

MINUTES
BAY-LAKE REGIONAL PLANNING COMMISSION
COMMISSION MEETING
September 10, 2010
Commission Office
Green Bay, Wisconsin

MEMBERS PRESENT: Jim Abrahamson, Bill Clancy, Eric Corroy (for Chuck Wagner), Paul DeWitt, Mike Hotz, Ed Kelley, Tom Kussow, Toni Loch¹, Don Markwardt, Cheryl Maxwell, Ron McDonald, Val Mellon, Larry Neuens (for Bruce Osterberg), Ed Procek, Lois Trever and Yvonne VanPembrook

MEMBERS EXCUSED: Alice Baumgarten, Mary Hanrahan and Mary Meyer

MEMBERS ABSENT: Don Glynn, Chris Swan and NyiaLong Yang

OTHERS PRESENT: Eric Genrich (Congressman Steve Kagen's Office)

STAFF PRESENT: Jeff Agee-Aguayo, Rich Heath and Brenda Rehberg

- I. Chairperson Cheryl Maxwell called the meeting to order at 10:00 a.m.
- II. **Moved** by Lois Trever and seconded by Ron McDonald that the Commission approve the agenda. Motion carried, with all present voting aye on a voice vote.
- III. **Moved** by Yvonne Van Pembrook and seconded by Ed Kelley that the Commission approve the minutes of the May 14, 2010, meeting. Motion carried, with all present voting aye on a voice vote.
- IV. Chairperson Cheryl Maxwell asked if there was any public input; Eric Genrich was present to listen to Commissioners and bring back any information to Congressman Steve Kagen.
- V. (A) Cheryl Maxwell presented the June 18, 2010, Executive Committee Report:

Resolution 33-2010 endorsing a minor amendment to the *Sheboygan Metropolitan Planning Area Transportation Improvement Program (TIP): Calendar Years 2008-2011* was approved.

Noel Halverson, Executive Director of NeighborWorks and landlord of the Commission's office space lease was present to discuss cost saving options to its lease. NeighborWorks has verbally agreed to a reduction in rent by 50 percent for the months of June, July and August (with the remaining 50 percent payable in early 2011).

Committee members approved lowering the 2011 levy rate to .00046 percent.

Committee members reviewed the Commission's current billable rate and discussed increasing the current rate. Action on increasing the Commission's billable rate was deferred.

Moved by Ron McDonald and seconded by Tom Kussow to accept the Executive Committee Report. Motion carried, with all present voting aye on a voice vote.

¹Toni Loch arrived during Agenda Item XIII: Adoption of *Preliminary 2011 Budget and 2011-2012 Work Program*

(B) 1) Mike Hotz presented the July 20, 2010, Personnel Committee Report:

Committee members reviewed the Commission's Employment Manual and recommended changes as detailed in the July 20, 2010, minutes of the Personnel Committee.

With respect to the Commission's current compensation policy for unused sick leave for employees who retire, Mike Hotz reviewed the financial impact that this places on the Commission. Currently, the Commission offers retired employees the ability to convert their unused sick leave credit to a dollar amount (which is then used to pay for health insurance) utilizing the employee's hourly rate of compensation upon retirement. In the case of the Commission's most recent retiree, this amounted to approximately \$35,000. Committee members recommended eliminating this policy as a benefit offered by the Commission for newly hired employees. All current employees and reinstated laid off employees would be grandfathered in and would not lose this benefit currently offered by the Commission. Ed Procek agreed with the recommendation, but asked what the Commission's actual sick leave benefit would be; Mike Hotz responded that employees accrue sick leave at the rate of eight hours of credit for every four weeks of employment not to exceed 1,040 hours (in terms of post-retirement health insurance; can continue to accrue in terms of actual sick leave). Yvonne VanPembrook asked if an employee could request to be paid out for sick leave hours accrued; Mike Hotz responded the Commission's policy does not allow for an employee to get paid out for sick leave hours accrued.

Ed Procek asked for clarification on the rehiring of laid off employees; Mike Hotz responded that the rehiring of laid off employees would be determined based on the need of the skill set. Ed Procek commented that in his experience, the rehire of laid off employees is done by seniority, if the employee called back meets the qualifications; however, it seems that seniority has been eliminated in this discussion. Mike Hotz asked Rich Heath if the Commission's laid off employees are of different skill sets; Rich Heath responded that all laid off employees are of different skill sets.

Moved by Mike Hotz and seconded by Tom Kussow to approve the update to the Commission's Employment Manual. Motion carried, with 15 voting aye on a voice vote, and one abstaining (Ed Procek).

Mike Hotz distributed an employee evaluation form to committee members and requested that committee members evaluate the performance of Rich Heath as the Commission's Interim Executive Director. The evaluation of Rich Heath would be completed at the September 10, 2010, meeting of the Personnel Committee.

2) Mike Hotz presented the September 10, 2010, Personnel Committee Report:

Committee members completed their evaluation of Rich Heath; those evaluations were quantified with an evaluation of "good" (7.46 out of 10.00). Recommendations by the Personnel Committee for Rich Heath include: 1) develop a solid relationship with county officials; 2) develop a relationship with state and federal officials; 3) market the Commission's abilities; 4) put Commissioners in a position to be advocates for the Commission and its projects (Commissioners need to be more available to Rich Heath); and 5) develop an attendance policy for Commissioners who develop excessive absences.

Paul DeWitt asked if the Commission is pursuing moving in January 2011, as stated in the July 20, 2010, minutes of the Personnel Committee; Cheryl Maxwell responded that the Commission is in discussions with NeighborWorks on cost saving options and at this time, nothing has been finalized.

Moved by Lois Trever and seconded by Bill Clancy to approve the July 20, 2010, and September 10, 2010, Personnel Committee Reports. Motion carried, with all present voting aye on a voice vote.

VI. (A) **Moved** by Yvonne Van Pembroke and seconded by Val Mellon to approve the minutes of the May 14, 2010, Intergovernmental Affairs Committee meeting. Motion carried, with all present voting aye on a voice vote.

(B) **Moved** by Tom Kussow and seconded by Don Markwardt to approve the minutes of the May 14, 2010, Work Program Committee meeting. Motion carried, with all present voting aye on a voice vote.

VII. Rich Heath presented the following contracts to the Commission for recommendation of approval:

BLRPC Approval Date	Organization	County	Contract Number	Budget			Work Element	Project	Comment	Period	
				Contract Amount	Contract Reimbursement	BLRPC Match				start	end
9/10/2010	WDNR	Region	10017-09	\$ 10,000	\$ 10,000	\$ -	1600	Lake Michigan Water Trail Project	Project will parallel the public access study	7/1/2010	6/30/2011
9/10/2010	Kewaunee County	Kewaunee	10018-04	\$ 7,200	\$ 7,200	\$ -	2300	Update County's Shoreland Zoning Ordinance	Project funded by the county with grant from WDNR	9/1/2010	6/30/2011
9/10/2010	C. Algoma	Kewaunee	10019-04	\$ 1,000	\$ 1,000	\$ -	2200	Emerald Ash Borer Readiness Plan	Project expands upon the county's Emerald Ash Borer Plan	09/01/10	10/31/2010
Total				\$ 18,200	\$ 18,200	\$ -					

Moved by Ron McDonald and seconded by Val Mellon to approve the above contracts. Motion carried, with all present voting aye on a voice vote.

Cheryl Maxwell asked if the Commission could establish a threshold in which contracts could be administratively approved by the Executive Director without going through Commission approval. Rich Heath discussed the current contract approval process with members, noting that should the Commission approve establishing a threshold, Commissioners would still be provided with a list of contracts the Commission has entered. Commission members recommended allowing the Executive Director approve all contracts under \$25,000; any contract above that amount would continue to need approval by the Commission. Ron McDonald agreed with establishing a threshold, but questioned the amount, and suggested that the Executive Director be allowed to approve contracts up to \$10,000 to \$15,000. **Moved** by Lois Trever and seconded by Eric Corroy to establish a \$25,000 threshold in which the Executive Director is authorized to administratively approve contracts. Motion carried, with 15 voting aye on a voice vote, and one voting nay (Ron McDonald).

VIII. Commission Chair Cheryl Maxwell presented verbal communications to the Commission:

- (a) Commissioner Mary Meyer's husband passed away and Commissioner Alice Baumgarten's son is hospitalized.
- (b) Cheryl Maxwell reminded Commissioners of their role as a Commissioner while conducting business for the Commission; Commissioners represent the Commission and what is said at meetings should be done in a professional manner. It is important to respect the Commission.

Rich Heath presented the following communications to the Commission:

- (c) A copy of a July 28, 2010, letter from WisDOT Secretary Frank Busalacchi, approving the Commission's amendment to the *2008-2011 Transportation Improvement Program (TIP)* for the Sheboygan Urbanized Area.

- (d) A copy of an August 13, 2010, letter from the Federal Highway Administration and Federal Transit Administration stating that projects recommended for Congestion Mitigation and Air Quality (CMAQ) Improvement Program funding met Federal program eligibility criteria. Jeff Agee-Aguayo discussed the four projects in the Bay-Lake Region (two projects in the City of Two Rivers and two projects in Sheboygan County) that are recommended to receive CMAQ funding. Val Mellon asked what involvement the Commission had in this process; Jeff Agee-Aguayo responded that the Commission was part of the selection committee that recommended these projects for funding and calculated emission reduction benefits of these projects, a critical part of the CMAQ project evaluation process. Val Mellon stated that counties need to cognizant of the fact that without the Commission's involvement in this process, communities within Manitowoc and Sheboygan counties might not have received this funding. Mike Hotz recommended writing a congratulatory letter to the project applicants for the communities' receipt of this funding, and noting the Commission's involvement in the CMAQ project selection process.
- (e) An August 28, 2010, request for reimbursement in the amount of \$1,825 from Supervisor Robert Jicha of the Town of Wausaukee. Rich Heath gave background information on the Town of Wausaukee comprehensive planning process, and reported that neither he nor current staff were involved in the contract with the Town of Wausaukee. Rich Heath stated that in addition to preparing the comprehensive plan, the agreement the Commission had with the Town of Wausaukee was to administer the grant; however, it did not fulfill the administration portion of the grant that was agreed to by previous staff. Rich Heath recommended that the Commission pay the requested amount of \$1,825, and noted that the Commission has since submitted the necessary paperwork to the Wisconsin Department of Administration on behalf of the Town of Wausaukee and closed out the grant in a timely manner. Ron McDonald expressed concern that should the Commission not take care of this matter appropriately, the Commission may not be able to market itself in this area, and supported the payment; Commissioners concurred with Ron McDonald. **Moved** by Ed Procek and seconded by Eric Corroy to reimburse the Town of Wausaukee for \$1,825. Motion carried, with all present voting aye on a voice vote.
- (f) A Northwoods Economic Summit VI conference announcement on October 5, 2010, in Pembine, WI. Rich Heath reported that the technical assistance program allows the Commission to be involved in this area.

IX. Rich Heath provided information on Resolution 34-2010. This resolution approves the joint grant application with East Central Wisconsin Regional Planning Commission for an Economic Development Administration (EDA) Community Trade Adjustment Assistance grant.

Moved by Yvonne VanPembrook and seconded by Don Markwardt to approve Resolution 34-2010: Resolution of the Bay-Lake Regional Planning Commission as an Economic Development District to formally co-apply for an Economic Development Administration (EDA) Community Trade Adjustment Assistance (CTAA) grant in cooperation with the East Central Wisconsin Regional Planning Commission and to execute the necessary agreement. Motion carried, with all present voting aye on a voice vote.

X. **Moved** by Ed Kelley and seconded by Bill Clancy to approve Resolutions 35-2010 through 41-2010 adopting the 20-Year Comprehensive Plans for the towns of Aurora, Commonwealth, Fence, Fern, Florence, and Homestead and for Florence County as part of the master plan for the region. Motion carried, with all present voting aye on a voice vote.

Ed Kelley thanked Rich Heath and his staff for their work on the comprehensive plans in Florence County.

- XI. **Moved** by Jim Abrahamson and seconded by Ed Procek to approve Resolution 42-2010 of the Bay-Lake Regional Planning Commission approving amendments to the *2010 Sheboygan Metropolitan Planning Area Transportation Planning Work Program*. Motion carried, with all present voting aye on a voice vote.
- XII. Rich Heath provided the Commission with a 2010 Budget Report. Rich Heath discussed unemployment and lease situations, as well as strategies to reduce insurance and operational costs.

Rich Heath discussed the reduction in the Commission's levy for 2011, and the impacts that the reduction in the levy will have on the Commission. The Commission has been successful in obtaining new projects such as the Great Lakes Restoration Initiative Sanitary Beach Surveys, the Kewaunee County Shoreland Zoning Ordinance, and the Sheboygan Area Sewer Service Area Plan Update. Rich Heath encouraged Commissioner advocacy on projects in which the Commission is seeking funding that are listed on the 2010-2011 Funding Opportunities spreadsheet.

- XIII. A copy of the Commission's *Preliminary 2011-2012 Work Program and 2011 Annual Budget* was distributed for Commission review and approval. Wisconsin State Statutes indicate that the Commission must adopt a budget by October 1 of each year; this Preliminary Work Program and Budget satisfies that requirement. This two year work program and one year budget can be used as a marketing tool for Commissioners. Rich Heath reported that he is empowering Commission staff to become more involved in the development of the Commission's work program, in addition to developing the work program based on the needs of the counties in the region.

With respect to the 2011 Budget, Rich Heath reported that he has met with staff to discuss the true costs going into 2011 and directed Commissioners to Table 8: 2011 Projected Revenues. Projected Revenues for 2011 total \$796,282. Going into 2011, Rich Heath reported that the Commission has an approximate \$100,000 decrease in revenue due to the reduction in levy resulting in the Commission having to make up approximately \$8,500/month in contracts with fewer staff. Expenses for 2011 total \$719,024, and are depicted in Table 9. Rich Heath reported that a portion of the Commission's 2011 levy is being reserved to pay the approximately \$8,400 in outstanding office lease payments. Rich Heath stated that he would like to meet with the Executive Committee on a consistent basis through December 2010 while preparing the Commission's 2011 Budget. Rich Heath recommended eliminating the furloughs for 2011 and going back to the 2010 base salaries for employees.

Ron McDonald commended Rich Heath for preparing the Commission's *Preliminary 2011-2012 Work Program & 2011 Annual Budget*.

Eric Corroy noted that approximately six to seven percent of the Commission's revenues are coming from zoning, and asked if there were any opportunities available to the Commission with the Working Lands Initiative; Rich Heath responded that Brandon Robinson's consistent work on zoning gets through the process more efficiently.

Moved by Don Markwardt and seconded by Ed Procek to approve the Commission's *Preliminary 2011-2012 Work Program & 2011 Annual Budget*. Motion carried, with all voting aye on a voice vote.

The Commission meeting adjourned for lunch at 12:10 p.m. and reconvened at 12:30 p.m.

XIV. Action on the adoption of the Commission's Updated Employment Manual occurred under Item V (B)(1).

XV. Rich Heath noted that Commissioners were provided with a draft version of Commission By-Laws in their Commission packet.

Revisions to the By-Laws are necessary for such purposes as when election of officers will occur, Commission representation for non-member (non-paying) counties, the Commission's standing committees and the non-participating Commissioners. With the recent withdrawal of Brown County from the Commission, Rich Heath recommended that the Commission have definitive language on representation from non-member (non-paying) counties on the Commission.

With respect to Article III, Section 5: Meeting Attendance, Mike Hotz expressed extreme displeasure over Commissioners that do not attend or send a representative to Commission meetings. Mike Hotz recommends modifying the draft language (recommended language has been double underlined):

Commissioners who do not attend and fail to inform the Commission of their intended absence or assign an alternate to serve in their place for ~~three (3)~~ any two (2) consecutive scheduled Full Commission, Executive Committee and/or committee meetings will be sent a letter signed by the Commission Chairperson request in writing their intentions on continuing to serve as a Commissioner...For those individuals who have stated in writing their desire to continue as a Commissioner, ~~a three (3) meeting probationary period will be instituted to help ensure participation,~~ any further unexcused absence would result in a vote for their removal.

Ron McDonald recommended that in addition to the absent Commissioner being given notice as to continuing to serve as a Commissioner, the county and/or the Governor should be put on notice as well; Commissioners concurred with the recommendation.

Rich Heath supported representation on the Commission from non-paying counties. Val Mellon encouraged Commissioner participation from non-paying counties. Ed Procek agreed with having representation from those counties, but questioned whether a non-paying county should have voting rights. Ron McDonald stated that as a regional planning commission, the Commission should work with communities in the counties, and should not want to eliminate that.

Mike Hotz discussed the idea of the Commission's Personnel Committee being absorbed by the Executive Committee. Ed Kelley believed that the Personnel Committee should continue to meet at the call of the Chair. Cheryl Maxwell supported continuing to have a Personnel Committee.

Ron McDonald supported the idea of simplifying the Commission, and thought that by having both a Work Program and an Intergovernmental Affairs Committee, the Commission becomes too complex. Lois Trever concurred with Ron McDonald. Don Markwardt supported the idea of consolidating the Work Program and Intergovernmental Affairs committees. Eric Corroy stated that should the need arise for the Commission to discuss complex issues, the Commission could develop a task force, and then dissolve that task force once the issue has been resolved. Tom Kussow asked Mr. Heath for his recommendation on the number of meetings he thought would be appropriate for the Commission; Rich Heath responded that by having smaller committees, the Commissioners may be more engaged, adding that he did not want to lose engaging the Commissioners. Rich Heath recommended that the full Commission meet quarterly and that the Executive Committee meet approximately three to four times per year.

XVI. The Nominating Committee nominated Cheryl Maxwell as Chairperson of the Commission. Don

Markwardt asked three times if there were any other nominations from the floor; no additional nominations were offered. **Moved** by Ed Kelley and seconded by Ron McDonald that nominations be closed and that a unanimous ballot be cast for Cheryl Maxwell as Chairperson of the Commission. Motion carried, with all voting aye on a voice vote.

Cheryl Maxwell thanked Commissioners and asked for participation from all Commissioners throughout this process. On behalf of the Commission, Don Markwardt voiced his support and stated that Commissioners would stand by Ms. Maxwell as Chairperson of the Commission. Ron McDonald thanked Cheryl Maxwell for all of her efforts as Chair.

The Nominating Committee nominated Chuck Wagner as Vice Chairperson of the Commission. Don Markwardt asked three times if there were any other nominations from the floor; no additional nominations were offered. **Moved** by Tom Kussow and seconded by Yvonne Van Pembrook that nominations be closed and a unanimous ballot be cast for Chuck Wagner as Vice Chairperson of the Commission. Motion carried, with all voting aye on a voice vote.

The Nominating Committee nominated Lois Trever as Secretary-Treasurer of the Commission. Don Markwardt asked three times if there were any other nominations from the floor; no additional nominations were offered. **Moved** by Yvonne Van Pembrook and seconded by Ron McDonald that nominations be closed and a unanimous ballot be cast for Lois Trever as Secretary-Treasurer of the Commission. Motion carried, with all voting aye on a voice vote.

XVII. Discussion and action of committee appointments was deferred to December Commission meeting.

XVIII. The Commission's monthly work program activity reports for June, July and August 2010 were mailed to all Commissioners as well as emailed to all county clerks in the Bay-Lake region.

XIX. Rich Heath noted that a copy of the Bills and Receipts was mailed to Commissioners in their Commission packet. **Moved** by Ed Kelley and seconded by Bill Clancy to accept the bills and receipts. Motion carried, with all voting aye on a voice vote.

Ed Procek thanked Rich Malone and Rich Heath for keeping the Commission solvent.

XX. The next meeting of the Executive Committee is November 12, 2010, in Kewaunee County. The next meeting of the full Commission is on December 10, 2010.

XXI. **Moved** by Mike Hotz and seconded by Ron McDonald that the Commission adjourn. Motion carried, with all voting aye on a voice vote. The meeting adjourned at 1:20 p.m.

Respectfully submitted,

Brenda L. Rehberg
Recording Secretary