____ \s\ _____ Carol Kelso, County Executive Date: 11/27/2006

THE COUNTY EXECUTIVE VETOED ITEM #7 REGARDING TO RESTORE TO THE HIGHWAY BUDGET THE AMOUNT OF \$350,000 FOR RURAL ROAD RESURFACING.

No. 11d -- REPORT OF HUMAN SERVICES COMMITTEE OF OCTOBER 30, 2006

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The HUMAN SERVICES COMMITTEE met in regular session (**budget items**) on October 30, 2006, and recommends the following motions:

- 1. **Syble Hopp School** - Review of 2007 department budget. Approve. Roll Call Taken: Unanimous.
- 2. **Veterans’ Services** - Review of 2007 department budget. Approve. Roll Call Taken: Unanimous.
- 3. **Aging & Disability Resource Center** - Review of 2007 department budget. Approve. Roll Call Taken: Unanimous.
- 4. **Health Department** - Review of 2007 department budget. Approve. Roll Call Taken: Unanimous.
- 5. **Human Services Department** - Review of 2007 department budget.
 - a) Put \$52,190 back into the budget for the Fraud Investigator position *with revenue of \$14,910 for a levy impact of \$37,280.*
 - b) Eliminate the Administrative services Director position at a savings of \$105,419.
 - c) Strike the entire paragraph re: “*Nursing Home Downsize*” on page 140. Ayes: 6 (Van Deurzen, La Violette, Zima, Evans, Zabel, Fewell); Nays: 1 (Scray). Motion Carried.
 - d) Reinstate the affected positions and expenses with a tax levy impact of \$472,141. Ayes 6 (Van Deurzen, La Violette, Zima, Evans, Zabel, Fewell); Nays: 1 (Scray). Motion Carried.
 - e) Add revenues of \$204,716. Ayes: 6 (Van Deurzen, La Violette, Zima, Evans, Zabel, Fewell); Nays: 1 (Scray). Motion Carried.
 - f) Add \$222,315 of revenue for Medicare reimbursement. Amend motion to add \$133,389 of expenses and revenue for Medicare reimbursement.
 - g) Add \$400,000 to revenue line for psychiatric Hospital and offset the levy cost.
 - h) Strike the language in the paragraph following “*Expand Community Crisis Capacity*” and insert the wording “*As adopted by the County Board Resolution in October 2006.*”
 - i) Have staff provide by the November 9, 2006 County Board meeting the detail breakdown of the \$62,957,095.

- j) Reduce the salary of the Human Services Executive Director by \$8,677 to bring it to the correct amount of \$95,497.
- k) Approve the Human Services Department as amended.

-
 A motion was made by Supervisor Evans and seconded by Supervisor Van Deurzen **“to adopt”**.
 Supervisor De Wane asked to take page 330 - Long-Term Accounts Payable separately.
 Supervisor Scray requested 5c,d,e & f be taken separately.
 Supervisor Fewell requested 5e and g be taken separately.

A motion was made by Supervisor Warpinski and seconded by Supervisor Fleck **“to adopt the remainder of the report”**. Voice vote taken. Motion carried unanimously with no abstentions.

Page 330 of the 2007 Budget -- Add one (1) Long-term Accounts Payable/Administrative Supervisor @ \$74,114; and delete one (1) Long-term Accounts Payable Supervisor.

A motion was made by Supervisor De Wane and seconded by Supervisor Theisen **“to amend Long-Term Accounts Payable/Administration Supervisor back to \$57,981 with the savings of \$16,133”**.

Discussion followed. Vote taken. Roll Call #11d(1):

Ayes: De Wane, Nicholson, Theisen, Krueger, Haefs, Erickson, Zima, Evans, Vander Leest, Johnson, Dantine, La Violette, Zeller, Kaster, Backmann, Van Deurzen, Fleck, Clancy, De Cleene, Zabel, Scray, Lund, Fewell

Nays: Warpinski, Hoeft

Total Ayes: 23 Total Nays: 2 Excused: 1

Motion carried.

Item #5c -- Human Services Department - Review of 2007 department budget. COMMITTEE ACTION: Strike the entire paragraph re: “Nursing Home Downsize” on page 140. Ayes: 6 (Van Deurzen, La Violette, Zima, Evans, Zabel, Fewell); Nays: 1 (Scray). Motion Carried.

-
 A motion was made by Supervisor Scray and seconded by Supervisor Nicholson **“to put “Nursing Home Downsize” back in p. 140 in Budget. Nursing Home Downsize - during 2007, the Department will continue to downsize the nursing home consistent with terms of the downsizing agreement with the State Department of Health and Family Services. The Department will continue to supplement Nursing Home relocations whenever possible”**. Vote taken. Roll Call #11d5c(1):

Ayes: Nicholson, Vander Leest, Scray

Nays: Warpinski, De Wane, Theisen, Krueger, Haefs, Erickson, Zima, Evans, Johnson, Dantine, La Violette, Zeller, Kaster, Backmann, Van Deurzen, Fleck, Clancy, De Cleene, Zabel, Hoeft, Lund, Fewell

Excused: Kaye

Total Ayes: 3 Total Nays: 22 Excused: 1

Motion defeated.

Item #5d -- Human Services Department - Review of 2007 department budget. COMMITTEE ACTION: Reinstate the affected positions and expenses with a tax levy impact of \$472,141. Ayes: 6 (Van Deurzen, La Violette, Zima, Evans, Zabel, Fewell); Nays: 1 (Scray). Motion Carried.

-
 A motion was made by Supervisor Zima and seconded by Supervisor Evans **“to vote on 5d as stated in minutes of the Human Services Report “to reinstate the affected positions and expenses with a tax levy impact of \$472,141”**. Vote taken. Roll Call #11d5d(1):

Ayes: Warpinski, De Wane, Theisen, Krueger, Haefs, Erickson, Zima, Evans, Johnson, Dantinne, La Violette, Zeller, Kaster, Backmann, Van Deurzen, Fleck, Clancy, De Cleene, Zabel, Hoeft, Lund, Fewell
 Nays: Nicholson, Vander Leest, Scray
 Excused: Kaye
 Total Ayes: 22 Total Nays: 3 Excused: 1
 Motion carried.

Item #5e -- Human Services Department - Review of 2007 department budget. COMMITTEE ACTION: Add revenues of \$204,716. Ayes: 6 (Van Deurzen, La Violette, Zima, Evans, Zabel, Fewell); Nays: 1 (Scray). Motion carried.

-
 A motion was made by Supervisor Van Deurzen and seconded by Supervisor Warpinski **“to approve the revenues of \$204,716”**. Vote taken. Roll Call #11d5e(1):
 Ayes: Warpinski, De Wane, Nicholson, Theisen, Krueger, Haefs, Erickson, Zima, Evans, Vander Leest, Dantinne, La Violette, Zeller, Kaster, Backmann, Van Deurzen, Fleck, Clancy, De Cleene, Zabel, Hoeft, Lund, Fewell
 Nays: Scray
 Excused: Kaye
 Absent: Johnson
 Total Ayes: 23 Total Nays: 1 Excused: 1 Absent: 1
 Motion carried.

Item #5f -- Human Services Department - Revenue of 2007 department budget. COMMITTEE ACTION: Add \$222,315 of revenue for Medicare reimbursement. Amend motion to add \$133,389 of expenses and revenue for Medicare reimbursement.

-
 A motion was made by Supervisor Kaster and seconded by Supervisor De Wane **“to add \$133,389 in revenue and \$133,389 in expenses for Medicare Reimbursement”**. Voice vote taken. Motion carried with Supervisor Scray voting nay.

Item #5g -- Human Services Department - Revenue of 2007 department budget. COMMITTEE ACTION: Add \$400,000 to revenue line for psychiatric hospital and offset the levy cost.

A motion was made by Supervisor Van Deurzen and seconded by Supervisor De Wane **“to approve item #5g”**. Voice vote taken. Motion carried unanimously with no abstentions.

A motion was made by Supervisor Evans and seconded by Supervisor Warpinski **“to add one (1) Psychiatric Nurse to the Human Services Department, specifically at the Mental Health Center to serve the population of Brown County through work at the jail as well. Salary and Benefits are \$83,135.00”**. Voice vote taken. Motion carried unanimously with no abstentions.

A motion was made by Supervisor Warpinski and seconded by Supervisor La Violette **“to add \$119,000 for Hearing and Vision Screening to Human Services with a levy increase of \$119,000 for 1.35 Full-time Registered Nurses; 33 Full-time Health Aide and the remainder for equipment calibrations”**.
 Vote taken. Roll Call #11d(2):
 Ayes: Warpinski, De Wane, Theisen, Krueger, Haefs, Erickson, Zima, Evans, Vander Leest, Johnson, Dantinne, La Violette, Zeller, Fleck, Clancy, De Cleene, Zabel, Hoeft, Lund, Fewell
 Nays: Nicholson, Kaster, Backmann, Van Deurzen, Scray
 Excused: Kaye

Total Ayes: 20 Total Nays: 5 Excused: 1
 Motion carried.

A motion was made by Supervisor Fewell and seconded by Supervisor Clancy **“to take \$1,000,000 (one million) from Mental Health Center Renovations Fund and apply it against the \$2.4 million dollars accrued by Administration in their downsizing agreement (see page 261)”**. Vote taken. Roll Call #11d(3):

Ayes: Warpinski, De Wane, Nicholson, Theisen, Krueger, Haefs, Erickson, Zima, Evans, Vander Leest, Johnson, Dantine, La Violette, Zeller, Kaster, Backmann, Van Deurzen, Fleck, Clancy, De Cleene, Zabel, Hoeft, Lund, Fewell

Nays: Scray
 Excused: Kaye
 Total Ayes: 24 Total Nays: 1 Excused: 1
 Motion carried.

A motion was made by Supervisor Fewell and seconded by Supervisor Evans **“to increase Mental Health Center Staff by adding 2.8 CNA at a cost of \$161,224 and add 1.0 Admissions Coordinator at \$87,007.”** Vote taken. Roll Call #11d(4):

Ayes: Warpinski, De Wane, Theisen, Krueger, Erickson, Zima, Evans, Johnson, Dantine, La Violette, Zeller, Kaster, Backmann, Van Deurzen, Fleck, Clancy, De Cleene, Zabel, Hoeft, Lund, Fewell

Nays: Nicholson, Haefs, Vander Leest, Scray
 Excused: Kaye
 Total Ayes: 21 Total Nays: 4 Excused: 1
 Motion carried.

A motion was made by Supervisor Fewell and seconded by Supervisor Clancy **“when the budget is reprinted that it includes the detail breakdown of Contract Services given to the Board at the November 9, 2006 County Board Meeting”**. Voice vote taken. Motion carried unanimously with no abstentions.

A motion was made by Supervisor Warpinski and seconded by Supervisor De Wane **“to adopt the Human Services Budget as amended”**. Vote taken. Roll Call #11d(5):

Ayes: Warpinski, De Wane, Theisen, Krueger, Haefs, Erickson, Zima, Evans, Johnson, Dantine, La Violette, Zeller, Kaster, Backmann, Van Deurzen, Fleck, Clancy, De Cleene, Zabel, Hoeft, Lund, Fewell

Nays: Nicholson, Vander Leest, Scray
 Excused: Kaye
 Total Ayes: 22 Total Nays: 3 Excused: 1
 Motion carried.

Approved by: \s Carol Kelso, County Executive Date: 11/27/2006

THE COUNTY EXECUTIVE VETOED ITEMS #5B, #5C, #5D, #5E AND “TO TAKE \$1,000,000 FROM M.H.C. RENOVATION FUND AND APPLY IT AGAINST THE \$2.4 MILLION ACCRUED BY ADMINISTRATION IN THEIR DOWNSIZING AGREEMENT.”

No. 11f -- REPORT OF PUBLIC SAFETY COMMITTEE OF NOVEMBER 1, 2006

-

TO THE MEMBERS OF THE BROWN COUNTY
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The PUBLIC SAFETY COMMITTEE met in regular session (**budget items**) on November 1, 2006, and recommends the following motions:

1. **Circuit Courts/Clerk of Courts** - Review of 2007 department budget.
 - a) Remove \$10,400 outlay and replace with \$11,287 salary and fringe benefits increase, for a total levy impact of \$887.
 - b) Approve budget as amended.
2. **District Attorney** - Review of 2007 department budget. Approve District Attorney's budget as presented.
3. **Medical Examiner** - Review of 2007 department budget. Approve Medical Examiner's budget as presented.
4. **Public Safety Communications** - Salary compensation for Director.
 - a) That the Communications Center Operations Manager have the same job description and compensation as the previous director. Ayes: 4 (Kaye, Zima, Clancy, Backmann); Nays: 1 (Nicholson). Motion Carried.
 - b) Put in the Communications manager at \$86,324 and delete the Assistant Operations Manager at \$83,807.
 - c) Committee will not support the Radio Inoperability Jail Inmate Pscyh Care and Property Tax Support.
5. **Public Safety Communications** - Review of 2007 department budget. Approve. Ayes: 4 (Kaye, Zima, Clancy, Backmann); Nays: 1 (Nicholson). Motion Carried.
6. **Sheriff** - Salary compensation for Emergency Management director. Refer to Human Resources to come back & give this Committee a comparison.
7. **Sheriff** - Review of 2007 department budget.

Items voted on separately from "Proposed Adjustment to County Executive 2007 Budget." (See Attached).

 - a) **Re-instate Jail Psychiatric Nurse Cut from 2007 Budget:** Reinstate the psychiatric nurse & fund this at \$83,135 and recommend to the Board that the psychiatric nurse position be added to the Mental Health Center Table of Organization and administered for services to the jail.
 - b) **Adjust Revenues and Expenditures for Grant to Purchase Portable Radios:** Approve: Increase equipment (\$142,000 total less \$30,000 budgeted) = \$112,000; Increase grant revenue for participation in program (\$100,000). Net levy increase - \$12,000.
 - c) **Adjust Revenues and Expenditures for Grant to Purchase New Patrol/Rescue Boat:** Approve: Increase in outlay- \$220,000; Increase grant revenue for participation in program - (\$165,000); Increase donation revenue - (\$20,000); Net levy increase \$35,000.
 - d) **Eliminate Contracted Vehicle Inspections:** Approve: Decrease Professional Services (\$10,000); Net levy decrease: (\$10,000).
 - e) **Increase Budget for Brown County Arson Task Force:** Approve: Increase Other Contracted Services: \$6,000. Net levy increase - \$6,000.
 - f) **Increase Drug Task Force Grant Revenue:** Approve: Increase State DTF grant revenue - (\$30,000); Net levy decrease - (\$30,000).
 - g) **Increase Anticipated Wisconsin Probation and Parole Hold Revenue:** Approve: Increase State Probation/Parole Revenue - (\$15,000); Net levy decrease - (\$15,000).

- h) **Add One Jail Training Corporal Position and Delete One Jail Correctional Officer:**
Approve: Increase wages - \$3,116; Increase fringe benefits - \$1,798; Net levy increase \$4,914.
- i) **Transfer Management Information Coordinator-PSC Position to Sheriff's Department:** Approve: Increase wages - \$55,100; Increase fringe benefits - \$31,793.
- j) **Increase Information Services Charge backs for Replacement Printers**
 - i) Approve: Increase Information Services Charge backs - \$10,000; Net levy increase - \$10,000.
 - ii) Approve: Add one Drug Officer to the County budget at a cost of \$85,838. Substitution motion to add: Contingent on the City of Green Bay funding the position that was lost. Ayes: 4 (Nicholson, Kaye, Clancy, Zima); Nays: 1 (Backmann).
- k) Adopt Sheriff's budget as amended.

A motion was made by Supervisor Erickson and seconded by Supervisor Warpinski **“to adopt”**. Supervisor Zima requested under #4a **“that the head of the department be changed from Communications Center Operations “Manager” to Communications Center Operations “Director”.**” Discussion followed. Voice vote taken. Motion carried unanimously with no abstentions.

A motion was made by Supervisor Johnson and seconded by Supervisor Warpinski **“to delete item #7i (Transfer Management Information Coordinator-PSC Position to Sheriff’s Department) by putting it back into Administration Department.”** Voice vote taken. Motion carried unanimously with no abstentions.

A motion was made by Supervisor Van Deurzen and seconded by Supervisor Fleck **“to delete Operation Manager and add Director of Public Safety Communications with an increase of \$29,621”**. Vote taken. Roll Call #11f(1):

Ayes: Warpinski, De Wane, Theisen, Krueger, Haefs, Erickson, Zima, Evans, Johnson, Dantine, La Violette, Kaster, Backmann, Van Deurzen, Fleck, Clancy, De Cleene, Zabel, Hoeft, Lund, Fewell
 Nays: Nicholson, Vander Leest, Zeller, Scray
 Total Ayes: 21 Total Nays: 4 Excused: 1
 Motion carried.

A motion was made by Supervisor Backmann and seconded by Supervisor La Violette **“to adopt the Public Safety Committee Budget as amended”**. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: _____ \s\ _____ Carol Kelso, County Executive Date: 11/27/2006

THE COUNTY EXECUTIVE VETOED ITEMS #4A; 4C (PARTIALLY) AND “TO DELETE OPERATIONS MANAGE AND TO ADD DIRECTOR OF PUBLIC SAFETY COMMUNICATIONS WITH AN INCREASE OF \$29,621.”

12. FINAL BUDGET FOR THE YEAR 2007

Supervisor Clancy announced the Town of Holland will be hosting Technology Days in June 2008. The roads in Holland are in terrible shape and will be a poor reflection on Brown County. Supervisor Clancy suggested that since we are below our levy limit he would ask the County Board to allocate dollars to repair roads. A motion was made by Supervisor Clancy and seconded by Supervisor Krueger **“to restore to the Highway Budget the amount of \$350,000 for rural road resurfacing”**. Vote taken. Roll Call #12(1):

Ayes: Warpinski, De Wane, Theisen, Krueger, Erickson, Zima, Evans, Dantine, La Violette, Kaster, Backmann, Van Deurzen, Fleck, Clancy, Fewell
 Nays: Nicholson, Haefs, Vander Leest, Johnson, Zeller, De Cleene, Zabel, Scray, Hoeft, Lund
 Excused: Kaye
 Total Ayes: 15 Total Nays: 10 Excused: 1
 Motion carried.

A motion was made by Supervisor Zeller and seconded by Supervisor Warpinski **“to increase the Information Services Department Equipment-non-outlay \$10,000 and chargeback revenue \$10,000 for Sheriff’s Department printers (\$0 levy impact)”**. Voice vote taken. Motion carried unanimously with no abstentions.

A motion was made by Supervisor Erickson and seconded by Supervisor Dantine **“to move \$650,000 bonding from CTH “V” to CTH “K” for repair. “No Levy Impact”**. Voice vote taken. Motion carried with Supervisor Nicholson voting nay.

A motion was made by Supervisor Fewell and seconded by Supervisor Zima **“that Administrative Salaries be reduced to 2.25% rather than 3% for a savings of \$100,000”**. Voice vote taken. Motion carried unanimously with no abstentions.

A motion was made by Supervisor Van Deurzen and seconded by Supervisor Fleck **“to adopt the budget as amended for a total levy of \$74,500,827 which is an increase of \$711,890 from the 2006 budget and a Tax Rate of 4.39”**. Vote taken. Roll Call #12(2):

Ayes: Warpinski, De Wane, Theisen, Krueger, Haefs, Erickson, Zima, Evans, Johnson, Dantine, La Violette, Zeller, Kaster, Backmann, Van Deurzen, Fleck, Clancy, De Cleene, Zabel, Hoeft, Lund, Fewell

Nays: Nicholson, Vander Leest, Scray
 Excused: Kaye
 Total Ayes: 22 Total Nays: 3 Excused: 1
 Motion carried.

Approved by: \s Carol Kelso, County Executive Date: 12/01/2006

No. 13 -- Closing Roll Call:

Present: Warpinski, De Wane, Nicholson, Theisen, Krueger, Haefs, Erickson, Zima, Evans, Vander Leest, Johnson, Dantine, La Violette, Zeller, Kaster, Backmann, Van Deurzen, Fleck, Clancy, De Cleene, Zabel, Scray, Hoeft, Lund, Fewell
 Excused: Kaye
 Total Present: 25 Excused: 1

No. 14 -- ADJOURNMENT TO WEDNESDAY, DECEMBER 20, 2006 AT 7:00 P.M., LEGISLATIVE ROOM #203, CITY HALL, 100 NORTH JEFFERSON STREET, GREEN BAY, WISCONSIN.

A motion was made by Supervisor Van Deurzen and seconded by Supervisor Warpinski **“to adjourn to the above date and time”**. Voice vote taken. Motion carried unanimously with no abstentions.

_____\s\ DARLENE K. MARCELLE
Brown County Clerk

PLEASE NOTE: For the results of the above items vetoed by the County Executive, please see the November 29, 2006 County Board Meeting.