

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

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

MEMBERS EXCUSED: Mary Hanrahan

MEMBERS ABSENT: Don Glynn, Mariah Goode, Chris Swan and NyiaLong Yang

STAFF PRESENT: Jeff Agee-Aguayo<sup>1</sup>, Rich Malone, Rich Heath and Brenda Rehberg

- I. Chairperson Cheryl Maxwell called the meeting to order at 10:02 a.m.
- II. **Moved** by Lois Trever and seconded by Tom Kussow that the Commission approve the agenda. Motion carried, with all present voting aye on a voice vote.
- III. **Moved** by Don Markwardt and seconded by Yvonne VanPembrook that the Commission approve the minutes of the September 10, 2010, meeting. Motion carried, with all present voting aye on a voice vote.
- IV. Chairperson Cheryl Maxwell asked if there was any public input; none was received.
- V. Mike Hotz reported that Rich Heath has been acting as the Commission's Interim Executive Director since April 30, 2010. In that time, Mr. Heath has streamlined Commission processes and has kept Commissioners informed. Mr. Heath's strongest suite is his judgment while his weakest suite is his unfamiliarity with the political climate. Mike Hotz stated that it is only appropriate at this time to appoint Richard Heath as the Commission's Executive Director.  
**Moved** by Mike Hotz and seconded by Ed Kelley to appoint Richard Heath as Executive Director of the Commission. Motion carried, with all voting aye on a voice vote.  
Mike Hotz reported that Rich Heath has agreed to forgo any pay increase at this time; instead Mr. Heath has agreed to re-examine the Commission's financial situation in April 2011, to determine if an increase in pay is feasible.
- VI. Rich Heath presented the following communications to the Executive Committee:
  - (A) A December 10, 2010, letter from Mary Hanrahan resigning her position as Commissioner effective immediately. **Moved** by Alice Baumgarten and seconded by Ron McDonald to accept Mary Hanrahan's letter of resignation. Motion carried, with all voting aye on a voice vote.
  - (B) A copy of a November 22, 2010, letter to Miothy Trainor of the U.S. Census Bureau from

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<sup>1</sup>Jeff Agee-Aguayo was only present during the discussion of Item XI: Resolution 45-2010.

Frank Busalacchi, WisDOT Secretary, providing comment of the U.S. Census Bureau's "Proposed Urban Area Criteria for the 2010 Census". Ron McDonald reported that this does have a significant impact on the Sheboygan MPO and discussed this with Commission members adding that the Sheboygan will work with Commission staff on this issue.

VII. Rich Heath presented the following contracts to the Commission for review and approval:

BLRPC Approval Date	Organization	County	Contract Number	Budget			Work Element	Project	Comment	Period	
				Contract Amount	Contract Reimbursement	BLRPC Match				start	end
12/10/2010	EPA (GLRI) Total Grant Award	Region	10024-10	\$ 777,009	\$ 771,376	\$ 5,633	1600	Lake Michigan Sanitary Beach Surveys	3-year Project with the Commission Receiving \$211,134 for Grant Administration.	10/01/10	10/31/13
12/10/2010	Racine County (Sub-Contract)	Region	10024-10	\$ 52,113	\$ 52,113	\$ -	1600	Lake Michigan Sanitary Beach Surveys	EPA Approved Subcontract for Beach Survey TA not to Exceed \$52,112.5	10/01/10	10/31/13
12/10/2010	UW-Oshkosh (Sub-Contract)	Region	10024-10	\$ 332,191	\$ 332,191	\$ -	1600	Lake Michigan Sanitary Beach Surveys	EPA Approved Subcontract for Beach Surveys not to Exceed \$332,191	10/01/10	10/31/13
12/10/2010	SRF Consulting Group (Services Contract)	Region	NA	\$ 6,163	\$ 4,930	\$ 1,233	1200	Training of Commission Staff on WisDOT approved Modeling Software	WisDOT Approved Using MPO Modeling Money for Training by SRF on December 13 and 14, 2010	11/01/10	12/31/10
12/10/2010	Infinity Technology (Services Contract)	Region	NA	\$ 4,110	\$ 3,288	\$ 822	1200	Update Commission Website	WisDOT and Commission Approved Using MPO Modeling Money for Website Update by 12/31/2010	11/01/10	12/31/2010
<b>Total</b>				<b>\$ 1,171,586</b>	<b>\$ 1,163,898</b>	<b>\$ 7,688</b>					

Rich Heath stated that at the recommendation of the Executive Committee, subcontracts are being included in the contract spreadsheet. For example, the Commission's role in the GLRI contract is grant administration and education and public outreach; as a result, and as part of the grant administration process, the Commission will subcontract with Racine County and UW-Oshkosh.

**Moved** by Yvonne Van Pembroke and seconded by Alice Baumgarten to approve the above contracts. Motion carried, with all present voting aye on a voice vote.

VIII. (A) Cheryl Maxwell presented the November 12, 2010, Executive Committee Report:

Angela Pierce was approved for travel and attendance at the FY2011 HMA National Evaluation January 16-21, 2011, in Washington D.C.

The Commission had to draw \$10,000 from its line of credit to cover expenses.

Cheryl Maxwell established a special ad hoc committee (known as the Finance Committee) for the purpose of reviewing the Commission's current office space lease agreement with NeighborWorks Green Bay. Cheryl Maxwell appointed Mike Hotz, Cheryl Maxwell, Val Mellon and Chuck Wagner to the Finance Committee.

Committee members reviewed proposed revisions to the Commission Bylaws.

Resolutions 43-2010 and 44-2010 were approved.

**Moved** by Lois Trever and seconded by Don Markwardt to accept the Executive Committee Report. Motion carried, with all present voting aye on a voice vote.

(B) Cheryl Maxwell presented the November 17, 2010 and the December 8, 2010, Finance Committee Reports.

Currently the Commission is in year five of a ten year lease with an annual lease cost of \$51,516 (or \$4,293/month). The Commission has been paying 50 percent of its monthly rent since June 1, 2010; past due amounts total approximately \$15,000.

On November 17, 2010, the Finance Committee prepared and presented Noel Halvorsen of NeighborWorks (NW) Green Bay with a proposed office space lease amendment for consideration by the NW Board of Directors to alleviate the financial strain the monthly/annual lease costs has on the Commission.

On December 8, 2010, the Finance Committee met with Noel Halvorsen. Mr. Halvorsen provided the committee with a written response by the Board of Directors of NW Green Bay rejecting the Commission's proposed lease amendment.

**Moved** by Mike Hotz and seconded by Cheryl Maxwell to accept the Finance Committee's November 17, 2010 and December 8, 2010, reports.

IX. **Moved** by Mike Hotz and seconded by Ed Procek to convene in Closed Session under exemption provided in Sec. 19.85(1)(i) WI Statutes for considering any and all matters related to acts by businesses under s. 560.15 which, if discussed in public, could adversely affect the business, its employees or former employees. Motion carried, with all voting aye on a roll call vote. The full Commission convened in Closed Session at 10:45 a.m.

**Moved** by Yvonne Van Pembrook and seconded by Mary Meyer to convene in Open Session and recess for 30 minutes. Motion carried, with all voting aye on a voice vote. The full Commission convened in Open Session at 12:07 p.m.

At this time, Val Mellon requested to be excused for the remainder of the meeting.

**Moved** by Mike Procek and seconded by Ed Procek to convene in Closed Session under exemption provided in Sec. 19.85(1)(i) WI Statutes for considering any and all matters related to acts by businesses under s. 560.15 which, if discussed in public, could adversely affect the business, its employees or former employees. Motion carried, with all voting aye on a roll call vote. The full Commission convened in Closed Session at 12:40 p.m.

**Moved** by Ed Kelley and seconded by Mary Meyer to convene in Open Session. Motion carried, with all voting aye on a voice vote. The full Commission convened in Open Session at 1:00 p.m.

**Moved** by Larry Neuens and seconded by Mary Meyer to direct Rich Heath to request a scope for time and costs not to exceed \$3,000 from legal counsel (Richard Lehmann) and to advise the Commission on the following items associated with its office space lease: 1) can the Commission break its lease? 2) are non-member counties liable for accumulated debt associated with the lease? 3) where does the Commission legally stand? 4) are there other legal options the Commission may have? Motion carried, with all voting aye on a voice vote.

X. Rich Heath briefly reviewed the Commission's *2011-2012 Work Program and 2011 Annual Budget*. The Preliminary *2011-2012 Work Program and 2011 Annual Budget* was approved September 10, 2010, with final approval scheduled to occur at this meeting.

Table 6: BLRPC Estimated Expenses, 2011 was reviewed. Rich Heath reviewed changes to employee benefits for 2011 including: 1) an increase in employees' contribution to health insurance premiums from 7.5 percent to 9 percent; 2) eliminating supplemental dental insurance paid for by the Commission; and 3) eliminating employee furloughs in 2011. Moving the Commission forward, Rich Heath stated that it is critical to cut the overhead expenses from the Commission's budget, including the office space lease and copier lease.

Rich Heath encouraged Commissioner's advocacy on the proposed and anticipated projects listed on Table 8: BLRPC Projected Revenue by Source, 2011.

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

- XI. Jeff Agee-Aguayo presented information on Resolution 45-2010. **Moved** by Ron McDonald and seconded by Mike Hotz to approve Resolution 45-2010: Resolution of the Bay-Lake Regional Planning Commission endorsing several administrative modifications and several minor amendments to the *Sheboygan Metropolitan Planning Area Transportation Improvement Program (TIP): Calendar Years 2008-2011*. Motion carried, with all voting aye on a voice vote.
- XII. Rich Heath noted that Commissioners were provided with a draft version of the Commission's Amended Bylaws.
- With respect to Article III Section 2-Non-Member Counties, Cheryl Maxwell requests maintaining a representative from non-member counties with voting privileges. Mike Hotz respectfully disagrees with a non-paying county having voting privileges. Cheryl Maxwell requests maintaining voting rights until the issue with the Commission's office space lease is resolved.
- Moved** by Ed Kelley and seconded by Mary Meyer to table revisions to Article III Section 2: Non-Member Counties of the Commission Bylaws. Motion carried, with 13 voting aye on a voice vote and Ed Procek, Mike Hotz, Paul DeWitt and Ron McDonald voting nay.
- Moved** by Mike Hotz and seconded by Ed Procek to approve the Commission's amended Bylaws. Motion carried, with all voting aye on a voice vote.
- XIII. **Moved** by Ron McDonald and seconded by Ed Procek to table action on Committee Appointments until the Amended Bylaws have been approved. Motion carried, with all voting aye on a voice vote.
- XIV. The Commission's monthly work program activity report for November 2010 was mailed to all Commissioners as well as emailed to all county clerks in the Bay-Lake region.
- XV. Rich Heath noted that a copy of the Bills and Receipts was mailed to Commissioners in their Commission packet. **Moved** by Toni Loch and seconded by Alice Baumgarten to accept the bills and receipts. Motion carried, with all voting aye on a voice vote.
- XVI. The next meeting of the Executive Committee is January 28, 2010, in Brown County. The next meeting of the full Commission is March 11, 2010.
- XVII. Commission Chair Cheryl Maxwell adjourned the meeting at 1:50 p.m..

Respectfully submitted,

Brenda L. Rehberg  
Recording Secretary