

MINUTES
BAY-LAKE REGIONAL PLANNING COMMISSION
EXECUTIVE COMMITTEE MEETING

April 15, 2011

Commission Office
Green Bay, WI

COMMITTEE MEMBERS PRESENT: Bill Clancy, Mike Hotz, Cheryl Maxwell, Val Mellon, Paul DeWitt, Yvonne Van Pembroke, and Chuck Wagner

COMMITTEE MEMBERS EXCUSED: Lois Trever

STAFF PRESENT: Rich Heath and Jeff Agee-Aguayo

- I. Chairperson Cheryl Maxwell called the meeting to order at 10:00 a.m.
- II. **Moved** by Chuck Wagner and seconded by Mike Hotz to approve the agenda. Motion carried, with all voting aye on a voice vote.
- III. **Moved** by Yvonne Van Pembroke and seconded by Val Mellon that the minutes of the January 28, 2011, Executive Committee meeting be approved. Motion carried, with all voting aye on a voice vote.
- IV. Cheryl Maxwell asked if there was any public input; none was received.
- V. The following communications were presented for discussion. Jeff Agee-Aguayo discussed the first three communications and Rich Heath addressed the fourth item.
 - (a) A March 18, 2011, letter from Dan Duchrow of the Wisconsin Historical Society thanking the Commission for providing the office with a copy of the draft *Year 2035 Sheboygan Area Transportation Plan (SATP)*.
 - (b) A copy of a March 17, 2011, letter from Rebecca Burkel of the Wisconsin Department of Transportation to David Jolicoeur of the U.S. Department of Transportation, Federal Highway Administration regarding her concurrence with the Commission's draft "Assessment of Conformity of the update to the *Year 2035 Sheboygan Area Transportation Plan* and *2011-2014 Sheboygan Metropolitan Planning Area Transportation Improvement Program (TIP)* with respect to the State of Wisconsin Air Quality Implementation Plan."
 - (c) April 11, 2011, letter from John Melby of the Wisconsin Department of Natural Resources to John Mooney of the U.S. Environmental Protection Agency approving the Commission's "Assessment of Conformity of the update to the *Year 2035 Sheboygan Area Transportation Plan* and *2011-2014 Sheboygan Metropolitan Planning Area Transportation Improvement Program (TIP)* with respect to the State of Wisconsin Air Quality Implementation Plan."
 - (d) A copy of the agenda for the Wisconsin Beach Health: Research, Management, and Building Awareness" conference scheduled for May 4 and 5, 2011 in Racine, WI. Angela Pierce, the Commission's Natural Resource Planner III, will be presenting on the Commission's GLRI project on May 4th.

Chuck Wagner discussed NR 155 and its controversy in Racine County; many are encouraging its repeal even though some counties are finding no problem with its requirements. Its repeal could have negative impacts on rivers and streams resulting in a decline in tourism revenue.

- VI. There are four Governor's appointments to the Commission that still need to be filled or continued. Mike Hotz (Sheboygan County) and Tom Kussow (Oconto County) have expressed interest in remaining as Commissioners and have submitted letters to the Governor already; they have not heard anything to date from the Governor's office regarding their appointments. There are openings in Manitowoc and Kewaunee counties that need to be filled as well. Chuck Wagner stated he has someone in mind that might like to serve on the Commission in this capacity from Kewaunee County. Val Mellon said she has not heard anything regarding the open position in Manitowoc County. Rich Heath stated he will follow-up with the Manitowoc County Clerk to see if they have begun the process of identifying someone for the opening.
- VII. Rich Heath presented the committee a revised Data Sharing Policy that was originally approved by the Commissioners in 2007. The Commission receives only a few inquiries for data from non-member communities and organizations on an annual basis; however, it is important that costs for preparing information for these requests are recouped. The committee did not feel that \$50 per hour was sufficient, and needed more information regarding what other regional planning commissions were charging before approving the policy.

Moved by Mike Hotz and seconded by Val Mellon to have staff check to investigate what other regional planning commissions are charging for similar requests and bring that information back to the Commission for consideration at the next Full Commission meeting in June. Motion carried, with all voting aye on a voice vote.

- VIII. Rich Heath explained the changes to the Economic Development Administration grant that is to fund a global trade strategy for Northeast Wisconsin. After review of the applications from interested consultants, it was determined that East Central Wisconsin Regional Planning Commission and Bay-Lake Regional Planning Commission would need to be more actively involved in preparing the strategy, with each receiving some of the grant funds to prepare their respective part of the strategy.

Moved by Yvonne Van Pembroke and seconded by Val Mellon to approve Resolution 2-2011, noting a change in grant recipients and match requirements for the previously approved Economic Development Administration Community Trade Adjustment Assistance grant submitted in cooperation with the East Central Wisconsin Regional Planning Commission. Motion carried, with all voting aye on a voice vote.

- IX. Jeff Agee-Aguayo reviewed Resolution 3-2011 with the committee members. The resolution endorses the *Sheboygan Metropolitan Planning Area Transportation Improvement Program (TIP): Calendar Years 2011 – 2014*, endorses the recent air quality conformity analysis conducted for the Update to the *Year 2035 SATP* and its implementing *2011 – 2014 TIP*, and endorses the continuation of the urban transportation planning process for the Sheboygan Metropolitan Planning Area. Jeff Agee-Aguayo stated that the *2011 – 2014 TIP* contains transit operating and capital projects, elderly and disabled transportation operating and capital projects, bicycle and pedestrian transportation projects (including several projects from the Sheboygan County Non-Motorized Transportation Pilot Program, or NMTTP), and street and highway improvement projects. Jeff Agee-Aguayo stated that the *2011 – 2014 TIP* went through a 30 day public review period, including a public hearing held on March 31, 2011. The Sheboygan MPO Technical and Policy Advisory Committees recommended approval of the *2011 – 2014 TIP* at their joint meeting on April 14, 2011. Jeff Agee-Aguayo noted that the *2011 – 2014 TIP* is a "living document," and added that amendments to the document can be expected in the coming months.

Moved by Mike Hotz and seconded by Chuck Wagner to approve Resolution 3-2011 endorsing the *Sheboygan Metropolitan Planning Area Transportation Improvement Program (TIP): Calendar Years 2011 – 2014*, endorsing the recent air quality conformity analysis conducted for the Update to the *Year 2035 SATP* and its implementing *2011 – 2014 TIP*, and endorsing the Urban Transportation Planning Process for the Sheboygan Metropolitan Planning Area. Motion carried, with all voting aye on a voice vote.

- X. There was discussion at the March 11, 2011, Full Commission meeting regarding the need to create another structure for the Commission in order to pursue other non-traditional funding sources to help offset the decline in levy and project revenues. The Commissioners asked Rich Heath to do some research and bring back some ideas and recommendations. As part of the Commission's packet, Mr. Heath included an outline of things to consider in the possible creation of a for-profit or nonprofit entity to support the Commission's operations as a public entity. The information was reviewed and discussed at the meeting. He stated the Northwest Wisconsin Regional Planning Commission does maintain a for-profit and two or three nonprofits in addition to their Commission structure. NWWRPC focuses on business development with loan and counseling programs, which would not be suitable for the Bay-Lake region given the abundance of those resources that already exist in Northeast Wisconsin. Given the unknowns with both the Federal and State budgets, expanding our services in the areas of GIS and planning, plus serving non-traditional customers, may help sustain operations while still utilizing the Commission as an avenue to access available grants and other revenue sources. The committee members supported moving forward with investigating the creation of a nonprofit and/or for-profit entity and wanted more information on the legal aspects and financial connections between the Commission and such an entity.

Moved by Chuck Wagner and seconded by Mike Hotz to have Rich Heath continue researching the creation of a nonprofit or a for-profit entity for the Commission and bring that information to the next Full Commission meeting in June. Motion carried, with all voting aye on a voice vote.

- XI. Rich Heath provided committee members with a budget report that was included in their packets. Mike Konecny from Schenck noted that the 2010 Audit has been completed, and added that Schenck is now waiting on resolution of the lease before printing the final report. Mr. Konecny explained that the Commission has long-term debt obligations in the form of unfunded pension liabilities and accumulated staff vacation and sick time. The Commission continues to make half payments each month for its lease, and is continuing to work with NeighborWorks Green Bay to reduce the monthly lease payment. A payment plan for the outstanding line of credit of \$9,800 will be made once an agreement has been made on back rent. There is a growing need to secure more projects for the second half of 2011 as noted in the approved budget. With expected Federal and State budget cuts, local communities are not thinking about projects, and traditional grant revenues have been declining rapidly over the past year.

NeighborWorks Green Bay made a counter proposal to the Commission's latest lease amendment proposal. Their proposal, dated April 1, 2011, was included in the packet. The committee members discussed the need to resolve this situation soon since it has drawn on for nearly a year. Mike Konecny offered to have the draft amendment reviewed by one of his staff members, if the committee would like an outside opinion on its contents. After some discussion, the proposed revisions to NeighborWorks' latest lease amendment included the following revisions, additions, and clarifications.

1. Add a line that states any and all Permitted Occupants will agree to pay the Tenant a prorated portion of all current utility and office cleaning costs based upon square footage occupied.
2. Owner may seek other Permitted Occupants to occupy any unused space of the Leased Premises by the Tenant at the time of this agreement. If Owner finds another Permitted Occupant or Occupants to occupy some or all of the Leased Premises, Tenant agrees to modify the Leased Premises for a permanent reduction in rent and mutual release from the balance of the Lease, in which case Tenant agrees to vacate the Leased premises within a reasonable time, not to exceed

45 days. Any such Permitted Occupants will enter into a direct lease arrangement with the Owner.

3. Revise statement to include for the period commencing May 1, 2011, through December 31, 2012, Tenant agrees to make minimum monthly rental payments of \$2,400.00 on or before the first (1st) day of each month.
4. Change item to the Tenant agrees to make a payment of \$6,000.00 prior to April 30, 2011, and another \$6,000.00 prior to April 30, 2012. Said payments shall be construed as full payment for any rent arrearages which have accumulated to date per the original lease dated May 24, 2006.
5. Clarify that the Tenant shall surrender ownership of the phone system and associated handsets to Owner upon fully vacating the Leased Premises. Tenant will continue to pay a prorated share of the operating and repair costs of the system as they pertain to the Tenant's occupied space.
6. Insert that in the event Tenant vacates the premises prior to December 31, 2011, except as provided for in #2 above, Tenant is liable solely for 2011 rent beginning May 1, 2011, to be paid in accordance with payment amount and schedule noted in #3 above.
7. Add an economic clause that if the Tenant incurs additional losses in operating revenues due to county membership withdrawals, Tenant will promptly notify Owner of said financial condition and shall be allowed to vacate the premises within 60 days of notification without threat of litigation if Tenant has fulfilled all rent and utility obligations up to the date of vacation.

Moved by Chuck Wagner and seconded by Mike Hotz to have Rich Heath prepare a draft of the lease amendment based on the comments noted in this meeting, send it out for review and approval by the committee, and then forward it on to NeighborWorks Green Bay next week. Motion carried, with all voting aye on a voice vote.

- XII. Rich Heath asked for committee members' opinion regarding how to proceed with increasing deductions for health care and pension contributions given the fact the this part of the Budget Repair Bill proposed by Governor Walker is being held up in the courts. Mike Konecny responded that most municipalities he works with are holding off increasing deductions until the courts have rendered their decision(s). Mike Hotz thought it would be acceptable to begin deductions now and hold that money in a separate account until a decision has been finalized; Rich Heath responded that there is confusion on whether or not the pension deductions were pre- or post-tax, which would involve additional paperwork and accounting steps to correct any deduction errors.

Moved by Chuck Wagner and seconded by Mike Hotz to defer increases in deductions that staff will need to make for health insurance and pension contributions until the courts have finalized their decision. Motion carried, with all voting aye on a voice vote.

Cheryl Maxwell asked if the remaining personnel items could be handled in a separate meeting to be held sometime in May. The current Personnel Committee members are Mike Hotz, Cheryl Maxwell, Chuck Wagner, and Don Glynn. With the approved changes to the Commission's Bylaws, Brown County will only have one representative, and as a result, Toni Loch will no longer be a Commissioner, and therefore cannot continue to serve on the Personnel Committee. Mike Hotz directed Rich Heath to contact Don Markwardt to see if he is interested and available to serve on the committee.

Moved by Yvonne Van Pembroke and seconded by Mike Hotz to defer the remaining personnel items noted on the agenda to the Personnel Committee meeting scheduled for May 9, 2011, due to the length of the meeting. Motion carried, with all voting aye on a voice vote.

- XIII. Rich Heath noted that the Wisconsin Association of Regional Planning Commissions will be holding its annual Day at the Capitol on April 28, 2011. Due to a scheduling conflict on April 27, 2011, Mr. Heath will be driving down the morning of April 28th. Anyone interested in participating in this event is welcome to ride down with him.
- XIV. Rich Heath provided an overview of the Bills and Receipts for March 2011. Mike Hotz asked about a bill from Boardman Law Firm and a payment to Wisconsin Deferred Compensation.
- Moved** by Chuck Wagner and seconded by Yvonne Van Pembroke to approve the list of Bills and Receipts for March 2011. Motion carried, with all voting aye on a voice vote.
- XV. The July 29, 2011, Executive Committee meeting will be held at a location in Oconto County, and the October 28, 2011, Executive Committee meeting will be held at a location in Florence County.
- XVI. The next meeting of the Full Commission will be June 10, 2011, at the Commission offices.
- XVII. **Moved** by Mike Hotz and seconded by Chuck Wagner that the Executive Committee adjourn. Motion carried, with all voting aye on a voice vote. The Committee adjourned at 12:28 p.m.

Respectfully submitted,

Richard Heath
Recording Secretary