

**PROCEEDINGS OF THE BROWN COUNTY BOARD OF SUPERVISORS**  
**MAY 15, 2002**

Pursuant to Section 19.84 and 59.14, Wis. Stats., notice is hereby given to the public that the REGULAR meeting of the **BROWN COUNTY BOARD OF SUPERVISORS** was held on **Wednesday, May 15, 2002, at 7:00 p.m.**, in the Legislative Room, 100 North 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: Antonneau, Graves, Nicholson, Schmitt, Miller, Haefs, Hansen, Kaye, Evans, Vander Leest, Johnson, Vanden Plas, Kuehn, Collins, Marquardt, Daul, Van Deurzen, Fleck, Clancy, Moynihan, Watermolen, Schadewald, Simons, Lund, Fewell

Supervisor Zima took his seat immediately after roll call was complete.

Total Present: 26 Total Excused: None

**No. 1 -- Adoption of agenda.**

A motion was made by Supervisor Hansen and seconded by Supervisor Johnson to move up Resolution #10c. Voice vote taken. Motion carried unanimously with no abstentions.

Resolution 10f will be deleted from the agenda.

A motion was made by Supervisor Johnson and seconded by Supervisor Antonneau to adopt the agenda as revised. Voice vote taken. Motion carried unanimously with no abstentions.

**2. Approval of minutes of County Board Meeting of April 16 2002.**

A motion was made by Supervisor Marquardt and seconded by Supervisor Daul to adopt. Vote taken. Motion carried unanimously with no abstentions.

**No. 10c -- RESOLUTION REGARDING: RESIDENT RESPONSIBILITY ACT OF 2002 – ADOPTING ENGLISH AS ITS OFFICIAL LANGUAGE**

A motion was made by Supervisor Collins and seconded by Supervisor Marquardt to suspend the rules to allow interested parties to address the Board. Vote taken. Motion carried unanimously with no abstentions.

The following speakers asked that the Resolution be either sent back to committee or defeated; speaking against the resolution were:

Paul Linzmeyer, 831 W. St. Francis Road, De Pere, Wisconsin.

Karl Txajkang Thoj, 1680 Western Avenue, #1, Green Bay, Wisconsin.

Lang Vang, 1824 Fiesta Lane, Green Bay, Wisconsin.

Rabbi Sidney Vineburg, 814 Broadview Dr., Green Bay, Wisconsin.

A motion was made by Supervisor Schadewald and seconded by Supervisor Johnson to return to the regular order of business. Voice vote taken. Motion carried unanimously with no abstentions.

Discussion followed.

Because many people were interested in speaking on this resolution, Supervisor Schadewald made a motion, seconded by Supervisor Johnson to refer back to the Executive Committee. Supervisor Schadewald explained that each person who signed up to speak could be heard at Committee level. The names of those individuals who were unable to address the Board are on file in the County Clerk's office as part of the official minutes of the County Board and may be reviewed upon request. Several County Board members spoke on referral.

Vote taken on referral. Roll Call #10c(1):

Ayes: Antonneau, Graves, Nicholson, Schmitt, Miller, Haefs, Hansen, Kaye, Zima, Evans, Vander Leest, Johnson, Vanden Plas, Collins, Marquardt, Daul, Van Deurzen, Fleck, Clancy, Watermolen, Schadewald, Simons, Lund

Nays: Kuehn, Moynihan, Fewell

Total Ayes: 23 Total Nays: 3

Motion carried to refer.

**No. 3 -- Announcements by Supervisors. None**

**No. 4 -- Communications. None.**

**No. 5 -- Late Communications.**

**No. 5a -- Communication from Supervisor Schmitt requesting that the Education and Recreation Committee provide the County Board with a long range plan regarding the Fox River Trail.**

Refer to Education and Recreation Committee.

**No. 5b -- Communication from Supervisor Lund requesting that the County Board be required to approve any bills in excess of \$5,000.00.**

Refer to Executive Committee.

**No. 5c -- Communication from Supervisor Evans regarding the review of the hiring freeze and establish policies which will be enforced by the Brown County Board.**

Refer to Executive Committee.

**No. 5d -- Communication from Supervisor Evans requesting information regarding the existing Mental Health Center as well as requesting no digging, building or construction take place for the new Mental Health Center until the outcome of the current buildings are decided.**

Refer to Human Services Committee.

**No. 6 -- Appointments by County Executive.**

A motion was made by Supervisor Haefs and seconded by Supervisor Kaye to take items 6a thru 6e in one vote. Voice vote taken. Motion carried unanimously with no abstentions.

**No. 6a -- Appointment of Supervisor Kuehn and reappointment of Bob Wilmet to Ethics Board.**

**No. 6b -- Reappointment of Bill Jacobs, Barbara Bauer, Sue Todey and Barb Barone to Human Services Board.**

**No. 6c -- Appointment of Jerry Lauters to Board of Health.**

**No. 6d -- Reappointment of Kenn Kiesner, Jeffrey Beinlich, Dr. Tracy Gilbert and Glen Uphill to NEW Zoo Advisory Committee.**

**No. 6e -- Reappointment of Tom Bayer, Larry Conners, Dr. Ken Johnson, Dr. Tom Pannke, Dr. Jocko Zifferblatt, John Koser, Dennis Kocken, Mark Zvara, Phillip Pfeffer and Patrick Ryan, and appointment of Cullin Peltier, Emergency Management Director, to Emergency Medical Services Council.**

A motion was made by Supervisor Haefs and seconded by Supervisor Watermolen to approve the appointments of 6a thru 6e. Voice vote taken. Motion carried unanimously with no abstentions.

**No. 7a -- Report by County Executive.**

County Executive Nusbaum announced the 2003 Budget Process began this week. She explained it is her intent to increase the amount of budget information she brings to the County Board.

She brought the Supervisors attention to the Bond proposals that are on their desks. These will go to each respective committee this month. Nancy encouraged Supervisors to call Brendan Bruss at the Department of Administration or respective Department Heads with any questions regarding their budget.

Nancy mentioned a recent article in Golf Digest Magazine featuring Brown County's Golf Course. With the direction for Paul Delfosse as Manager, Brown County Golf Course has been ranked 9<sup>th</sup> in the Nation of all public golf courses. This ranking resulted from a reader's survey of over 20,000 readers.

**No. 7b -- Report by Board Chairman.**

Chairman Simons explained he tried his hardest to give everyone their requested committee assignments. He vowed he would work hard to have a good working relationship with all Board members. He stressed the importance of integrity within the entire Board.

He explained the County Code allows a supervisor to speak twice on an issue and a 10-minute time limit. He said that will be enforced.

He said he will demand that everyone treat each other with respect and he will do the same.

Chairman Simons thanked everyone for their support.

**No. 8 -- Other Reports.**

**No. 8a -- TREASURER'S FINANCIAL REPORT FOR THE MONTH OF JANUARY 2002.**

Following is a statement of the County Treasurer of the Cash on Hand and in the General Account of the Brown County Treasurer as of JANUARY 31, 2002:

Associated Bank	\$ 14,549,952.37
Wisconsin Development Fund	(6,610.74)
Sweep Account (Repurchase Agreements)	928.45
Deposits In Transit	1,319,962.62
Emergency Fund	(287,456.19)
Non-Sufficient Fund Checks Redeposited	3,964.75
PBA Sweep Account	(148,026.74)
Deposit Adjustment	00.00
Bank Error(s)	00.00
<b>Total</b>	<b><u>15,432,614.52</u></b>
Less Outstanding Checks	(2,924,490.91)
Other Reconcilable Items	<u>00.00</u>
<b>Balance Per Cash Book</b>	<b>\$ 12,508,123.61</b>

Following is a statement of the County Treasurer of the Working Capital reserves placed in time deposits in the designated public depositories within Brown County for the purpose of investments as of January 31, 2002:

Year-to-Date Interest Received – Prior Month	\$ 00.00
Interest Received – Current Month	<u>232,109.91</u>
Year-to Date Interest Received on Unrestricted funds	<b>\$ 232,109.91</b>
Working Capital Reserves Invested	\$ 106,619,614.14
Restricted Investments	<u>6,761,537.68</u>
Total funds invested	<b>\$ 113,381,151.82</b>

I, Kerry M. Blaney, Brown County Treasurer, do hereby certify that the above statement of Cash on Hand and in the General Account as of January 31, 2002 and the statement of Investments for the month of January have been compared and examined, and found to be correct.

\s\ Kerry M. Blaney  
County Treasurer

A motion was made by Supervisor Fleck and seconded by Supervisor Clancy to adopt. Vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Nancy J. Nusbaum, County Executive Date: 5/28/2002

**No. 8b -- TREASURER'S FINANCIAL REPORT FOR THE MONTH OF FEBRUARY 2002.**

Following is a statement of the County Treasurer of the Cash on Hand and in the General Account of the Brown County Treasurer as of FEBRUARY 28, 2002:

Associated Bank	\$ 6,293,472.49
Wisconsin Development Fund	(15,211.12)
Sweep Account (Repurchase Agreements)	928.45
Deposits in Transit	101,472.26
Emergency Fund	(55,825.57)
Non-sufficient Fund Checks Redeposited	4.80
PBA Sweep Account	(372,389.04)
Deposit Adjustment	00.00
Bank Error(s)	00.00
<b>Total</b>	<b><u>5,952,452.27</u></b>
Less Outstanding Checks	(2,228,450.93)
Other Reconcilable Items	<u>00.00</u>
<b>Balance Per Cash Book</b>	<b>\$ 3,724,001.34</b>

Following is a statement of the County Treasurer of the Working Capital reserves placed in time deposits in the designated public depositories within Brown County for the purpose of investments as of February 28, 2002:

Year-To-Date Interest Received – Prior Month	\$ 232,102.91
Interest Received – Current Month	<u>298,846.87</u>
Year-to-Date Interest Received on Unrestricted Funds	<b>\$ 530,949.78</b>
Working Capital Reserves Invested	121,634,766.85
Restricted Investments	<u>6,761,537.68</u>
<b>Total Funds Invested</b>	<b>\$ 128,396,304.53</b>

I, Kerry M. Blaney, Brown County Treasurer, do hereby certify that the above statement of Cash on Hand and in the General Account as of February 28, 2002 and the statement of Investments for the month of February have been compared and examined, and found to be correct.

\s\ Kerry M. Blaney  
County Treasurer

A motion was made by Supervisor Watermolen and seconded by Supervisor Vander Leest to adopt. Vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Nancy J. Nusbaum, County Executive Date: 5/28/2002

**No. 9 -- COMMITTEE REPORTS.**

**No. 9a -- REPORT OF ADMINISTRATION COMMITTEE OF MAY 2, 2002**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The ADMINISTRATION COMMITTEE met in regular session on May 2, 2002, and recommends the following motions:

1. Election of Chair. Mary Marquardt elected as Chair.
2. Election of Vice Chair. Rick Schadewald elected as Vice Chair.
3. Set date and time for regular meetings. First Thursday of month at 7 p.m.
4. Review minutes of:
  - a. Housing Authority (3/25/02).
  - b. Equal Opportunity in Housing Commission (7/16/01).
  - c. Facilities Master Plan Committee (4/11/02).Approve items a-c.
5. 2001 to 2002 Carryover Funds Administrative Services Division and Information Services Project Carryovers for 2001 to 2002. Approve.
6. Communication from Supervisor Ken Simons regarding: Request full refund of \$65,000 that was appropriated for Green Bay Chamber of Commerce Advance program at the November 12, 2001 County Board budget meeting. (Referred from April County Board meeting. (Referred from April County Board meeting.) Deny request for a refund of \$65,000.
7. Treasurer's Financial Report for the month of January 2002. Approve.
8. Treasurer's Financial Report for the month of February 2002. Approve.
9. Human Resources Monthly Committee Report (April 2002). Approve.
10. Facility Management First Quarter Report. Approve.
11. Facility Management – Update of remodeling of City Council Chambers. Receive and place on file.

12. Facility Management – Consider appointments to Facility Master Plan Committee. No action.
13. Corporation Counsel – Resolution regarding: Disallowance of Claim (Bryan Lambrecht). Committee approved. See Resolutions, Ordinances May County Board.
14. Department of Administration – Communication from Supervisor Guy Zima regarding: Requesting that County Board rescind all county administrative pay raises implemented as of January 2, 2002 and substitute a 3% pay raise. (Referred from April County Board.) Referred to Executive Committee. Postpone for one month.
15. Department of Administration – Communication from Supervisor Andy Nicholson regarding: Request to rescind pay raises of 2003, 2004 and 2005 respectively. Take Supervisor Nicholson's questions, refer them to the proper department heads and have the responses sent back to this committee for discussion in one month.
16. Department of Administration – 2002 Budget Transfer Log. Receive and place on file.
17. Department of Administration – Monthly Activities Report (March 25 through April 19, 2002). Receive and place on file.
18. Department of Administration – Information Services request for Budget Transfer: Increase in Expenditures with Offsetting Increase in Revenue: offsetting transfer from Park Department to purchase a PC, monitor and software (\$1,700.). Approve.
19. Department of Administration – Information Services request for Budget Transfer: Increase in Expenditures with Offsetting Increase in Revenue: Health Department to purchase two computers and software to be used in administration of Consolidated Contract programs (\$4,400). Approve.
20. Department of Administration – Information Services request for Budget Transfer: Increase in Expenditures with Offsetting Increase in Revenue: Child Support to have Printrak software installed on four computers (\$4,000). Approve.
21. Audit of Bills. Hold for one month.

A motion was made by Supervisor Marquardt and seconded by Supervisor Graves to adopt. Supervisor Nicholson requested item #6 be voted on separately.

Supervisor Zima abstained from item #4a.

Remainder of report passed unanimously with no abstentions.

Item #6 -- Communication from Supervisor Ken Simons regarding: Request full refund of \$65,000 that was appropriated for Green Bay Chamber of Commerce Advance program at the November 12, 2001 County Board budget meeting.

A motion was made by Supervisor Nicholson and seconded by Supervisor Vander Leest to adopt item #6.

Discussion followed with Supervisor Nicholson questioning, why money was given to the Chamber's Advance Program and what the money was used for.

Supervisor Schmitt explained the Chamber uses this money to secure and develop businesses in the Brown County area. At budget time the County Board saw the benefits of the program and passed the \$65,000 contribution.

Supervisor Van Deurzen and Supervisor Haefs asked questions regarding the use of the \$65,000. Supervisor Schadewald explained the vote from November is behind us and let's move forward.

Since Supervisor Nicholson spoke twice on this issue, a motion was made by Supervisor Zima and seconded by Supervisor Miller to suspend the rules to allow Supervisor Nicholson to speak for the third time. 2/3 vote required. Roll Call #9a(1):

Ayes: Antonneau, Graves, Nicholson, Miller, Haefs, Zima, Evans, Vander Leest, Vanden Plas, Kuehn, Daul, Van Deurzen, Schadewald, Lund, Fewell

Nays: Schmitt, Hansen, Kaye, Johnson, Collins, Marquardt, Fleck, Clancy, Moynihan, Watermolen, Simons

Total Ayes: 15 Total Nays: 11

Motion failed.

Nancy Nusbaum explained the Chamber has segregated funds. The Chamber must follow the law in spending lump sum payment from the budget, which was to purchase services and future development.

Chairman Simons explained the motion. A “yes” or “aye” vote means you are in favor of leaving the money (\$65,000) in the Advance Program as budgeted; or a “no” or “nay” vote means you are asking for a refund of that budgeted item. Vote taken. Roll Call #9a(2):

Ayes: Antonneau, Schmitt, Miller, Hansen, Kaye, Zima, Evans, Vanden Plas, Kuehn, Collins, Marquardt, Fleck, Clancy, Moynihan, Watermolen, Schadewald, Lund, Fewell

Nays: Graves, Nicholson, Haefs, Vander Leest, Johnson, Daul, Van Deurzen, Simons

At this time Supervisor Johnson requested her vote be changed from nay to aye. Voice vote taken. Passed unanimously with no abstentions.

Total Ayes: 19 Total Nays: 7

Motion carried to deny the request of the Chamber of Commerce to return the \$65,000.

Approved by: \_\_\_\_\_ \s\ Nancy J. Nusbaum, County Executive Date: 5/28/2002

**No. 9b -- REPORT OF EDUCATION AND RECREATION COMMITTEE OF MAY 1, 2002**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The EDUCATION AND RECREATION COMMITTEE met in regular session on May 1, 2002, and recommends the following motions:

1. Election of Chair. Ron Antonneau elected as Chair.
2. Election of Vice Chair. John Vander Leest elected as Vice Chair.
3. Set date and time for regular meetings. 4<sup>th</sup> Thursday at 5:30 p.m.
4. Review minutes of:
  - a) Neville Public Museum Governing Board (3/20/02).
  - b) Library Board (3/15/02).Receive and place on file items a-b.
5. 2001 to 2002 Carry over Funds for Education, Culture and Recreation Division. Receive and place on file.



6. Reappointment of Kenn Kiesner, Jeffrey Beinlich, Dr. Tracy Gilbert and Glen Uphill to NEW Zoo Advisory Committee. Committee approved. See Appointments May County Board.
7. Arena/Expo Centre – Communication from Mark Keckeisen (Facilities Management) regarding: Arena. (Referred back to Committee from April 16<sup>th</sup> County Board.) Table for one month for additional information.
8. Arena/Expo Centre – Attendance Report (March 2002). Receive and place on file.
9. Museum – Two Requests from Supervisor Kathy Johnson:
  - a) Request Brown County conduct a marketing study to find out how the public feels about Brown County’s continuing involvement of the Neville Public Museum. Example of Survey results would be the Museum’s exhibits and hours, and what the public wants and needs from this Museum.
  - b) Request Brown County contributes \$5,000 (with matching funds from Neville Public Museum Corporation Board) toward this study.  
(Referred back to Committee from April 16<sup>th</sup>, 2002 County Board.)  
Approve items a-b. Ayes: 4 (Antonneau, Johnson, Kuehn, Van Deurzen); Nays: 1 (Vander Leest). Motion Carried.
10. Museum – Visitor Count for month of March 2002. Receive and place on file.
11. Museum – Communication from Supervisor Kathy Johnson regarding: Extending time frame to six months or longer for the hiring process of Neville Public Museum Director. Approve.
12. Museum – Director’s Report. (No report.)
13. Library – Director’s report. Receive and place on file.
14. Golf Course – Discussion from rules and regulations book regarding:
  - a) Request for changes in reservations policies.  
Approve.
  - b) Request for changes in tournament and outing policies.  
(Referred back to Committee from April 16<sup>th</sup> County Board.)  
Approve.
15. Golf Course – Communication from Mike Wood, President, Brown County Men’s Club regarding: Charging \$15 for handicap fee instead of \$17. (Referred back to Committee from April 16<sup>th</sup> County Board.) Approve.
16. Golf Course – Superintendent’s Report. Receive and place on file.
17. Parks – Communication from Supervisor Joe Van Deurzen regarding: Fox River Trail. Receive and place on file with recommendations of committee.
18. Parks – Request for budget transfer: Increase in Expenditures with offsetting Increase in Revenue: \$200 donation from Harold Paschen for the red wolf and prairie dog exhibits. Approve.
19. Parks – Request by Peter Harris, Green Bay Chapter of Trout Unlimited, for waiver of fees for use of the Reforestation Camp Shelter for an annual picnic and meeting. Approve.
20. Parks – Report on resubmitted Waterways Commission grant application for roadway and launch parking improvements for Lily Lake Park. Approve.
21. Parks – Director’s Report. Receive and place on file.
22. Audit of bills. Pay the bills.

A motion was made by Supervisor Antonneau and seconded by Supervisor Kuehn to adopt. Supervisor Haefs asked to be recorded no on items 14a and 15 of Report 9b.

Supervisor Zima requested items #9a and 9b be voted on separately.

Remainder of reported passed unanimously with no abstentions.

Motion to adopt Items 9a and 9b passed on a voice vote.

Item #9a -- Request Brown County conduct a marketing study to find out how the public feels about Brown County's continuing involvement of the Neville Public Museum.

Item #9b -- Request Brown County contributes \$5,000 (with matching funds from Neville Public Museum Corporation Board) toward this study.

Supervisor Zima spoke on this as a waste of \$5,000. He will vote no and he encouraged a no vote.

Supervisor Johnson reminded the Board that everyone was encouraged to attend meetings to gain more information on this. Only one supervisor attended. The reason for the survey is we must find out why Museum attendance is down and also what the Community expects from the Museum. You have to know where the business will come from. This is the minimal amount allowable for the survey and there are matching funds available. It is the County's responsibility to take care of this jewel. She also explained the Museum Corporation is donating \$5,000 matching funds. There is no profit being made on this study.

Supervisor Graves feels a survey of 500 people isn't enough people in an area our size. He can't support this item.

Supervisor Kuehn spoke on the Dinosaur Exhibit and how it had record attendance. He explained Brown County has to find out what the customer wants. The survey is necessary to gain direction the Museum needs to go.

Supervisor Miller called the Museum and talked with the Curator. He asked if the Museum tried a free survey and he received no response. He suggested more changes in exhibits; they need more appropriate exhibits and he questioned the \$5,000, and he questioned why it wasn't presented at budget time.

Supervisor Lund spoke that \$5,000 isn't too much for a poll, however, he also questioned why it wasn't presented at Budget time. He feels that this is not the appropriate time.

Supervisor Schadewald's answer to Supervisor Lund's question – In November we didn't know about the State deficit. Now we have a new reality. He will support the \$5,000 cautioning the Board that in November we will face a lot more tough decisions. He adds we all know the Museum will be cut more substantially in the November budget. This survey will give them answers for success.

Supervisor Vander Leest said the Museum Board should do the study. He doesn't believe the County should be funding this survey.

Supervisor Johnson stated the Corporation is donating \$5,000, matching the County funds. No profit is being made by anyone on the survey. She questioned why should the Corporation donate \$5,000 if the County isn't interested in matching this donation?

Supervisor Marquardt will support this item because a survey is better than no survey. A direct survey is a good way to do this.

Supervisor Collins urges the County Board's cooperation.

Supervisor Fewell urged a yes vote, stating now is the time to do this survey. It's a good deal for the County.

Supervisor Evans doesn't support the \$5,000 survey. He stated Brown County should have a Museum Director in place so that person can oversee the study.

Supervisor Zima cannot support this and he encouraged a no vote.

Supervisor Kuehn said good marketing isn't done by the Staff. Appropriate information is obtained by professional people who know marketing.

Supervisor Collins encourages a yes vote on the \$5,000 study.

Supervisor Haefs asked for a separate vote for items #9a and 9b.

Supervisor Van Deurzen said we will find out what people want by conducting this study. It will tell the new Museum Director what people want and expect. He said this partnership is a good deal for Brown County.

A motion was made by Supervisor Van Deurzen and seconded by Supervisor Schmitt to approve item #9a. Voice vote taken. Supervisors Nicholson and Vanden Plas requested to be recorded as voting nay. Motion carried to adopt item #9a.

A motion was made by Supervisor Evans and seconded by Supervisor Miller to table item #9b. Voice vote taken. Motion defeated.

A motion was made by Supervisor Johnson and seconded by Supervisor Marquardt to adopt Item #9b (Brown County contribution of \$5,000 for a Museum Survey). Vote taken. Roll Call #9b(1):

Ayes: Antonneau, Schmitt, Hansen, Kaye, Johnson, Kuehn, Collins, Marquardt, Van Deurzen, Fleck, Clancy, Watermolen, Schadewald, Simons, Fewell

Nays: Graves, Nicholson, Miller, Haefs, Zima, Evans, Vander Leest, Vanden Plas, Daul, Moynihan, Lund

Total Ayes: 15 Total Nays: 11

Motion carried.

Approved by:       /s\ Nancy J. Nusbaum, County Executive       Date: 5/28/2002

**No. 9c -- REPORT OF EXECUTIVE COMMITTEE OF MAY 9, 2002**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The EXECUTIVE COMMITTEE met in regular session on May 9, 2002, and recommends the following motions:

1. Election of Vice Chair. Ken Simons elected as Vice Chair.
2. Set date and time for regular meetings. Monday preceding County Board meeting at 5:15 p.m.
3. Review minutes of:
  - a) Diversity Affairs Council (3/13/02 & 4/10/02).
  - b) Legislative Subcommittee (2/25/02 & 4/22/020).
  - c) Legislative Subcommittee-no quorum (3/25/020).
  - d) Special Meeting of New Supervisors (4/8/02).Approve items a-d.

4. 2001 to 2002 Carryover Funds (Executive and Board of Supervisors). (No carry over funds were presented.)
5. Resolution regarding: Mental Health Center Table of Organization Change regarding Meal Services to Brown County Aging Resource Center. (Referred from Human Services Committee.) Continue the service through the private sector.
6. Resolution regarding District Attorney Office Reorganization. (Referred from Public Safety Committee.) Hold for 30 days.
7. Legislative Subcommittee report.
  - a) Discussion regarding bringing forth a resolution to evaluate the Legislative Subcommittee to a Standing Committee. (Held from previous meeting.) To deny.
  - b) Accept two new members on Legislative Subcommittee, Supervisor John Vander Leest and Supervisor Tom Lund. Approve.
  - c) Resolution regarding: Requesting Continued Funding for the Wisconsin Public Television Green Bay Production Unit. Committee approved. See Resolutions, Ordinances May County Board.
  - d) Resolution regarding: Resident Responsibility Act of 2002 – Adopting English as its Official Language.
    - i) Committee approved.
    - ii) Amend motion to approve the resolution and include in the last paragraph the names of State Representatives Phil Montgomery, Lee Meyerhofer, Judy Krawczyk, John Ryba, John Gard, Gary Bies and Al Ott, in addition to State Senators, Robert Cowles, Frank Lasee, David Hansen and Mark Green.  
See Resolutions, Ordinances May County Board.
8. Communication from Supervisor Zima regarding: Requesting County Board recall services of Consultant Ken Friedman of Innovative Health Associates for purpose of completing all aspects of report regarding the design of the proposed new Mental Health Center, in particular, page 26 of that report. (Referred from April County Board. Communication also on Human Services Committee of May 8, 2002.)
  - a) Receive the communication from Supervisor Zima and place on file. Ayes: 3 (Marquardt, Fewell, Kaye); Nays: 4 (Simons, Daul, Moynihan, Antonneau). Motion defeated.
  - b) Approve request from Supervisor Zima to recall the services of Consultant Ken Friedman. Ayes: 5 (Antonneau, Daul, Fewell, Moynihan, Simons); Nays: 1 (Kaye); Abstain: 1 (Marquardt). Motion carried.

**\*\* Item #8 was received and placed on file as per the request of the County Board on May 15, 2002.**

9. Communication from Supervisor Zima regarding: Requesting that County Board rescind all county administrative pay raises implemented as of January 2, 2002 and substitute a 3% pay raise. (Referred from April County Board. communication also on Administration Committee of May 2, 2002.) Hold Supervisor Zima's request to rescind the administrative pay raises and substitute a 3% pay raise until after there is an opinion garnered by the Chair and Vice-Chair as to the legality of the procedure of the adoption of the pay increases. Depending upon that answer, determine the parameters to which any and all of the other fees can be rescinded.

10. Communication from Supervisor Haefs regarding: Request to review all policies where standing committees have autonomous power over the County Board to allocate/award on special money. (Referred from April county Board.) Review all County ordinances relative to this subject matter.
11. Report by County Executive. No action.
12. Report by Internal Auditor. No action.
13. **Closed Session:** For the purpose of deliberating whenever competitive or bargaining reasons require a closed session pursuant to Wisconsin State Statute 19.85(1)(e). In the alternative, the Executive Committee is meeting for the purpose of collective bargaining and is not subject to the Wisconsin open meetings law pursuant to 19.82(1) of the Wisconsin State Statutes.
  - a) Enter into closed session.
  - b) Return to regular order of business.
  - c) No action taken.

A motion was made by Supervisor Marquardt and seconded by Supervisor Nicholson to adopt. Supervisor Marquardt requested item #8 be pulled and taken in conjunction with item #8 of the Human Services Committee Report (hold until #8 of Human Services).

Supervisor Haefs pulled Item #10 and asked for information on the committee's intent. No action was requested, only information.

A motion was made by Supervisor Haefs and seconded by Supervisor Moynihan to approve. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by:           \s\ Nancy J. Nusbaum, County Executive                                Date: 5/28/2002

**No. 9d --        REPORT OF HUMAN SERVICES COMMITTEE OF MAY 8, 2002**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The HUMAN SERVICES COMMITTEE met in regular session on May 8, 2002, and recommends the following motions:

1. Election of Chair. Steven Fewell elected as chair.
2. Election of Vice Chair. Robert Miller elected as vice chair.
3. Set date and time for regular meetings. 2<sup>nd</sup> Wednesday of month at 5:30 p.m.
4. Review minutes of:
  - a) Homeless Issues and Affordable Housing Subcommittee (4/1/02).
  - b) Human Services Board (3/7/02 and 4/4/02).
  - c) Children with Disabilities Education Board (3/18/02).
  - d) Aging Resource Center – Finance Committee (3/22/02).
  - e) Aging Resource Center Board (3/22/02).
  - f) Community Options Program Planning Committee (3/25/02).
  - g) Community Options Program Appeals Committee (3/25/02).

- Receive and place on file items a-g.
5. Reappointment of Bill Jacobs, Barbara Bauer, Sue Todey and Barb Barone to Human Services Board. Committee approved. See Appointments May County Board.
  6. Appointment of Jerry Lauters to Board of Health. Committee approved. See Appointments May County Board.
  7. 2001 to 2002 Carryover Funds for Health and Human Services Division. Approve carryover funds to this year's budget.
  8. Communication from Supervisor Zima regarding: Requesting County Board recall services of Consultant Ken Friedman of Innovative Health Associates for purpose of completing all aspects of report regarding the design of the proposed new Mental Health Center, in particular, page 26 of that report. (Referred from April County Board.) Recall Ken Friedman to complete his analysis of the new Mental Health Center project and any other construction proposals. Ayes: 4 (Fewell, Evans, Zima, Miller); Nays: 3 (Collins, Fleck, Clancy). Motion carried.
- \*\* Item #8 was received and placed on file as per the request of the County Board on May 15, 2002.**
9. Syble Hopp School Director's Report. Receive and place on file.
  10. Human Services Department – Financial Report (Actual 2001 Year End). Receive and place on file.
  11. Human Services Department – Report of Mental Health Center Review Subcommittee of January 14, 2002. Receive and place on file.
  12. Human Services Department – Amended County Board Resolution on Construction of the new Mental Health Center setting the amount not to exceed \$39,000,000 and authorizing the independent study. Receive and place on file.
  13. Human Services Department – Director's report. Receive and place on file.
  14. Health Department – Ordinance regarding: To Repeal and Recreate Chapter 39 of the Brown County Code entitled “Noise Control”. Held from previous meeting. Committee approved. See Resolutions, Ordinances May County Board.
  15. Health Department – Bio-terrorism Funding. Accept.
  16. Health Department – Termination of GC Testing Program. Accept.
  17. Health Department – Director's report. Accept.
  18. Audit of bills. Pay the bills.

A motion was made by Supervisor Kuehn and seconded by Supervisor Clancy to adopt except for item #8 (pulled by Supervisor Marquardt) which is to be voted on separately. Vote taken. Motion carried unanimously with no abstentions to adopt remainder of the report.

Item #8 -- Communication from Supervisor Zima regarding: Requesting County Board recall services of Consultant Ken Friedman of Innovative Health Associates for purpose of completing all aspects of report regarding the design of the proposed new Mental Health Center, in particular, page 26 of that report.

A motion was made by Supervisor Zima and seconded by Supervisor Haefs to adopt item #8. Supervisor Marquardt brought the Supervisor's attention to Ken Friedman's letter which is on the Supervisors' desks. Supervisor Marquardt explained this letter from Mr. Friedman is in response to questions submitted to him by herself, Mike Stratman (Internal Auditor) and another Supervisor. Mike Stratman sent a letter to Mr. Friedman stating the Committee's intent as well

as a copy of Mr. Zima's communication. The letter on your desk is a response from Mr. Friedman after receiving that information. Supervisor Marquardt added that Mr. Friedman said he doesn't feel spending more time on this project would change the situation.

After reading Mr. Friedman's report, Supervisor Schadewald urged the supervisors to vote against this motion to recall the services of Mr. Friedman. He went on to say, Mr. Friedman answered the questions we asked of him.

A motion was made by Supervisor Zima and seconded by Supervisor Miller to amend item #8 by striking the word "recall the services of Consultant, Ken Friedman" in the first sentence and adding "request of Brown County Board to hire appropriate consultant for purpose to complete a review of the proposals that are before the County Board", seconded by Supervisor Miller.

Supervisor Schadewald asked Ken Bukowski if this motion is appropriate and Mr. Bukowski said, in his opinion, it is acceptable.

Supervisor Zima then rewrote his motion in a different way as follows: to strike all words after "requesting County Board" and to replace with the following: "hire a consultant to review the design of the proposed new Mental Health Center to determine options and to determine if a proposal by McGann Consultants and Architects 2000 to build the existing design for between \$24 to \$26 million is worthy."

Supervisor Schadewald asked Corporation Counsel if it is ok for Supervisor Zima to introduce this motion. Corporation Counsel said, in his opinion, he doesn't believe this is pertinent. It goes beyond the agenda and it doesn't give public notice.

A motion was made by Supervisor Antonneau and seconded by Supervisor Kuehn to suspend the rules to allow interested parties to address the board. Vote taken. Motion carried unanimously with no abstentions.

Frank Schmechel, President, Carpenters Local 1146, 2599 Manitowoc Road, Green Bay, encouraged Board to go forward with the Mental Health Center.

Mary Goulding, 1503 Carroll Avenue, asked the Board to approve the new Mental Health Center.

A motion was made by Supervisor Kuehn and seconded by Supervisor Collins to return to the regular order of business. Voice vote taken. Motion carried unanimously with no abstentions.

A motion was made by Supervisor Zima and seconded by Supervisor Haefs to approve as amended.

Corporation Counsel, Ken Bukowski reminded the County Board the second motion, by Supervisor Zima is not admissible.

Supervisor Collins commented on the letter from Ken Friedman. Supervisor Collins said it is very clear in Mr. Friedman's letter that the study was complete. To bring up hiring someone else was not noticed to the public.

At this point, Corporation Counsel Ken Bukowski reiterated this conversation is out of order because there is no motion on the floor. Ken said the decision is up to Chairman Simons but he feels this discussion is inappropriate at this time.

Having heard that opinion, Supervisor Zima asked for suspension of the rules to accept his late amended communication and send it to committee, seconded by Supervisor Haefs. Voice vote taken. Motion carried to refer to Human Services Committee.

Supervisor Collins questioned Supervisor Zima's claims that our staff was uncooperative. Corporation Counsel warned this conversation is out of order.

Supervisor Zima made a motion, seconded by Supervisor Haefs to receive Item #8 (from Reports 9c (Executive Report) and 9d (Human Services Report) and place on file. Vote taken to receive and place on file. Roll Call #9d(1):

Ayes: Antonneau, Graves, Nicholson, Schmitt, Miller, Haefs, Zima, Evans, Vander Leest, Johnson, Kuehn, Collins, Daul, Van Deurzen, Moynihan, Watermolen, Schadewald, Simons, Lund

Nays: Hansen, Kaye, Vanden Plas, Marquardt, Fleck, Clancy, Fewell

Total Ayes: 19 Total Nays: 7

Motion carried to receive and place on file the original communication.

Chairman Simons explained the action just taken, now means the Human Services Committee will recognize Mr. Zima's late amended communication at it's next meeting. Item #8 is placed on file and action from Supervisor Zima's late amended communication will come back to the County Board.

Approved by:       /s\ Nancy J. Nusbaum, County Executive       Date: 5/28/2002

**No. 9e -- REPORT OF PLANNING, DEVELOPMENT AND TRANSPORTATION COMMITTEE AND LAND CONSERVATION SUBCOMMITTEE OF APRIL 24, 2002**

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The PLANNING, DEVELOPMENT AND TRANSPORTATION COMMITTEE AND LAND CONSERVATION SUBCOMMITTEE met in regular session on April 24, 2002 and recommend the following motions:

**Land Conservation Subcommittee**

1. Election of Chair. Merlin Vanden Plas elected as Chair.
2. Election of Vice Chair. Tom Lund elected as Vice Chair.
3. Set date and time for regular meetings. Third Thursday of month at 6:15 p.m.
4. Grant approval and application regarding: Great Lakes Basin Program for Soil Erosion and Sediment Control. Approve.
5. Wisconsin Land and Water Conservation Association Inc. regarding: Land Conservation Committee (LCC) Training. Receive and place on file.
6. Information from Glacierland RC&D dated March 18, 2002 and information regarding: 5<sup>th</sup> Annual Outdoor Fish Farming Workshop. Receive and place on file.
7. Thursday Note dated March 28, 2002 and April 11, 2002. Receive and place on file.
8. Director's report. No action.

**Planning, Development and Transportation Committee**

1. Election of Chair. Supervisor Alice Daul elected as Chair.
2. Election of Vice Chair. Supervisor Merlin Vanden Plas elected as Vice Chair.
3. Set date and time for regular meetings. Third Thursday of month at 6:30 p.m.



4. 2001 to 2002 Carryover Funds for Planning and Development Division. Approve.
5. 2001 to 2002 Carryover Funds for Transportation Division. Approve.
6. Review minutes of:
  - a) Solid Waste Board (2/18/02).
  - b) Planning Commission Board of Directors (3/6/02).
  - c) Land Information Office Committee (2/20/02).
  - d) Planning Commission Board of Directors Transportation Subcommittee (8/22/01).Receive and place on file items a-d.
7. Airport Director's report. No action.
8. Highway – Year 2001 Highway Department financial balance sheet. Receive and place on file.
9. Highway Commissioner's Report. Receive and place on file.
10. UW-Extension – Request to apply for UW-Milwaukee Kaufman Foundation Grant for Summer and Fall Urban 4-h Program in the amount of \$2,200. Approve.
11. UW-Extension – Request to apply for Drug Free Communities Youth Grant for Summer Urban 4-H Program in the amount of \$1,825. Approve.
12. UW-Extension – Request to apply for UW-Extension Northeast District Innovative Program Grant for Summer Urban 4-H Program in the amount of \$2,891. Approve.
13. UW-Extension – Request to apply for UW-Extension Urban Initiative Funding for Urban Initiative Programming in the amount of \$11,665. Approve.
14. UW-Extension – Update on UW-Extension programs. Receive and place on file.
15. UW-Extension – Owner's Claim for Damages to Animals (William Jahnke). Deny the claim.
16. UW-Extension – Owner's Claim for Damages to Animals (Steve Dart). Refer 2000 Code of Ordinance 3.25, to Corporation Counsel for clarification on the definition of a domestic animal, intent of law, and what was done in the past with claims of this nature. Ayes: 4 (Daul, Van Deurzen, Haefs, Lund); Nays: 1 (Vanden Plas). Motion carried.
17. Port and Solid Waste – Bid approval of Sequence 7 East Landfill Final Cover Placement Contract #524-02-01 (see attached). Approve the bid award to the lowest bidder, Manhattan Environment, for \$169,290.
18. Audit of bills. No action.
19. Informational update from Bill Bosiacki, Zoning Department regarding: Shoreland Permit in the Town of Suamico. (Hold this item for next meeting.)

**ATTACHMENT TO ITEM #17 ABOVE**

**BID RECORDING**  
**GEOMEMBRANE PENETRATIONS PROJECT**  
**PORT AND SOLID WASTE**

**CONTRACTOR**

**BID AMOUNT**

Texas Environment	\$209,420.00
Manhattan Environment	\$169,290.00
Geo-Synthetics	\$169,756.00

A motion was made by Supervisor Haefs and seconded by Supervisor Vanden Plas to adopt. Vote taken. Motion carried unanimously with no abstentions.

Approved by: \_\_\_\_\_ \s\ Nancy J. Nusbaum, County Executive \_\_\_\_\_ Date: 5/28/2002

**No. 9f -- REPORT OF PUBLIC SAFETY COMMITTEE OF MAY 8, 2002**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The PUBLIC SAFETY COMMITTEE met in regular session on May 8, 2002, and recommends the following motions:

1. Election of Chair. Harold Kaye elected as Chair.
2. Election of Vice Chair. Jim Schmitt elected as Vice Chair.
3. Set date and time for regular meetings. First Wednesday of month at 5:15 p.m.
4. Review minutes and reports of:
  - a) Emergency Medical Services Council (3/27/02).
  - b) Quarterly Report of Brown County Security/Incident Review Committee (3/29/02).
  - c) Volunteers in Probation – Quarterly Statistics.
  - d) Fire Investigation Task Force Board of Directors (3/14/02).
  - e) Fire Investigation Task Force General Membership (2/28/02).Receive and place on file items a-e.
5. 2001 to 2002 Carryover Funds for Public Safety Division. Approve.
6. Reappointment of Tom Bayer, Larry Connors, Dr. Ken Johnson, Dr. Tom Pannke, Dr. Jocko Zifferblatt, John Koser, Dennis Kocken, Mark Zvara, Phillip Pfeffer and Patrick Ryan to Emergency Medical Services Council. Committee approved. See Appointments May County Board.
7. Discussion of EMS Council membership. (As requested from previous meeting.) Continue with two-member representation from the County Board.
8. Discussion regarding: Courthouse Security. Hold for a future agenda.
9. District Attorney – Resolution regarding: District Attorney Office Reorganization. Hold for one month.
10. Public Safety Communications – Director’s report. To accept.
11. Sheriff – Airport Security Agreement. No action.
12. Sheriff – Request for Budget Transfer: Increase in Expenditures with Offsetting Increase in Revenue: Basics of Bicycling Grant through Wisconsin DOT (\$2,000). (Held from previous meeting.) Approve.
13. Sheriff – Cameras in pods at New Jail. (Held from previous meeting.) Hold for one month.
14. Sheriff – Discussion of an amendment to Sheriff department’s policy regarding: Associate Degree requirement. No action.
15. Sheriff – Jail population and overtime report. Approve.

16. Sheriff's report. To accept.
17. **Closed Session:** Pursuant to Sec. 19.85 (1)(c) considering employment, promotion, compensation, or performance evaluation date of a public employee over which the Committee has jurisdiction or exercises responsibility. (No closed session held.)
18. Audit of bills. Pay the bills.

A motion was made by Supervisor Schmitt and seconded by Supervisor Nicholson to adopt. Vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Nancy J. Nusbaum, County Executive Date: 5/28/2002

**No. 10 -- RESOLUTIONS, ORDINANCES.**

**No. 10a -- RESOLUTION REGARDING: DISALLOWANCE OF CLAIM (BRYAN LAMBRECHT)**

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

Ladies and Gentlemen:

WHEREAS, a Claim was filed on April 2, 2002, in the Brown County Clerk's Office; and

WHEREAS, said Claim alleges that Bryan Lambrecht sustained damages, and alleges that said damages were caused by Brown County and Employees of Brown County; and

WHEREAS, after a review of this matter by the Corporation Counsel's office, said office recommends that the Claim be denied.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors that the Claim submitted by Bryan Lambrecht be and the same is hereby denied, and no action on this Claim may be brought against Brown County or any of its officers, officials, agents or employees after six months from the date of service of this notice.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the claimant, Bryan Lambrecht, as a notice of disallowance.

Respectfully submitted,  
ADMINISTRATION COMMITTEE

A motion was made by Supervisor Kuehn and seconded by Supervisor Antonneau to adopt. Vote taken. Roll Call #10a(1):

Ayes: Antonneau, Graves Nicholson, Schmitt, Miller, Haefs, Hansen, Kaye, Zima, Evans, Vander Leest, Johnson, Vanden Plas, Kuehn, Collins, Marquardt, Daul, Van Deurzen, Fleck, Clancy, Moynihan, Watermolen, Schadewald, Simons, Lund, Fewell

Total Ayes: 26 Nays: None

Motion carried unanimously with no abstentions.

Approved by: \s\ Nancy J. Nusbaum, County Executive Date: 5/28/2002

**No. 10b -- RESOLUTION REGARDING: REQUESTING CONTINUED FUNDING FOR THE WISCONSIN PUBLIC TELEVISION GREEN BAY PRODUCTION UNIT**

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

Ladies and Gentlemen:

WHEREAS, the Wisconsin Public Television Green Bay Production Unit has been a vital source for award winning state-wide and nationally distributed educational and instructional programming for over thirty years; and

WHEREAS, the Wisconsin Public Television Green Bay Production Unit has provided a conduit for the voices of Northeastern Wisconsin to be heard on the important issues of the day through nationally distributed, issue oriented documentaries, statewide live call in programs and by providing local feeds for statewide and national news programs.

NOW, THEREFORE, BE IT RESOLVED, by the Brown County Board of Supervisors that it hereby asks that the University of Wisconsin – Extension continue the important community outreach mission behind “The Wisconsin Idea” and reconsider its decision to permanently close the Green Bay Production Unit.

Respectfully submitted,  
LEGISLATIVE SUBCOMMITTEE

A motion was made by Supervisor Antonneau and seconded by Supervisor Hansen to adopt. Vote taken. Roll Call #10b(1):

Ayes: Antonneau, Graves Nicholson, Schmitt, Miller, Haefs, Hansen, Kaye, Zima, Evans, Vander Leest, Johnson, Vanden Plas, Kuehn, Collins, Marquardt, Daul, Van Deurzen, Fleck, Clancy, Moynihan, Watermolen, Schadewald, Simons, Lund, Fewell

Total Ayes: 26 Nays: None

Motion carried unanimously with no abstentions.

Approved by:           \s\ Nancy J. Nusbaum, County Executive           Date: 5/28/2002

**No. 10c -- Taken out of order. See above.**

**No. 10d -- ORDINANCE REGARDING: TO REPEAL AND RECREATE CHAPTER 39 OF THE BROWN COUNTY CODE ENTITLED “NOISE CONTROL”**

THE BROWN COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1 - Chapter 39 of the Brown County Code entitled “Noise Control” is repealed and recreated to read as follows:

**39.01 REGULATION OF NOISE.**

(1) DEFINITIONS.

- (a) ANSI Definitions Adopted. All acoustical terminology shall be that contained in ANSI (American National Standards Institute or its successor bodies) S1.1, "Acoustical Terminology".
- (b) Daytime Hours. The hours between 7:00 a.m. and 10:00 p.m.
- (c) Nighttime Hours. The hours between 10:00 p.m. and 7:00 a.m.
- (d) Person. Any person, person's firm, association, co-partnership, joint venture, corporation, or any entity public or private in nature.
- (e) Real Property Boundary. An imaginary line along the ground surface and its vertical extension which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.
- (f) Zones. The following zones, as defined in Land Use Zoning Ordinances of the municipalities within Brown County, are included in the zone categories.
  - 1. Residential, Agricultural and other.
  - 2. Commercial.
  - 3. Industrial.

(2) LIMITATIONS.

- (a) Maximum Levels within Zones. No person shall operate or cause to be operated on private or public property any source of sound in such a manner as to create a sound level which exceeds the limits set for the zone categories in Tables I and II.

**TABLE I**  
**Maximum Permissible Sound Pressure; Daytime Hours.**

<b><u>Octave Band Center Frequency (Hz)</u></b>	<b><u>Residential</u></b>	<b><u>Commercial</u></b>	<b><u>Industrial</u></b>
31.5	70	80	86
63	69	79	85
125	64	73	80
250	58	65	75
500	52	59	69
1000	47	53	63
2000	42	47	58
4000	38	42	54
8000	35	40	51
A-Scale Levels	57 dB(A)	63 dB(A)	72 dB(A)

(Levels in Decibels re. 0002 Microbars)

**TABLE II**  
**Maximum Permissible Sound Pressure; Nighttime Hours.**

<b><u>Octave Band Center Frequency (Hz)</u></b>	<b><u>Residential</u></b>	<b><u>Commercial</u></b>	<b><u>Industrial</u></b>
31.5	69	72	81
63	68	71	80
125	62	66	75
250	54	60	70
500	48	54	64
1000	42	49	58
2000	36	44	53
4000	31	40	49
8000	29	37	46
A-Scale Levels	52 dB(A)	58 dB(A)	67 dB(A)

(Levels in Decibels re. 002 Microbars)

- (b) Maximum Levels Between Zones. No person shall operate or cause to be operated on private or public property any source of sound from an industrial zone into a residential zone or commercial zone, or from a commercial zone into a residential zone that exceeds the limits set forth in Tables III and IV.

**TABLE III**  
**Maximum Permissible Sound Pressure; Daytime Hours.**

<b><u>Octave Band Center Frequency (Hz)</u></b>	<b><u>Industrial into Commercial</u></b>	<b><u>Industrial into Residential</u></b>	<b><u>Commercial into Residential</u></b>
31.5	80	79	75
63	79	78	74
125	74	73	69
250	69	67	64
500	63	61	58
1000	57	55	52
2000	52	50	47
4000	48	46	43
8000	45	43	40
A-Scale Levels	66 dB(A)	64 dB(A)	61 dB(A)

(Levels in Decibels re .0002 Microbars)

**TABLE IV**  
**Maximum Permissible Sound Pressure; Nighttime Hours.**

<b>Octave Band Center Frequency (Hz)</b>	<b>Industrial into Commercial</b>	<b>Industrial into Residential</b>	<b>Commercial into Residential</b>
31.5	75	74	72
63	74	73	71
125	69	68	65
250	64	63	57
500	58	57	51
1000	52	51	45
2000	47	46	39
4000	43	42	34
8000	40	39	32
A-Scale Levels	61 dB(A)	60 dB(A)	55 dB(A)

(Levels in Decibels re .0002 Microbars)

- (3) **BLOWING OF STEAM WHISTLES.**
  - (a) **Locomotives.** No railroad engineer, railroad employee, or other person in charge of any locomotive shall blow or cause to be blown any steam whistle or other warning device on such locomotive in the County, except in case of imminent danger to life and property.
  - (b) **Boats.** No captain, mate, or other person having charge of, or who may for any purpose be on board any steamboat, propeller, tugboat, ferry boat, or other steam vessel or craft shall operate or blow the whistle of such steamboat, vessel, or other craft while the same is lying at or tied to any of the docks in either the Fox or East Rivers within the County.
  
- (4) **ELECTRIC SOUND AMPLIFICATIONS.** During nighttime hours, no person may operate a radio, juke box, or other electric sound amplification device emitting sound from any industrial or commercial zone or commercial premises that is audible in a residential zone under normal conditions from a distance of 75 feet or more beyond the lot line of the property which emits the sound.
  
- (5) **MEASUREMENT.** When required pursuant to this ordinance, measurement of sound pressure shall be made either with a sound level meter that meets or exceeds the ANSI requirements of the American Standard Specification for Sound Level Meters, Type I or Type II (ANSI s1.4 – 1071) or with an Octave Band Analyzer that meets or exceeds the requirements of ANSI (S1.6 – 1960) or any subsequent nationally adopted standards superseding the above standards. In both cases, the instruments

should be maintained in calibration and good working order and operated in accordance with the manufacturer's instructions.

- (a) Construction Sites, Public Utility Projects, Public Works. The daytime criteria, as set forth in (2), shall not apply to construction sites, public utilities, and public works projects and operations during daytime hours Monday through Saturday, however, the noise shall be minimized through proper equipment operations and maintenance. The nighttime criteria, as set forth in (2), shall not apply to municipal employees and personnel engaged in the collection of solid waste during nighttime hours Monday through Friday. Stationary equipment on construction projects lasting more than 10 days within residential districts shall be shielded or located to prevent unnecessary noise.
- (b) Emergency Operations. Emergency short-term operations necessary to protect the health and welfare of the citizens.
- (c) Noises Required by Law. Any noise required specifically by law for the protection, health, welfare, or safety of people or property.
- (d) Power Equipment. Power equipment during daytime hours such as lawn mowers, small lawn and garden tools, and riding tractors necessary for the maintenance of property, kept in good repair and maintenance, which, when new, would not comply with the standards set forth in this section.
- (e) Snow Removal Equipment. The use of snow removal equipment to remove snow from a path of travel.
- (f) Residential Air Conditioners. Noise emitted by residential air conditioners in good working order.
- (g) Airplanes and Railroad Operations. Aircraft and railroad operations which are controlled specifically by federal law.
- (h) Bells, Chimes. Bells, chimes, and similar devices which signal the time of day and operate during the daytime hours for a duration of no longer than 15 minutes in any given hour during daytime hours.
- (i) Warning Device. Any device being used to request assistance or warn against an unsafe condition.
- (j) Farming Equipment. Non-stationary farming equipment and stationary farming equipment used in drying agricultural crops.
- (k) Disorderly Conduct. Noises created by human behavior and generally considered to be disorderly conduct under other laws and ordinances.
- (l) Animals. Noises created by animals such as, but not limited to, barking dogs.
- (m) Motor Vehicles. Noise created by motor vehicles.
- (n) Exemptions. These provisions shall not apply to:
  - 1. Activities covered by the variance and exemption provisions of this section.



2. Agricultural activities conducted in areas zoned for such use.

(7) VARIANCES.

(a) Special Variance Permits.

1. General. A special variance permit may be issued for an event or circumstance of limited duration, including, but not limited to, special community events.
2. Application. Any person seeking a special variance permit pursuant to this section shall file an application with the Health Director, or his or her designee, 30 days prior to the commencement of the event or activity for which the variance permit is requested. The Health Director may waive the time limit when compliance therewith is impractical. The application for a special variance permit must be made in writing and shall contain all information deemed necessary by the Health Director. A special variance permit may be granted when the Health Director finds that the variance promotes a public interest and results in minimal harm to the public health, safety and welfare.
3. Issuance. Special variance permits shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special variance permit shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of these special variance permits shall terminate it and subject the person holding it to those provisions of this section regulating the source of sound or activity for which the special variance is granted. Variances granted by a municipality within Brown County shall be considered compliant with this chapter as to that municipality regulating the source of a sound not emitted across a municipality boundary.
4. Extension or modification. Application for extension of time limits specified in special variance permits or for modification of other substantial conditions shall be treated like applications for initial special variances.

(b) Conditional Variances.

1. General. Conditional variances may be issued for ongoing or recurring sources which do not comply with the standards of this ordinance for technical or economic reasons.
2. Application. The Brown County board of Health may grant conditional variances if it finds that the variance promotes a public interest and results in minimal harm to the public

health, safety and welfare. The application shall be made in writing to the Health Director not less than 30 days prior to commencement of sound producing operations.

3. Hearing. The application shall be publicly heard before the Brown County Board of Health. The applicant may be required to submit such additional information as the Brown County Board of Health reasonably requires.
  4. Issuance. Conditional variances shall not be issued until the applicant has agreed to the conditions therein. Noncompliance with any condition of a conditional variance shall terminate it and subject the person holding it to those provision of this section regulating the source of sound or activity. The Brown County Board of Health may require the applicant to post a performance bond prior to issuing the variance. Variances granted by a municipality within Brown County will be considered compliance with this chapter as to that municipality regulating the source of a sound not emitted across a municipality boundary.
  5. Extension or modification. Application for extension of time limits specified in special variance permits or for modification of other substantial conditions shall be treated like applications for initial special variances.
- (c) Appeal. An appeal from a decision regarding a variance request may be taken to a court of competent jurisdiction.

39.02 PENALTIES. Any person who shall violate any provision of this section shall be subject to a forfeiture of not less than \$100 nor more than \$500 for the first offense and not less than \$200 nor more than \$1000 for subsequent offenses.

Section 2 - This ordinance shall become effective upon passage and publication.

Respectfully submitted,  
BROWN COUNTY BOARD OF HEALTH  
HUMAN SERVICES COMMITTEE

A motion was made by Supervisor Clancy and seconded by Supervisor Johnson to adopt. Vote taken. Motion carried unanimously with no abstentions.

Approved by: _____ \s\ Nancy J. Nusbaum, County Executive	Date: 5/28/2002
Approved by: _____ \s\ Darlene K. Marcelle, County Clerk	Date: 5/23/2002
Approved by: _____ \s\ Kenneth J. Simons, Board Chairman	Date: 5/24/2002

**No. 10e -- RESOLUTION REGARDING: MENTAL HEALTH CENTER TABLE OF ORGANIZATION CHANGE REGARDING MEAL SERVICES TO BROWN COUNTY AGING RESOURCE CENTER**

A motion was made by Supervisor Schadewald and seconded by Supervisor Watermolen to adopt.

Under discussion.

Supervisor Marquardt explained the cost is for 4 new positions needed to run the program. Meal cost of \$3.15 are the same cost as the private sector. That is why the Committee chose not to go forward with this proposal.

Supervisor Van Deurzen questioned how can we hire 4 new people with a hiring freeze? He asked why the County wants to take this over? Supervisor Van Deurzen asked clarification. If we vote this down, will the contract stay with the private sector. The answer was yes.

The County Executive clarified the 4 positions will equal out and our kitchen is prepared to handle this. Four employees are included in the Meal Costs presented by the proposal. Federal dollars are provided for Meals on Wheels. The County could provide meals \$.02 less and still be more nutritional.

Supervisor Schadewald clarified it costs us \$.02 less for the county to furnish these meals.

Supervisor Zima feels the County could give better food than.

A motion was made by Supervisor Zima and seconded by Supervisor Haefs to send this back to Committee for further review.

Under referral – Supervisor Haefs asked about the contract. Konop’s Vending is continuing on a month to month basis without a contract. Supervisor Haefs supports referral because he sees merit to the quality of meals the County would provide.

Supervisor Schadewald urged the County Board to vote against the referral.

Supervisor Evans stated that investing in 4 employees doesn’t make sense. He’d like to talk with his constituents who use the Meals on Wheels services. Vote on referral taken at this time.

Voice vote. Ayes: 16; Nays: 10. Motion carried to refer back to committee.

**No. 10f -- RESOLUTION REGARDING: DISTRICT ATTORNEY OFFICE REORGANIZATION**

DELETED.

**No. 11 -- Such other matters as authorized by law.**

Supervisor Schmitt commented on how wrong the County Board was to cut off the testimony of people when they came here tonight. We were wrong! We owe it to our constituents to listen to them and we should encourage the people to come to the meetings to express themselves.

Supervisor Collins clarified that we expanded debate by having another date where people will have ample time to address the board.

**No. 12 -- BILLS OVER \$10,000 FOR PERIOD ENDING APRIL 30, 2002.**

A motion was made by Supervisor Watermolen and seconded by Supervisor Fleck to pay the bills. Vote taken. Motion carried unanimously with no abstentions.

**No. 13 -- CLOSING ROLL CALL:**

Present: Antonneau, Graves Nicholson, Schmitt, Miller, Haefs, Hansen, Kaye, Zima, Evans, Vander Leest, Johnson, Vanden Plas, Kuehn, Collins, Marquardt, Daul, Van Deurzen, Fleck, Clancy, Moynihan, Watermolen, Schadewald, Simons, Lund, Fewell

Total Present: 26 Total Excused: None

**No. 14 -- ADJOURNMENT TO WEDNESDAY, JUNE 19, 2002 AT 7:00 P.M., LEGISLATIVE ROOM, 100 N. JEFFERSON STREET, GREEN BAY, WISCONSIN.**

A motion was made by Supervisor Nicholson and seconded by Supervisor Marquardt to adjourn to the above date and time. Vote taken. Motion carried unanimously with no abstentions.

\s\ Darlene K. Marcelle

Brown County Clerk