

** MINUTES **
* * OUTAGAMIE COUNTY BOARD * *

Office of the County Clerk, March 28, 2023.

The Board met pursuant to adjournment, and was called to order by Chairperson Nooyen at 7:00 p.m. in the County Board Room, located at 320 South Walnut Street, Appleton, Wisconsin.

ROLL CALL: 33 present, 2 absent, 1 vacant. Members present: Thompson, Smith, Patience, Gabrielson, Konetzke, Hammen, Lawrence, Krueger, Lamers, Ferguson, Wegand, Hermes, Schroeder, Croatt, Spears, Cooke, Santonato, Cuff, Hagen, Klemp, Thiede, Nooyen, Weinberg, Culbertson, Monfils, Clegg, Thyssen, VanderHeiden, Rettler, Miller, McCabe, MacDonald and Lautenschlager. Absent: Nejedlo and Winterfeldt. Vacant: District 35.

The Board Chairperson requested the Board's confirmation to excuse Supervisor Nejedlo. No objections; so ordered.

The Pledge of Allegiance was led by Chairperson Nooyen.

MINUTES OF THE MARCH 14, 2023 COUNTY BOARD MEETING

Supervisor Croatt moved, seconded by Supervisor Spears, to approve the minutes of the March 14, 2023, County Board meeting.

ROLL CALL: 30 yes, 3 abstain (Miller, McCabe, and MacDonald), 2 absent, 1 vacant. MINUTES OF THE MARCH 14, 2023, COUNTY BOARD MEETING ARE APPROVED.

Supervisor Winterfeldt arrived at 7:01 p.m.

SPECIAL ORDER OF BUSINESS

Opioid Settlement Update – Kyle Sargent, Corporation Counsel

- There is a continuing opioid problem in the community.
- Through the lawsuit, the County will receive damages to try to address some of the problems the opioid epidemic has caused.
- In the previous settlement in 2017, the State filed against major manufacturers (Purdue, Janssen, Mallinckrodt, End, Insys) and distributors (Johnson and Johnson). Significant money was received from them in the settlement. This is not from federal tax dollars. This is not a government sponsored grant or program. The money is coming from the manufacturers and distributors that are paying the states. The states are then distributing to the local governments for opioid damages.
- Outagamie County received approximately \$5 million as part of the 2017 settlement. The money is put into programming for opioid treatment and addressing those needs.
- Currently, in this phase of the litigation, it is dealing with retail pharmacy chains and distributors (Allergan, TEVA, CVS, Walmart, and Walgreens).
- The new settlement total with previous settlements will bring the total to \$50 billion. Wisconsin is only one of the states receiving a portion of this money.
- There is a split 30/70 with the local governments. Wisconsin's share with the local governments totaled about \$2.25 million. There is not a final number issued yet on the new settlements.
- The current need is for County Board approval with the passing of the resolution and the Memorandum of Agreement signed. The documents must be returned to the firm that is representing Outagamie County by April 18, 2023.
- By returning these documents, it allows Outagamie County to buy into the litigation as it has done in the past.

- The bankruptcies are usually re-organizations. The money is still there. The debts are bought out and are provided to the local government and municipalities first.
- Once the money is received, there is only a limited set of items that the money can be spent on. All of it is related to opioid issues such as funding for Narcan and other opioid reversal drugs, medication assisted treatment, treatment for pregnant or post-partum women, expanding treatment for neo-natal abstinence syndrome, after care programs for people who have been through recovery and need additional support, treatment for offenders, prevention programs, syringe services, and training for law enforcement.
- Some officers have needed to be treated with Narcan due to the potency of some opioids, including very trace amounts.

Chairperson Nooyen clarified this was regarding Resolution No. 154 and it needed to be locked in, since the next Board meeting wasn't until April 18, 2023.

Annual Sales Tax Impact Report – Finance Committee Chairperson Nadine Miller and Board Chairperson Jeff Nooyen

Chairperson Nooyen provided some background information.

- In 2018, the Board started working on the budget and the best way to move forward with the budget concerns and issues within the county was looking at sales tax.
- Staff was asked to put together a Sales Tax Analysis. The results are provided in Drop Box. It is detailed and will provide a lot of the background information on how the Board arrived with the decision on what was adopted in Outagamie County.
- The Board decided it was needed and they established four benchmarks that they wanted to achieve.
 1. Reduce property taxes; this was achieved in the first year. The average reduction in the first year was 17.2% in Outagamie County.
 2. Pay in cash for capital projects (achieved).
 3. Pay down debt (achieved).
 4. Share the money with local municipalities and school districts (achieved).

Supervisor Miller presented the following:

- The impact on the tax levy: In 2019, it was above \$70 million since then it has dropped, but it was only a 1-time drop and it is starting to go back up.
- Net new construction has been just below 2% the past few years.
- Airport and Recycling/Solid Waste are self-funded and are enterprise funds.
- The debt kept raising and a slide was provided that showed what the debt would have been if all the capital projects were done without the sales tax.
- The debt has been trending down by \$15.3 million.
- Since 2021, there has not been any borrowing.
- In 2022: sales tax revenue was \$26.8 million. It was broken down by reducing debt (\$6.5 million), paying cash for capital projects (\$4.3 million), sharing with municipalities and school districts (\$4 million), levy reduction/operation (\$6.9 million), and reserves above budget (\$5.1 million).
- Outagamie is one of a few counties in the state that share the revenue with municipalities and the only county that shares with school districts.
- The reserve fund typically goes to the next year's capital improvement projects that are paid in cash.
- It does come back to the Board to decide on how to spend the reserve fund.
- \$1.6 million has already been put into the 2023 budget. \$3.4 million is left to be decided on.
- The biggest expense at the county is employees and most services are state mandated.

- 25% of the sales tax comes from people who do not live in the county.

Supervisor Questions/Comments:

Question: Can money that is used from the levy reduction help to provide raises for county employees?

Supervisor Miller: If there is an economic downturn, you could possibly need to lay employees off if it was used this way. If sales tax is used in other parts of the budget, hopefully it will free up other parts of the budget to help pay for raises.

Chairperson Nooyen: Some counties did do this and when the economy took a downturn, they were in bad shape.

Question: How many counties do not have the sales tax?

Supervisor Miller: There are two counties that do not have sales tax; they are Winnebago and Manitowoc. There are two counties that do not have sales tax, but have a stadium tax and they are Waukesha and Racine counties.

Chairperson Nooyen: There are 72 counties in Wisconsin and there are only four counties that do not have sales tax. The first county started in 1986.

Comment/Question: When this topic originally came up, the Supervisor was against it, and spoke with the Finance Department and learned more about it. The results are clear and it is working. The Supervisor is sad it was needed, but it was the right thing to do.

Supervisor Miller: The 25% that is coming from outside the county. It is all re-circulated by using local contractors.

Comment: The Village of Kimberly received \$101,000 and the School District of Kimberly received \$72,000. It has been a big help for their community.

Question: Will the way the money that was separated out in 2022, be similar in 2023?

Supervisor Miller: Its budgeted every year. It is usually about the same percentages.

Question: Are the municipalities and school districts still going to receive a percentage in 2023?

Supervisor Miller: Yes, it is about 15%. They usually receive the second payment.

Chairperson Nooyen: We do not receive numbers from the state until late February or early March.

ESTABLISH ORDER OF THE DAY—

Chairperson Nooyen reported the request to have Resolution Nos. 151, 152, 153, 154, 155 and Ordinance No. F —2022-23 locked in at the meeting.

Chairperson Nooyen asked for unanimous consent to handle the reconsiderations and lock ins at the end of the meeting as noted.

COMMUNICATIONS— Communication Referral List (included in the packet).

Chairperson Nooyen summarized the following communications:

- There are four handouts at each desk (email from an area school district, the 2022 sales tax distribution, average percent change, and the FAQ's on the employee clinic).
- The County Executive's Report is in Drop Box.
- March IT training has been emailed out. It must be completed by April 7th. There are 13 supervisors that still need to complete it. There are two Supervisors that need to complete the January training.
- There is a Women's Panel Discussion coming up this week. Supervisor Miller and Supervisor Spears will be participating.

- The next Board meeting will be held on April 18th at 4:00 p.m. This is the only meeting in April. It will be the third Tuesday; this is set by state statute.
- Staff was thanked for putting together the employee clinic along with Supervisors Konetzke and Spears. There has been a lot of positive feedback from employees.

PUBLIC PARTICIPATION FOR A PERIOD OF FIFTEEN MINUTES (PERTINENT TO THE RESOLUTIONS OF THE DAY) –

Kevin Sturn, N1354 Westgreen Drive, Greenville spoke on the Sales Tax Presentation. He was the Finance Committee Chair at the time they initiated that plan. The sales tax is a funding source. He is proud of the people on the Board. He thanked the staff of the Finance Department for providing good information. As leaders, you need good information to make good decisions. The Finance Department and legal counsel provided good information. Three years show that the right thing was done. Always go by the numbers and not the emotions. There is a great economic tool at the Outagamie County Airport. The sales tax is a good way to re-coop our investment. You will be asked to make some tough decisions about spending a lot of money on the new terminal. When people come to visit, some of the cost will be re-cooped. It is very important that we partner with everyone in the community. He stated the original Board was not trying to buy off the municipalities and the school districts; it was a partnership. He asked the Board to lead by example. A tough decision was made; the data proves the decision was the right one. Please continue to support the local municipalities and school districts.

Jake Woodford, 267 River Drive, Appleton spoke on the Sales Tax Presentation. On behalf of the taxpayers of the City of Appleton, he thanked the County Board for their support of sharing a part of the County Sales Tax with the communities and school districts. The approach sends a clear message about the way the county values its partners and it plays an integral role funding the services and infrastructure that the residents rely on every day. It is especially important to note that Outagamie County's approach is discretionary, a fact that we in the City of Appleton do not take for granted. Since the first distribution of funds from Outagamie County sales tax, the City of Appleton has received over \$2.1 million from this program. As a Wisconsin municipality, the City of Appleton faces significant pressure due to the rising costs of providing critical services due to inflation and reduction in shared revenue from the state. While it has been held flat, its actually reducing as inflation mounts on top of that. While we can and have borrowed to support the maintenance of infrastructures and on capital projects, borrowing not only increases property taxes, but it also adds a premium to the projects that we fund with debt. I have stated many times that this pattern of borrowing is not sustainable or responsible which is why we in the City of Appleton work to finish major outstanding projects. Stabilizing our borrowing as quickly and as responsibly as possible and reduce our debt load over time. Outagamie County's decision to share a portion of the sales tax revenue, which does not increase property tax burden, with its many communities and school districts, has provided critical support to the City of Appleton. Without it, we would have likely faced more dramatic cuts to programs and operations then we have already had to over the years. The funds provided by the county through the sales tax are applied to our general fund, which helps the City keep our community safe, maintain our infrastructure, and provide services our residents depend on. For reference, the City's three largest budgets are Police, Fire, and Public Works representing 29, 20, and 19 percent of our total general funding expenditures respectively. These are the areas hit hardest by expense reduction in terms of total dollars since theirs are the largest budgets in the City. The county did not have to distribute funds the way that they have chosen to, but I am grateful that you had the wisdom to share. As a result, our property taxpayers are experiencing real relief and benefiting from visitor spending that would not otherwise directly fund municipal services. Thank you for your partnership with serving our communities and for finding ways to fight back against unsustainable financial models that are harming communities statewide. Thank you.

APPOINTMENTS—

County Executive Nelson nomination for appointment of Jeffrey Huelsbeck, to the Veterans Service Commission, term expiring December 31, 2025.

Supervisor Spears moved, seconded by Supervisor Gabrielson, for confirmation of the above-listed appointment.

ROLL CALL: 33 yes, 1 no (Hermes), 1 absent, 1 vacant. JEFFREY HUELSBECK IS APPOINTED TO THE VETERANS SERVICE COMMISSION.

UNFINISHED BUSINESS - none

NEW BUSINESS

Resolution No. 151—2022-23 – Highway, Recycling and Solid Waste Committee. Approve the County Highway Commissioner entering into a revised State Municipal Agreement for the CTH CE and Railroad reconstruction project due to a federal share increase, and increase the following line items by \$305,119 each: CE & Railroad Intersection, HWY-Intra County and Operating Expenses; and the CR&B Fund, Intergovernmental Revs. and Construction Capital Outlay, as noted on the attachments

Supervisor Hagen moved, seconded by Supervisor Wegand, for adoption.

ROLL CALL: 34 yes, 1 absent, 1 vacant. RESOLUTION NO. 151—2022-23 IS ADOPTED.

Resolution No. 152—2022-23 – Highway, Recycling and Solid Waste Committee. Approve the County Highway Commissioner entering into a revised State Municipal Agreement for the CTH OO and French Road intersection improvement project due to a federal share increase, and increase the following line items by \$335,406 each: OO & French Intersection, HWY-Intra County and Operating Expenses; and the CR&B Fund, Intergovernmental Revs. and Construction Capital Outlay, as noted on the attachments.

Supervisor Thyssen moved, seconded by Supervisor Clegg, for adoption.

ROLL CALL: 34 yes, 1 absent, 1 vacant. RESOLUTION NO. 152—2022-23 IS ADOPTED.

Resolution No. 153—2022-23 – Property, Airport, Recreation and Economic Development Committee. Approve an application for State aid for the purpose of maintaining, acquiring, developing, and ensuring a program of snowmobile trails for public recreational use; authorize the County Parks Director and/or Program/Office Manager to act on behalf of the County by submitting an application to the Wisconsin Department of Natural Resources for any financial aid that may be available, sign documents, and take any necessary action to undertake, direct and complete approved projects, and the County will meet the financial obligation of accepted grants.

Supervisor Culbertson moved, seconded by Supervisor Monfils, for adoption.

ROLL CALL: 34 yes, 1 absent, 1 vacant. RESOLUTION NO. 153—2022-23 IS ADOPTED.

Resolution No. 154—2022-23 – Health and Human Services Committee. Approve the Opioid Settlement Agreements, as outlined on the resolution and attachments.

Supervisor Gabrielson moved, seconded by Supervisor Thiede, for adoption.

ROLL CALL: 34 yes, 1 absent, 1 vacant. RESOLUTION NO. 154—2022-23 IS ADOPTED.

Resolution No. 155—2022-23 – Health and Human Services Committee and Public Safety Committee. Approve to request the Governor and the State Legislature to fully support extending the five-county pilot program for representation of parents in CHIPS proceedings until 2025.

Supervisor Spears moved, seconded by Supervisor Cooke, for adoption.

ROLL CALL: 34 yes, 1 absent, 1 vacant. RESOLUTION NO. 155—2022-23 IS ADOPTED.

Resolution No. 156—2022-23 – Public Safety Committee. Approve of increasing the following Sheriff's Office line items by \$4,285,000 each: Sheriff – Comm Center, Capital Outlay line item; 2022 Capital Projects, Transfer In line item; 2023 Capital Projects, Transfer Out line item; and decrease the Storage Facility, Capital Outlay line item by \$4,285,000, to combine the 911 Communication Project and Storage Facility Addition Project into one cost center, as detailed on the attached fiscal note.

Supervisor Patience moved, seconded by Supervisor Smith, for adoption.

ROLL CALL: 34 yes, 1 absent, 1 vacant. RESOLUTION NO. 156—2022-23 IS ADOPTED.

Resolution No. 157—2022-23 – Legislative/Audit and Human Resources Committee. Approve to request the Joint Finance Committee to include utility aide for energy storage facilities hosted by County and Municipalities in the 2023-2025 Biennial Budget, and to update existing incentive aid payments to keep pace with municipal service costs.

Supervisor Spears moved, seconded by Supervisor Konetzke, for adoption.

ROLL CALL: 34 yes, 1 absent, 1 vacant. RESOLUTION NO. 157—2022-23 IS ADOPTED.

Ordinance No. F—2022-23 – Finance Committee. Recommend adoption of the list of depositories, as noted on the ordinance.

Supervisor Croatt moved, seconded by Supervisor Lawrence, for adoption.

ROLL CALL: 34 yes, 1 absent, 1 vacant. ORDINANCE NO. F—2022-23 IS ADOPTED.

Ordinance No. G—2022-23 – Legislative/Audit and Human Resources Committee. Approve to amend Chapter 2-426 of the County Code of Ordinances, Disclosure of Conflict, in order to provide an updated Disclosure Statement, as noted on the resolution and attachment.

Supervisor MacDonald moved, seconded by Supervisor Klemp, for adoption.

ROLL CALL: 34 yes, 1 absent, 1 vacant. ORDINANCE NO. G—2022-23 IS ADOPTED.

Supervisor Smith moved, seconded by Supervisor VanderHeiden, to reconsider Resolution Nos. 151, 152, 153, 154, 155, and Ordinance F —2022-23 for the purpose of lock in.

Vote for reconsideration. ROLL CALL: 34 yes, 1 absent, 1 vacant. RESOLUTION NOS. 151, 152, 153, 154, 155 AND ORDINANCE NO. F —2022-23 ARE RECONSIDERED.

Vote for lock in. ROLL CALL: 34 yes, 1 absent, 1 vacant. RESOLUTION NOS. 151, 152, 153, 154, 155 AND ORDINANCE NO. F —2022-23 ARE ADOPTED & LOCKED IN.

CLOSED SESSION PURSUANT TO SECTION 19.85(1)(g) WIS STATS. FOR THE PURPOSE OF CONFERRING WITH LEGAL COUNSEL FOR THE GOVERNMENTAL BODY WHO IS RENDERING ORAL OR WRITTEN ADVICE CONCERNING STRATEGY TO BE ADOPTED BY THE BODY WITH RESPECT TO LITIGATION IN WHICH IT IS OR IS LIKELY TO BECOME INVOLVED.

Supervisor McCabe moved, Seconded by Supervisor Hagen, to go into Closed Session at 7:51 p.m.

ROLL CALL: 34 yes, 1 absent, 1 vacant. COUNTY BOARD ENTERS CLOSED SESSION.

END CLOSED SESSION

Supervisor Spears moved, seconded by Supervisor Santonato, to end Closed Session at 8:31 p.m. and resume regular session.

ROLL CALL: 34 yes, 1 absent, 1 vacant. COUNTY BOARD ENDS CLOSED SESSION; RESUMES REGULAR SESSION.

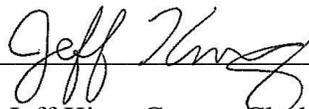
REPORTS —None.

ADJOURNMENT

Supervisor McCabe moved, seconded by Supervisor Patience to adjourn until April 18, 2023 at 4:00 p.m.

VOICE VOTE CARRIED UNANIMOUSLY.

The meeting adjourned at 8:32 p.m.



Jeff King, County Clerk

ROLL CALL SUMMARY MARCH 28, 2023 COUNTY BOARD MEETING

DIST./NAME	NO. OF ROLL CALLS TAKEN THIS MEETING	NO. VOTES CAST THIS MEETING	CUMULATIVE CALLS TAKEN THIS TERM	NO. VOTES CAST THIS TERM
1. Thompson	15	15	264	264
2. Miller	15	14	264	206
3. Smith	15	15	264	228
4. Patience	15	15	264	247
5. Gabrielson	15	15	264	240
6. Konetzke	15	15	264	263
7. Hammen	15	15	264	264
8. Lawrence	15	15	264	221
9. Krueger	15	15	264	244
10. Lamers	15	15	264	244
11. Ferguson	15	15	264	264
12. McCabe	15	14	264	187
13. Wegand	15	15	264	188
14. Hermes	15	15	264	221
15. MacDonald	15	14	264	220
16. Schroeder	15	15	264	123
17. Croatt	15	15	264	162
18. Spears	15	15	264	247
19. Cooke	15	15	264	247
20. Santonato	15	15	264	246
21. Cuff	15	15	264	246
22. Hagen	15	15	264	264
23. Klemp	15	15	264	251
24. Thiede	15	15	264	251
25. Nooyen	15	15	264	264
26. Weinberg	15	15	264	212
27. Culbertson	15	15	264	252
28. Monfils	15	15	264	217
29. Winterfeldt	15	14	264	194
30. Nejedlo	15	0	264	231
31. Clegg	15	15	264	256
32. Thyssen	15	15	264	179
33. Vander Heiden	15	15	264	264
34. Rettler	15	15	264	197
35. Vacant	0	0	0	0
36. Lautenschlager	15	15	264	230

Member(s) absent: Nejedlo, Vacant D35, Winterfeldt (late)