

PROCEEDINGS OF THE BROWN COUNTY BOARD OF SUPERVISORS
MAY 21, 2003

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 21, 2003, at 7:00 p.m.**, at City Hall, 100 N. Jefferson Street, Green Bay, Wisconsin.

**** Presentation by Larry Larmer****
Robert's Rules of Order (5:30 p.m. to 7:30 p.m.)

Roll Call at 5:37 p.m.

Present: Graves, Miller, Hansen, Kaye, Evans, Vander Leest, Collins, Marquardt, Fleck, Moynihan, Watermolen, Schadewald, Simons, Lund, Fewell

Arrived later: Antonneau – 6:13 p.m.; Nicholson – 6:58 p.m.; Gower – 5:55 p.m.; Haefs – 6:55 p.m.; Zima – 6:58 p.m.; Johnson – 5:55 p.m.; Vanden Plas – 6:23 p.m.; Kuehn – 7:00 p.m.; Daul – 6:00 p.m.; Van Deurzen – 6:00 p.m.; Clancy – 6:45 p.m.

All Supervisors present by 7:00 p.m.

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

Call to order.

Invocation.

Pledge of Allegiance to the Flag.

Opening Roll Call at 7:30 p.m.: All Supervisors present by 7:00 p.m. See above roll call.

County Board Chairperson, Ken Simons welcomed the students from Green Bay Preble High School. The students are attending tonight's County Board meeting as a class project.

No. 1 -- Adoption of agenda.

A motion was made by Supervisor Antonneau and seconded by Supervisor Nicholson to approve the agenda as revised.

Supervisor Steve Fewell spoke on the special Education and Recreation Committee meeting that was held on May 12th, 2003. He explained proper procedure was not followed, explaining a notice was to have been filed with the County Clerk, containing Committee members' signatures, 48 hours prior to the meeting being held. Supervisor Fewell emphasized the County Code procedure must be followed by all Committees for any special meeting.

Acting Corporation Counsel, John Jacques, explained if no member of that committee objects tonight, the committee report may be voted on.

Vote taken. Motion carried unanimously with no abstentions to approve the agenda as revised.

No. 2 -- Approval of minutes of County Board Meeting of April 16, 2003.

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

No. 3 -- Announcements by Supervisors.

Supervisor Evans explained the history and mission of the Brown County Revolving Loan Fund. He added that Advance, the Economic Development arm of the Green Bay Area Chamber of Commerce, is the designated agent responsible for the administration of Brown County's revolving Loan Fund.

Supervisor Daul announced the June Dairy Month Breakfast will be held at the Gerritt's Farm in Southern Brown County, on Sunday, June 1st, 2003. She encouraged everyone to attend.

Supervisor Clancy announced the annual report of the Bay Lakes Regional Planning Commission is on each Supervisor's Desk. He requested Supervisors to read the report to learn more about the functions of the Bay Lakes Regional Planning Commission.

Supervisor Graves announced that Morgan L. Martin Elementary School of Green Bay will receive a \$10,000 check from Oscar Mayer. This is the prize money for the school winning first place in a contest using the Oscar Mayer song. He added the Oscar Mayer Weiner-mobile will visit also, rewarding the 4th and 5th grade music classes. This is the second year in a row they have won first place in the State of Wisconsin. Supervisor Graves thanked Music Teacher, Mrs. Kozak, her students and school for this great accomplishment.

No. 4 -- Communications. None.

No. 5 -- Late Communications.

No. 5a -- From Supervisor Rick Schadewald requesting each member of the Executive Committee, as chairmen of their respective committees, to review each budget cut (over \$10,000) made by the committees and/or County Board at the budget meetings to determine the impact of those cuts on Brown County government services.

Refer to Executive Committee.

No. 5b -- From Supervisor Rick Schadewald requesting the Executive Committee begin the process of formulating a County Board budget request for 2004 at 90% of the amount budgeted for 2003. This is the request of the County Executive Carol Kelso for other departments and I feel it is appropriate for the County Board to follow this pattern.

Refer to Executive Committee.

No. 5c -- From Supervisor Rick Schadewald requesting the Executive Committee as the oversight committee to ask the County Executive for a preliminary County Executive budget request for 2004 at 90% of the amount budgeted for 2003. This is the request of the County Executive Carol Kelso for other departments and I feel it is appropriate for her to follow this pattern.

Refer to Executive Committee.

No. 5d -- From Supervisor Pat Collins regarding reorganization of the County Departments of Executive, Administration, and Board. Points to review: Additional Assistance in the Executive Office; Review of all other WI County structures to determine if Brown County has the best and/or most effective Administration Department; Replacement of the Internal Auditor and may be the current Brown County structure is not best for the County.

Refer to Administration Committee.

No. 5e -- From Supervisor Ron Antonneau asking the Extension Office and Land Conservation Department to notify Supervisors prior to planning any projects in their districts.

Refer to Planning, Development and Transportation Committee.

No. 5f -- From Supervisor Guy Zima requesting that the contract for the administrating of the Brown County Revolving Loan Fund be rescinded and be put out for competitive bids to ensure that maximum use of funds be made available for economic development.

Refer to Planning, Development and Transportation Committee.

No. 5g -- From Supervisor Merlin Vanden Plas requesting the County Board to take a stand as to whether we should allow the Halfway House to be located at the Alpine Country House in the Town of Green Bay, across from Bay Shore Park to House Federal Prisoners.

Refer to Education and Recreation Committee and Public Safety Committee.

No. 5h -- From Supervisor John Vander Leest to request that the County Executive schedule two public hearings on the Brown County proposed budget following passage of the State budget in August/September.

Refer to County Executive Office.

No. 5i -- From Supervisor John Vander Leest to request the Public Safety Committee create a special task force to study the county sheriff department's overtime and to improve jail efficiency.

Refer to Public Safety Committee.

No. 6 -- Appointments by County Executive.

No. 6a -- Reappointment of Harold Kaye, Chris Sorrells, Tom Madigan, and Mary Remiker to Emergency Medical Services Council.

A motion was made by Supervisor Haefs and seconded by Supervisor Clancy **“to approve.”**

A motion was made by Supervisor Gower and seconded by Supervisor Kuehn **“to refer to County Executive to provide her approval of the appointments.”** Vote taken. Roll Call #6a:

Ayes: Antonneau, Nicholson, Gower, Miller, Zima, Evans, Vander Leest, Johnson, Kuehn, Collins, Daul, Van Deurzen, Simons, Lund

Nays: Graves, Haefs, Hansen, Kaye, Vanden Plas, Fleck, Clancy, Moynihan, Watermolen, Schadewald, Fewell

Abstain: Marquardt

Supervisor Graves requested his vote be changed from nay to aye. Chairman Simons agreed.
Total Ayes: 15 Total Nays: 10 Abstain: 1
Motion carried to refer the appointments to the County Executive Office.

No. 7a -- Report by County Executive.

County Executive Kelso reviewed some of the things that have taken place in the past month out of her office. She thanked the 17 County Board Supervisors that have met with her and she encouraged those who have not, to please schedule a time with her office.

She thanked those department heads who have met with her. Ms. Kelso added the budget meetings have produced some innovative ideas for budget reduction. She said we must prepare for the worst scenario budget but continue the goal of providing the services we are currently providing to the citizens of Brown County.

Ms. Kelso spoke on her trip to Madison and her talks with former colleagues. She gave highlights of her Madison meeting, in particular, a meeting with Secretary Nelson. This centered on Medicaid funding and its potential future impact on Brown County.

She announced she had her first meeting with the "Blue Ribbon Committee" to discuss the Mental Health Center. Ms. Kelso explained the members of this committee are comprised of Community members from very diverse backgrounds.

County Executive Kelso said she continues to work on filling vacant department head positions. She thanked the Executive Committee for returning the Executive Assistant to her office. Adding to that she encouraged a positive vote from the County Board on that position.

Highlighted also, was the subject of the "Record of Decision" coming from the EPA regarding the PCB's in the Fox River. Ms. Kelso highlighted both sides of the decision. She has asked Chuck Larscheid to assemble an internal team to begin work on this. The entire decision will continue to be monitored.

County Executive Kelso also explained she has looked at all the bonding proposals. She added she was going to hold off a month with any bond proposals, to see what happens with shared revenues.

No. 7b -- Report by Board Chairman. None.

No. 8 -- Other Reports. None.

No. 9 -- Standing Committee Reports.

No. 9a -- REPORT OF ADMINISTRATION COMMITTEE OF MAY 1, 2003

TO THE MEMBERS OF THE BROWN COUNTY
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The ADMINISTRATION COMMITTEE met in regular session on May 1, 2003, and recommends the following motions:

1. Review minutes of:
 - a. Equal Opportunity in Housing Commission (4/1/03).
 - b. Housing Authority (3/24/03).
 - c. Facilities Master Plan Committee (4/10/03).Receive and place on file.
2. Planning Commission Staff Report to Administration Committee (2/6/03).
 - a. Table until after Item #14.
 - b. Receive and place on file.
3. Request for Budget Transfer: Interdepartmental Transfer (including contingency or general fund transfers): Request to transfer \$37,088.84 from the general fund to the Brown County Fair Special Revenue Account. (Referred from Education and Recreation Committee.) Approve budget transfer as requested.
4. Request for Budget Transfer (#03-31): Interdepartmental transfer (including contingency or general fund transfers): Request to transfer \$8,189.50 from the general fund to the Brown county Public Safety Communications outlay equipment account for the replacement of a failed De Pere police repeater. (Referred to Public Safety Committee May 7, 2003). Approve budget transfer as presented.
5. Facility Management – Update of Facilities Master Plan Executive Summary. No action.
6. Corporation Counsel – Resolution regarding: Disallowance of Claim (Kurt Boulanger). Committee approved. See Resolutions, Ordinances May County Board.
7. Corporation Counsel – Resolution regarding: Disallowance of Claim (Todd Berzowski). Committee approved. See Resolutions, Ordinances May County Board.
8. Human Resources Monthly Committee Report (April, 2003). Receive and place on file.
9. Department of Administration – Communication from Supervisor Marquardt to Department of Administration regarding: Review Procedures for RFP for financial advisor. No action.
10. Department of Administration – Monthly Activities Report (March 24 through April 18, 2003). Receive and place on file.
11. Department of Administration – 2003 Budget Transfer Log. Receive and place on file.
12. Request for Budget Transfer (#03-25): Interdepartmental Transfer: Transfer \$44,459.35 from the Department of Administration salaries and fringe benefits to the County Executive’s Office.
 - a. Refer back to staff to separate items out to look specifically at the budget transfer. Ayes: 2 (Marquardt, Hansen); Nays: 2 (Miller, Graves); Excused: 1 (Schadewald). Motion defeated.
 - b. Approve interdepartmental transfer as written. Ayes: 2 (Miller, Graves); Nays: 2 (Marquardt, Hansen); Excused: 1 (Schadewald). Motion defeated.
13. Request for Budget Transfer (#03-26): Interdepartmental Transfer: Request to transfer \$57,000 from available year-end fund balance in the salary adjustment account in Human Resources to the County Executive’s Office for professional services.
 - a. Approve interdepartmental transfer as written. Ayes: 2 (Miller, Graves); Nays: 2 (Marquardt, Hansen); Excused: 1 (Schadewald). Motion defeated.
 - b. Refer back to staff to have it corrected. Ayes: 2 (Marquardt, Hansen); Nays: 2 (Miller, Graves); Excused: 1 (Schadewald). Motion defeated.
14. Audit of bills. (Audit of bills completed.)

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

Approved by: _____ \s\ Carol Kelso, County Executive _____ Date: 6/4/2003

No. 9b -- REPORT OF EDUCATION AND RECREATION COMMITTEE OF MAY 1, 2003

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, 2003 and recommends the following motions:

1. Review minutes of:
 - a) Museum Subcommittee (3/21/03).
 - b) Library Board (3/15/03).Receive and place on file items a-b.
2. Arena/Expo Centre – Attendance Report (March 2003). Receive and place on file.
3. Museum – Discussion regarding: Donations to General Fund (from Museum Subcommittee 3/21/03). No action.
4. Museum – Discussion regarding: Request to purchase a Reader Board (from Museum Subcommittee 3/21/03). No actions.
5. Museum Visitor Count (March 2003). Receive and place on file.
6. Museum – Director’s report. Receive and place on file.
7. Golf Course – Golf Report (4/9/03). Receive and place on file.
8. Golf Course – Request from Shopko Inc. to waive the out of county fee for the Shopko Charity Golf Outing on Monday, August 4, 2003. Approve.
9. Golf Course – Approve locker rental fee of \$15 for half-size lockers for the 2003 season. (One-half size lockers were included in the new locker rooms.) Approve.
10. Golf Course – Approval to offer seasonal and off-hour discounted rates (discounts to be similar to other golf courses in the area) and only implemented as needed by approval of the Golf Course Superintendent. Approve.
11. Golf Course – Request for Budget Transfer: Interdepartmental Transfer (including contingency or general fund transfers): Increase 2003 Golf Course Enterprise Fund Transfer Out from \$335,000 to \$550,000 and increase 2003 Capital Projects Clubhouse Construction Fund Transfer In, from \$335,000 to \$550,000. Approve.
12. Golf Course – Request and approval for change in meeting room rental fee. Approve.
13. Golf Course – Discussion and approval of grand opening date for the new clubhouse at the Brown County Golf Course. Approve.
14. Golf Course – Superintendent’s report. Receive and place on file.
15. Parks – Communication from Supervisor Kathy Johnson regarding: Joint Soccer Field. No action.

16. Parks – Request from Town of Suamico for use of ball diamond at the Reforestation Camp. Approve.
17. Parks – Request from City of Green Bay Parks, Recreation and Forestry Department to construct a trail in the Baird’s Creek Parkway. Approve.
18. Parks – Request by the Green Bay Chapter of Trout Unlimited to use the picnic shelter at the Reforestation Camp on Thursday, June 5, 2003. Approve.
19. Parks – Request to participate in the Super Summer Reader Program – Donation of 300 family zoo passes. Approve.
20. Parks – Request for Budget Transfer: Increase in Expenditures for Offsetting Increase in Revenues: \$100 donation for animal acquisitions at the Zoo in memory of Ella Hallada. Approve.
21. Parks – Request for Budget Transfer: Interdepartmental Transfer (including contingency or general fund transfers): Request to transfer \$37,088.84 from the general fund to the Brown County Fair Special Revenue Account. (Referred to Administration Committee.) Approve.
22. Parks – Request by Hammes Company to lease space in the Hall of Fame building. Authorize staff to negotiate a lease with Hammes Company and bring back.
23. Parks – Communication from Supervisor Dan Haefs regarding: Request that Brown County consider a four-year agreement with the City of Green Bay for funding Triangle Hill. Approve.
24. Parks – Request by Waterboard Warriors Ski Team for use of Wrightstown Park 2003 season. Approve.
25. Parks – Director’s report. Receive and place on file.
26. Audit of bills. Pay the bills.

A motion was made by Supervisor Vander Leest and seconded by Supervisor Johnson “**to adopt.**” Vote taken. Supervisor Zima abstained from 1a and 1b of the report. Remainder of the report carried unanimously with no abstentions.

Approved by: _____ \s\ Carol Kelso, County Executive Date: 6/4/2003

No. 9c -- REPORT OF “SPECIAL” EDUCATION AND RECREATION COMMITTEE OF MAY 12, 2003

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The EDUCATION AND RECREATION COMMITTEE met in *special* session on May 12, 2003, and recommends the following motion:

1. Approve short-term lease of space in Hall of Fame Building. Approve on a month-to-month with a 45-day escape clause.

A motion was made by Supervisor Kuehn and seconded by Supervisor Gower “to adopt.” Vote taken. Supervisor Marquardt abstained. Motion carried.

Approved by: _____ \s\ Carol Kelso, County Executive _____ Date: 6/4/2003

No. 9d -- REPORT OF EXECUTIVE COMMITTEE OF MAY 12, 2003

TO THE MEMBERS OF THE BROWN COUNTY
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The EXECUTIVE COMMITTEE met in regular session on May 12, 2003 and recommends the following motions:

1. Review minutes of:
 - a) Legislative Subcommittee (4/23/03).
 - b) Diversity Affairs Council (4/1/03).Receive and place on file items a-b.
 2. Report – County Executive. No action.
 3. Communication from Supervisor John Vander Leest regarding: Review out of state travel for all County employees for possible reduction. (Referred from Administration Committee.) Hold for 30 days.
 4. Communication from John C. Jacques, Interim Corporation Counsel to Supervisor Patrick Moynihan, Jr., regarding: Requests for Opinions regarding replacing of a Committee Chair by a Mid-Term Election by the Committee Members. Receive and place on file.
 5. Communication from Supervisor Alice Daul regarding: Communications from Supervisors.
 - a) Upon receipt in the County Board Office of communications from Supervisors, that all supervisors are notified of that communication within 48-hours of receipt.
 - b) * Amend motion to say 48-hours notice should be given to committee chair and committee members, and the communication would be mailed to the rest of the county board members with the next regular mailing.
- *Amend 5b as per the County Board on 5/21/03 to read as follows: Amend the motion to say 48 hours notice should be given to the Committee Chair and the communications from Supervisors which require committee action, should be mailed to the rest of the County Board Supervisors at the next weekly meeting.
6. Informational – Scheduling of Robert’s Rules presentation at County board meeting. No action.
 7. Facilities management – Update of Facilities Master Plan Executive Summary. (Referred from Administration Committee.) (Mailed separately to committee members.) Receive and place on file.
 8. ** Follow up on the position description of Internal Auditor. (Brendan Bruss, Department of Administration and Debbie Klarkowski, Human Resources.) Contract out those two

items and wait until November to fill the Internal Auditory Position. Ayes: 3 (Marquardt, Daul, Antonneau); Nays: 2 (Simons, Moynihan); Excused: 2 (Fewell, Kaye). Motion Carried.

** Refer back to Executive Committee per the County Board on 5/21/03.

9. Resolution regarding: In Support for Continued Funding of the Wisconsin Conservation Corps. (Referred from Education and Recreation Committee and Legislative Subcommittee.) Committee approved. See Resolutions, Ordinances May County Board.
10. Resolution regarding: Creating Additional Grant-Funded Positions in the Brown County University Extension Office Table of Organization. (Referred from Planning, Development and Transportation Committee.) Committee approved. See Resolutions, Ordinances May County Board.
11. Request for Budget Carryover and Transfer (#03-26): Interdepartmental Transfer: Request to transfer \$57,000 from available year-end fund balance in the salary adjustment account in Human Resources to the County Executive's Office for professional services. (Withdrawn from agenda.)
12. Request for Budget Transfer (#03-25): Interdepartmental Transfer: Transfer \$44,459.35 from the department of Administration salaries and fringe benefits to the County Executive's Office. Approve.
13. Resolution regarding: Authorizing Changes in the Table of Organization of the Department of Administration and County Executive Office.
 - a) Amend resolution as follows: In the second "Whereas," change it to Assistant to the County Executive. In the "Now therefore be it resolved" 4th line, add the words "to the"; In the "Be it further resolved" delete the words "created as a confidential position."
 - b) Committee approved.
See Resolutions, Ordinances May County Board.
14. **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) Go into closed session.
 - b) Return to regular order of business.
 - c) No action.

A motion was made by Supervisor Antonneau and seconded by Supervisor Graves **"to adopt."**

Supervisor Gower asked for items #5 and #8 of the report to be taken separately.

Supervisor Marquardt requested item #12 be taken separately.

A voice vote was taken to approve the remainder of the report. Passed unanimously with no abstentions.

Item #5 – Communication from Supervisor Alice Daul re: Communications from Supervisors.

a) -- Upon receipt in the County Board Office of communications from Supervisors, that all supervisors are notified of that communication within 48-hours of receipt.

b) -- Amend motion to say 48-hours notice should be given to committee chair and committee members and the communication would be mailed to the rest of the county board members with the next regular meeting.

A motion was made by Supervisor Evans and seconded by Supervisor Zima **“to adopt #5.”** Voice vote taken. Motion carried unanimously with no abstentions.

Under discussion, Supervisor Gower asked Acting Corporation Counsel, John Jacques, what constitutes a communication, specifically, does this include letters directed to a department head, asking for information which may be pertinent to a consideration by a committee?

Supervisor Gower questioned if this would be a communication within the terms of this proposal, if any of the County Board is interested in obtaining information from a department, and they are on a committee and that committee supervises that particular department, he questioned why an inquiry should be distributed to 26 people?

Corporation Counsel Jacques said this is a policy decision. He believes the intent of the committee system is the committee Chairs set the agendas for their respective committees. Items that go to that committee and communications that request some form of action, in his opinion, is the orderly way to transact business.

Supervisor Gower said he doesn't disagree if it is a request for action. Supervisor Gower read his request for information and questioned why his request should be distributed to 26 Supervisors? Supervisor Gower expressed it is his opinion that his request need not go to 26 Supervisors.

Corporation Counsel Jacques responded, saying the County Board can make rules to govern the conduct of its business, including Supervisors requesting information for policy purposes. If that is the purpose of this communication, then the County Board can set those rules. He said it is clearly up to the Board.

After a lengthy discussion, a motion was made by Supervisor Zima and seconded by Supervisor Haefs to **“refer all of #5a and #5b back to committee.”**

Vote taken on referral back to committee. Roll Call #9d(1):

Ayes: Antonneau, Nicholson, Gower, Miller, Haefs, Zima, Evans, Vander Leest, Van Deurzen, Schadewald, Simons

Nays: Graves, Hansen, Kaye, Johnson, Vanden Plas, Kuehn, Marquardt, Daul, Fleck, Clancy, Moynihan, Watermolen, Lund, Fewell

Abstain: Collins

Supervisor Graves' light wasn't working properly. Supervisor Graves requested his vote be changed from nay to aye. Supervisor Simons agreed to allow Supervisor Graves to change his vote.

Total Ayes: 12 Total Nays: 13 Abstain: 1

Motion defeated to refer.

Back to main motion to adopt item #5 of agenda item #9d.

More discussion followed with a motion by Supervisor Lund making an amendment to motion 5b and seconded by Supervisor Johnson to read: **“amend the motion to say 48-hours notice should be given to the Committee Chair and the communication should be mailed to the rest of the County Board Supervisors at the next weekly mailing.”**

Discussion followed on Supervisor Lund's motion.

At this time, a motion was made by Supervisor Collins and seconded by Supervisor Kuehn to **"call the question."** Vote taken to call the question. Roll Call #9d(2):

Ayes: Nicholson, Gower, Miller, Vander Leest, Johnson, Vanden Plas, Collins, Van Deurzen, Fleck, Clancy, Moynihan, Simons

Nays: Antonneau, Graves, Haefs, Hansen, Kaye, Zima, Evans, Kuehn, Marquardt, Daul, Watermolen, Schadewald, Lund, Fewell

Total Ayes: 12 Total Nays: 14

Motion defeated.

Supervisor Schadewald made a substitute motion seconded by Supervisor Collins which reads: **"after the words communication add "from Supervisors which require committee action."** to 5b and should read : **"amend the motion to say 48-hours notice should be given to the Committee Chair and the communication from Supervisors which require committee action, should be mailed to the rest of the County Board of Supervisors at the next weekly mailing"**.

Vote taken on Supervisor Schadewald's substitute motion. Roll Call #9d(3):

Ayes: Antonneau, Hansen, Kaye, Johnson, Vanden Plas, Marquardt, Daul, Van Deurzen, Fleck, Clancy, Moynihan, Watermolen, Schadewald, Simons, Lund, Fewell

Nays: Graves, Nicholson, Gower, Miller, Haefs, Zima, Evans, Vander Leest, Kuehn

Abstain: Collins

Total Ayes: 17 Total Nays: 8 Abstain: 1

Motion carried to approve the amendment to the communication.

Supervisor Graves' light was not working properly. Vote above reflected to show correct votes.

Vote on main motion as amended. Roll Call #9d(4):

Ayes: Antonneau, Nicholson, Gower, Hansen, Kaye, Zima, Johnson, Vanden Plas, Marquardt, Daul, Van Deurzen, Fleck, Clancy, Moynihan, Watermolen, Schadewald, Lund

Nays: Graves, Miller, Haefs, Evans, Vander Leest, Kuehn, Simons, Fewell

Abstain: Collins

Total Ayes: 18 Total Nays: 7 Abstain: 1

Motion carried to approve Supervisor Lund's motion which includes Supervisor Schadewald's amendment to Item #5.

Supervisor Graves' light was not working properly. Vote above reflected to show correct votes.

Item #8 -- Follow up on the position description of Internal Auditor. Contract out and wait until November to fill the Internal Auditor position. Committee action: 3 ayes; 2 nays. Motion Carried.

Supervisor Marquardt requested to point out a discrepancy in the way the motion in the minutes is written. Ms. Marquardt said the actual motion approved at the Executive Committee was "to contract out the two remaining items and review the position of Internal Auditor in November".

Chairman Simons acknowledged the correction. No motion or vote was taken on Supervisor Marquardt's correction.

Supervisor Gower stated he feels there are two questions before us. Question Number 1 is should the Internal Auditor serve the County Board and Question Number 2 is if the County should contract out? Supervisor Gower submitted a motion seconded by Supervisor Nicholson

which reads **“move to amend item #3 to provide: fill the internal auditor position forthwith”**.

After discussion Supervisor Collins made a motion seconded by Supervisor Marquardt **“to refer back to committee.”** Vote taken on referral. Roll Call #9d(5):

Ayes: Antonneau, Graves, Hansen, Kaye, Vander Leest, Johnson, Vanden Plas, Collins, Marquardt, Daul, Fleck, Clancy, Watermolen, Fewell

Nays: Nicholson, Gower, Miller, Haefs, Zima, Evans, Kuehn, Van Deurzen, Moynihan, Simons, Lund

No Vote: Schadewald

Total Ayes: 14 Total Nays: 11 No Vote: 1

Supervisor Graves' light was not working properly. Vote above reflected to show correct votes.

Motion carried to refer.

Item #12 -- Request for Budget Transfer (#03-25): Interdepartmental Transfer: Transfer \$44,459.35 from the department of Administration salaries and fringe benefits to the County Executive's Office. Committee action: Approved.

Supervisor Marquardt made a motion to refer this item back to committee and explained why.

A motion was made by Supervisor Schadewald and seconded by Supervisor Haefs **“to suspend the rules so the County can handle this item tonight.”**

Supervisor Simons explained the motion needed 18 aye votes to suspend the rules. Vote taken. Roll Call #9d(6):

Ayes: Antonneau, Graves, Nicholson, Gower, Miller, Haefs, Zima, Evans, Vander Lest, Johnson, Kuehn, Van Deurzen, Moynihan, Simons, Lund

Nays: Hansen, Kaye, Vanden Plas, Collins, Marquardt, Daul, Fleck, Clancy, Watermolen, Schadewald, Fewell

Total Ayes: 15 Total Nays: 11

Supervisor Johnson requested to change her vote from aye to nay. Chair Simons okayed the change.

Total Ayes: 14 Total Nays: 12

Motion failed for lack of 2/3 vote.

Chairman Simons returned to Supervisor Marquardt's motion **“to refer this item back to Committee.”** Vote taken to refer. Roll Call #9d(7):

Ayes: Hansen, Kaye, Vanden Plas, Collins, Marquardt, Fleck, Clancy, Watermolen, Schadewald, Fewell

Nays: Antonneau, Graves, Nicholson, Gower, Miller, Haefs, Zima, Evans, Vander Leest, Johnson, Kuehn, Daul, Van Deurzen, Moynihan, Simons, Lund

Total Ayes: 10 Total Nays: 16

Motion failed to refer.

A motion was made by Supervisor Gower and seconded by Supervisor Miller to **“adopt item #12 of 9d which is to transfer \$44,459.35 from the Department of Administration Salaries and Fringe Benefits to County Executive Office.”**

Discussion followed on the salary. A motion was made by Supervisor Zima and seconded by Supervisor Collins **“to amend the motion to reduce the grade of this position by one grade and to adjust the budget transfer accordingly.”**

Supervisor Fewell made a motion to read **“I move to transfer \$40,000 out of the General Fund to re-establish the position of Assistant to the County Executive”** seconded by Supervisor Marquardt.

Supervisor Zima made a motion seconded by Supervisor Lund **“to table this entire item #12 of #9d until the resolution referring to this item (Resolution 10d) is disposed of.”** Vote taken on Supervisor Zima’s motion. Roll Call #9d(8):

Ayes: Miller, Kaye, Zima, Evans, Collins, Daul, Van Deurzen, Moynihan, Watermolen, Schadewald, Simons, Lund

Nays: Antonneau, Graves, Nicholson, Gower, Haefs, Hansen, Vander Leest, Johnson, Vanden Plas, Kuehn, Marquardt, Fleck, Clancy, Fewell

Total Ayes: 12 Total Nays: 14

Supervisor Graves’ light was not working properly. Vote above reflected to show correct votes. Motion defeated.

Return to Supervisor Fewell’s motion **“I move to transfer \$40,000 out of the General Fund to re-establish the position of Assistant to the County Executive”**. Chairman Simons informed the Board this motion would take a 2/3 vote because it is a General Fund Transfer. Vote taken. Roll Call #9d(9):

Ayes: Hansen, Kaye, Collins, Marquardt, Daul, Clancy, Fewell

Nays: Antonneau, Graves, Nicholson, Gower, Miller, Haefs, Zima, Evans, Vander Leest, Johnson, Vanden Plas, Kuehn, Van Deurzen, Fleck, Moynihan, Watermolen, Schadewald, Simons, Lund

Total Ayes: 7 Total Nays: 19

Motion defeated.

A motion was made by Supervisor Vander Leest and seconded by Supervisor Johnson to return to original motion to **“adopt item #12 of 9d which is to transfer \$44,459.35 from the Department of Administration Salaries and Fringe Benefits to County Executive Office.”**

Supervisor Collins made an amendment to that motion to read **“reduce \$44,459.35 by 10% to Budget Transfer #03-25”**. Vote taken on Supervisor Collins’ amendment. Roll Call #9d(10):

Ayes: Hansen, Kaye, Zima, Vanden Plas, Collins, Marquardt, Fleck, Clancy, Fewell

Nays: Antonneau, Graves, Nicholson, Gower, Miller, Haefs, Evans, Vander Leest, Johnson, Kuehn, Daul, Van Deurzen, Moynihan, Watermolen, Schadewald, Simons, Lund

Total Ayes: 9 Total Nays: 17

Motion defeated.

Return to motion. A motion was made by Supervisor Vander Leest and seconded by Supervisor Johnson to **“adopt item #12 of 9d which is to transfer \$44,459.35 from the Department of Administration Salaries and Fringe Benefits to County Executive Office.”** Vote taken. Roll Call #9d(11):

Ayes: Antonneau, Graves, Nicholson, Gower, Miller, Haefs, Hansen, Kaye, Zima, Evans, Vander Leest, Johnson, Vanden Plas, Kuehn, Daul, Van Deurzen, Clancy, Moynihan, Simons, Lund

Nays: Collins, Marquardt, Fleck, Watermolen, Schadewald, Fewell

Total Ayes: 20 Total Nays: 6

Motion carried.

Approved by: _____ \s\ Carol Kelso, County Executive Date: 6/4/2003

No. 9e -- REPORT OF HUMAN SERVICES COMMITTEE OF APRIL 16, 2003

TO THE MEMBERS OF THE BROWN COUNTY
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The HUMAN SERVICES COMMITTEE met in regular session on April 16, 2003 and recommends the following motions:

1. Review minutes of:
 - a) Homeless Issues and Affordable Housing Subcommittee (3/19/03).
 - b) Handicapped Children's Education Board (3/12/03).
 - c) Aging Resource Center Board Meeting (3/28/03).
 - d) Aging Resource Center Finance Committee (3/28/03).
 - e) Community Options Program Appeals Committee (3/24/03).

Approve items a-e.
2. Communication from Supervisors Miller, Evans, Zima, Vander Leest, Lund, Simons and Nicholson regarding: "Free our People Initiative" relative to Brown County Mental Health Center. (Tabled from February meeting for 60 days.)
 - a) Refer this to County Executive for a report.
 - i) Amend motion to refer all but the family care initiative to County Executive for a report.
 - b) Support an application to the legislature so that we can be one of the pilot counties.
 - i) Amend motion to include drafting a resolution supporting the application and forward resolution to our state representatives.

See Resolutions, Ordinances May County board.
3. Human Services – Financial Report:
 - a) 2002 Year End
 - b) February 2003

Reserve \$1 million of this fund balance to retain and support our budget this fall and put the other \$1 million away to reduce the bonding for the Mental Health Center, and if it is not used, go back into the General Fund to reduce the operating levy of the Mental Health Center.
4. Human Services – State Budget Impact. Receive and place on file.
5. Audit of bills. (Audit of bills completed.)

A motion was made by Supervisor Fewell and seconded by Supervisor Collins "to adopt." Vote taken. Motion carried unanimously with no abstentions.

Approved by: \s\ Carol Kelso, County Executive Date: 6/4/2003

No. 9f -- **REPORT OF PLANNING, DEVELOPMENT AND TRANSPORTATION COMMITTEE AND LAND CONSERVATION SUBCOMMITTEE OF MAY 8, 2003**

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 8, 2003, and recommends the following motions:

Land Conservation Subcommittee

1. Discussion regarding: Marinette County Resolution regarding: Opposing Wisconsin Department of Natural Resources Efforts to Amend NR115 to Address Nonconforming Structures. (Referred from Legislative Subcommittee. Moved to Planning, Development and Transportation Committee – Planning Commission.)
2. Presentation by Brad Holtz (LCD) and Doug Sutter (UWEX) on Grant Opportunity for Livestock Waste Management System in Brown County (15 minutes). Approve grant application for the Livestock Waste Management System in Brown County and submit a letter of support. Ayes: 4 (Daul, Lund, Vanden Plas, Van Deurzen); Abstain: 1 (Haefs); Excused: 1 (Peters). Motion Carried.
3. Land and Water Conservation Board Resolution concerning the State 2003 – 2005 Biennial Budget and Future Funding for Land and Water Conservation and Non-point pollution control programs. Approve Resolution as rewritten by Mr. Hafs. Ayes: 4 (Daul, Lund, Vanden Plas, Van Deurzen); Nays: 1 (Haefs); Excused: 1 (Peters). Motion Carried. See Resolutions, Ordinances May County Board.
4. Director's report. Receive and place on file.

Planning, Development and Transportation Committee

1. Review minutes of:
 - a) Solid Waste Board (3/3/03 & 3/10/03). Receive and place on file.
 - b) Harbor Commission (3/3/03).
 - c) Planning Commission Board of Directors (3/5/03). Receive and place on file b & c.
2. Planning Commission – Discussion regarding: Marinette County Resolution No. 115 regarding: Request Legislative Action on the Merits of Wisconsin's Comprehensive Planning Law (Referred from Legislative Subcommittee.) Receive and place on file.
3. Planning Commission – Update regarding: Brown County Comprehensive Plan. No action.
4. Planning Commission – Resolution regarding: To Withdraw from the Jurisdiction of the Bay-Lake Regional Planning commission in 2004 subject to Wisconsin State Statute 66.0309(16). (Resolution to be distributed at meeting.) Refer to the Planning,

- Development and Transportation Committee Chairperson and staff asking that they work together and schedule a joint meeting to further discuss this issue with the Brown County Planning Board of Directors.
5. Port and Solid Waste – Update of transfer station in Town of Hobart. No action.
 6. Port and Solid Waste – Report of Tri-County Waste Agreement. Receive and place on file.
 7. Survey – Director’s report. Approve report.
 8. Register of Deeds Annual Report for 2002. Receive and place on file.
 9. UW-Extension – Request for Budget Transfer: Increase in Expenditures with Offsetting Increase in Revenue: \$19,885 total. Approve.
 10. UW-Extension – Resolution regarding: Creating additional grant-funded position in the Brown County University Extension Office Table of Organization. (Referred to Executive Committee). Committee approved. See Resolutions, Ordinances May County Board.
 11. Highway – Year 2002 Financial Balance Sheet. Receive and place on file.
 12. Highway – Brown County Highway 6-Year Highway Improvement plan, 2004 to 2009. Receive and place on file.
 13. Highway – Commissioner’s report. Approve.
 14. Zoning – Maintenance Program Charges by Other Counties (from previous meeting). Refer to staff and the County Executive to bring back an appropriate fee schedule to recover costs under the next budget.
 15. Zoning – Discussion regarding: Marinette County Resolution #116 regarding: Opposing Wisconsin Department of Natural Resources Efforts to Amend NR115 to Address Nonconforming Structures. (Referred from Legislative Subcommittee to Land Conservation Subcommittee. From Land Conservation Subcommittee to Planning, Development and Transportation Committee.) Receive and place on file.
 16. Airport – Ordinance regarding: To Repeal and Recreate Chapter 24 of the Brown County Code Entitled “Airport Zoning Districts”. (Referred back to Committee from April County Board.)
 - a) Committee approved Ordinance with the deletion of paragraphs 24.08 and 24.18.
 - b0 Refer to staff review of Chapter 24.08 and 24.18.
 See Resolutions, Ordinances May County Board.
 17. Airport – Director’s report. No action.
 18. Resolution regarding: Petitioning the Secretary of Transportation for Airport Improvement Aid by County Board of Supervisors, Brown County, Wisconsin. Committee approved. See Resolutions, Ordinances May County Board.
 19. Audit of bills. Pay the bills.

A motion was made by Supervisor Vanden Plas and seconded by Supervisor Lund **“to adopt.”** Supervisor Haefs asked for #2 of the report to be taken separately. The remainder of the report was approved unanimously on a voice vote.

Item #2 -- Presentation by Brad Holtz (LCD) and Doug Sutter (UWEX) on Grant Opportunity for Livestock Waste Management System in Brown County. Committee Action: Approve grant application for the Livestock Waste Management System in Brown County and submit a letter of support. Ayes: 4; Abstain: 1; Excused: 1. Motion Carried.

Motion was made by Supervisor Evans and seconded by Supervisor Nicholson **“to approve item #2.”**

Supervisor Haefs asked the question of Acting Corporation Counsel: Does the County Board have autonomy over the Land Conservation Subcommittee?

Mr. Jacques responded: Yes, the County Board does have autonomy over the Land Conservation Subcommittee.

Supervisor Haefs explained why he abstained on the vote at committee level. Supervisor Haefs said this Grant Application for Livestock Waste Management System is a good application and he agreed the County Board should send a letter of support. He explained he is abstaining because he feels the timing was bad; the deadline for application was prior to the County Board Meeting. While Supervisor Haefs stated he believes the County Board would agree with the application he feels it is dangerous ground for Committees to take action without getting County Board’s consent first. He added that the reason he is asking for a roll call on this item is to see if the other members of the County Board share the same thoughts as he has expressed.

Committee Chairperson Daul said the committee did the best it could with the time frame it had to work with.

Vote taken to approve item #2 on report #9f **“Approve grant application for the Livestock Waste Management System in Brown County and submit a letter of support.”** Roll Call #9f(1):

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

Abstain: Miller, Haefs

Total Ayes: 24 Abstain: 2 Nays: 0

Motion carried.

Approved by: \s\ Carol Kelso, County Executive Date: 6/4/2003

No. 9g -- REPORT OF PUBLIC SAFETY COMMITTEE REPORT OF MAY 7, 2003

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The PUBLIC SAFETY COMMITTEE met in regular session on May 7, 2003, and recommends the following motions:

1. Review minutes of:
 - a) Local Emergency Planning Committee (LEPC) (3/11/03).
Receive and place on file item a.

- b) EMS Council (3/19/03).
Receive and place on file item b.
- c) Metro Services (4/3/03 and 4/7/03).
Receive and place on file item c.
- 2. Circuit Courts Security Committee Quarterly Report (3/31/03). Receive and place on file.
- 3. Election of Vice Chair. Supervisor Guy Zima elected as Vice Chair.
- 4. Reappointment of Supervisor Harold Kaye, Chris Sorrells, Tom Madigan, and Mary Remiker to Emergency Medical Services Council. (Held for one month from previous meeting.) Committee approved. See Appointments May County Board.
- 5. Volunteers in Probation – Monthly Statistics (ending March 31, 2003). Receive and place on file.
- 6. Report from EMS Council Director. Receive and place on file.
- 7. Public Safety Communications – Radio Communications System needs analysis. (From February meeting for 90 days to come back and make a presentation.) No action.
- 8. Public Safety Communications – Request for Budget Transfer (#03-27): Increase in Expenditures with offsetting Increase in Revenue: Award of Domestic Preparedness Equipment grant for \$153,422. Approve.
- 9. Public Safety Communications – Request for Budget Transfer: (#03-28): Increase in Expenditures with offsetting Increase in Revenue: Award of Domestic Preparedness Equipment sub-grants for \$54,106. Approve.
- 10. Public Safety Communications – Request for Budget Transfer: (#03-29): Increase in Expenditures with offsetting Increase in Revenues: Brown County Emergency Management has been awarded several Wisconsin Emergency Management training grants for FY 2003, \$22,898.78. Approve.
- 11. Public Safety Communications – Request for Budget Transfer: (#03-30): Increase in Expenditures with offsetting Increase in Revenue: Award of a grant for Planning work dealing with Weapons of Mass Destruction, Terrorism Consequence management, etc. \$33,000 (professional services); \$1,100 (Postage); \$643 (copy expense). Approve.
- 12. Public Safety Communications – Request for Budget Transfer: (#03-31): Interdepartmental transfer (including contingency or general fund transfers): Request to transfer \$8,189.50 from the general fund to the Brown County Public Safety Communications outlay equipment account for the replacement of a failed De Pere police repeater. (Referred from Administration Committee.) Approve.
- 13. Sheriff – Communication from Supervisor Nicholson regarding: Request Public Safety Committee reviews the Table of Organization of the Sheriff’s department. Hold for 30 days.
- 14. ** Sheriff – Communication from Supervisor Nicholson regarding: Request Public Safety Committee reviews the administration structure of the Sheriff’s department that no vacancies are filled until the review of the Public Safety. Request that Sheriff does not fill supervisory positions until Human Resources conduct a review of supervisor positions.

** Approve and hold for 30 days per the County Board on 5/21/03.

15. Sheriff- Sheriff's department recruitment staffing report update (Melanie Falk, Human Resources). No action.
16. Sheriff- Communication from Supervisor Zima regarding: Adding positions to the Public Safety Table of Organization. (Held from previous month.) Receive and place on file.
17. Sheriff – Ordinance regarding: To Amend Section 31.03 of the Brown County Code entitled “Icebound Inland Waters.” Committee adopted. Ayes: 4 (Kaye, Watermolen, Zima, Nicholson); Nays: 1 (Gower). Motion Carried. See Resolutions, Ordinances May County Board.
18. Sheriff – Jail Study Report. Receive and place on file.
19. Sheriff – Jail Statistics and Overtime Statistics (through March 2003). Receive and place on file.
20. Sheriff – Jail Average Daily Population for calendar year 2003 (through March). Receive and place on file.
21. Sheriff – Overtime Expenditures by Division Section (2003 Actual through March). Receive and place on file.
22. Sheriff's report. Nominate Sheriff Kocken to the FBI Academy.
23. **Closed Session:** Contemplated closed session pursuant to Section 19.95(1)(c)(g)(e) Wis. Stats. to review the status of collective bargaining and to confer with legal counsel. Thereafter, the Committee may reconvene in open session to report any actions taken during closed session, and to consider all other matters on the agenda.
 - a) Enter into closed session.
 - b) Return to regular order of business.
 - c) No action taken.
24. Audit of bills. Pay the bills.

A motion was made by Supervisor Watermolen and seconded by Supervisor Van Deurzen **“to adopt.”**

Supervisor Van Deurzen asked that item #14 be taken separately.

Supervisor Nicholson asked that item #22 be taken separately.

Remainder of report approved unanimously with no abstentions on a voice vote.

Item #14 -- Sheriff – Communication from Supervisor Nicholson regarding: Request Public Safety Committee review the administration structure of the Sheriff's Department that no vacancies are filled until the review of the Public Safety. Committee Action: Request that Sheriff does not fill supervisory positions until Human Resources conduct a review of supervisor positions.

Supervisor Van Deurzen questioned the action of the Committee on Item #14 because the report doesn't reflect the action of the Committee.

Public Safety Committee member Supervisor Nicholson reported the motion at the committee was to hold this item for 30 days.

A motion was made by Supervisor Lund and seconded by Supervisor Daul **“to approve item #14 and hold for 30 days.”** Voice vote passed unanimously with no abstentions.

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

Respectfully submitted,
ADMINISTRATION COMMITTEE

Approved by: _____ \s\ Carol Kelso, County Executive _____ Date: 6/4/2003

No. 10b -- RESOLUTION REGARDING: DISALLOWANCE OF CLAIM (TODD BERZOWSKI)

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

Ladies and Gentlemen:

WHEREAS, a Notice of Claim was filed on March 19, 2003 in the Brown County Clerk's office; and

WHEREAS, said Notice of Claim alleges that Todd Berzowski 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 Todd Berzowski, 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, Todd Berzowski, as a notice of disallowance.

Respectfully submitted,
ADMINISTRATION COMMITTEE

Approved by: _____ \s\ Carol Kelso, County Executive _____ Date: 6/4/2003

A motion was made by Supervisor Johnson and seconded by Supervisor Kuehn **“to approve items No. 10a and 10b.”** Voice vote taken. Supervisor Evans and Supervisor Moynihan abstained from Item #10a. Supervisor Vanden Plas voted “nay” on Item #10a. Motion carried.

No. 10c -- **RESOLUTION REGARDING: IN SUPPORT FOR CONTINUED FUNDING OF THE WISCONSIN CONSERVATION CORPS**

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

Ladies and Gentlemen:

WHEREAS, Brown County has successfully used the Wisconsin Conservation Corps for community projects over the past 20 years; and

WHEREAS, the Corps has assisted with such projects as the construction of trails, playgrounds, shelters, zoological exhibits, bridges, and landscaping throughout Brown County; and

WHEREAS, the Corps has assisted various other area agencies and governments including Brown County with resource management projects including stream bank stabilization, forestry, prairie restoration, and wildlife and fisheries management; and

WHEREAS, the Corps has during times of emergencies, assisted numerous communities throughout Wisconsin in recovering from storm and flood damage, and has provided assistance in suppressing wildfires statewide; and

WHEREAS, the Wisconsin Conservation Corps has provided meaningful employment opportunities for young adults in Brown County; and

WHEREAS, the Corps has provided opportunities for such participants to improve basic job and life skills and provides an unique opportunity for participants to further their education to pursue future career opportunities; and

WHEREAS, as a result of their efforts and actions, the Wisconsin Conservation Corps has improved the quality of life for the residents of Brown County.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors that it hereby requests of the Governor and Legislature that State funding be continued for the Wisconsin Conservation Corps and further that the County Clerk mail a copy of this Resolution to the members of Legislature representing Brown County.

Respectfully submitted,
EDUCATION & RECREATION
COMMITTEE
EXECUTIVE COMMITTEE
LEGISLATIVE SUBCOMMITTEE

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

Approved by: _____ \s\ Carol Kelso, County Executive

Date: 6/4/2003

No. 10d -- **RESOLUTION REGARDING: AUTHORIZING CHANGES IN THE TABLE OF ORGANIZATION OF THE DEPARTMENT OF ADMINISTRATION AND COUNTY EXECUTIVE OFFICE**

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

Ladies and Gentlemen:

WHEREAS, the Table of Organization of the Department of Administration contains the position of Budget/Policy Analyst; and

WHEREAS, a request has been made that the position of Budget/Policy Analyst be removed from the Department of Administration and the position of Assistant to the County Executive be created in the County Executive's Office, and further that necessary funds be transferred to effectuate this change; and

WHEREAS, the Executive Committee, at its meeting of May 12, 2003, has recommended that a position be added to the Table of Organization of the County Executive office as requested.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors that it hereby changes the Table of Organization of the Department of Administration by removing the position of Budget/Policy Analyst and adding the position of Assistant to the County Executive to the Table of Organization of the County Executive Office and funding be transferred to effectuate this change; and

BE IT FURTHER RESOLVED that the position of the Assistant to the County Executive be created as a position appointed and supervised by the County Executive and serving at the pleasure of the County Executive.

** Add the following paragraph as per the County Board on 5/21/03).

BE IT FURTHER RESOLVED that the position of Assistant County Executive be deleted from the Table of Organization of the County Executive Office.

Respectfully submitted,
EXECUTIVE COMMITTEE

A motion was made by Supervisor Lund, seconded by Supervisor Daul **"to adopt."**

A motion was made by Supervisor Zima and seconded by Supervisor Schadewald **"to add to the first "THEREFORE, BE IT RESOLVED, the following sentence: That the position shall be funded at one grade below what it was budgeted in the 2003 budget at step 1."**

Vote taken on Supervisor Zima's motion. Roll Call #10d(1):

Ayes: Hansen, Kaye, Zima, Vanden Plas, Collins, Marquardt, Daul, Fleck, Clancy, Moynihan, Watermolen, Schadewald, Fewell

Nays: Antonneau, Graves, Nicholson, Gower, Miller, Haefs, Evans, Vander Leest, Johnson, Kuehn, Van Deurzen, Simons, Lund

Total Ayes: 13 Total Nays: 13

Supervisor Graves' light was not working properly. Vote above reflected to show correct votes. Motion defeated.

Supervisor Marquardt requested **“a 3-part separation of the Resolution:”**

No. 1. A motion was made by Supervisor Miller and seconded by Supervisor Gower **“to approve the second “Whereas” in the resolution which states “WHEREAS, a request has been made that the position of Budget/Policy Analyst be removed from the Department of Administration and the position of Assistant to the County Executive be created in the County Executive’s office, and further that necessary funds be transferred to effectuate this change; and”**. Vote taken. Roll Call #10d(2):

Ayes: Graves, Nicholson, Gower, Miller, Haefs, Hansen, Kaye, Zima, Evans, Vander Leest, Johnson, Daul, Van Deurzen, Moynihan, Simons, Lund

Nays: Antonneau, Vanden Plas, Kuehn, Collins, Marquardt, Fleck, Clancy, Watermolen, Schadewald, Fewell

Total Ayes: 16 Total Nays: 10

Motion carried.

No. 2. A motion was made by Supervisor Miller and seconded by Supervisor Gower **“to adopt the third “Whereas” in the resolution which states “WHEREAS, the Executive Committee, at its meeting of May 12, 2003, has recommended that a position be added to the Table of Organization of the County Executive Office as requested”**. Vote taken. Roll Call #10d(3):

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

Nays: Collins, Fleck, Watermolen, Schadewald

Total Ayes: 22 Total Nays: 4

Motion carried.

No. 3. A motion was made by Supervisor Miller and seconded by Supervisor Gower **“to adopt “NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors that it hereby changes the Table of Organization of the Department of Administration by removing the position of Budget/Policy Analyst and adding the position of Assistant to the County Executive to the Table of Organization of the County Executive office and funding be transferred to effectuate this change; and”**. Vote taken. Roll Call #10d(4):

Ayes: Antonneau, Graves, Nicholson, Gower, Miller, Haefs, Evans, Vander Leest, Johnson, Kuehn, Daul, Van Deurzen, Clancy, Moynihan, Simons, Lund

Nays: Hansen, Kaye, Zima, Vanden Plas, Collins, Marquardt, Fleck, Watermolen, Schadewald, Fewell

Total Ayes: 16 Total Nays: 10

Motion Carried.

A motion was made by Supervisor Schadewald and seconded by Supervisor Haefs **“to amend this portion of the resolution by adding the following: “BE IT FURTHER RESOLVED, that the position of Assistant County Executive be deleted from the Table of Organization of the County Executive Office.”** A motion was made by Supervisor Haefs and seconded by Supervisor Miller **“to adopt the amendment.”** Vote taken. Roll Call #10d(5):

Ayes: Antonneau, Graves, Nicholson, 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

Nays: Gower

Total Ayes: 25 Total Nays: 1

Motion Carried.

A motion was made by Supervisor Haefs and seconded by Supervisor Miller “to adopt the resolution as amended.” Vote taken. Roll Call #10d(6):

Ayes: Antonneau, Graves, Nicholson, Gower, Miller, Haefs, Hansen, Kaye, Zima, Evans, Vander Leest, Johnson, Vanden Plas, Kuehn, Daul, Van Deurzen, Clancy, Moynihan, Simons, Lund

Nays: Collins, Marquardt, Fleck, Watermolen, Schadewald, Fewell

Total Ayes: 20 Total Nays: 6

Motion carried to adopt the resolution as amended.

Approved by: \s\ Carol Kelso, County Executive Date: 6/4/2003

No. 10e -- RESOLUTION REGARDING: REQUESTING THAT BROWN COUNTY BE SELECTED BY THE LEGISLATURE FOR THE FAMILY CARE INITIATIVE PROGRAM

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

Ladies and Gentlemen:

WHEREAS, a program has been successfully initiated in several counties as the “Family Care Initiative” and has been in effect in those counties in the State with the objective of reducing or eliminating waiting lists for human services; and

WHEREAS, the citizens of Brown County who are in need of such family care programs would receive services to be funded by Brown County’s participation in the Family Care Initiative Program; and

WHEREAS, it is the recommendation of the Brown County Human Services Committee that an application be made to the Legislature that Brown County be selected as a participating county for the Family Care Initiative Program; and

NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors that it hereby supports an application by Brown County to the Legislature for Brown County’s participation in the Family Care Initiative Program for the benefit of Brown County residents who are presently on a waiting list for family care services; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Governor and members of the Wisconsin Legislature representing Brown County.

Respectfully submitted,
HUMAN SERVICES COMMITTEE

A motion was made by Supervisor Lund and seconded by Supervisor Miller **“to adopt.”**

A motion was made by Supervisor Fewell and seconded by Supervisor Marquardt **“to refer back to Committee.”** Human Services Chairperson Fewell explained his reasoning for referral. Vote taken on referral. Roll Call #10e(1):

Ayes: Antonneau, Hansen, Johnson, Vanden Plas, Kuehn, Collins, Marquardt, Daul, Fleck, Clancy, Watermolen, Schadewald, Fewell

Nays: Graves, Nicholson, Gower, Miller, Haefs, Kaye, Zima, Evans, Vander Leest, Van Deurzen, Moynihan, Simons, Lund

Total Ayes: 13 Total Nays: 13

Motion defeated to refer.

A motion was made by Supervisor Miller and seconded by Supervisor Gower **“to adopt the resolution as recommended.”** Vote taken. Roll Call #10e(2):

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

Nays: Vanden Plas

Total Ayes: 25 Total Nays: 1

Motion carried to adopt the resolution as presented.

Approved by: _____ \s\ Carol Kelso, County Executive Date: 6/4/2003

No. 10f -- RESOLUTION REGARDING: PETITIONING THE SECRETARY OF TRANSPORTATION FOR AIRPORT IMPROVEMENT AID

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

Ladies and Gentlemen:

WHEREAS, the said County of Brown, Brown County, Wisconsin, hereinafter referred to as the Sponsor, being a municipal Body Corporate of the State of Wisconsin, is authorized by law (sec. 114.11, Wis. Stats.) to acquire, establish, construct, own, control, lease, equip, improve, maintain, and operate an airport, and

WHEREAS, the Sponsor desires to develop or improve the Austin Straubel International Airport, Brown County, Wisconsin,

“PETITION FOR AIRPORT PROJECT”

WHEREAS, airport users have been consulted in formulation of the improvements included in this Resolution, and

WHEREAS, a public hearing was held prior to the adoption of this petition in accordance with Chapter 114.33(2) as amended, and a transcript of the hearing is transmitted with this petition, and

THEREFORE, BE IT RESOLVED, By the Sponsor that a petition for Federal and (or) State Aid in the following form is hereby approved:

The petitioner, desiring to sponsor an airport development project with Federal and/or State aid, in accordance with the applicable State and Federal laws, respectfully represents and states:

1. That the airport, which it is desired to develop, should generally conform to the requirements for a transport type airport as defined by the Federal Aviation Administration.
2. The character, extent, and kind of improvements desired under the project are as follows:
 - a. Airport Layout Plan Update
 - b. Design/Construct Runway 36 Extension
 - c. Expand Terminal Ticketing Wing and Baggage Make-up/ Baggage Screening Area
 - d. Air Carrier Apron Reconstruction and any necessary related work.
3. That the airport project, which your petitioner desires to sponsor, is necessary for the following reasons: to meet the existing and future needs of the airport.

WHEREAS, it is recognized that the improvements petitioned for as listed will be funded individually or collectively as funds are available, with specific project costs to be approved as work is authorized, the proportionate cost of the airport development projects described above which are to be paid by the Sponsor to the Secretary of the Wisconsin Department of Transportation (hereinafter referred to as the Secretary) to be held in trust for the purposes of the project; any unneeded and unspent balance after the project is completed is to be returned to the Sponsor by the Secretary; the Sponsor will make available any additional monies that may be found necessary, upon request of the Secretary, to complete the project as described above; the Secretary shall have the right to suspend or discontinue the project at any time additional monies are found to be necessary by the Secretary, and the Sponsor does not provide the same; and

WHEREAS, the Sponsor is required by law (sec. 114.32(5), Wis. Stats.) to designate the Secretary as its agent to accept, receive, receipt for and disburse any funds granted by the United States under the federal Airport and Airway Improvement Act, and is authorized by law to designate the Secretary as its agent for other purposes.

“DESIGNATION OF SECRETARY OF TRANSPORTATION AS SPONSOR’S AGENT”

THEREFORE, BE IT RESOLVED, by the Sponsor that the Secretary is hereby designated as its agent and is requested to agree to act as such in matters relating to the airport development project described above, and is hereby authorized as its agent to make all

arrangements for the development and final acceptance of the completed project whether by other monies, either public or private, for the acquisition, construction, improvement, maintenance and operation of the airport, and, to acquire property or interests in property by purchase, gift, lease, or eminent domain under Chapter 32 of the Wisconsin Statutes; and, to supervise the work of any engineer, appraiser, negotiator, contractor or other person employed by the Secretary; and, to execute any assurances or other documents required or requested by any agency of the federal government and to comply with all federal and state laws, rules, and regulations relating to airport development projects.

FURTHER, the Sponsor requests that the Secretary provide, per Section 114.33(8)(a) of the Wis. Stats., that the Sponsor may acquire land or interests in land that the Secretary shall find necessary to complete the aforesaid project.

“AIRPORT OWNER ASSURANCES”

AND BE IT FURTHER RESOLVED that the Sponsor agrees to maintain and operate the airport in accordance with certain conditions established in Chapter Trans 55, Wisconsin Administrative Code, or in accordance with Sponsor assurances enumerated in a Federal Grant Agreement.

AND BE IT FURTHER RESOLVED THAT THE County Executive and County Clerk be authorized to sign and execute the Agency Agreement authorized by this Resolution.

Resolution Introduced By:
PLANNING, DEVELOPMENT AND
TRANSPORTATION COMMITTEE

CERTIFICATION

I, Darlene K. Marcelle, Clerk of the County of Brown, Wisconsin, do hereby certify that the foregoing is a correct copy of a Resolution introduced at a meeting of the Brown County Board of Supervisors on May 21, 2003, adopted by a majority vote, and recorded in the minutes of said meeting.

\s\ Darlene K. Marcelle
Clerk
6/5/2003
Date

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

Approved by: \s\ Carol Kelso, County Executive Date: 6/4/2003

No. 10g -- **ORDINANCE REGARDING: TO REPEAL AND RECREATE CHAPTER 24 OF THE BROWN COUNTY CODE ENTITLED "AIRPORT ZONING DISTRICTS"**

THE BROWN COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1 - Chapter 24 of the Brown County Code is hereby repealed and recreated to read as follows:

24.01 TITLE. This ordinance shall be known, cited and referred to as THE AUSTIN STRAUBEL INTERNATIONAL AIRPORT ZONING ORDINANCE.

24.02 PURPOSE. It is the purpose of this ordinance to regulate the use of property and to regulate and restrict the height of structures and objects of natural growth in the vicinity of Austin Straubel International Airport to promote the health, safety and general welfare of the general public, to increase safety in the use of the airport, and to protect persons and property within the airport's zoning districts.

24.03 STATUTORY AUTHORIZATION. This ordinance, designed to protect the approaches and crash hazard areas to Austin Straubel International Airport, is adopted pursuant to the authorization contained in Sections 59.69, 59.693, 59.694, 114.135, and 114.136, Wisconsin Statutes.

24.04 JURISDICTION. The jurisdiction of this ordinance shall extend over all lands and waters within three (3) statute miles of the boundaries of Austin Straubel International Airport.

24.05 DEFINITIONS. Words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally.

Airport. Austin Straubel International Airport, owned and operated by Brown County, Wisconsin.

Airport Hazard. Any structure, object, whether man-made or natural, or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking off, or to persons using such land or structure.

Airport Master Plan. Austin Straubel International Airport Master Plan Report, 1999, as updated.

Alteration. Any construction which would result in a change in height or lateral dimensions of an existing structure or object.

Construction. The erection or alteration of any structure or object either of a permanent or temporary cut at least once a year.

Director. The Director of the Austin Straubel International Airport.

Growth. Any object of natural growth, including trees, shrubs or foliage, except farm crops which are cut at least once a year.

Height. The overall height of the top of a structure, including any appurtenance installed thereon, or the top of any object of natural growth.

LDN. Day/night average of noise measurement in decibels. Department of Housing and Urban Development *HUD) has determined that exposure to noise levels of 65 ldn or greater is generally incompatible with normal residential activities.

Non-conforming Use. Any structure, tree, or use of land which does not conform with a regulation prescribed in this chapter or an amendment thereto, as of the effective date of such regulation.

Person. Any individual, firm, partnership, corporation, company, association, or body politic and includes any trustee, receiver, assignee or other similar representative thereof.

Preexisting Permitted Use. Any use of land lawfully in existence at the time this ordinance or amendment thereto becomes effective.

Runway. A portion of the airport having a surface specially developed and maintained for the landing or taking off of airplanes.

Structure. Any object constructed or installed by man.

Tree. Any object of natural growth, except farm crops which are cut at least once a year, and except shrubs, bushes, or plants, which do not grow to a height of more than five (5) feet.

24.06 GENERAL PROVISIONS.

(1) Use Restrictions. Notwithstanding any other provisions of this ordinance, no use may be made of land or water within any districts established by these zoning regulations in such a manner as to create electrical or electronic interference with navigational signals or radio or radar communication between the airport and aircraft; no use or installation of flashing or illuminated advertising or business signs, billboards or other type of illuminated structure which would be hazardous for pilots because of the difficulty in distinguishing between airport lights and others, or which result in glare in the eyes of pilots using the airport, thereby impairing visibility in the vicinity of the airport or endangering the landing, taking off, or maneuvering of aircraft; or use which would emit or discharge smoke that would interfere with the health and

safety of pilots and the public in the use of the airport, or which would otherwise be detrimental or injurious to the health, safety and general welfare of the public in the use of the airport.

(2) Height Zones. All height zones established by this chapter are as shown on the maps, dated March 2003, entitled “Airport Zoning District Map Atlas and Airport Zoning District Maps, Austin Straubel International Airport, Brown County, Wisconsin”, on file in the office of the County Clerk and adopted as part of this Chapter.

(3) Height Limitations. No structure, tree or growth shall be erected, altered, allowed to grow or be maintained within any zoning district established by this ordinance to a height in excess of the applicable height limitations as shown on the Airport Zoning District Maps, which are maintained in the Airport Director’s office. The permitted height shall not exceed the difference between the grade elevation and the height limitation numbers shown within the various zoning districts encompassed by this ordinance.

(4) Severability. If any of the provisions of these zoning regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these zoning regulations which can be given effect without the invalid provision of the application, and to this end, the provision of these regulations are declared to be severable.

(5) Exceptions. The restriction contained in Section 24.06(3) shall not apply to legal fences or to farm crops which are cut at least once each year.

(6) Conflicting Regulations. Where a conflict exists between any of these zoning regulations and any other regulations or ordinances applicable to the same site, whether the conflict be with respect to the height of structures, or growths, the use of land, or any other matter, the more stringent regulations or ordinance shall govern and prevail.

24.07 PREEXISTING PERMITTED USE.

(1) Nothing contained in this ordinance shall require the removal of or any change in the construction, alteration, or use of any preexisting permitted use, the construction, alteration or use of which was begun prior to the effective date May 1, 2003 of this ordinance and has been completed or is being diligently pursued and further provided that the height limits shall in no event be exceeded.

(2) Partial Destruction. Any preexisting permitted use, building, structure, tree or plant which, as a result of fire, explosion or other casualty is destroyed or partially destroyed, shall be allowed to rebuild, reconstruct or rehabilitate the same preexisting permitted use on the same parcel, provided the following requirements are met:

(a) The preexisting permitted use complies with the Airport Zoning Districts Ordinance and a statement showing such compliance is signed by the Airport Director or his designee prior to any rebuilding, reconstruction or rehabilitation.

(b) The preexisting permitted use that is rebuilt, reconstructed or portions rehabilitated utilized construction techniques that provide the minimum noise level reduction over the industry, or commercial standard or the State of Wisconsin One-and-Two family Dwelling code, conforming to the noise level reduction standards appropriate to the zoning district in which the parcel is situated.

(3) Expansion of Preexisting Permitted Uses. Any preexisting permitted uses, as described in these regulations, may be expanded, altered, or otherwise enlarged as long as the following requirements are met:

(a) The preexisting permitted use is not expanded, altered or otherwise enlarged to a higher or more intensive use; e.g., single-family residence shall not be expanded to a two-family residence, etc.

(b) The expansion, alterations or enlarging meets the requirements of the Airport Zoning Districts Ordinance and a statement showing such compliance is signed by the Airport Director or his designee prior to the expansion, alteration or enlargement.

(c) The expansion, alteration or enlargement in no way increases or creates any hazard within the airspace required for the flight of aircraft in landing or takeoff or creates or increases any potential hazard to persons assembled within the preexisting permitted use.

(4) Removal. This section shall not interfere with removal of preexisting permitted uses by purchase or the use of eminent domain.

~~24.08 ADMINISTRATION.~~

~~(1) Procedure. The administration of this ordinance requires the cooperation of the affected municipalities Building Inspector and the Airport Director. Whenever a person applies for a building permit within either District A or District B, the affected municipality's Building Inspector shall forward a copy of the "Building Noise Level Reduction Work Sheet" attached or if a satisfactory reduction cannot be met, submit the proposed site plans, architectural drawings or building plan to the Airport Director. Whenever a person applies for a building permit within District C except where structure is more than one half statute mile from the Airport and less than fifty (50) feet in height, the affected municipality's Building Inspector shall direct applicant to obtain "application for Height Permit" from the Airport Director. The Airport Director or his designees shall review the proposed development and shall either approve or disapprove the proposed development based upon land use recommendations contained within the Austin Straubel International Airport Master Plan Report and the provisions, standards and requirements contained in this ordinance within ten (10) working days. If the proposed development is approved by the Airport Director and meets the requirements of the affected municipality, a building permit may be issued by the municipality. If the proposed development is not approved by the Airport Director, no building permit shall be issued.~~

~~Whenever a person applies for a building permit in District C, the municipality's Building Inspector shall inform the person that the property is located in an area subject to occasional noise from aircraft. The Building Inspector, prior to the issuance of a building permit, shall also provide the person with the brochure, prepared by the Airport that discusses the effect of aircraft noise and measures that may be implemented to effectively reduce that noise. In addition, if the proposed development exceeds fifty (50) feet in height, the Building Inspector shall require the person to meet with the Airport Director and get the required permits prior to the issuance of any building permit by the municipality.~~

~~Whenever a person submits a preliminary plat, planned development district, or applies for a permit within District C1, the municipality's Planning and Zoning Board shall advise the applicant that detention/retention or other decorative ponds of water containing more than 500 square feet of surface, may be prohibited. Whenever a person applies for a building permit in District C1, the municipality's Building Inspector shall advise the applicant that detention/retention or other decorative ponds of water containing more than 500 square feet of surface, may be prohibited.~~

24.09 APPEALS.

(1) Any person aggrieved by any decision made in the administration of this ordinance may apply to the Brown County Planning, Development and Transportation Committee to reverse wholly or partly, or modify or otherwise change, abrogate, or rescind any such decision upon meeting the following requirements:

(a) Such appeals be filed within thirty (30) calendar days following the administrative decision.

(b) Such appeals shall be filed with the Airport Director, who shall accept it on behalf of the Transportation Committee.

(c) The appeal shall specify:

1. The exact location of the parcel of land that was affected by the administrative decision.

2. The reason(s) for the appeal.

(2) The Brown County Planning, Development and Transportation Committee, upon the receipt of the appeal, shall include discussion and action on the appeal at its next regularly scheduled meeting, provided the appeal is received at least ten (10) working days prior to the regularly scheduled meeting.

(a) Any part may appear in person, or by agent, or by attorney in conjunction with the appeal.

(b) A decision regarding the appeal shall be made unless additional information, facts or testimony is deemed necessary. In such cases, the decision on the appeal shall take place at the next regularly scheduled meeting of the Brown County Planning, Development and Transportation Committee.

(3) The disposition of the appeal shall be by majority decision of the Brown County Planning, Development and Transportation Committee. Such decision shall state the specific facts which are the basis for the committee's decision and shall either affirm, reverse, vary or modify the administrative decision in whole or in part.

(4) Any person aggrieved by a decision of the Brown County Planning, Development and Transportation Committee may apply to the Brown County Board of Adjustments to reverse wholly or partly, or modify, or otherwise change, abrogate or rescind any such decision provided:

(a) The appeal follows the procedures prescribed by Section 59.694 Wisconsin Statutes.

(b) Such appeals shall be filed within thirty (30) calendar days following the Brown County Planning, Development and Transportation Committee's decision.

(c) A copy of the appeal is filed by the aggrieved party with the Airport Director.

(d) The appeal specifies:

1. The exact location of the parcel of land that was affected by the Committee's decision.

2. The reason(s) for the appeal.

(5) The final disposition of an appeal shall take into consideration any recommendation from the Brown County Planning, Development and Transportation Committee and shall be in the form of a resolution signed by the Chairperson and secretary of the Board. Such resolution shall state the specific facts which were the basis for the Board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution, or grant the application.

24.10 HAZARDS, MARKING AND LIGHTING. Any permit, variance appeal granted under Sections 24.07, 24.08 or 24.09 may, if such action is deemed advisable by the Director of effectuate the purpose of this Chapter and, if such is reasonable in the circumstances, be so conditioned as to require the owner of the structure or trees in question to permit the owner of the Airport, at its own expense, to install, operate, and maintain thereon such markers or lights as may be necessary to indicate the presence of an airport hazard.

24.11 VIOLATIONS/PENALTIES.

(1) Violations. In case of any violation, the Airport Director or the Brown County Zoning Administrator may institute appropriate legal action or proceeding to enjoin a violation of this chapter.

(a) Each violation of these regulations or of any regulation, order, or ruling promulgated hereunder shall constitute an airport hazard and such hazard shall be removed by proper legal proceedings. Each day a violation continues to exist shall constitute a separate offense. In addition, Brown County may institute in the Circuit Court of Brown County or the Circuit Court of any county in which the airport hazard is wholly or partially located an action to prevent and restrain, correct or abate, any violation of these zoning regulations, or of any regulation, order or ruling made in connection with their injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of these zoning regulations as adopted and orders and rulings made pursuant thereto.

(b) Any person, firm or corporation found guilty of violating any provision(s) of this ordinance shall, upon conviction thereof, forfeit not less than \$25.00 nor more than \$100.00 for each such offense, together with the costs of prosecution and, upon failure to pay said forfeiture, shall be confined in the county jail for not more than five (5) days.

24.12 EFFECTIVE DATE. Amendments shall be effective as adopted and published.

24.13 DISTRICTS.

(1) Purpose. For the purpose of this ordinance, the lands and waters within three (3) statute miles from the boundaries of the airport is divided into the following zoning districts.

- (a) Noise Contour/Crash Hazard/Height.
- (b) Overflight/Noise/Height.
- (c) Height/Noise.
- (c1) Open Water Restriction.

(2) Zoning District Map. The location and boundaries of the districts established by this ordinance are set forth in the zoning maps entitled “Airport Zoning District Map for Austin Straubel International Airport, Brown County, Wisconsin, dated March, 2003” and are incorporated herein and hereby made a part of this ordinance. The said maps, together with everything shown thereon and all amendments thereto, shall be as much a part of this ordinance as though fully set forth and described herein. Copies of said maps are located in the Airport Director’s Office, Brown County Zoning Administrator’s Office, and in the municipal offices of all communities affected by said ordinance. The Airport zoning District Maps shall overlay existing municipal zoning districts. Should conflicts with existing municipal zoning districts arise, Section 24.06(4) shall apply.

(3) Zoning Boundaries. The following rules shall apply with respect to the boundaries of the various districts as shown on the Airport Zoning District Maps:

(a) District boundary lines have been established, based upon global positioning satellite (GPS) coordinates, or specific distances from the runway thresholds, unless otherwise indicated.

(b) Where a district line divides a lot/parcel or series of contiguous lots/parcels in single ownership or where at least one common owner exists on the date of the adoption of the ordinance, the property owner may request a change in the zoning. The Brown County Planning, Development and Transportation Committee shall review the proposed rezoning based on documentation of intent to develop and expenditures to attain such development prior to the effective date of this ordinance included in Criteria for District Changes and other pertinent input submitted by the property owner. The Brown County Planning, Development and Transportation Committee, after due hearing, may extend the regulation from either portion of such lot/parcel or series of lots/parcels to the next less or more restrictive district; e.g., A to B, B to A, B to C, or C to B. The term divides, as used above, does not include situations where the district line coincides with lot/parcel lines.

(c) When a district line divides a lot/parcel of record existing prior to the effective date of this ordinance, in such a manner that a use not permitted in the most restrictive district of such lot is permitted on that portion of such lot in the lesser restrictive district, the permitted use may be developed only on that portion of the lot/parcel where it is permitted, provided:

1. The use is permitted by the underlying municipality's zoning ordinance;
2. The use complies with all applicable setback requirements;
3. A site plan drawn to scale showing the location of the use and the district line on the lot/parcel is submitted to the Airport Director and is reviewed and approved pursuant to the procedure contained in Section 24.08(1) Procedure.
4. The permitted use, if developed, in no way creates or increases any hazard within the airspace required for takeoff, landing, or flight of aircraft.

(4) Review Procedure and Proposed District Changes.

1. Applicant for district change shall contact the Brown County Airport Director who shall provide a copy of "Criteria for District Changes" (attached) and instructions on the correct method of filling out the form.

2. Applicant shall complete the "Criteria for District Change" forms and submit them to the Airport Director, along with all additional information required to support the information including: copies of approved subdivision plats, certified survey maps, assessments or billings for public improvement, percolation tests, site plans and bills/receipts for costs incurred.

3. The Airport Director shall include the request for a district change on the next regularly scheduled meeting of the Brown County Planning, Development and Transportation Committee provided the request for a change is submitted at least ten (10) working days prior to the officially scheduled meeting.

4. The Planning, Development and Transportation Committee shall review the request for a district change based upon the information submitted and any additional information they may deem necessary. A Maximum of 100 total points (based on the numerical values assigned in Part B of the “Criteria for District Change”) may be accrued. A minimum of fifty one (51) points shall be accrued before the Brown County Planning, Development and Transportation Committee shall consider approving the requested district change. The Brown County Planning, Development and Transportation Committee shall only approve those requests for a district change that:

a. Will not result in potential health or safety problems for either aircraft or property owner/users, and;

b. Are compatible with both the recommended long and short term uses of the airport.

(5) Zoning District Amendments.

(a) Amendments to the ordinance shall follow the procedure contained in Section 114.136, Wisconsin Statutes.

(b) Any amendment of the underlying municipal zoning ordinances that affects any district created by this ordinance shall require prior notification of the Airport Director by the Clerk of the municipality considering the change. If the proposed amendment would conflict with this ordinance, cause potential harm to aircraft or result in incompatible land uses, the Airport Director shall file a protest against the proposed amendment. The protest shall detail the reason for the protest. The municipality considering the proposed amendment shall consider such a protest as equal to any protests filed pursuant to either 59.69, 60.61, 61.35, or 62.23, Wisconsin Statutes and follow the procedures contained herein.

24.14 DISTRICT’S PURPOSE. The District’s purpose is to protect and provide for the public health, safety, convenience and to protect the aerial approaches to the airport. These provisions are also intended to implement the recommendations of the current Austin Straubel International Airport Master Plan Report as updated. The recommendations take into account the need to protect approaches to the airport from incompatible land uses that would limit or adversely affect the airport’s ability to serve the present and future air transportation needs of Brown County.

24.15 DISTRICT A. NOISE CONTOUR/CRASH HAZARD.

(1) District A shall be mapped to encompass areas which, due to the operation of aircraft, have a noise rating of 65 ldn or greater and are within the aircraft Crash Hazard area.

(2) Permitted Uses. In addition to the limitations on development and uses contained in the underlying zone, uses allowed in this zone are limited to:

(a) Agriculture, including incidental non-residential facilities (provided they meet the required height regulations), except mink and poultry production.

(b) Floriculture, horticulture, silvaculture, hatcheries, orchards, game farms, mammal or wildlife sanctuaries and game preserves.

(c) Mining and excavation.

(d) Open Space.

(e) Transportation routes including roads and rail lines.

(f) Parking lots or parking facilities.

(g) Airport owned or airport operated facilities.

(h) Limited Commercial, including the following:

1. Automotive related:

- a. Automotive body repair shops
- b. Automotive parts and supply distributors
- c. Automotive rental/leasing agencies
- d. Automotive sales and service

2. Bakeries-wholesale

3. Business forms printing/production

4. Commercial printing

5. Construction-general building contractors

6. Florists-wholesale

7. Forestry services – those services relating to forestry economics, marketing and preparation of forest management plans

8. Furniture repair/reupholstery

9. Greenhouses

10. Landscape and horticultural services

11. Laundry cleaning and garment services

12. Lawn and garden supply stores – wholesale

13. Lumber and construction materials – wholesale

14. Machinery equipment and supplies

15. Mail order house

16. Mobile home sales – only

17. Motor vehicle sales
18. Newspaper publishing, publishing and printing
19. Periodicals; publishing, publishing and printing
20. Plumbing/heating equipment supplies
21. Service industries for the printing trade
22. Veterinary services
23. Any other commercial activity that does not encourage concentrations of people and is found appropriate by the Airport Director/Planning, Development and Transportation Committee, pursuant to Section 24 of this ordinance, provided the proposed development meets the following requirements:

- a. The affected parcel is zoned for that use by the underlying municipal zoning ordinance.

- b. All enclosed office, sales, and work areas that will be subject to a minimum of four hours of continuous human occupancy per working day shall utilize construction techniques that provide a minimum of twenty (20) decibels outdoor to indoor noise level reduction over the industry standards for similar structures.

- (i) Industrial Park uses that meeting the following:

1. The affected parcel is zoned for that use by the underlying municipal zoning ordinance.

- (j) Light Industrial uses that meet the following:

1. The affected parcel is zoned for that use by the underlying municipal zoning ordinance.

- (k) Heavy industrial uses that meet the following:

1. The affected parcel is zoned for that use by the underlying municipal zoning ordinance.

(3) Uses which are specifically prohibited are: residential (except that directly related to a farm operation that exceeds 35 acres and includes soundproofing construction techniques that provide a minimum of twenty (20) decibels outdoor to indoor noise level reduction over current industry standards), hospitals, churches, schools, theaters, amphitheaters, stadiums, campgrounds, any construction activity or use that would encourage the concentration of bird (avian) populations, places of large public or semi-public assembly and any other structure or use which may be susceptible to being adversely affected by loud and extensive noise or would interfere in the use of operation of the airport.

24.16 DISTRICT B. OVERFLIGHT/NOISE.

(1) District B shall be mapped to include areas subject to noise levels and crash hazards resulting from frequent overflights of aircraft and to encourage land uses which, with proper construction, will not be adversely affected by such noise and are compatible with the airport's activities and operations. District B shall be divided into two separate subdistricts:

urban and rural. The urban subdistrict includes those lands within the Brown County year 2000 Sewer Service Area as delineated by the Brown County Planning Commission and approved by the Wisconsin Department of Natural Resources. The rural subdistrict encompasses the remaining land within this district.

(2) Permitted Uses.

(a) All uses permitted in District A.

(b) Residential uses that meet the following:

1. Density

a. Urban Subdistrict: shall meet the requirements of the underlying municipal zoning ordinance. In no event shall churches, schools, colleges, universities or artificial lakes be allowed.

b. Rural Subdistrict: shall meet the minimum required lot size, 40,000 square feet, contained in the Brown County Subdivision and Platting Regulations of the Brown County Code.

2. Construction techniques provide a minimum of five (5) decibels outdoor to indoor noise level reduction over the industry standard for similar structures.

(c) Cemeteries.

(d) Commercial activity that is in accord with the underlying municipal zoning ordinance including: manufacturing, transportation facilities, retailing services, utilities, warehousing and wholesaling, provided they meet the following minimum requirements:

1. Density:

a. Urban Subdistrict: shall meet the requirements of the underlying municipal zoning ordinance.

b. Rural Subdistrict: shall meet the minimum lot size, 40,000 square feet, contained in the Brown County Subdivision and Platting Regulations of the Brown County Code.

2. All enclosed office, sales and work areas that will be subject to a minimum of four hours of continuous human occupancy per working day shall utilize construction techniques that provide a minimum of five (5) decibels outdoor to indoor noise level reduction over industry standards for similar structures.

(e) Industry that meets the following requirements:

1. Density:

a. Urban Subdistrict: shall meet the requirements of the underlying municipal zoning ordinance.

b. Rural Subdistrict: shall meet the minimum lot size, 40,000 square feet, contained in the Brown County Subdivision and Platting Regulations of the Brown County Code.

24.17 DISTRICT C. HEIGHT/NOISE.

(1) District C shall be mapped to include all areas within three (3) statute miles of the airport boundaries. Whenever a property owner within this district applies for a building permit, he/she shall be informed by the municipal building inspector of the amount of the property located within the zone. The building inspector shall inform the property owner of construction or remodeling techniques that would decrease the noise associated with the airport operation. These techniques include additional insulation and air conditioning.

(2) Permitted Uses.

(a) All uses permitted in the underlying zone of the affected community, provided the use meets the airport's height restrictions.

~~———— 24.18 DISTRICT C 1. OPEN WATER RESTRICTION.~~

~~(1) ——— Parcels lying within districts A, B, or C shall be required to be in compliance with restrictions noted in Sections 24.15, 24.16 and 24.17, respectively. In addition, parcels falling within the boundaries of District C1, within 10,000 feet of the end of a runway at the Airport, shall be restricted from constructing waste disposal facilities, waste water treatment facilities, dredge spoil contaminant areas, and detention/retention ponds or any other body of water, either natural or artificial, with a surface area of more than 500 square feet, without the expressed written approval of the Airport Director/Planning, Development and Transportation Committee.~~

COPIES OF THE AIRPORT ZONING DISTRICT MAPS ARE AVAILABLE UPON REQUEST IN THE BROWN COUNTY CLERK'S OFFICE.

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

Respectfully submitted,
PLANNING, DEVELOPMENT AND
TRANSPORTATION COMMITTEE

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

Approved by: \s\ Carol Kelso, County Executive Date: 6/4/2003
Approved by: \s\ Darlene K. Marcelle, County Clerk Date: 6/5/2003
Approved by: \s\ Kenneth J. Simons, Board Chairman Date: 6/2/2003

No. 10h -- RESOLUTION REGARDING: CREATING ADDITIONAL GRANT-FUNDED POSITION IN THE BROWN COUNTY UNIVERSITY EXTENSION OFFICE TABLE OF ORGANIZATION

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

Ladies and Gentlemen:

WHEREAS, the State Grant Programs were created to appropriate grant funds through the state to County University Extension agencies across the state for information dissemination and professional/volunteer education and training; and

WHEREAS, the State of Wisconsin has appropriated funds to each County University Extension Office, each ultimately hiring specified positions to provide services and each consortium with a County University Extension agency designated as grantee, and \$1,626.00 has been appropriated to the Brown County University Extension Office; and

WHEREAS, the staff position added to the Table of Organization of the Brown County University Extension Office will be 100% funded by state grant and the hours will be reduced or eliminated if the state grant is reduced or eliminated and the fiscal impact is attached.

NOW, THEREFORE, BE IT RESOLVED by the Brown County Board of Supervisors that the Brown County University Extension Office Table of Organization be changed to create an additional position to be funded by State of Wisconsin grant and appropriations for the position of Community Garden Intern.

Respectfully submitted,
EXECUTIVE COMMITTEE

PLANNING, DEVELOPMENT AND
TRANSPORTATION COMMITTEE

- Funding is limited.
The amount budgeted for the inter is \$1,116.00.
The total amount of the grant is \$1,626.00.

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

Approved by: \s\ Carol Kelso, County Executive Date: 6/4/2003

No. 10i -- **RESOLUTION REGARDING: THE STATE 2003-2005 BIENNIAL BUDGET AND FUTURE FUNDING FOR LAND AND WATER CONSERVATION AND NONPOINT POLLUTION CONTROL PROGRAMS**

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

Ladies and Gentlemen:

WHEREAS, the State Legislature, through Chapter 92 and Wisconsin Statutes 281, has established the framework for land and water conservation and nonpoint pollution control programs in Wisconsin; and

WHEREAS, the Legislature has now adopted a comprehensive package of administrative rules (Wisconsin Administrative Code ATCP 50, NR 120, 151, 152, 153, 154, 155, 216 and 243), which include nonpoint pollution control standards and funding requirements to be applied in implementation of these rules; and

WHEREAS, the successful implementation of these rules is dependent upon a reliable source of funding that will enable individual property owners and municipalities to systematically implement these standards; and

WHEREAS, the State of Wisconsin is now experiencing a significant budget deficit which must now be addressed; and

WHEREAS, the Governor has proposed a biennial budget (2003-2005), which seeks to reduce the budget deficit while making necessary, yet modest, reductions in existing land and water conservation and nonpoint funding allocations; and

WHEREAS, to help address the State's budget deficit, a legislative task force has now recommended that a general bonding moratorium be imposed; and

WHEREAS, if imposed, this moratorium would eliminate the cost-share funding necessary to enable landowners and municipalities to implement the State's conservation and nonpoint pollution control programs and significantly impair the State's land and water resources; and

WHEREAS, the consequences of this cost savings measure would, in effect, suspend and serve to dismantle the State's existing program delivery system.

NOW, THEREFORE, BE IT RESOLVED that the Brown County Board of Supervisors registers its support for the portion of the Governor's proposed budget, which would serve to reduce the budget deficit and maintain existing conservation program funding at proposed levels; and

BE IT FURTHER RESOLVED that the Brown County Board of Supervisors does not support the use of bonding to fund and maintain the existing conservation programs because of increased debt and because many important conservation practices such as Buffer Strips and Nutrient Management cannot use bonding for funding; and

BE IT FURTHER RESOLVED that the Brown County Board of Supervisors requests the Legislature and Governor to immediately fund in the 2003-2005 Biennial Budget implementation of the State's land and water conservation and nonpoint pollution control programs with the use of dedicated funding sources. ~~such as: an increase in motor boat fuel taxes, recreational vehicle licenses, or ethanol fuel tax, and~~ (Deleted as per the County Board on 5/21/03.)

BE IT FURTHER RESOLVED that a copy of this resolution be submitted to the Joint Committee on Finance for the public hearing record and that a copy also be sent to all State Legislators, Governor James Doyle and the Secretaries of the Department of Administration, Department of Natural Resources and Department of Agriculture, Trade and Consumer Protection.

Respectfully submitted,
LAND CONSERVATION SUBCOMMITTEE

A motion was made by Supervisor Vanden Plas and seconded by Supervisor Daul "to adopt." Supervisor Haefs stated he will vote no on this resolution because he doesn't believe we should be telling the Governor to increase taxes.

Vote taken. Roll Call #10i(1):

Ayes: Nicholson, Gower, Miller, Vanden Plas, Collins, Daul, Van Deurzen, Fleck, Clancy, Watermolen, Simons, Lund, Fewell

Nays: Antonneau, Graves, Haefs, Hansen, Kaye, Zima, Evans, Vander Leest, Johnson, Kuehn, Moynihan, Schadewald

Total Ayes: 13 Total Nays: 12 Abstain: 1

NOTE: After item #11 "Such other matters as authorized by law" Supervisor Nicholson requested his vote be changed from "aye" to "nay".

Total Ayes: 12 Total Nays: 13 Abstain: 1

Motion failed.

See Item #11 for reconsideration and approval of Resolution #10i.

Approved by: \s\ Carol Kelso, County Executive Date: 6/4/2003

No. 10j -- ORDINANCE REGARDING: TO AMEND SECTION 31.03 OF THE BROWN COUNTY CODE ENTITLED "ICEBOUND INLAND WATERS"

THE BROWN COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1 - Section 31.03(4)(e) of the Brown County Code is hereby amended to read as follows:

(e) At a rate of speed that is in excess of 40 miles per hour on Duck Creek River from the mouth of said river on the bay of Green Bay to the village limits of

the Village of Howard, except those portions on Duck Creek River in the Village of Howard described in subsection (4)(f).

Section 2 - Section 31.03(4)(f) of the Brown County Code is hereby created to read as follows:

(f) At a rate of speed that is in excess of 20 miles per hour on Duck Creek River from the bridge located at County Trunk Highway J to the railroad bridge adjacent to the intersection of County Trunk Highway J and LaComa Street within the village limits at the Village of Howard.

Section 3 - This ordinance shall become effective upon passage and publication.

Respectfully submitted,
PUBLIC SAFETY COMMITTEE

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

Approved by: \s\ Carol Kelso, County Executive Date: 6/4/2003

Approved by: \s\ Darlene K. Marcelle, County Clerk Date: 6/5/2003

Approved by: \s\ Kenneth J. Simons, Board Chairman Date: 6/2/2003

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

A motion was made by Supervisor Nicholson and seconded by Supervisor Miller **“to reconsider his vote on Resolution #10i to change from “aye” to “nay”.**” Vote taken to allow permission to change his vote. Roll Call #11(1):

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

Nays: Collins, Marquardt, Daul, Fleck

Total Ayes: 22 Total Nays: 4

Motion carried.

A motion was made by Supervisor Schadewald and seconded by Supervisor Haefs **“to amend motion to Item #11 by “amending page 2 of the resolution, paragraph 5 by “adding a period(.) after the word sources and eliminating the remainder of the paragraph.”** Voice vote taken. Motion carried unanimously with no abstentions.

A motion was made by Supervisor Schadewald and seconded by Supervisor Haefs **“to adopt resolution #10i as amended.”** Voice vote taken. Motion carried unanimously with no abstentions to adopt Resolution #10i as amended.

No. 12 -- Bills over \$10,000 for period ending May 1, 2003.

A motion was made by Supervisor Collins and seconded by Supervisor Daul **“to pay the bills.”**

A motion was made by Supervisor Van Deurzen to **“pay bills over \$10,000 except Millennium Architects”.** Vote taken. Ayes: 14; Nays: 12. Motion carried to pay the bills except Millennium Architects.

No. 13 -- Closing Roll Call.

Chairman Simons announced that all Supervisors were present.

**No. 14 -- ADJOURNMENT TO WEDNESDAY, JUNE 18, 2003, AT 7:00 P.M.,
LEGISLATIVE ROOM #203, CITY HALL, 100 NORTH JEFFERSON
STREET, GREEN BAY, WISCONSIN.**

A motion and second to adjourn by members of the Board. No vote on adjournment was recorded.

DARLENE K. MARCELLE
Brown County Clerk