

**MINUTES**  
**BAY-LAKE REGIONAL PLANNING COMMISSION**  
**COMMISSION MEETING**

June 10, 2011  
Commission Office  
Green Bay, Wisconsin

MEMBERS PRESENT: Jim Abrahamson, Alice Baumgarten, Chuck Wagner, Bill Clancy, Ed Kelley, Tom Kussow, Don Markwardt, Cheryl Maxwell, Ron McDonald, Val Mellon, Mary Meyer, Ed Procek, Lois Trever, and Yvonne VanPembrook

MEMBERS EXCUSED: Mike Hotz

MEMBERS ABSENT: Don Glynn, Bruce Osterberg, and Paul DeWitt

STAFF PRESENT: Richard Heath, Richard Malone, and Jeff Agee-Aguayo

- I. Chairperson Cheryl Maxwell called the meeting to order at 10:04 a.m.
- II. **Moved** by Lois Trever and seconded by Mary Meyer that the Commission agenda be revised as originally sent to move Item IX: 2010 Draft Audit Report to Item III. Motion carried, with all present voting aye on a voice vote.
- III. Mike Konecny from Schenck Business Solutions provided a brief overview of the Commission's draft 2010 Audit that was distributed prior to the meeting. Mr. Konecny noted that the final audit will be completed once the office lease amendment is signed. Mr. Konecny reviewed the draft audit, and commented that the Commission is improving its financial situation. The two primary outstanding debt obligations involve the unfunded pension liability and accrued sick leave. Ed Procek asked about the unfunded pension liability and how to address paying it off. Mr. Konecny responded that many municipalities paid it off while others borrowed money at a lower interest rate to settle the initial debt, which is not an option for the Commission because it does not have any assets. In regard to the accruing staff sick leave, the Commission may want to investigate an employee retiree emeritus program to avoid the large long-term financial obligations to staff upon retirement. Mr. Konecny noted there were no accounting issues found during the auditing process, and thanked Rich Heath and Rich Malone for their ongoing work to stabilize the Commission.

As part of the discussion earlier this year to find ways in which to improve the Commission's financial standing, staff asked Mike Konecny to complete a financial projection for the remainder of 2011. Mike Konecny explained that it was important to maintain an average monthly invoice total of \$45,000. The levy should provide on average \$7,200 toward the monthly expenses of \$55,000. The Commission will not be able to meet monthly obligations and ultimately build a reserve fund unless higher charges are made for local projects. Mr. Konecny stated that the North Central Wisconsin Regional Planning Commission was able to build a sizable fund balance through their charge rates for local projects and by capping the levy rate for their counties with the highest equalized values. Rich Heath explained that total invoice amounts each month vary greatly due to the billing cycle for some projects and the lack of match to cover expenses. As the financial situation improves, Mr. Heath explained that it is important to adopt a fiscal policy to ensure that the Commission has the resources in the future to sustain itself in poor economic conditions.

**Moved** by Don Markwardt and seconded by Val Mellon to approve the 2010 Audit report and accompanying financial analysis. Motion carried, with all present voting aye on a voice vote.

- IV. **Moved** by Ed Kelley and seconded by Tom Kussow that the Commission approve the minutes of the April 14, 2010, meeting. Motion carried, with all present voting aye on a voice vote.
- V. Chairperson Cheryl Maxwell asked if there was any public input; none was received.

VI. The Commission continues to wait for the Governor's office to reappoint Tom Kussow (Oconto County) and Mike Hotz (Sheboygan County) as Commissioners. Rich Heath has tried to get an update from the Appointment Secretary's office for the past few months without any success. The Governor also needs to appoint Commissioners for Kewaunee and Manitowoc counties. Both counties have interested individuals to serve as Governor's appointments to the Commission. Based on the last report regarding the status of the Commissioners, there are two county board appointments that need to be reconfirmed: Bill Clancy's (Brown County) term expired in April 2010, while Paul DeWitt's (Door County) term expired in April 2011. Rich Heath will contact Mr. Clancy and Mr. DeWitt to confirm their appointments to the Commission. Their terms would end with the county board elections in April 2012.

VII. Rich Heath presented the following communications to the Full Commission:

- A. A letter from Mark Gottlieb, Secretary, Wisconsin Department of Transportation approving the *2011-2014 Transportation Improvement Program (TIP)*.
- B. A letter from David Jolicoeur, Community Planner, U.S. Department of Transportation approving the update to the *Year 2035 Sheboygan Area Transportation Plan (SATP)*, the *2011-2014 Transportation Improvement Program (TIP)*, and the accompanying air conformity quality analysis for both documents.
- C. A copy of a letter provided to the Commission by Ed Procek prepared by several area county highway commissioners to their respective county executives, county administrators, and county coordinators regarding the Wisconsin Joint Finance Committee's action through Motion #352-Transportation Aids. The primary item in this motion is to entirely eliminate the ability of county highway departments to perform any improvements on County Highway Improvement Program Discretionary (CHIP D) projects estimated to cost \$100,000 or more using county highway department staff and resources. The motion contained many other provisions thought to adversely affect local county highway operations. Several Commissioners also thought this action would be detrimental to their communities as well and wondered why the Wisconsin Counties Association supported such a measure.

VIII. Committee Reports:

- A. An overview of the Executive Committee meeting held on April 8, 2011 was provided by Cheryl Maxwell. The primary item of discussion centered on preparing a workable amendment to the Commission's existing lease with NeighborWorks Green Bay.
- B. Chuck Wagner gave a summary of the Personnel Committee meeting held on May 9, 2011. Issues for discussion included compensation for part-time staff and the financial impacts to staff due to the increased contributions for health care and the state pension program. Some minor changes will need to be made to the Commission's Employment Manual to clarify these policies.

**Moved** by Tom Kussow and seconded by Lois Trever to approve the reports from the April 8, 2011 Executive Committee and May 9, 2011 Personnel Committee meeting. Motion carried, with all voting aye on a voice vote.

IX. 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       |
| 6/10/2011           | EDA              | Region    | 11009-11        | \$ 30,000       | \$ 10,000              | \$ 20,000   | ED           | Global Trade Strategy for NE Wisconsin                 | Joint Application with ECWRPC; includes 18 counties; BLRPC match is inkind                  | 6/1/2011 | 3/31/2012 |
| 6/10/2011           | Florence County  | County    | 11008-03        | \$ 1,644        | \$ 1,644               | \$ -        | NR           | Update to Florence County Land and Water Resource Plan | Provide information for the plan. County staff organizing committee and completing document | 06/01/11 | 09/30/11  |
| 6/10/2011           | T. of Stephenson | Marinette | 11007-06        | \$ 16,500       | \$ 16,500              | \$ -        | CA           | Town Zoning Ordinance                                  | Implementation of their comprehensive plan  | 07/01/11 | 3/31/2012 |
| Total               |                  |           |                 | \$ 48,144       | \$ 28,144              | \$ 20,000   |              |  |   |          |           |

Rich Heath noted that the project lists changes almost daily, but it is important to keep close tabs on possible projects. Cheryl Maxwell had a question regarding whether the time Commissioners put toward meetings could be put toward match for projects. Ed Procek asked about having a worksheet provided to the Commissioners that would reflect current projects, project balances, and the status of local and levy revenues. Val Mellon asked if these projects would make or lose money. Mr. Heath responded that at this time, projects are to break even. Some current projects are being held up due to the uncertainty at both the state and federal levels and anticipated decrease in revenues and/or policy changes.

**Moved** by Chuck Wagner and seconded by Ron McDonald to approve the contracts as presented. Motion carried, with all present voting aye on a voice vote.

- X. Rich Heath distributed an updated summary of the Commission’s budget and related project notes. The Commission continues to monitor its costs, remain current on projects, and is working to secure new projects in order to continue meeting its financial obligations. With some projects billed bi-monthly and quarterly, it has been difficult to generate enough revenue each month to cover average monthly expenses. A list of new projects was presented by Rich Heath and discussed with the Commissioners. Without sufficient local match due to declining levy revenues, it is not possible to pursue projects that require the Commission to provide cash and/or inkind contributions for the grant. It is important to resolve the lease issue in order to appropriately budget for the remainder of 2011 as well as the next few years.

Rich Heath provided the Commissioners with the latest lease amendment prepared by NeighborWorks Green Bay dated May 9, 2011. The terms and conditions of this amendment include the following:

1. Tenant shall make available to Owner three offices in Tenant’s suite. Owner may occupy or let the offices for occupancy by others (the “Permitted Occupants”) after consultation with Tenant’s management. The amount of monthly rent to be paid to Owner by Permitted Occupant will be a direct agreement between said parties without participation of the Tenant. Any and all Permitted Occupants will agree to pay the Tenant \$34.25 per month for each of the three offices occupied to cover a prorated portion of utility and office cleaning costs.
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. For the period commencing ~~May~~ June 1, 2011 through December 31, 2012, Tenant agrees to make minimum monthly rental payments of \$2,400.00 on or before the first (1<sup>st</sup>) day of each month. Should Tenant’s operating revenue exceed current projections, Tenant will make a good faith effort to increase monthly payments to the Owner.

4. Tenant agrees to make a payment of \$6,000.00 prior to July 15, 2011 and another \$6,000.00 prior to December 31, 2011. 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. 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.

This Lease Amendment terminates and supersedes all prior understandings or agreements related to the modifications Owner and Tenant have discussed related to the Lease. This First Amendment may be modified only by a further writing that is duly executed by Owner and Tenant. Except as set forth expressly in this Lease Amendment, the Lease remains unmodified and in full force and effect.

Rich Heath stated it was unlikely the Commission would get a better deal than the one being discussed at this meeting. The Commission has been debating the amendment for over one year and the expense of prolonged discussion is costing the Commission time and money. The two payments of \$6,000 for back rent will be difficult to absorb and financial accommodations will be made as necessary.

**Moved** by Yvonne VanPembrook and seconded by Alice Baumgarten that the Commission begrudgingly agrees with these amendments as written and will direct Cheryl Maxwell and Richard Heath to sign the lease amendment with the date of June 10, 2011. Motion carried, with all voting aye on a voice vote.

- XI. Rich Heath stated that the Commission is required by Wisconsin State Statute to set a levy rate each year by June 30<sup>th</sup>. Mr. Heath provided the Commissioners a summary of the levy rates and resulting levy revenues since 1997, along with a set of levy rate scenarios for 2012. The 2011 levy rate is .00046% with a corresponding total levy amount of \$109,241. The Commissioners lowered the levy rate for 2011 by .00001% and the overall equalized value of the region declined by nearly 2 percent. The result, in combination of the withdrawal of Brown County, was a dramatic \$91,004 reduction in levy revenue. Rich Heath explained that the levy revenue is very important to the Commission's overall financial condition as well as to have the capacity to match grants.

The levy scenarios for 2012 take into account a region-wide reduction in equalized value of two percent. The Wisconsin Department of Revenue will not make its final determination on 2011 equalized values until mid-August. Given the economic and political climates, Mr. Heath recommended keeping the levy rate the same as 2011 at .00046%. Don Markwardt and Mary Meyer concurred with Rich Heath's recommendation of holding the levy rate the same as 2011. Ed Procek and Ron McDonald thought that Sheboygan County would be amenable to a small increase in the levy rate. Jim Abrahamson favored a higher levy rate because the dollar amounts change very little. Ed Kelley proposed a rate of .00047%. Yvonne VanPembrook thought the dollar amount was important in order to keep it close to the current \$109,241 levy amount. Chuck Wagner stated that the Commission needs to slowly move to a higher levy rate. Mr. Markwardt asked if any county has indicated its intent to withdraw; Rich Heath responded that only the Town of Egg Harbor stated its intentions to withdraw for 2012 a few months ago.

**Moved** by Yvonne VanPembrook and seconded by Jim Abrahamson to approve a levy rate of .00048% for 2012. Motion carried on a aye voice vote, with Don Markwardt voting no, and with Cheryl Maxwell and Bill Clancy abstaining.

- XII. The Executive Committee reviewed an updated draft of the Commission's Data Sharing Policy at their April 14, 2011 meeting. The committee asked the staff to investigate what other Commissions are charging non-member municipalities and entities for GIS data. The revised policy provided in the Commission packet calls for an initial \$100 charge and further costs calculated on a time and

materials basis. Rich Heath stated that the Commission is contacted very infrequently for information by non-member municipalities and entities, but it was necessary to have a policy in place for fairness and billing purposes. Member units of government frequently share data with the Commission and vice versa without any cost to either party.

**Moved** by Lois Trever and seconded by Chuck Wagner to approve the Data Sharing Policy as presented to the Commission. Motion carried, with all voting aye on a voice vote.

XIII. Rich Heath stated that he is still reviewing advantages and disadvantages and the requirements of creating a nonprofit or for profit component of the Commission. He thought the most ideal option would be to expand the services offered through the Commission without having to create another entity. The financial constraints of the Commission do not allow it to become the financial sponsor of a new business or organization.

XIV. A draft copy of the Commission's *2011-2012 Affirmative Action Program* was provided to each Commissioner as part of their meeting packets. Rich Heath explained that the document is updated annually and provided to any governmental agency or interested party upon request. Each staff member receives a copy of the updated program for their records.

**Moved** by Chuck Wagner and seconded by Ron McDonald to approve Resolution 4-2011: Adoption of Affirmative Action Program July 1, 2011 – June 30, 2012. Motion carried, with all voting aye on a voice vote.

XV. Jeff Agee-Aguayo distributed information at the beginning of the meeting regarding changes to the *Sheboygan Metropolitan Planning Area Transportation Improvement Program (TIP): Calendar Years 2011 – 2014*. Mr. Agee-Aguayo explained that the changes to the TIP are necessary to keep the projects current that are eligible for funding. These changes are discussed with Federal Highway Administration and Wisconsin Department of Transportation staff to ensure they are also included in their improvement plans as well as any revised costs for completion.

**Moved** by Ron McDonald and seconded by Ed Procek to approve Resolution 5-2011: Endorsing several administrative modifications and several minor amendments to the *Sheboygan Metropolitan Planning Area Transportation Improvement Program (TIP): Calendar Years 2011 – 2014*. Motion carried, with all voting aye on a voice vote.

XVI. Rich Heath provide copies of the Commission's Bylaws that were adopted at the March Full Commission meeting.

XVII. Rich Heath noted that a copy of the Bills and Receipts was distributed prior to the meeting; they cover the months of April and May 2011.

**Moved** by Chuck Wagner and seconded by Lois Trever to accept the bills and receipts as presented. Motion carried, with all voting aye on a voice vote.

XVIII. The next meeting of the Executive Committee is July 29, 2011 in Oconto County, with a meeting location to be determined. The next full Commission meeting is September 9, 2011, in Green Bay.

XIX. **Moved** by Don Markwardt and seconded by Lois Trever to adjourn the meeting at 12:39 p.m.

Respectfully submitted,  
Richard Heath  
Recording Secretary