

## **PROCEEDINGS OF THE BROWN COUNTY BOARD OF SUPERVISORS**

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 19, 2004, at 7:00 p.m.**, at City Hall, 100 N. Jefferson Street, Green Bay, Wisconsin.

The following matters will be considered at the regular monthly meeting:

Call to order.

Invocation.

Pledge of Allegiance to the Flag.

Opening Roll Call:

Present: Van Den Heuvel, Graves, Nicholson, Theisen, Krueger, Haefs, Erickson, Kaye, Zima, Evans, Vander Leest, Johnson, Dantine, Frohna, Collins, Beyl, Backmann, Van Deurzen, Fleck, Clancy, Moynihan, Zabel, Scray, Hinz, Lund

Excused: Fewell

Total Present: 25                      Excused: 1

**No. 1 -- Adoption of Agenda.**

A motion was made by Supervisor Krueger and seconded by Supervisor Nicholson **“to approve the agenda as amended.”** Voice vote taken. Motion carried unanimously with no abstentions.

**No. 2 -- Approval of minutes of County Board Meeting of April 20, 2004.**

A motion was made by Supervisor Fleck and seconded by Supervisor Beyl **“to approve the minutes”**. Voice vote taken. Motion carried unanimously with no abstentions.

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

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

**No. 5-- Appointments by County Executive.**

**No. 5a -- Appointment of Mary Scray and Fred Graves and reappointment of Erin Tisch, Steve Thomas and Marvin Rucker to Affirmative Action Committee.**

A motion was made by Supervisor Lund and seconded by Supervisor Johnson **“to approve the above appointments”**. Voice vote taken. Motion carried unanimously with no abstentions.

**No. 5b -- Appointment of Ethel Macaux, Barb Wescott and Judy Watermolen to Aging Resource Center.**

A motion was made by Supervisor Dantine and seconded by Supervisor Zabel **“to approve the above appointments”**. Voice vote taken. Motion carried unanimously with no abstentions.

**No. 5c -- Appointment of Chris Zabel to Bay Lakes Regional Planning Commission.**

A motion was made by Supervisor Krueger and seconded by Supervisor Nicholson **“to approve the above appointment.”** Voice vote taken. Motion carried unanimously with no abstentions.

**No. 5d -- Appointment of Judy Glenz and reappointment of Sunny Archambault, Pat Hickey, Gerri Schrader and Glen Chapin to Community Options Planning.**

A motion was made by Supervisor Johnson and seconded by Supervisor Van Deurzen **“to approve the above appointments”**. Voice vote taken. Motion carried unanimously with no abstentions.

**No. 5e -- Reappointment of Tom Meinz to Green Bay Metropolitan Sewerage District.**

A motion was made by Supervisor Vander Leest and seconded by Supervisor Dantine **“to approve the above appointment”**. Voice vote taken. Motion carried unanimously with no abstentions.

**No. 5f -- Appointment of Harold Pfothauer and reappointment of Audrey Murphy to Board of Health.**

A motion was made by Supervisor Kaye and seconded by Supervisor Erickson **“to approve the above appointments”**. Voice vote taken. Motion carried unanimously with no abstentions.

**No. 5g -- Reappointment of Paul Kendle and Darlene Hallet to Housing Authority.**

A motion was made by Supervisor Frohna and seconded by Supervisor Zabel **“to approve the above appointments.”**

A motion was by Supervisors Zima, Van Den Heuvel, Krueger, Scray, Dantine and Vander Leest **“to abstain”**. Voice vote taken. Motion carried.

A motion was made by supervisor Evans and seconded by Supervisor Krueger **“to reconsider”**. Voice vote taken. Motion carried unanimously with no abstentions to reconsider the vote.

A motion was made by Supervisor Theisen and seconded by Supervisor Nicholson **“to approve the above appointments”**. Voice vote taken. Motion carried.

**No. 5h -- Appointment of Chris Zabel, April Strom, Dr. Diana Luder and reappointment of Randy Wescott and Virginia Bryan to Human Services Board.**

A motion was made by Supervisor Evans and seconded by Supervisor Theisen **“to approve the above appointments”**. Voice vote taken. Supervisor Collins asked to be recorded as **“abstaining”**. Motion carried.

**No. 5i -- Appointment of Bernie Erickson and Patrick Evans to Museum Board of Directors.**

A motion was made by Supervisor Zabel and seconded by Supervisor Scray “**to approve the above appointments**”. Voice vote taken. Motion carried unanimously with no abstentions.

**No. 5j -- Appointment of Mary Scray and reappointment of John Vander Leest to NEW Zoo Advisory Committee.**

A motion was made by Supervisor Erickson and seconded by Supervisor Dantine “**to approve the above appointments**”. Voice vote taken. Motion carried unanimously with no abstentions.

**No. 6a -- County Executive Report. No report.**

**No. 6b -- Board Chairman Report.**

Chairman Moynihan offered condolences to Supervisor Fleck on the loss of his brother, William. Additionally, Chairman Moynihan offered condolences to Cathy Williquette, Register of Deeds, on the loss of her father-in-law.

He explained the procedure of the meeting on committee reports, adding some members may abstain when they feel it is necessary. Also, any Board member may request a roll call vote at any time. Chairman Moynihan added that late communications will be taken at the end of the meeting under “Such Other Matters As Authorized By Law”. He cautioned that all communications should be to the point and not argumentative.

Chairman Moynihan also announced the Wisconsin Counties Association Meeting is September 26<sup>th</sup> thru 28<sup>th</sup> in Milwaukee. If Board members have any interest in attending, they should contact the County Board Office.

**No. 6c -- Board Vice Chair Report.**

Vice Chairman Haefs mentioned that the Executive Committee, Legislative Subcommittee is looking for volunteers. If volunteers do not come forward, items will go directly to Executive Committee. Vice Chair Haefs explained how resolutions are handled. If a committee member didn't agree with the Committee agenda item, it is addressed at the time the Resolution is addressed and not taken from the Committee report. He explained it is set up this way because it's a cleaner way to handle it. By handling it this way, the Board is not addressing the same item twice.

**No. 7 -- Other Reports. None.**

**No. 8 -- Standing Committee Reports.**

**No. 8a -- REPORT OF ADMINISTRATION COMMITTEE OF MAY 6, 2004**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The ADMINISTRATION COMMITTEE met in regular session on May 6, 2004, and recommends the following motions:

1. Election of Chair. Tom Lund elected Chair.
2. Election of Vice Chair. Fred Graves, Jr. elected as Vice-Chair.
3. Set date and time for regular meetings. Second Wednesday of month at 5:00 p.m.
4. Review minutes of:
  - a. Housing Authority (3/22/04 and 4/19/04).  
Receive and place on file.
5. Communication from Supervisor Pat Collins regarding: Non-compliance with County Code 3.23 by Corporation Counsel. Receive and place on file.
6. Communication from Jerry H. Hanson, Interim City Attorney, City of Green Bay, regarding: Request to take the title of H & R Landfill, Finger Road, Green Bay, and request for property tax cancellation upon the transfer of ownership. Refer to staff and follow up at next meeting.
7. Department of Administration – Request for Budget Transfer (#04-18); Increase in Expenditures with Offsetting Increase in Revenue: Transfer of funds from Human Resources Salary Adjustments account to Child Support and Human Services accounts to cover the re-classification of employee positions completed February 2004. (Child Support: Salaries - \$31,834 increase, Fringe - \$5,543 increase; Human Services: Salaries - \$5,208 increase, Fringe - \$915 increase; Human Resources – Salary \$44,500 decrease.)  
Approve.
8. Department of Administration – 2004 Budget Transfer Log. Receive and place on file.
9. Human Resources – Monthly Committee Report (April 2004). Receive and place on file.
10. Corporation Counsel – Resolution regarding: Disallowance of Claim (American Family Insurance Co. on Behalf of Joe Andrews.) Adopt items 10-15. See Resolutions, Ordinances May County Board.
11. Corporation Counsel – Resolution regarding: Disallowance of Claim (Wisconsin Public Service). Adopt items 10-15. See Resolutions, Ordinances May County Board.
12. Corporation Counsel – Resolution regarding: Disallowance of Claim (Jason Starke). Adopt items 10-15. See Resolutions, Ordinances May County Board.
13. Corporation Counsel – Resolution regarding: Disallowance of Claim (Sue Patterson). Adopt items 10-15. See Resolutions, Ordinances May County Board.
14. Corporation Counsel – Resolution regarding: Disallowance of Claim (Ricardo Peguero). Adopt items 10-15. See Resolutions, Ordinances May County Board.
15. Corporation Counsel – Resolution regarding: Disallowance of Claim (Estate of Thomas P. Burke and Paula M. Roush). Adopt items 10-15. See Resolutions, Ordinances May County Board.
16. Audit of bills. Approve audit of bills.

A motion was made by Supervisor Nicholson and seconded by Supervisor Beyl **“to adopt”**. Voice vote taken. Supervisors Krueger, Zima, Vander Leest and Van Den Heuvel abstained from Item #4a. Motion carried.

Approved by: \s\ Carol J. Kelso, County Executive

Date Signed: 5/28/2004

No. 8b -- REPORT OF EDUCATION AND RECREATION COMMITTEE OF  
APRIL 29, 2004

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The EDUCATION AND RECREATION COMMITTEE met in regular session on April 29, 2004 and recommends the following motions:

1. Election of Chair. Supervisor John Vander Leest elected Chair.
2. Election of Vice Chair. Supervisor Kathy Johnson elected Vice Chair.
3. Set date and time for regular meetings. Fourth Thursday, 5:15 p.m., locations vary.
4. Arena/Expo Centre – Communication from Supervisor John Vander Leest regarding: Request to review the roof problems at the Brown County Arena. (Referred from April County Board.) Refer to staff to study further and bring back options and specifications to this Committee next month.
5. Museum – Director’s report. Receive and place on file.
6. Library – Communication from Rob Miller regarding: Exploring and working toward having the Library card honored at all public libraries in Brown County including UW-GB and NWTC (Referred from March County Board.) Received and placed on file.
7. Library – Communication from Rick Schadewald regarding: Representation on the Library Board fro the West Side of the County. (Referred from March County Board.) Receive and place on file.
8. Library – Communication from Supervisor Vander Leest regarding: To create a new stop on the bookmobile route at Village West on Ninth Street in Green Bay. (Referred from March County Board.) Receive and place on file.
9. Library – List of priorities for maintenance and repair issues in Library facilities (from March meeting). (See Attached.)
  - a) Accept lowest qualified bid for replacement of Southwest Library roof.
  - b) Amendment: Have roof, carpeting, window and air conditioning replaced, along with the roof at Southwest Library (This includes approving everything on the attached list except the Weyers/Hilliard).
  - c) Get a report from a contractor stating if there is a problem at the Weyers Hilliard Library and bring this back to this committee.
10. Library – Request from Brown County Library Board action February 20, 2004 to carryover \$42,800 from the 2003 salary account and \$19,863 from the 2003 fringe account to the 2004 salary and fringe accounts and to avoid closing all libraries for one week in 2004. Refer to staff.
11. Communication from Kathy Dettman, Children’s Librarian at Kress Family Library regarding: Waiver of fees for Fox River Trail on Thursday, July 22, 2004 from 12 noon to 2 p.m. Approve.
12. Library – Director’s report. Receive and place on file.
13. Golf Course – Golf Report (April 13, 2004). Receive and place on file.

14. Golf Course – Daily Financial and Attendance Report. Receive and place on file.
15. Golf Course – Superintendent’s report. No action.
16. Parks – Communication from Supervisor Kathy Johnson regarding: Request Education and Recreation Committee review with Airport Director the possibility of a soccer field on Brown County property near the Airport. To table.
17. Parks – Request for Budget Transfer (#04-19): Increase in Expenditures with Offsetting Increase in Revenue: Request to construct a new boat launch/fishing dock at Lily Lake. (Total cost \$48,000.) Approve transfer of \$24,000. (See Attached.)
18. Parks – Request for Budget Transfer (#04-20): Increase in Expenditures with Offsetting Increase in Revenue: Brown County Parks will receive a \$375,000 court-approved settlement from Georgia Pacific for natural resources damage assessment. Money will be used to build a new maintenance and multi-purpose building, trail hardening and a marsh overlook all at Barkhausen Waterfowl Preserve. (Miscellaneous Community Support \$374,000; General Construction \$310,000; Landscape \$50,000; Other Miscellaneous Capital Projects \$15,000.) Approve transfer.
19. Parks – Communication from Ben Vanden Bergh to donate a flagpole memorial at the Brown County Fairgrounds. Cost of memorial will be paid entirely by numerous veterans’ organizations. Approve this with approval of De Pere and Brown County Parks Department to pick the best site.
20. Parks – Request from Patti Kropp, Brown County 4-H Horse Fair and Education Committee, for waiver of rental fees for horse ring for two clinics on June 23 and July 17. To deny.
- \*\* 21. Parks – Request from Victoria Reigel, Green Bay Blizzard, to rent space at the Old Packer Hall of Fame Building. Approve on a month-to-month basis with a 30-day notice to vacate.
- \*\* REFER ITEM #21 BACK TO EDUCATION AND RECREATION COMMITTEE PER THE COUNTY BOARD ON 5/19/2004.
22. Parks – Request from Jay Charles, President of Waterboard Warriors, for permission to use the facilities at Wrightstown Park for water ski shows and practices. Approve for \$200.
23. Parks – Request from Brown County Children with Disabilities Education Board for admission fee waiver to the NEW Zoo. To table until more specific information is received.
24. Parks – Park Director’s reports for February and March. Receive and place on file.
25. NEW Zoo – Request from Tom Mattke, Director of Head Start, for waiver of fees for admission into the Zoo for their family picnic. To deny.
26. NEW Zoo – Request for Budget Transfer (#04-16): Request to use funds generated from new Endangered Species Carousel (donated by Zoological Society) user fees to cover 1,200 additional hours in the Concessionaire Supervisor pool. (Total cost \$15,613). Approve.
27. NEW Zoo – Communication from Supervisor Kathy Johnson regarding: Park Director eliminates the requirement that the Park Manager reside in the Park House. (Referred from March County Board.) Zoo Director does not have to live on premises.
28. NEW Zoo Monthly Activity Reports for February and March. No action.
29. Audit of bills. Pay the bills.

ATTACHMENT TO ITEM #17

PROPOSED LIBRARY CAPITAL EXPENDITURES  
 PROVIDED TO THE EDUCATION AND RECREATION COMMITTEE  
 APRIL 29, 2004

Roofing at Southwest Library	Out for bid per Bill Dowell
Recarpeting at Southwest Library	\$ 10,969
Fiber cement-Hardie Cedarmill Siding and trim at Weyers/Hilliard	\$ 65,486
Window replacement at Southwest Library	\$ 48,802
HVAC modifications at Southwest Library	\$ 11,500
TOTAL	<b>\$136,757</b>

A motion was made by Supervisor Fleck and seconded by Supervisor Van Deurzen **“to adopt”**. Supervisor Haefs requested **“to be recorded as voting nay on item #16”**. Supervisor Vander Leest requested **“Item #21 be voted on separately”**. Voice vote taken on remainder of report. Motion carried.

Item #21 -- Parks – Request from Victoria Reigel, Green Bay Blizzard, to rent space at the Old Packer Hall of Fame Building. Committee Action: Approve on a month-to-month basis with a 30-day notice to vacate.

A motion was made by Supervisor Vander Leest and seconded by Supervisor Krueger **“to refer item #21 back to Education and Recreation Committee”**. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Carol J. Kelso, County Executive Date Signed: 5/28/2004

At this time a motion was made by Supervisor Evans and seconded by Supervisor Krueger **“to reconsider #5g”**. Voice vote on “reconsideration”. Passed unanimously with no abstentions. Vice Chairman Haefs explained the correct procedure each County Board member must follow when voting on “Housing Authority Reports”. Those Board Members requesting to abstain from this report are: Supervisors Zima, Van Den Heuvel, Krueger, Scray, Dantine and Vander Leest. A motion was made by Supervisor Theisen and seconded by Supervisor Nicholson **“to approve the appointments, noting those abstentions.”** Voice vote taken. Motion carried. (These changes are noted under 5g).

**No. 8c -- REPORT OF EXECUTIVE COMMITTEE OF MAY 10, 2004**

TO THE MEMBERS OF THE BROWN COUNTY  
 BOARD OF SUPERVISORS

Ladies and Gentlemen:

The EXECUTIVE COMMITTEE met in regular session on May 10, 2004 and recommends the following motions:

1. Election of Vice Chair. Patrick Moynihan, Jr., elected as Vice Chair.
2. Set time and date for regular meetings. (Monday of week preceding County Board meeting at 5:30 p.m.)
3. Report by County Executive. No action.
4. Legislative Subcommittee report.
  - a) Communication from Supervisor Dan Haefs regarding: Request Executive Committee to appoint members fro Legislative Subcommittee.  
No action.
5. Internal Auditor Report.
  - a) Other Wisconsin Counties' Press Release Policies – Updated. Receive and place on file.
  - b) Results of Brown County payroll system. Instruct staff to develop RFP's for this project.
6. Information regarding: Chairs of Standing Committees responsibilities. Receive and place on file.
- \*\* 7. Setting pay levels for elected officials for the two-year term beginning January 2005 through December 2006. Establish all four salaries (County Clerk, Register of Deeds, Treasurer and Clerk of Courts) at \$62,500.
- \*\* AMEND ITEM #7 BY CHANGING THE SALARIES FROM \$62,500 TO \$57,000 AS PER THE COUNTY BOARD ON 5/19/2004.
8. Communication from Supervisor Pat Collins regarding: Open Meetings Law and Department Heads attending Standing Committee meetings. (Referred from April County Board.) Receive and place on file.
9. Communication from Supervisor Pat Collins regarding: Non-compliance with County Code 3.23 by Corporation Counsel. Receive and place on file.
10. Communication from Rodney Cotillier regarding: Diversity Affairs Council. Refer this issue to County Executive and it is understood that Mr. Cotillier will meet with the County Executive and County Board Chair or Vice Chair to work this out.
11. Communication from Supervisor Dan Haefs regarding: Service fees for Oneida Indians. Enter into negotiations with the Oneida Nation for a service fee in lieu of taxes.
12. Communication from Supervisor Mike Fleck regarding: County Board video tapes of monthly meetings for De Pere, Allouez, Bellevue, Ashwaubenon. Approve the request.
13. Support of TABOR bill by State Representative Frank Lasee. (Held from March meeting.) Letters attached inviting representatives to Executive Committee meeting. Receive and place on file.
14. Sample TABOR Resolution from Mark D. O'Connell, Executive Director, WCA. Receive and place on file.
15. **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) Entered into closed session.
- b) Return to regular order of business.
- c) No action taken.

A motion was made by Supervisor Evans and seconded by Supervisor Kaye **“to adopt”**. Supervisor Evans requested **“Item #7 be voted on separately”**. Supervisor Haefs requested **“Item #11 be voted on separately”**. Voice vote taken. Remainder of reported adopted unanimously with no abstentions.

Item #7 -- Setting pay levels for elected officials for the two-year term beginning January 2005 through December 2006. Committee action: Establish all four salaries (County Clerk, Register of Deeds, Treasurer and Clerk of Courts) at \$62,500.

Supervisor Evans explained the salaries of the four elected positions and explained the committee members didn't have proper information when making their decision at the meeting. Since that meeting, a salary survey of elected officials was taken. He explained some history of the class and comp plan.

A motion was made by Supervisor Evans and seconded by Supervisor Zima **“the salaries for the County Clerk, Register of Deeds, Treasurer and Clerk of Courts to be \$57,000 for the years of 2005 and 2006”**.

Discussion followed.

A motion was made by Supervisor Clancy and seconded by Supervisor Johnson **“to suspend the rules to allow interested parties to address the Board”**. Voice vote taken. Motion carried unanimously with no abstentions.

Kerry Blaney, Brown County Treasurer, passed out information on the duties of his office and spoke of the many things his office does. He invited the Supervisors to visit his office.

Cathy Williquette, Register of Deeds, spoke on the Class and Comp plan, stating that a professional team did the Class & Comp Study and that this was how the salaries were formed. She said it is not fair to single out elected officials. She gave examples of how her office has generated dollars for the County. Ms. Williquette invited County Board members to visit her office.

A motion was made by Supervisor Zima and seconded by Supervisor Lund **“to return to the regular order of business”**. Voice vote taken. Motion carried unanimously with no abstentions.

Discussion followed.

A motion was made by Supervisor Nicholson and seconded by Supervisor Van Den Heuvel **“to amend the pay salaries to \$53,000”**

Discussion followed.

Vote taken on Supervisor Nicholson's motion **“to amend the pay salaries to \$53,000”**. Roll Call #8c(1):

Ayes: Van Den Heuvel, Nicholson, Vander Leest, Backmann, Scray

Nays: Graves, Theisen, Krueger, Haefs, Erickson, Kaye, Zima, Evans, Johnson Dantine, Frohna, Collins, Beyl, Van Deurzen, Fleck, Clancy, Moynihan, Zabel, Hinz, Lund

Excused: Fewell

Total Ayes: 5                      Total Nays: 20                      Excused: 1

Motion defeated **“to amend the pay salaries to \$53,000”**.

A motion was made by Supervisor Graves and seconded by Supervisor Johnson **“to have all salaries (County Clerk, Register of Deeds, Clerk of Courts) \$57,000 other than Treasurer \$59,900”**.

A motion was made by Supervisor Graves and seconded by Supervisor Clancy **“to adopt Supervisor Grave’s amended motion”**. Vote taken. Roll Call #8c(1):

Ayes: Graves, Vander Leest, Johnson, Moynihan

Nays: Van Den Heuvel, Nicholson, Theisen, Krueger, Haefs, Erickson, Kaye, Zima, Evans, Dantine, Frohna, Collins, Beyl, Backmann, Van Deurzen, Fleck, Clancy, Zabel, Scray, Hinz, Lund

Excused: Fewell

Total Ayes: 4 Total Nays: 21 Excused: 1

Motion defeated **“to adopt Supervisor Graves’ amended motion”**.

A motion was made by Supervisor Krueger and seconded by Supervisor Clancy **“to make all County Constitution Offices that are elected for a two year term the same pay scale. \$59,000 a year for the years 2005 and 2006”**. Vote taken. Roll Call #8c(3):

Ayes: Krueger, Johnson, Frohna, Collins, Beyl, Clancy, Moynihan

Nays: Van Den Heuvel, Graves, Nicholson, Theisen, Haefs, Erickson, Kaye, Zima, Evans, Vander Leest, Dantine, Backmann, Van Deurzen, Fleck, Zabel, Scray, Hinz, Lund

Excused: Fewell

Total Ayes: 7 Total Nays: 18 Excused: 1

Motion defeated **“to make all County Constitution Officers that are elected for a two year term the same pay scale. \$59,000 a year for the years 2005 and 2006”**.

Back to motion by Supervisor Evans **“to have the salaries for the County Clerk, Register of Deeds, Treasurer, and Clerk of Courts to be \$57,000 for the years of 2005 and 2006”**. Roll Call #8c(4):

Ayes: Van Den Heuvel, Graves, Theisen, Haefs, Erickson, Kaye, Zima, Evans, Vander Leest, Johnson, Dantine, Beyl, Backmann, Van Deurzen, Clancy, Moynihan, Zabel, Scray, Lund

Nays: Nicholson, Krueger, Frohna, Collins, Fleck, Hinz

Excused: Fewell

Total Ayes: 19 Total Nays: 6 Excused: 1

Motion carried **“to have the salaries for the County Clerk, Register of Deeds, Treasurer, and Clerk of Courts to be \$57,000 for the years of 2005 and 2006”**.

Item #11 -- Communication from Supervisor Haefs regarding: Service fees for Oneida Indians. Committee action; Enter into negotiations with the Oneida Nation for a service fee in lieu of taxes.

A motion was made by Supervisor Haefs and seconded by Supervisor Krueger **“to approve item #11”**.

Supervisor Haefs gave background that the 2004 budget did not have a line item in the budget for revenue from the Oneida Nation. Previous to that we had a two year agreement. He continued saying if services are rendered to “for profit agencies” those services should be paid for. Supervisor Haefs asked Corporation Counsel, John Jacques to explain what is happening.

Mr. Jacques explained that approximately one and ½ weeks ago the Wisconsin Supreme Court issued a decision that Governor Doyle did not have the authority to enter into a contract with the

Potowotamie Tribe nor did he have the authority to waive the sovereign unity of the State. He added the tribes could bring this to Federal Court. Currently there is legislation in Madison to clarify what authority the Governor has to negotiate these contracts. Mr. Jacques said a decision should be made in the next 30 days. The pending decision may affect the leverage Brown County may have to negotiate with the Oneidas.

Supervisor Haefs said he hoped this vote will be 26 – 0 which would show the County Executive the direction the County Board wishes to go. Supervisor Haefs said the bottom line here is to have a line item in the 2005 budget that says Revenue from the Oneida Nation.

Vote taken **“to approve item #11”**. Roll Call #8c(5):

Ayes: Van Den Heuvel, Graves, Nicholson, Theisen, Krueger, Haefs, Erickson, Kaye, Zima, Evans, Vander Leest, Johnson, Dantine, Frohna, Collins, Beyl, Backmann, Van Deurzen, Fleck, Clancy, Moynihan, Zabel, Scray, Hinz, Lund

Excused: Fewell

Total Ayes: 25 Total Nays: 0 Excused: 1

Motion carried **“to approve item #11”**.

Approved by: \s\ Carol J. Kelso, County Executive Date Signed: 5/28/2004

#### **No. 8d -- REPORT OF HUMAN SERVICES COMMITTEE OF MAY 4, 2004**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The HUMAN SERVICES COMMITTEE met in regular session on May 4, 2004, and recommends the following motions:

1. Election of Chair.
  - a) Nomination for Supervisor Evans: Vote taken. Ayes: 4 (Evans, Van Deurzen, Zima, Zabel).
  - b) Nomination for Supervisor Fewell: Vote taken. Ayes: 3 (Fewell, Hinz, Frohna).  
Supervisor Evans elected as Chair.
2. Election of Vice Chair.
  - a) Supervisor Zima elected as Vice Chair (unanimous).
3. Set date and time for regular meetings. Meet at 4:30 p.m. on third Wednesday of month.
4. Review minutes of:
  - a) Human Services Board (3/4/04 & 4/1/04).
  - b) Children with Disabilities Education Board (3/10/04).
  - c) Community Options Program appeals Committee (3/29/04).
  - d) Veterans’ Recognition Subcommittee (3/9/04 & 4/13/04).
  - e) Aging Resource Center (3/26/04).Receive and place on file items a-e.
5. Syble Hopp School – Director’s report. Receive and place on file.
6. Veterans’ Department – Director’s report. Receive and place on file.

7. Communication from Supervisor Mike Fleck regarding: Requesting that before there is any vote on the Mental Health Center that the Brown County Board members schedule a visit to Brewster Village in Outagamie County. (Referred from April County Board.) Request staff to supply information to the committee on the village concept and establish a contact person there, so that Supervisors could individually view the concept.
8. Request continuation of Veterans' Recognition Subcommittee and request continuation of present members. (Requested by Chair Patrick Moynihan, Jr.) Approve.
9. Human Services Department – Orientation to Human Services Department for new Committee/Board members. Receive and place on file.
10. Human Services Department – Request for Budget Transfer (#04-14): Change in any item within Outlay account which requires the transfer of funds from any other major budget category or the transfer of Outlay funds to another major budget category: Increase in revenue for Child Care Administration and IM Administration, decrease expenses in the department outlay offset by additional equipment expenses in the IS charge backs. Approve.
11. Human Services Department – Discussion regarding tour of Mental Health Center. Have the Chair set up a meeting at the Mental Health Center at a convenient time, so that the committee can take a tour at that time. (Motion same for nos. 11 & 12).
12. Human Services Department – Request for future Board/Committee meetings to be held at Mental Health Center. Have the Chair set up a meeting at the Mental Health Center at a convenient time, so that the committee can take a tour at that time. (Motion same for nos. 11 & 12).
13. Human Services Department – Medicaid pending State Plan Amendment information. Receive and place on file.
14. Human Services Department – 2003 Annual Report distribution. No action.
15. Human Services Department – Facilities Update. Receive and place on file.
16. Human Services Department – ICF-MR update. Receive and place on file.
17. Human Services Department – Strategic plan consultation update. Receive and place on file.
18. Audit of bills. (Unanimous consent to pay the bills.)

A motion was made by Supervisor Van Deurzen and seconded by Supervisor Backmann “**to adopt**”. Supervisor Fleck requested #7 be taken separately. Vote taken. Remainder of report adopted unanimously with no abstention.

Item #7 -- Communication from Supervisor Mike Fleck regarding: Requesting that before there is any vote on the Mental Health Center that the Brown County Board members schedule a visit to Brewster Village in Outagamie County. (Referred from April County Board.) Committee action: Request staff to supply information to the committee on the village concept and establish a contact person there, so that Supervisors could individually view the concept.

Under discussion, Supervisor Fleck explained that he took this separately because he wanted to stress how important it is that the County Board visit this center, as a group, not individually. He feels there is so much to be gained by sharing ideas on the trip.

Discussion followed.

A motion was made by Supervisor Van Deurzen and seconded by Supervisor Zima “to adopt item #7”.

Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Carol J. Kelso, County Executive \_\_\_\_\_

Date Signed: 5/28/2004

**No. 8e -- REPORT OF PLANNING, DEVELOPMENT AND TRANSPORTATION COMMITTEE AND LAND CONSERVATION SUBCOMMITTEE OF MAY 3, 2004**

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 May 3, 2004, and recommend the following motions.

**Land Conservation Subcommittee**

1. Election of Chair.
  - a) Nomination of Supervisor Erickson. Vote taken. Ayes: 3 (Secret ballot).
  - b) Nomination of Supervisor Dantine. Vote taken. Ayes: 3 (Secret ballot).
  - c) Supervisor Erickson withdrew his name from ballot.  
Supervisor Dantine elected as Chair.
2. Election of Vice Chair.
  - a) Nomination of Supervisor Erickson.  
Supervisor Erickson elected as Vice Chair.
3. Explanation of State Statute regarding: Makeup of Land Conservation Subcommittee.  
Receive and place on file.
4. Set date and time for regular meetings. (4<sup>th</sup> Wednesday of month with May 26 being first meeting.)
5. Land Conservation Department review (10-15 minutes). Receive and place on file.
6. Correspondence from NACD Great Lakes Committee to Merlin Vanden Plas regarding: Dues. Receive and place on file.
7. Request for Budget Transfer: Increase in Expenditures with Offsetting Increase in Revenue: Donations of \$4,000 to cover summer intern. Approve.
8. Director’s report. Receive and place on file.

**Planning, Development and Transportation Committee**

1. Election of Chair.
  - a) Nomination of Supervisor Krueger. Vote taken. Ayes: 2 (Secret ballot).
  - b) Nomination for Supervisor Dantine. Vote taken. Ayes: 3 (Secret ballot).  
Supervisor Dantine elected as Chair.
2. Election of Vice Chair.
  - a) Supervisor Krueger elected as Vice Chair.

3. Set date and time for regular meetings. (4<sup>th</sup> Wednesday of month at 6:30 p.m. with first meeting May 26, 2004).
4. Review minutes of:
  - a) Planning Commission Board of Directors (4/7/04).
  - b) Planning Commission Board of Directors Transportation Subcommittee (8/18/03).
  - c) Brown County Revolving Loan Fund Committee (3/19/04).Receive and place on file a-c.
5. Airport – Director’s report. Receive and place on file.
6. Highway – Commissioner’s Report. Receive and place on file.
7. UW-Extension – Director’s report and department overview. Receive and place on file.
8. Register of deeds 2003 Annual Report. Receive and place on file.
9. Port and Solid Waste – Tri-County Recycling and Solid Waste Audit. (Request for approval pending Solid Waste Board May 17, 2004 approval.) Approve.
10. Port and Solid Waste – Resolution regarding: Authorizing Application for a Grant for the Purpose of Collection and Disposal of CRTs from the Wisconsin Department of Natural Resources. Committee approved. See Resolutions, Ordinances May County Board.
11. Port and Solid Waste 2003 Annual Report. Receive and place on file.
12. Port and Solid Waste – Brown County East Landfill Sanitary Sewer and Water Extension informational). No action.
13. Port and Solid Waste – Director’s report. Receive and place on file.
14. Audit of bills. Pay the bills.

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

Approved by: \s\ Carol J. Kelso, County Executive

Date Signed: 5/28/2004

**No. 8f -- REPORT OF PUBLIC SAFETY COMMITTEE OF MAY 5, 2004**

TO THE MEMBERS OF THE BROWN COUNTY  
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The PUBLIC SAFETY COMMITTEE met in regular session on May 5, 2004, and recommends the following motions:

1. Election of Chair.
  - a) Nomination for Andy Nicholson. Ayes: 2 (Van Den Heuvel, Nicholson).
  - b) Nomination for Harold Kaye. Ayes: 3 (Clancy, Kaye, Zima).Harold Kaye elected Chair.
2. Election of Vice Chair. Guy Zima elected as Vice-Chair. Unanimous.
3. Set date and time for regular meetings. (Temporarily keep meeting on 1<sup>st</sup> Wednesday of month at 5:15 p.m.)

4. Review minutes and reports of:
  - a) Emergency Medical Services Council (3/17/04). Receive and place on file.
5. Quarterly Report of Brown County Security/Incident Review Committee. Receive and place on file.
6. Volunteers in Probation – Monthly Statistics (March 2004). Receive and place on file.
7. Volunteers in Probation – Quarterly Statistics (January, February, March 2004). Receive and place on file.
8. Medical Examiner – Regional autopsy/morgue agreement for 2004 with seven Northeastern Wisconsin counties (Brown, Door, Florence, Kewaunee, Marinette, Oconto, Shawano). Held from previous meeting. No action.
9. Medical Examiner – Discussion regarding: Change in policy of Human Services department overseeing funds to the Medical Examiner’s department for burial for indigents. Receive and place on file.
10. Public Safety Communications – Director’s report. Receive and place on file.
11. Sheriff – Communication from Supervisor Andy Nicholson regarding: Review the consolidation of the two existing jails into one by closing the Huber jail (downtown) on Walnut Street. (Referred from April County Board.) Hold until Supervisor Nicholson’s questions are answered by Internal Auditor.
12. Sheriff – Discussion of Sheriff fee for seizures and evictions. Increase fee for seizures and evictions from \$10 to \$35 per officer per hour per Wisconsin Act 182.
13. Sheriff – Discussion of feasibility of traffic citations offsetting traffic officer costs. Hold for one month.
14. Sheriff – Discussion of jail pharmacy bids. Hold for review of the RFP at the June meeting.
15. Sheriff – Discussion regarding: Traffic Chief. Hold for one month to allow time to review information distributed by Sheriff Kocken.
16. Sheriff – Key Factor Report 2004 with Jail Average Daily Population by month and overtime by expenditures by division/session 2004 – for May 2004 meeting. Receive and place on file.
17. Sheriff’s report. Receive and place on file.
18. **Closed Session:** Pursuant to Section 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.)
19. Audit of bills. Audit the bills.

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

Approved by: \s\ Carol J. Kelso, County Executive

Date Signed: 5/28/2004

**No. 9 -- Resolutions, Ordinances:**

A motion was made by Supervisor Haefs and seconded by Supervisor Clancy **“to adopt Resolutions #9a thru #9f with one vote.”** Voice vote taken. Motion carried unanimously **“to adopt resolutions #9a thru #9f with one vote”**.

No. 9a -- **RESOLUTION REGARDING: DISALLOWANCE OF CLAIM  
(AMERICAN FAMILY INSURANCE CO. ON BEHALF OF JOE  
ANDREWS)**

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

Ladies and Gentlemen:

WHEREAS, a Notice of Claim and Claim was filed on December 22, 2003, in the Brown County Clerk's office; and

WHEREAS, said Claim alleges that American Family Insurance Co. and Joe Andrews sustained damages, and alleges that said damages were caused by Brown County and an employee 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 American Family Insurance Co. and on behalf of Joe Andrews, 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 claimants, American Family Insurance Co. and Joe Andrews, as a notice of disallowance.

Respectfully submitted,  
ADMINISTRATION COMMITTEE

Approved by: \s\ Carol J. Kelso, County Executive Date Signed: 5/28/2004

No. 9b -- **RESOLUTION REGARDING: DISALLOWANCE OF CLAIM  
(WISCONSIN PUBLIC SERVICE)**

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

Ladies and Gentlemen:

WHEREAS, a Claim was filed on March 26, 2004, in the Brown County Clerk's office; and

WHEREAS, said Claim alleges that Wisconsin Public Service 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 Wisconsin Public Service 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, Wisconsin Public Service, as a notice of disallowance.

Respectfully submitted,  
ADMINISTRATION COMMITTEE

Approved by: \s\ Carol J. Kelso, County Executive Date Signed: 5/28/2004

No. 9c -- **RESOLUTION REGARDING: DISALLOWANCE OF CLAIM (JASON STARKE)**

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

Ladies and Gentlemen:

WHEREAS, a Claim was filed on March 10, 2004, in the Brown County Clerk's office;  
and

WHEREAS, said Claim alleges that Jason Starke 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 Jason Starke 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, Jason Starke, as a notice of disallowance.

Respectfully submitted,  
ADMINISTRATION COMMITTEE

Approved by: \s\ Carol J. Kelso, County Executive Date Signed: 5/28/2004

No. 9d -- **RESOLUTION REGARDING: DISALLOWANCE OF CLAIM (SUE PATTERSON)**

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

Ladies and Gentlemen:

WHEREAS, a Notice of Claim was filed on November 10, 2003, in the Brown County Clerk's Office; and

WHEREAS, said Notice of Claim alleges that Sue Patterson 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 Sue Patterson, 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, Sue Patterson, as a notice of disallowance.

Respectfully submitted,  
ADMINISTRATION COMMITTEE

Approved by: \s\ Carol J. Kelso, County Executive Date Signed: 5/28/2004

No. 9e -- **RESOLUTION REGARDING: DISALLOWANCE OF CLAIM (RICARDO PEGUERO)**

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

Ladies and Gentlemen:

WHEREAS, a Notice of Claim was filed on November 21, 2003 in the Brown County Clerk's office; and

WHEREAS, said Notice of Claim alleges that Ricardo Peguero 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 Ricardo Peguero, 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, Ricardo Peguero, as a notice of disallowance.

Respectfully submitted,  
ADMINISTRATION COMMITTEE

Approved by: \s\ Carol J. Kelso, County Executive Date Signed: 5/28/2004

**No. 9f -- RESOLUTION REGARDING: DISALLOWANCE OF CLAIM (ESTATE OF THOMAS P. BURKE AND PAULA M. ROUSH)**

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

Ladies and Gentlemen:

WHEREAS, a Claim was filed on April 22, 2004, in the Brown County Clerk's office;  
and

WHEREAS, said Claim alleges that the Estate of Thomas P. Burke and Paula M. Roush 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 the Estate of Thomas P. Burke and Paula M. Roush 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 claimants and to their attorney, Daniel D. Whetter, as a notice of disallowance.

Respectfully submitted,  
ADMINISTRATION COMMITTEE

Approved by: \s\ Carol J. Kelso, County Executive Date Signed: 5/28/2004

No. 9g -- **RESOLUTION REGARDING: AUTHORIZING APPLICATION FOR A GRANT FOR THE PURPOSE OF COLLECTION AND DISPOSAL OF CRTS FROM THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES**

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

Ladies and Gentlemen:

WHEREAS, Brown County, through its Brown County Port and Solid Waste Department, is engaged in the management, collection and disposal of solid waste in Brown County; and

WHEREAS, State monies are available under grant programs administered by the Wisconsin Department of Natural Resources for the purpose of coordination/outreach to small businesses and collection/disposal of CRTs (cathode ray tubes); and

WHEREAS, it is necessary for the Brown County Board of Supervisors to approve the preparation and filing of a proposal and application for Brown County to receive funds from this state program, and such proposed Grant Agreement is attached hereto; and

WHEREAS, the Brown County Board of Supervisors has reviewed the need for services set forth in the proposed grant agreement and has considered the benefits to be gained there from.

NOW, THEREFORE, BE IT RESOLVED that the Brown County Board of Supervisors do hereby approve and authorize the preparation and filing of an application for a state grant and the execution of a grant agreement between Brown County and the Wisconsin Department of Natural Resources and further that the County Executive and County Clerk are hereby authorized to file all necessary documentation on behalf of Brown County and that the Brown County Port and Solid Waste Department is hereby authorized to take the necessary steps to prepare and file the appropriate application for the state funds under this grant program in accordance with the proposed Grant Agreement attached to this resolution.

Respectfully submitted,  
PLANNING, DEVELOPMENT AND  
TRANSPORTATION COMMITTEE

ATTACHMENT

GRANT AGREEMENT BETWEEN THE STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES AND THE  
BROWN COUNTY PORT AND SOLID WASTE DEPARTMENT

THIS AGREEMENT is entered into by and between the State of Wisconsin Department of Natural Resources (Department) and the Brown County Port and Solid Waste Department (Grantee) for the purpose of coordination/outreach to small businesses and collection/disposal of CRTs.

FOR AND IN CONSIDERATION of the terms and conditions contained in this grant agreement, the above-named parties agree:

1. PERIOD OF AGREEMENT: This grant agreement shall commence upon its signing by both parties and continue until September 30, 2005, during which period all performance as described in this grant agreement shall be fully completed to the satisfaction of the Department.
2. CANCELLATION: The Department reserves the right to cancel this agreement in whole or in part, without penalty, due to non-appropriation of funds or for failure of the Grantee to comply with terms, conditions, and specifications of this grant agreement.
3. ENTIRE GRANT AGREEMENT: This grant agreement, together with the specifications in the bid request (if any) and referenced parts and amendments, shall constitute the entire agreement and previous communications or agreements pertaining to this grant agreement are hereby superseded. Any agreement revisions, including cost adjustments and time extensions, may be made only by a written amendment to this grant agreement, signed by both parties prior to the ending date of this grant agreement.
4. ASSIGNMENT SUBCONTRACTS: Neither this grant agreement nor any right or duty in whole or in part by the Grantee under this grant agreement may be assigned, delegated, or subcontracted without written consent of the Department. If upon the written consent of the Department this grant agreement or any right or duty in whole or in part is assigned, the Assignee(s) shall expressly agree to assume and perform all relevant obligations expressed under the terms of this grant agreement and be bound by the terms and conditions of this agreement. Assignment in whole or in part of this grant agreement does not absolve the Grantee of any liability or obligation expressed and agreed to hereunder.
5. DESCRIPTION OF WORK: The Grantee agrees to perform the following services to the satisfaction of the Department:
  - A. As provided in Attachment 1.

6. AGENCY CONTACTS: All communications regarding this grant agreement will be made through the designated agency contacts. The designated contacts are:

Grantee - Wess Damro, Household HW Mgr.  
Brown County Port and Solid Waste Department  
2562 South Broadway  
Green Bay, WI 54304

Department -- Jane Washburn, WA/3  
Wisconsin Department of Natural Resources  
Post Office Box 7921  
101 South Webster Street  
Madison, Wisconsin 53707-7921

7. TERMINATION:

- A. This grant agreement may be terminated in whole, or in part, in writing by the Department in the event of substantial failure of the Grantee to fulfill its obligation under this grant agreement, provided that the Department shall give the Grantee not less than thirty (30) days written notice (delivered by certified mail, return receipt requested) of intent to terminate and an opportunity for consultation prior to termination.
- B. If termination is effected by the Department, an equitable adjustment in the price provided for this grant agreement shall be made. Any payment due to the Grantee at the time of termination may be adjusted to the extent of any additional costs occasioned to the Department by reason of the Grantee's default. The equitable adjustment for any termination shall provide for the payment to the Grantee for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by the Grantee relating to commitments which had become firm prior to the termination.
- C. Upon receipt of a termination action pursuant to paragraph A above, the Grantee shall (1) promptly discontinue all services affected (unless the notice directs otherwise); (2) terminate all sub-agreements to the extent that they relate to the performance of work terminated by the Department, and (3) deliver or otherwise make available to the Department, all data, reports, estimates, summaries, and such other information and materials as may have been accumulated by the Grantee in performing this grant agreement, whether completed or in process.
- D. Upon termination pursuant to paragraph A, above, the Department may take over the work and prosecute the same to completion by agreement with another party or otherwise and the Grantee is liable for any excess costs for such similar work or services.

E. The rights and remedies of the Department and the Grantee provided in this clause are in addition to any other rights and remedies provided by law or under this grant agreement.

8. **PAYMENT:** The Department agrees to reimburse the Grantee up to a total of \$5,000 (five thousand dollars) for the following budgeted expenditure categories:

<b>CATEGORY</b>	<b>COST</b>
Education and Advertising	\$1,000
Subsidize cost of CRT disposal	\$4,000
<b>Total</b>	<b>\$5,000</b>

The Department hereby promises, in consideration of the covenants and agreements made by the Grantee herein, to obligate to the Grantee the amount of \$5,000 (five thousand dollars), and to tender to the Grantee that portion of the obligation which is required to pay the Department's share of the costs based upon the Grantee providing matching funds of at least 25% (twenty-five percent) of the grant amount.

GRANT AMOUNT	\$5,000
GRANTEE MATCH	\$1,250
TOTAL COST	\$6,250
MATCH PERCENTAGE	25%

Billings by the Grantee shall be made on a quarterly itemized basis for the actual net costs incurred for review and acceptance. Invoices should be sent to:

Jane Washburn, WA/3  
 Department of Natural Resources  
 Post Office Box 7921  
 101 South Webster Street  
 Madison, Wisconsin 53707-7921

Final invoices must be submitted within 30 days after the end of the grant agreement.

9. **RECORDS; ACCESS:** The Grantee shall, for a period of three (3) years after completion and acceptance by the Department, maintain books, records, documents, and other evidence directly pertinent to performance on work under this grant agreement in accordance with generally accepted accounting principles and practices. The Grantee shall also maintain the financial information and data used in the preparation or support of the cost summary submitted to the Department. The Department, the United States Environmental Protection Agency, their agents and their duly-authorized representatives, shall have access to such books, records, documents, and other evidence for the purpose of inspection, audit, and copying. The Grantee shall provide proper facilities for such access and inspection. In addition, those records which relate to any dispute, appeal or litigation, or the settlement of claims arising out of such dispute, performance, or costs or

items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such dispute, appeal, litigation, claim or exception.

10. INDEPENDENT CONTRACTOR: The Grantee is an Independent Contractor for all purposes and is not an employee or agent of the Department.
11. INDEMNIFICATION: The Grantee agrees to save, keep harmless, defend and indemnify the State of Wisconsin, Department of Natural Resources and all its officers, employees and agents, against any and all liability, claims and costs of whatever kind and nature, for injury to or death of any person or persons, and for loss or damage to any property (state or other) occurring in connection with or in any way incident to or arising out of the occupancy, use, service, operation, or performance of work in connection with this grant agreement or omissions of Grantee's employees, agents, or representatives.
12. INSURANCE: The Grantee performing services for the State of Wisconsin shall:
  - a) Maintain worker's compensation insurance for all employees engaged in the work.
  - b) Maintain commercial liability and property damage insurance against any claim(s) that might occur in carrying out this agreement/contract. Minimum coverage shall be one million dollars (\$1,000,000) liability for bodily injury and property damage including products liability and completed operations. Provide motor vehicle insurance for all owned, non-owned, and hired vehicles that are used in carrying out the agreement/contract. Minimum coverage shall be one million dollars (\$1,000,000) per occurrence combined single limit for automobile liability and property damage.
  - c) Provide an insurance certificate indicating this coverage, counter-signed by an insurer licensed to do business in Wisconsin, covering the period of this agreement/contract. The insurance certificate is required to be presented prior to the issuance of the purchase order or before commencement of the agreement/contract.
  - d) The state reserves the right to require higher or lower limits where warranted.
13. NONDISCRIMINATION: In connection with the performance of work under this grant agreement, the Grantee agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in section 51.01(5), Wis. Stats., sexual orientation, or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Except with respect to sexual orientation, the Grantee further agrees to take affirmative action to ensure equal employment opportunities. The Grantee agrees to post in conspicuous places, available for employees and applicants for employment, notices to be provided by the Department setting forth provisions of this



nondiscrimination clause. Failure to comply with the conditions of this clause may result in the Grantee being declared an “ineligible” Grantee, termination of the grant agreement, or withholding of payment.

14. AFFIRMATIVE ACTION: If this grant agreement is for an amount of twenty-five thousand dollars (\$25,000) or more than the Grantee agrees to submit a written affirmative action plan to the Department within 15 business days after the grant agreement’s commences if an acceptable plan is not already on file with the State of Wisconsin. (Grantees with an annual work force of fewer than twenty-five employees are exempted from this requirement.) Failure to comply with the conditions of this clause may result in the Grantee being declared an “ineligible” Grantee, termination of the grant agreement, or withholding of payment.
15. FUNDING SOURCE: This grant agreement is funded in part or wholly by a grant from the United States Environmental Protection Agency, CFDA #66.801. Neither the United States nor the Environmental Protection Agency is a party to this agreement.
16. APPLICABLE LAW: This grant agreement shall be governed by the laws of the State of Wisconsin. The Grantee shall at all times comply with all federal, state, and local laws, ordinances, and regulations in effect during the period of this grant agreement.
17. ANTITRUST ASSIGNMENT: The Grantee and the Department recognize that in actual economic practice, overcharges resulting from antitrust violations are in fact usually borne by the Department. Therefore, the Grantee hereby assigns to the Department any and all claims for such overcharges as to goods, materials, or services purchased in connection with this grant agreement.
18. TAX DELINQUENCY: Grantees who have a delinquent Wisconsin tax liability may have their payments offset by the State of Wisconsin.

The undersigned, as representatives of their respective agencies, hereto agree to this grant agreement.

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

Date: 1/20/04

By: \s\ Scott Hassett  
Scott Hassett, Secretary

BROWN COUNTY PORT AND SOLID WASTE

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Charles Larscheid, Port and Solid Waste  
Director

GRANT AGREEMENT BETWEEN THE STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES AND  
BROWN COUNTY PORT AND SOLID WASTE DEPARTMENT

ATTACHMENT #1: Activities Description

Brown County will use the fluorescent bulb collection program that occurs during Pollution Prevention Week to kick off a new computer and electronics collection service. For the past two years Brown County has collected computers through its HHW program but the time has come to expand collections to include all electronics. Grant money will be used as an incentive to participate and to draw attention to the bulb/computer/electronic collection. Monies will be used for education, advertising the collection program to ensure small businesses are aware of this opportunity and subsidizing the cost of the CRT disposal. After this collection the county will continue collecting bulbs, electronics and computers within its normal disposal fee. Records will be kept to determine number of businesses participating compared to past years.

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

Approved by: \s\ Carol J. Kelso, County Executive Date Signed: 5/28/2004

**No. 10 -- Such other matters as authorized by law.**

**Late Communications**

**No. 10a -- Communication from Supervisor Evans to request for the Education and Recreation Committee to petition the Green Bay Packers, Inc. to fly a Brown County Flag at the entrance of the Lambeau Field Atrium and within the Stadium Bowl as well.**

Refer to Education and Recreation Committee.

**No. 10b -- Communication from Supervisor Nicholson to review the administrative Comp/Class Program.**

Refer to Administration Committee.

**No. 10c -- Communication from Supervisor Nicholson to review the job duties of the Medical Examiner.**

Refer to Public Safety Committee.

**No. 10d -- Communication from Supervisor Nicholson to review all emergency calls that responded to Fonfereks Glen since this has been established as a Brown County Park.**

Refer to Education and Recreation Committee.

**No. 10e -- Communication from Supervisor Nicholson requesting reorganization of the County Board Office.**

Refer to Executive Committee.

**No. 10f -- Communication from Supervisor Van Den Heuvel requesting to look at certain supervisory positions in the Sheriff's Department from being paid by the hour to salary positions.**

Refer to Public Safety Committee.

**No. 10g -- Communication from Supervisor Van Den Heuvel requesting due to the lack of participation and positive feedback, I hereby request the Diversity Council be dissolved or reformed to serve the needs of all and get more participation as to performing the tasks as the Council was formed.**

Refer to Executive Committee.

**No. 10h -- Communication from Supervisor Lund regarding contract police services for the Village of Suamico as provided by the Brown County Sheriff's Department. In the past the Village Board of Suamico has been displeased by the lack of monthly activity reports that we have received. We urge the county to standardize the reports that we receive as part of our contract and that if there is to be any interruption in the schedule of the reports the village will be notified.**

Refer to Public Safety Committee.

**No. 11 -- Bills over \$10,000 for period ending May 11, 2004.**

A motion was made by Supervisor Graves and seconded by Supervisor Kaye **"to pay the bills over \$10,000"**. Voice vote taken. Motion carried unanimously with no abstentions.

**No. 12 -- Closing Roll Call.**

Present: Van Den Heuvel, Graves, Nicholson, Theisen, Krueger, Haefs, Erickson, Kaye, Zima, Evans, Vander Leest, Johnson, Dantine, Frohna, Collins, Beyl, Backmann, Van Deurzen, Fleck, Clancy, Moynihan, Zabel, Scray, Hinz, Lund

Excused: Fewell

Total Present: 25 Excused: 1

**No. 13 -- ADJOURNMENT TO WEDNESDAY, JUNE 16, 2004, AT 7:00 P.M., LEGISLATIVE ROOM, #203, CITY HALL, 100 N. JEFFERSON STREET, GREEN BAY, WISCONSIN.**

A motion was made by Supervisor Backmann and seconded by Supervisor Lund **"to adjourn to the above date and time"**. Voice vote taken. Motion carried unanimously with no abstentions.

\s\ DARLENE K. MARCELLE  
Brown County Clerk