A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL/EXCUSED ABSENCES

D. PUBLIC HEARING

E. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THE CITY
   (five (5) minute time limit for each person)

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS
   1. Presentation to K-9 Corp from Menasha VFW Post 2126
   2. Clerk Galeazzi - the following minutes and communications have been received and placed
      on file:
         Minutes to receive:
         a. Administration Committee, 9/18/2017
         b. Board of Public Works, 9/18/2017
         c. Landmarks Commission, 8/9/2017
         d. NMFR Joint Finance & Personnel, 9/26/2017
         e. Park and Recreation Board, 8/8/2017
         f. Plan Commission, 9/19/2017
         g. Police Commission, 6/1/2017
         h. Redevelopment Authority, 9/25/2017
         i. Water & Light Commission, 8/23/2017 & 9/6/2017
      Communications:
         j. Learn Hands Only CPR Flyer
         k. City of Menasha to Host Downtown Vision Plan—Alternatives Open House
         l. Corps of Engineers Meeting Invitation
         m. Schedule for the Loop the Little Lake Project Approval Memorandum, 9/28/2017, PRD
            Tungate & PWD Radomski
         n. 2017-2019 State Budget Update and Impact to 2018 Menasha Budget, Memorandum,
            9/28/2017, ASD Jacobs

G. CONSENT AGENDA
(Prior to voting on the Consent Agenda, items on the Consent Agenda may be removed at the request of any
Alderman and placed immediately following action on the Consent Agenda. The procedures to follow for the
Consent Agenda are: (a) removal of items from Consent Agenda; and (b) motion to approve the items from
Consent Agenda.)
Minutes to approve:
1. Common Council, 9/18/2017
Menasha is committed to its diverse population. Our Non-English speaking population and those with disabilities are invited to contact the Menasha City Clerk at 967-3603 24-hours in advance of the meeting for the City to arrange special accommodations.

Administration Committee, 9/18/2017, recommends the approval of:
2. The City of Menasha add CVMIC Pollution Legal Liability Insurance to its insurance repertoire

Board of Public Works, 9/18/2017, recommends the approval of:
3. Payment—MCC, Inc.; Contract Unit 2017-02; New Street Construction, Reconstruction and Rehabilitation—Various Streets; $97,581.44 (Payment No. 4)

4. Recommendation to Aware to Keller, Inc. contract for the addition at the Police Department in the amount of $231,224

Redevelopment Authority, 9/25/2017, recommends the approval of:
5. The Redevelopment Authority move forward with the acquisition of the property located at 460 Ahnap Street with the condition that Section 6(d) noted on page 5 of the Real Estate Purchase and Sale Agreement between R.R. Donnelly & Sons Company and the Redevelopment Authority of the City of Menasha be removed

NMFR Joint Finance & Personnel Committee, 9/26/2017, recommends the approval of:
6. The 1st Amendment Supplementary Agreement to Neenah-Menasha Fire Rescue Merger Agreement as presented

H. ITEMS REMOVED FROM THE CONSENT AGENDA

I. ACTION ITEMS
1. Accounts payable and payroll for the term of 9/21/2017—9/28/2017 in the amount of $1,110,309.90


3. Class “B” Beer and Class C Wine Liquor License Application for Mario Nuñez, d/b/a Crazy Donkey, 14 Tayco Street, for the 2017-2018 licensing year

J. HELD OVER BUSINESS
1. Paint and Restore Grant Program and associated Guidelines, as amended as recommended by the Administration Committee, 9/5/2017

K. ORDINANCES AND RESOLUTIONS

L. APPOINTMENTS
1. Appointment of Melissa Zwach to the Parks and Recreation Board for the term of 10/1/2017—10/1/2020

M. CLAIMS AGAINST THE CITY

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA
(five (5) minute time limit for each person)

O. ADJOURNMENT

MEETING NOTICE
Monday, October 16, 2017
Common Council Meeting – 6:00 p.m.
Committee Meetings to Follow

"Menasha is committed to its diverse population. Our Non-English speaking population and those with disabilities are invited to contact the Menasha City Clerk at 967-3603 24-hours in advance of the meeting for the City to arrange special accommodations."
CITY OF MENASHA
ADMINISTRATION COMMITTEE
First Floor Conference Room
100 Main Street, Menasha
September 18, 2017
MINUTES

A. CALL TO ORDER
   Meeting called to order by Chairman Krueger at 7:21 p.m.

B. ROLL CALL/EXCUSED ABSENCES
   PRESENT: Aldermen Zelinski, Nichols, Taylor, Sevenich, Collier, Krueger
   EXCUSED: Aldermen Grade and Benner
   ALSO PRESENT: Mayor Merkes, CA Captain, PC Styka, FC Kloehn, CDD Buck,
   PHD McKenney, ASD Jacobs, DPW Radomski, Dave Maccoux (Schenck), Clerk Galeazzi.

C. MINUTES TO APPROVE
   1. Administration Committee, 9/5/17
      Moved by Ald. Collier seconded by Ald. Zelinski to approve minutes.
      Motion carried on voice vote.

D. ACTION/DISCUSSION ITEMS
   1. Review and Accept 2016 City of Menasha Financial Audit (Dave Maccoux, Schenck SC)
      Dave Maccoux from Schenck, SC, reviewed the independent auditors’ report and
      management letter of the year ending December 31, 2016. He provided comments and
      observations of the audit.
      General discussion ensued on the audit.
      Moved by Ald. Sevenich seconded by Ald. Taylor to accept 2016 City of Menasha Financial
      Audit.
      Motion carried on roll call 6-0.

      2. CVMIC Pollution Legal Liability Insurance for 2018.
      CA Captain explained CVMIC is working with a company to offer its members pollution
      liability insurance. It will require 36 members of CVMIC to indicate they are interested in
      purchasing this type of coverage in order for this add-on coverage to be offered. CVMIC
      provided an estimated premium chart based on type of coverage selected.
      General discussion ensued on what the policy will cover.
      Moved by Ald. Sevenich seconded by Ald. Collier to recommend to Common Council
      The City of Menasha add CVMIC Pollution Legal Liability Insurance to its insurance
      repertoire.
      Motion carried on roll call 6-0.

E. ADJOURNMENT
   Moved by Ald. Taylor seconded by Ald. Collier to adjourn at 8:02 p.m.
   Motion carried on voice vote.

Deborah A. Galeazzi, WCMC
City Clerk
A. CALL TO ORDER
Meeting called to order by Chairman Taylor at 8:07 p.m.

B. ROLL CALL/EXCUSED ABSENCES
EXCUSED: Aldermen Grade and Benner.
ALSO PRESENT: Mayor Merkes, CA Captain, PC Styka, FC Kloehn, DPW Radomski, ASD Jacobs, Clerk Galeazzi.

C. MINUTES TO APPROVE
1. September 5, 2017
Moved by Ald. Zelinski seconded by Ald. Collier to approve minutes.
General discussion ensued on Point of Order not recorded in minutes.
Motion failed on roll call 3-3.
Original motion to approve minutes carried on roll call 5-1. Ald. Taylor voted no.

D. DISCUSSION / ACTION ITEMS
1. Payment – MCC, Inc.; Contract Unit 2017-02; New Street Construction, Reconstruction and Rehabilitation – Various Streets; $97,581.44 (Payment No. 4)
Moved by Ald. Zelinski seconded by Ald. Ald. Krueger to recommend to Common Council Payment to MCC, Inc. for Contract Unit 2017-02 for new street construction, Reconstruction and rehabilitation for various streets in the amount of $97,581.44 (Payment No. 4).
Motion carried on roll call 6-0.

2. Recommendation to Award – Keller Project #65056; Police Department Addition; $231,224.00
PC Styka explained the project to create an evidence processing/storage area at the Police Department was bid out twice. The first bids came in over budget. The scope of the project was altered and rebid. The second bids came in under budget. The Public Works staff will be assisting with the earthwork portion of the project.
Moved by Ald. Collier seconded by Ald. Zelinski to recommend to Common Council Recommendation to Award to Keller, Inc. contract for the addition at the Police Department in the amount of $231,224.
Motion carried on roll call 6-0.

E. ADJOURNMENT
Moved by Ald. Zelinski seconded by Ald. Krueger to adjourn at 8:44 p.m.
Motion carried on voice vote.

Deborah A. Galeazzi, WCMC
City Clerk
A. CALL TO ORDER
Meeting called to order by Chairman Grade at 5:03 PM.

B. ROLL CALL/EXCUSED ABSENCES
LANDMARKS MEMBERS PRESENT: Commissioners Tom Grade, Emilie Steinmann, Dean Wydeven, Kim Massey and Alderman Collier.

LANDMARK MEMBERS EXCUSED: Tim Hoff and Kate Muller.

OTHER PRESENT: CDD Buck and PP Schroeder

C. MINUTES TO APPROVE
   1. Minutes of the July 12, 2017 Landmarks Commission Meeting
      Motion by Ald. Collier to approve the minutes of the July 12, 2017 Landmarks Commission meeting, second by Wydeven. The motion carried.

D. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA OR ANY ITEM RELATED TO THE RESPONSIBILITIES OF THE LANDMARKS COMMISSION
   No comment.

E. COMMUNICATION
   No comment.

F. ACTION ITEMS
   1. Walkway Plaque – Design and Content
      Commissioners discussed the proposed picture, text content, location of the plaque and the materials. Ald. Collier was going to look into a stainless steel material and the other option of a trophy company producing the plaque.

      Comm. Wydeven suggested a San Serif or Arial font to make the text more legible. Comm. Steinmann added that they could likely get the opinion from a trophy company as well.

      Commissioner Massey arrived at 5:08.

      Motion by Ald. Collier to approve the design and content of the walkway plaque, second by Steinmann. The motion carried.

G. DISCUSSION ITEMS
   1. “Glory of the Morning” Mural – 204 Main Street
      Commissioners discussed the completed mural. While smaller than anticipated, the Commissioners were pleased with how the detail of the mural turned out.

      The Commissioners also discussed the possibility of adding the Artists written narrative of the mural on a plaque or possibly framed within the Your Daily Grind coffee shop to which the mural is displayed.
Although the Commissioners were pleased with the mural, they discussed possibly compiling guidelines for future murals. These guidelines would include such items as scale, materials, timelines, required completion, etc. and would ensure that the Commission has done its due diligence to protect property owners, future of the mural and the historic district’s integrity.

2. **Bridge Tower II Potential Reuse Ideas**
   Of the three remaining towers on the Tayco Street Bridge, the southern tower is still operational for the draw bridge, the tower on the northeast corner of the bridge was converted into a historical museum about the history of the bridge, and the remaining tower remains vacant. Comm. Grade has had on-going discussions with Alek Schultz and Rob Nielson from Sculpture Valley about a small art gallery – possibly light sculptures upstairs and pedestals in the lower level to allow people to view the art through the windows.

   Comm. Grade also discussed possibly cutting a new door into the tower on the north end outside of the bridge gate area, so no one inside the tower would be affected when the draw bridge goes up.

   CDD Buck stated prior to detailing the use of the facility that the Commission will likely need to find out who has ownership of the bridge/towers, determine a scope of work and budget for the project and then request funds from Council in the 2018 budget.

**H. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA**
No comment.

**I. ADJOURNMENT**
Motion by Steinmann to adjourn at 6:16 PM, second by Ald. Collier. The motion carried.

*Minutes prepared by PP Schroeder.*
Present:  Ald. Pollnow, Kunz, Sevenich, Nichols and Stevenson

Excused:  Ald. Collier

Also Present:  Chief Kloehn, Director Jacobs, Director Easker, CA Godlewski and MA Ellis

Public:  No members of the public were present.

Ald. Sevenich called the meeting to order at 5:30 p.m.

Minutes:  The Committee reviewed the August 22, 2017 meeting minutes.  **MSC Pollnow/Kunz to approve the August 22, 2017 meeting minutes and place on file, all voting aye.**

Monthly Activity and Automatic Aid Reports:  The Committee reviewed the August activity and automatic aid reports.  **MSC Pollnow/Nichols to approve the August activity and automatic aid reports and place on file, all voting aye.**

2018 Budget Process Updated:  Chief Kloehn noted he met with both Cities Finance Directors and Mayors to review the initial submission for the 2018 budget.  Both Mayors plan on meeting and discussing the budget that was submitted next week.

1st Amendment of Consolation Agreement:  Discussion was held on the changes that were made to this agreement from the last meeting.  Everyone agreed the changes that were requested were reflected in the document.

5:50 p.m.  Ald. Stevenson entered the meeting.

A lengthy discussion was held on the language changes in 4.01.  The changes to these two areas were reviewed and how this impacts other departments within both Cities and the overall budget and process within both Cities.  Both Finance Directors agreed this language was added to protect both Cities ability to invoke the fire/rescue levy limit exemption.  It possible this may be vital for either city to fund their own budget in the future.

Ald. Nichols asked if 4.01(a)’s language was necessary as this only happened once since the merger.  The agreement currently requires the Cities to agree on one joint budget.  Ald. Kunz felt if this language was important to define what would happen if there were different budgets presented to both Councils and left for them to decide.  Director Easker noted this language highlights the need of the importance for both Mayors to get together and work together to make this process works.

Ald. Pollnow said this language also helps reinforce our process as it is spelled out.  This process is not necessarily for the current Mayors.  However, it may be needed in the future if there are personnel changes and the two Mayors at the time can’t agree upon a budget.
Ald. Stevenson said since the merger, there has been a history of asking who has the power of authority to review budgets, etc. for the department. It was established that this committee is the body of authority to review final items and make recommendations to both councils. This language defines the history of past practice. **MSC Pollnow/Sevenich to recommend the City of Neenah and City of Menasha Common Council’s approve the 1st Amendment Supplementary Agreement to Neenah-Menasha Fire Rescue Merger Agreement as presented, all voting aye.**

**MSC Pollnow/Stevenson to adjourn at 6:05 p.m., all voting aye.**

Respectfully Submitted,

Tara Ellis

Management Assistant
A. CALL TO ORDER

The meeting was called to order by Chr. D Sturm at 6:05 pm.

B. ROLL CALL/EXCUSED ABSENCES

MEMBERS PRESENT: D. Sturm, T. Grade, B. Adesso, L. Hopwood

MEMBERS EXCUSED: R. DeLain, T. Marshall

OTHERS PRESENT: PRD Tungate, PS Maas, Sandra Dabill-Taylor, Adam Miller (PD) and Summer Program Supervisor Jaime Anderson, Ald. Arnie Collier

C. MINUTES TO APPROVE

1. Minutes of the July 11, 2017 Park Board Meeting: Moved by B. Adesso, seconded by L. Hopwood to approve the minutes of the July 11 Park Board meeting. Motion carried.

D. PUBLIC COMMENT ON ANY MATTER RELATED TO CITY PARKS AND RECREATION

1. Letter from Paul Konetzke regarding dog parks was recognized by the Board

2. S. Dabill-Taylor commented on seeing an increased number of park and recreation event yard signs around the city.

E. REPORT OF DEPARTMENT HEADS/STAFF/OR CONSULTANTS

1. Department Report: PRD Tungate reported on planning efforts for the upcoming Grunski Runski, Fall/Winter program brochure to be mailed out soon and the Mayor’s appointment of a board member to fill the vacancy formerly held by Nancy Barker should be occurring soon.

2. Park, Pool and Vandalism Report: PS Maas reported on basketball court preparation at Hart and Smith parks, old play equipment was removed at Hart and some trees were planted.

3. Summer Recreation Supervisor Report/Q&A: Jaime Anderson gave a summary of this year’s recreation programs that she oversees. Jaime felt that this has been a very successful summer for programming. Participation has increased in most programs. She was asked about how we could somehow advertise our programs through the school district next year.

F. DISCUSSION

1. Establish a monthly and yearly vending/concession license: The discussion centered on the possibility of adding a longer term license or vending permit fees for spaces like the office at the marina, etc. This topic came to light as an option for the Fox River Kayak Company (or possible other groups) occupying the office space at the marina this season through a lease arrangement. A recommendation will be brought back to the Board at the September meeting.

G. ACTION ITEMS

1. Reconsider an alternative configuration for the Hart Park basketball court: A motion by Chr. D. Sturm and seconded by Ald. T. Grade to consider a change to the layout of the Hart Park basketball court to make it a full court, with hoops on each end, but with one hoop set at a height less than 10’ failed on a 3-1 vote. A second motion was made by D. Sturm and seconded by Ald.
T. Grade to reconsider this issue at next month’s meeting. Motion carried 4-0.

2. **Dog Paddle-pet swim at the pool-August 20th**: PD Officer M. Miller/Event Representative provided detailed plans on how this fundraising event for the K-9 unit would be run. The Board liked the idea and were in full support. Motioned by L. Hopwood, seconded by B. Adesso to approve the Dog Paddle event on August 20 at the swimming pool. Motion carried 4-0.

H. **PUBLIC COMMENT ON ANY MATTER LISTED ON THE AGENDA**

   Five (5) minute time limit for each person

I. **ADJOURNMENT**

   Moved by B. Adesso, seconded by L. Hopwood to adjourn at 7:35pm. Motion carried.
A. CALL TO ORDER

The meeting was called to order at 3:34 PM by Mayor Merkes.

B. ROLL CALL/EXCUSED ABSENCES

PLAN COMMISSION MEMBERS PRESENT: Mayor Merkes, DPW Radomski, Commissioners Homan, and Sturm.

PLAN COMMISSION MEMBERS EXCUSED: Ald. Benner, Commissioners Cruickshank and Schmidt.

OTHERS PRESENT: CDD Buck, PP Schroeder, and Ald. Collier.

C. PUBLIC HEARING

1. No action items for public hearing.

D. MINUTES TO APPROVE

1. Minutes of the August 22, 2017 Plan Commission Meeting
   Motion by Comm. Strum, seconded by DPW Radomski, to approve the August 22, 2017 Plan Commission meeting minutes as presented. The motion carried.

E. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA

1. None

F. COMMUNICATION

1. None

G. DISCUSSION

1. Downtown Vision Plan Update
   CDD Buck gave a brief background of the Downtown Vision Plan. Over the last several months the Consultants, Place Dynamics and SEH have been surveying the study area through market analysis, stake holder meetings, and the latest public input came from a 2-hour public workshop/kick-off meeting. This Workshop discussed the preliminary findings of the market study and provided the Consultant team an opportunity to listen to the public’s ideas, hopes, and desires of future land uses in downtown Menasha through various exercises. The summary of that workshop was included with the packet and located on the website for the Downtown Vision Plan.

   The next scheduled public participation effort is an alternative land use open house scheduled for Tuesday, October 10, 2017 from 11:00 am to 1:00 pm and 5:00 pm to 7:30 pm with a short presentation at 5:30 pm from the Consultants. CDD Buck explained that this public participation effort is more hands off without specific exercises and provides the public an opportunity to have an input on Advancing Menasha. Staff and the Consultants will be present to discuss any concerns or questions. All are welcome to come and provide input.

2. Disposition of 140 Main Street Update
   PP Schroeder gave a brief background of this project explaining that a request to declare old City Hall located at 140 Main Street as surplus and available for disposition was brought forward to the Plan Commission at their previous August 22, 2017 meeting. Ultimately no motion was
taken due to the unknowns about the property including the fate of the large community mural located on the eastern façade of the building. The Commission had requested staff look into more of the history of the mural to confirm the construction to see if it could in fact be a standalone structure remaining in the same place without the building or if it would be necessary to relocate it or if the old City Hall needs to remain in place to protect the future of mural.

Staff was able to locate a copy of the original elevation and sections of the proposed wall. This drawing shows that there are eight pilasters constructed going from the City Hall footings to the top of the mural behind a concrete block wall with 4” thick precast concrete panels acting as a canvas for the mural mounted directly to the wall. The original Engineer, Kirk Haverland with Larson Engineering stated that the mural wall is tied to the old City Hall and would be a critical component to the structural integrity of the mural wall. Haverland suggested contacting Mark Burt with Miron Construction to see how the panels were affixed to the block wall and if they could be removed and relocated if a potential purchaser wished to demolish the old City Hall building. As this had just transpired, staff had not yet reached out to Miron.

Comm. Homan suggested that the City should not bind ourselves and presume to use the mural as a condition of sale explaining that the old City Hall building may be obsolete needing major HVAC and mechanical upgrades and that the City should leave our options open. Furthermore explaining that the longer the City retains ownership of the property the longer we need to maintain it and accrue cost such as heating the building. Lastly, Homan stated while the mural is historic in nature depicting historical features of Menasha, it is not historic in itself.

DPW Radomski added in addition to Comm. Homan’s comments that the sooner the property can be sold the sooner the City can see a positive impact of having the property back on the tax roll.

The Commission as a whole discussed possible scenarios and options the City would have after the property was sold and what conditions could be placed on that sale. Understanding the process that the Plan Commission needs to make a recommendation to the Common Council, the Commission requested staff continue to obtain any additional information and bring it back to the next meeting. This item will be placed back on the next Plan Commission agenda as an action item to recommend a motion to the Common Council.

H. ACTION ITEMS

1. None

I. ADJOURNMENT

Motion by Comm. Homan, seconded by Comm. Strum, to adjourn at 4:12 PM. The motion carried.

Minutes respectfully submitted by PP Schroeder.
President Jason Dionne called the meeting to order June 1, 2017 at 4:30 PM, Menasha Safety Building, 430 First Street, Menasha, Wisconsin

Present: Jason Dionne, Fran Ebben, Tony Gutierrez, James Meinke and Marshall Spencer, Chief Styka

Minutes to Approve: Fran Ebben moved to approve the April 20, 2017 draft meeting minutes. Tony Gutierrez seconded the motion. The Commission unanimously approved the minutes.

Communication to Receive: None

Old Business: None

Closed session: At 5:00pm Tony Gutierrez motioned that the meeting go into closed session. Fran Ebben seconded the motion and the motion was unanimously supported. President Dionne declared the meeting to be in closed session.

CLOSED SESSION Wisconsin statutes sec 19.85 (1)(c)
Consideration of employment, promotion, compensation or evaluating the performance of any employee under the commission’s jurisdiction.
   Consideration of open department officer position candidates

Return to open session: At 5:50pm Tony Gutierrez motioned that the meeting return to open session. James Meinke seconded the motion and the motion was unanimously supported. President Dionne declared the meeting to be in open session.

Discussion:
   • Review “rules and Regulations of the city of Menasha police commission” draft.
   • Agreed on minor modifications of the draft.

Correspondence: None

New Business:
   • Chief Styka distributed May 26, 2017 version of Wisconsin statutes regarding duties and responsibilities of city police commissions.
Chief Styka Report  Training:

- NIMS IS-400: Thorn, Hanchek & Albrecht (16 hrs)
- CVMIC – Developing a Highly Effective Workforce: Lenss (16 hrs)
- Trauma Informed Symposium: Jorgenson (16 hrs)
- Rifle Instructor: Thorn (20 hrs)
- Human Trafficking School: Gruss (24 hrs)
- Force Science Basic Course: Lenss, Miller & Sawyer (16 hrs)
- LEOKA Review: Sawyer (8 hrs)
- Drug Interdiction: Berna (16 hrs)
- 7 Habits of Highly Effective People: Hanchek (16 hrs)
- Leadership for Reducing Organizational Stress: (8 hrs)
- Legal Update: All Sworn Personnel

Department Updates:

- Building Update: The building plans will go to the Plan Commission next week. The project will then be bid out. We believe we have someone to take down the radio tower.
- Staffing/Hiring Process Update: Officer Adam Schultz and Officer Randy Hill are continuing in Step V – solo patrol. Officer Shelby Patterson graduated from the recruit academy and is currently in training. We currently have two openings with the retirement of Larry Bonneville on 6/2/17.
- A new parking ticket system is in the final stages of approval and should be implemented by the end of 2nd quarter.
- We are scheduling the mock assessment for Accreditation in July. A final date is being worked out by Lt. Hanchek. This is an informal assessment of level of preparedness for our onsite review which is scheduled for November 2017.
- Police Week was May 14-20. I have attached a copy of the memo that was sent to the Council on the 2016-17 Awards. In addition, Officer Joel Nelson received the Officer of the Year Award.
- The Department is switching to a new body video camera. This will put all patrol officers and supervisors on the same platform. This should be rolled out by mid-June.
- Officer Spiegel has been working with multiple K9 trainers and has tried numerous different training techniques to bring Athos to an acceptable level of performance. Based upon an external review external review of Athos’s performance and from an officer safety perspective it has been decided that it would be in the best interest of Athos for him not to continue in police work. Matt Spiegel has agreed to care for Athos in his retirement from law enforcement.
- A demo (show and tell) of external vest carriers options for police officers was presented by Lt. Lenss.

Adjourn:  At 6:30pm Tony Gutierrez motioned to adjourn the meeting. James Meinke seconded the motion and the motion was unanimously supported. President Dionne declared the meeting to be adjourned.

The next bi-monthly meeting will be held August 17, 2017 4:30 pm Menasha Safety Building, 430 First Street, Menasha, Wisconsin.

Respectfully submitted by
Marshall Spencer
Commissioner, Secretary
A. CALL TO ORDER

The meeting was called to order at 5:06 pm by Chairmen Kim Vanderhyden.

B. ROLL CALL/EXCUSED ABSENSES

REDEVELOPMENT AUTHORITY MEMBERS PRESENT: Kim Vanderhyden, Ald. Rebecca Nichols, Linda Kennedy, Gail Propp, and Bob Stevens.

REDEVELOPMENT AUTHORITY MEMBERS EXCUSED: Kip Golden and Matt Vanderlinden

OTHERS PRESENT: CDD Buck, PP Schroeder, ASD Jacobs, Mayor Merkes, Alderman Sevenich, Alderman Taylor, Alderman Zelinski, Alderman Grade, and Tom Fisk (Newmark Grubb Pfefferle)

C. MINUTES TO APPROVE

1. Minutes of the August 31, 2017 Redevelopment Authority Meeting

Motion to approve the August 31, 2017 Redevelopment Authority meeting minutes as presented made by Gail Propp, seconded by Kim Vanderhyden. Motion carried.

D. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA

Alderman Sevenich explained to the Redevelopment Authority the reasoning behind his no vote on the RDA’s August 31, 2017 recommendation to move forward with the acquisition of the R.R. Donnelley and Sons/LSC Communications property at 460 Ahnaip Street forwarded to the Common Council at their September 5, 2017 meeting. Reasons included: 1) if the State of Wisconsin Department of Transportation wants to move forward with the reconstruction of the Racine Street Bridge, they would be in a better position to and should purchase the property, clean the site and then have discussions with the City to take ownership of the property; 2) the City could have sufficient control over any potential redevelopment of the site through regular zoning regulation and we don’t need to acquire it; and 3) taking ownership of this property is a major risk that does not need to fall on the City’s shoulders. While the environmental study was more positive than anticipated there are still a lot of unknowns. The City does not have unlimited funds and using them to purchasing this property could jeopardize potential alternative future projects.

Alderman Taylor thanked the committee members for volunteering their time to sit on the RDA. He explained that he had recently toured the facility and found the building to be a great potential for redevelopment. He expressed his opinion that redevelopment could take place on the western end of the building as the State Department of Transportation would only need to remove the eastern building and that there was potential for it to be used for upper end loft style housing, which is what a lot of people are looking for. He encouraged
the City to look at potential developers that have done this type of redevelopment. Lastly, Alderman Taylor stated that he also voted no because he feels that if the State wants a new bridge, they should purchase the property.

E. ACTION ITEMS

1. Lake Park Square Listing Agreement for Newmark Grubb Pfefferle

   PP Schroeder gave a brief explanation of a draft listing agreement with Newmark Grubb Pfefferle noting highlights such as a reasonable 6% commission rate and that there was no suggested changes in the existing asking prices. Similar to the agreement made with Community First Credit Union with Lots 7, 8, and 9 in Lake Park Square, staff also suggested “Addendum B” be added that would restrict the permitted uses by-right for these properties and give the RDA an opportunity to review uses that may not be compatible with existing and anticipated surrounding uses. Lastly, PP Schroeder introduced Tom Fisk, one of the two joint listing agents with Newmark Grubb Pfefferle.

   The RDA members asked Mr. Fisk a multitude of questions to try and find out what Newmark Grubb Pfefferle will provide, how the properties will be marketed, how the company has changed over the years, what the current market is like, and how he fits in with the listings. Mr. Fisk explained that Newmark is growing company that continues to expand and learn as the commercial real estate market changes. He is a joint listing agent with Elizabeth Ringgold. They work together on many projects to ensure better customer service and availability. As noted on the listing agreement, there is a wide variety of marketing tools used including on-site signage, internet marketing, direct mailings, and postings on national networks such as Loopnet, InWisconsin, Xcelligent and CoStar. As for the market, Mr. Fisk stated that while construction cost are high, the supply of vacant commercial buildings has gone down which has the effect that more people are looking at construction and vacant lots such as the listings here.

   Bob Stevens arrived at 5:28 PM

   Motion to approve the listing agreement for a one year contract with Newmark Grubb Pfefferle with the addition of Addendum B limiting the allowable land uses by-right within Lake Park Square was made by Ald. Rebecca Nichols, seconded by Gail Propp. Motion carried unanimously.

2. Real Estate Purchase – 460 Ahnaip Street (RR Donnelley/LSC Communications)

   CDD Buck gave a brief background of the Real Estate Purchase and Sales Agreement for the property located at 460 Ahnaip Street, in addition to the environmental assessment, and where we are today with the potential real estate purchase. As explained at the RDA meeting on August 31, 2017, per the agreement RR Donnelley supplied the City with a Phase I Environmental review as well as a Limited Site Investigation (LSI) report done by Terracon on August 14, 2017. This environmental review or Limited Site Investigation (LSI) report described the work/testing that had taken place, results of said testing, provided a proposed site investigation work plan, which included preparation of a site investigation/remediation action plan exclusively for vacant industrial use of the property. Per the Purchase and Sales Agreement (PSA) the RDA and the City were allotted 30 days to review and determine how they would like to proceed with the purchase of the Ahnaip Street property. Over that next 30 days the City forwarded the LSI report to our consultants Omni Associates, received a summary of the
report, brought an action item to the RDA on August 31, 2017 and an action item to the Common Council on September 4, 2017.

At the August 31st RDA meeting, a motion was approved to move forward with the acquisition of the RR Donnelley and Sons property at 460 Ahnaip Street with the following conditions:

1. The site investigation work plan proposed by Terracon, environmental consultant for RR Donnelley and Sons, must not be limited to only industrial future uses.
2. Wisconsin Department of Natural Resources approval/acceptance of an environmental remediation plan resulting from further site investigation.

The City Common Council, at their September 4, 2017 meeting approved the RDA motion to move forward with the property acquisition with the listed conditions. It was a heavily discussed item that ultimately ended in a 4 to 4 vote with the Mayor ultimately breaking the tie in favor of moving forward with the property acquisition.

For multiple reasons following the motion to approve, RR Donnelley and Sons/LSC Communications did not accept the conditions placed on the purchase/sale. City staff feels that because there are different remediation standards moving a contaminated site forward depending on the future use of residential, commercial or mixed-use versus industrial, it would to a large degree be pointless testing as proposed. Furthermore, any testing and remediation plan that could be drafted without a proposal for site redevelopment would end up being based on a worst case scenario. In addition to being somewhat irrelevant without a specific redevelopment plan, per the Purchase and Sales Agreement, parent 6(d) on page 5, the City would be required to fully perform the activities required in the Limited Site Investigation (LSI) report regardless of the Limited Government Unit (LGU) exemption status afforded the City. At this time, staff is recommending moving forward with the Real Estate Purchase and Sales Agreement with the condition that the requirements of Section 6(d) be removed from the PSA.

CDD Buck further touched on the public comments regarding the risk of taking ownership of the property and that the State should be the ones purchasing the property, consuming the risk and clean up. CDD Buck explained that he has had conversations with the Wisconsin Department of Transportation Racine Street Bridge Project Manager Bill Bertrand. He informed staff that the Wisconsin DOT would neither have to nor necessarily want to take ownership of this property. In similar circumstances, the DOT has been able to acquire temporary limited easement(s) allowing them to remove the entire or a portion of the affected structure while leaving underlying land ownership with the original property owner.

The members of the RDA discussed a wide range of options and the pros and cons of each. Ultimately, if the City/RDA does not take ownership of the property and the State does not take ownership of this property, RR Donnelley and Sons/LSC Communications could likely sell the industrial zoned property to potentially be reused for not the highest and best use such as an industrial type business including but not limited to warehousing. The City’s cost to acquire the property at a later date could therefore greatly increase and may not end up being feasible. The RDA agreed that while there are risks in acquiring the property, it is a risk worth taking to ensure Menasha continues on the path of revitalization, to support the desirability and redevelopment Gilbert site, to protect the residential character of the neighborhood, to protect and control the future
use of the waterfront and allow the shoreline to be available for potential public use such as trails/Riverwalk.

Kim Vanderhyden motioned to recommend that the Redevelopment Authority move forward with the acquisition of the property located at 460 Ahnaip Street with the condition that Section 6(d) noted on page 5 of the Real Estate Purchase and Sale Agreement between R.R. Donnelly & Sons Company and the Redevelopment Authority of the City of Menasha be removed. Motion was seconded by Linda Kennedy. Motion carried unanimously.

F. Discussion
   No Discussion.

G. Adjournment
   Kim Vanderhyden motioned to adjourn the meeting at 6:11 pm. Motion was seconded by Ald. Rebecca Nichols. Motion carried unanimously.

Minutes respectfully submitted by PP Schroeder.
REGULAR MEETING OF THE WATER AND LIGHT COMMISSION

August 23, 2017

Draft

Commission President Allwardt called the Regular Meeting of the Water and Light Commission to order at 8:02 a.m., with Commissioners Roy Kordus, Don Merkes, Antoine Tines, and Gary Turchan present on roll call. Also present were Melanie Krause, General Manager; William Menting, Electric Manager; Tim Gosz, Water Utility Manager; Kristin Hubertus, Finance Manager; Steve Grenell, Engineering Manager, David Christensen, Engineering Technician; Paula Maurer, Customer Services Manager; John Teale, Technical Services Engineer; and Dawn Lucier, Administrative and Accounting Assistant. Don Voogt, McMahon, was also present.

Item II. No one from the Gallery requested to be heard on any topic of public concern to the Utility.

Item III. Motion made by Comm. Kordus, seconded by Comm. Turchan, was unanimous on roll call to approve the following:

A. Minutes of the Regular Meeting of July 26, 2017.

B. Approve and warrant payments summarized by checks dated August 3-23, 2017, which includes Net Payroll Voucher Checks, and Operation and Maintenance Voucher Checks for a total of $930,500.82, and Operation and Maintenance Vouchers and Rebates to be paid prior to the next Regular Meeting. Motion approved unanimously on roll call

C. Correspondence as listed:
   Copy of letter dated August 8 from Winnebago County Office of Emergency Management RE: Active tabletop exercise scheduled September 27.
   Copy of email dated August 8 from Wisconsin Department of Natural Resources RE: City of Menasha Safe Drinking Water Loan Program application.
   Copy of article from the Environmental Defense Fund RE: Recognizing community efforts to replace lead service lines (LSLs).
   Copy of August 2017 MU Employee Newsletter.

General Manager Krause discussed changing the date of the September 2017 Commission meeting. An email will be sent out to confirm Commissioner availability.

Item IV. Claims Against The Utility – There were no claims discussed at this meeting.

Item V. Purchase Orders over $10,000.00 issued since the last Commission meeting were discussed. All purchase orders will be within budget after fund reallocations.

The motion by Comm. Allwardt, seconded by Comm. Merkes, was unanimous on roll call to approve the purchase orders as presented.
With the presence of Don Voogt, McMahon, Unfinished Business, Item E was advanced for discussion.

Item VI. Unfinished Business, Basin/Intake Engineering Design – The plans and specifications are being reviewed by the DNR. Concerns over the proximity of the boat launch and intake have been recognized and a variance request will be submitted to the DNR. There were also concerns raised about a marina this close to the intake. This was not part of the variance request.

Mr. Voogt departed at 8:17 a.m.

Former Water Tower Property – Approval has been received from the Planning Committee on declaring part of the property surplus and will be forwarded to the Common Council. Landscaping and screening around the generator was discussed as a separate matter on the lot the Utility is keeping.

Lead Water Service Program – Work continues on identifying customer lead service lines and the Utility has received multiple applications from customers for reimbursement under the lead service replacement program.

Lead/Copper Testing – Staff is waiting on official notice from the DNR; the corrosion control program is being studied for optimization; main replacements for 2018 will include a minimum of 7% lead services; and additional sample testing sites are being identified.

Rue Reynard Project Update – Crews were able to finish boring; the primary cable and transformers are in place. The project is expected to be completed at the end of August.

Item VII. New Business, Process for General Manager’s Evaluation – Commission President Allwardt stated the process of evaluation would be similar to last year with discussions being held with the management team.

WPPI Energy Selected Financial and Operating Ratios – The ratio report shows where the organization compares to WPPI as a whole, WEPCO, and several other large utilities. The numbers for Menasha Utilities reflect the WPPI lease payment as an operating expense, whereas, the Utility reports it as a capital lease.

CVMIC Liability Renewal Package – General Manager Krause presented the general liability renewal package from Cities and Villages Mutual Insurance Company (CVMIC). Pricing for the policy years 2018-2020 were included with two options available for the self-insured retention.

The motion made by Comm. Merkes, seconded by Comm. Kordus, was approved on roll call to renew with CVMIC, Self-Insured Retention of $50,000 and to return dividends on March 1, 2018.
Water Plant Filter – An Engineer from WesTech was brought in to help determine issues encountered with the #4 filters and the replacement of the filter strainers has been recommended. Methods to clean the old filter strainers for use in future replacements will be looked into along with procedures to help lengthen the life span of the filters.

Technology Plan – Installation of the AMI meters has been started with several units in place; work will continue on installing the remaining large customer meters and building the mesh network. Staff will wait on moving forward with the Cp-1 and Cp-2 customer meters until performance issues have been worked out. Additional items included in the plan were discussed.

Budget Reallocation, LTC Repairs – Staff is requesting to reallocate funds to repair/rebuild the tap changer and change the oil of transformer 34-T1-4.

The motion by Comm. Turchan, seconded by Comm. Kordus, was unanimous on roll call to reallocate funds from the Midway Loop to Appleton Road project to the 34-T1-4 tap changer refurbishment up to $20,000.

The Commission asked to have an item entered into the 2018 budget for unexpected equipment failures.

Updated Website – The new Menasha Utilities website has gone live. It has been updated to be more user friendly and contains analysis for staff to see which areas are being utilized the most in order to keep the website fresh and current.

Item VIII. Strategic Reports, Monthly Strategic Initiative Update – The July report was discussed.

July Financial and Project Status Reports – Year-to-date Operating Income is lower than budget, mainly due to the depreciation expense on the leased assets that will be carried forward through 2017, and Net Cash Balance Year-end is lower than budget mainly due to how funds are categorized. The Commission asked if the financial report could be changed so it is easier to compare budgeted year-end with actual.

Water consumption is at budget; Net Operating Income is higher than budget; the loss ratio remained constant, a large leak will be replaced which is expected to bring the ratio down; and the cash balance is anticipated to end the year higher than budgeted.

After discussion, the Commission accepted the July Financial and Project Status Reports as presented.

Project Reports, Water Projects – There was no additional information presented.

Electric Projects – The circuit switcher work at the Melissa Substation is planned to coincide with an ATC scheduled outage which will push the project further into the year, possibly into 2018.
Item IX. No one from the Gallery requested to be heard on any topic of public concern to the Utility.

Item X. The motion by Comm. Merkes, seconded by Comm. Kordus, was unanimously approved on roll call to convene into Closed Session pursuant to Section 19.85 (1) (c) of the Wisconsin Statutes for the purpose of considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. RE: Performance Evaluations of General Manager at 9:42 a.m.

By:    MARK L. ALLWARDT       GARY TURCHAN
    President                   Secretary

NOTE: THESE MINUTES ARE NOT TO BE CONSIDERED OFFICIAL UNTIL ACTED UPON AT THE NEXT REGULAR MEETING, THEREFORE, ARE SUBJECT TO REVISION.
Commission President Allwardt called the Special Meeting of the Water and Light Commission to order at 8:02 a.m., with Commissioners Don Merkes and Gary Turchan present on roll call. Also present were Melanie Krause, General Manager; William Menting, Electric Manager; Tim Gosz, Water Utility Manager; Kristin Hubertus, Finance Manager; Steve Grenell, Engineering Manager, David Christensen, Engineering Technician; Paula Maurer, Customer Services Manager; John Teale, Technical Services Engineer; Scott Maurer, Water Distribution Foreman; and Dawn Lucier, Administrative and Accounting Assistant.

Commissioner Kordus was absent.

Item II. No one from the Gallery requested to be heard on any topic of public concern to the Utility.

Item III. New Business, Strategic Plan – The Strategic Plan containing minor updates and an outline of the accomplishments during 2017 was provided.

Commissioner Tines arrived at 8:05 a.m.

The 2018 Water Utility Financial Report was based on water consumption calculated using a 3 year average. Highlights include a 12% projected increase in health insurance costs; an increase in total expenses; and revenues reflecting a 6.5% rate increase starting in July through the remainder of the year. Decreasing water usage has resulted in fewer units to allocate expenses to and costs reflect needed capital projects.

David Christensen departed at 8:20 a.m.

2018 Water Utility Budget Review & Approval – Commissioner Merkes asked to have staff look into utilizing the Arbor Day celebration to plant smaller trees around the office building instead of buying larger trees. Water Distribution cross connection program costs for 2018 and 2019 are higher due to hiring a third party to assist with high risk industrial and commercial customers. Commissioner Allwardt asked to have a column added to the water main replacement to include a Menasha Utilities and Customer side for lead services.

Commissioner Allwardt asked to have information for the restricted and unrestricted funds included in the 2018 Electric Budget.

The motion by Comm. Turchan, seconded by Comm. Allwardt, was unanimously approved on roll call to approve the 2017 Water Utility Budget as presented.
Water Rate Case – The preliminary figures in the rate case application look at a two step process with step 1 at 6% and step 2 at 2% for a total of 8%.

Item IV. No one from the Gallery requested to be heard on any topic of public concern to the Utility.

Item X. The motion by Comm. Allwardt, seconded by Comm. Turchan, was unanimously approved on roll call to adjourn at 9:34 a.m.

By: MARK L. ALLWARDT GARY TURCHAN
President Secretary

NOTE: THESE MINUTES ARE NOT TO BE CONSIDERED OFFICIAL UNTIL ACTED UPON AT THE NEXT REGULAR MEETING, THEREFORE, ARE SUBJECT TO REVISION.
LEARN HANDS ONLY CPR

Gold Cross Ambulance Service is teaming up with Neenah-Menasha Fire Rescue and Menasha Police Department to offer FREE Hands Only CPR & AED community classes. All ages are welcome – sign up to join us today!

2 OPPORTUNITIES TO LEARN

OCTOBER 3 6P-7P
MENASHA CITY CENTER
ROOM #132 (1ST FLOOR)
ENTER THROUGH MAIN DOOR

OCTOBER 11 6P-7P
CITY OF NEENAH TRAINING CENTER
1080 BREEZEWOOD LANE
PARKING LOT IS ON TULLAR ROAD – ENTER THROUGH SOUTH DOORS

SIGN UP HERE:
HTTPS://WWW.CI.NEENAH.WI.US/HANDS-ONLY-CPR-REGISTRATION/
OR CALL: 920-886-6200

LEARN HOW TO SAVE A LIFE!
FOR IMMEDIATE RELEASE

October 02, 2017

CONTACT:
Sam Schroeder
City of Menasha
Community Development Dept.
100 Main Street, Suite 200
Menasha, WI 54952-3190
(920) 967-3650

CITY OF MENASHA TO HOST
DOWNTOWN VISION PLAN - ALTERNATIVES OPEN HOUSE

Menasha, Wisconsin – “Evidence from the a recently completed market study suggests downtown Menasha may be poised for growth”, says Mike Stumpf, market analyst for Placemaking Dynamics and lead consultant for the City’s Downtown Vision Plan. Mr. Stumpf recently completed a market study that analyzed future potential for new housing, office, and commercial development within the downtown study area.

Based upon the results of the market study and prior public input, a set of draft future land use plans are being prepared by the consultant team of Placemaking Dynamics and Short Elliott Hendrickson Inc (SEH).

Our next public engagement effort will be an open house scheduled for Tuesday, October 10, 2017. This public participation opportunity focuses on providing the community a chance to review and comment on the plan’s vision statement, overall goals, several alternative future land use maps, and priority focus areas.

The feedback from the open house, along with the market study results and prior focus group and visioning session results, will be used to generate a draft Downtown Vision Plan for Menasha. The Downtown Vision Plan is a tool that will help the City focus its economic development and planning efforts moving forward.

The public is encouraged to attend the open house at Menasha’s City Hall, 100 Main Street, on October 10th during the afternoon between 11 a.m. and 1 p.m. Land Use alternative boards can be viewed at people’s leisure with staff available to answer questions and take comments. A slightly more formal open house will take place in the evening (5 p.m.- 7:30 p.m.) with a brief ½ hour presentation at 5:30 p.m.

There is no cost for this event and participants can simply show up at the door. The success of any planning effort requires active public participation and the implementation of recommendations require strong community support so please attend and provide your input.

For more information visit:  www.downtownmenasha.wordpress.com

Date: Tuesday, October 10, 2017
Time: 11:00 am to1:00 pm & 5:00 pm to 7:30 pm
Location: Menasha City Center
100 Main Street
Menasha, WI 54952
Engineering and Technical Services Division

To Our Lake Winnebago Partners:

You are invited to attend the interagency coordination meeting concerning the regulation of the outflows from Lake Winnebago into the Lower Fox River. The meeting will be held at the Corps of Engineers' Fox River and Wisconsin Operations Office located at 2619 East Capitol Drive, Appleton, WI on Monday, October 16, 2017 at 2:00 PM (C.D.T). A map of the location is enclosed.

This is an interagency meeting that will be open to the public. It is being conducted to exchange information between the Corps of Engineers and representatives of other groups that have expressed an interest in the water resources management of the Lake Winnebago Basin.

The meeting agenda is as follows:

a. Regulation Actions, October 2016 - September 2017
b. Regulation Strategy, October 2017 - September 2018
c. Other Items of Concern

We look forward to your participation. If you have any questions, please contact Mrs. Melissa Kropfreiter at (313) 226-6443.

Sincerely,

Marie T. Strum, P.E.
Chief, Engineering and Technical Services Division

Encl

Copies Furnished:

Kewaunee Sub-Ofc.
Fox River Proj. Ofc.
MEMORANDUM

To: Mayor Merkes
   Common Council

From: PRD Tungate
       PWD Radomski

Date: September 28, 2017

RE: Schedule for the Loop the Little Lake Project Approval

The bid opening for this project will be on October 3. Tentatively, we are planning to schedule a special Board of Public Works Committee meeting on October 11 at 6:00pm in the first floor conference room at Menasha City Center.

On October 17 (location TBD), it is expected that a joint meeting of both the Menasha and Neenah City Councils will be held to authorize final approval of the contracts for both bridges.
MEMORANDUM

To: City of Menasha Common Council

From: John Jacobs, Administrative Services Director

Date: September 28, 2017

RE: 2017-2019 State Budget Update and Impact to 2018 City of Menasha Budget (and perhaps in future years)

Summary Information

The 2017-2019 State Budget was signed by Governor Walker last week, and Wisconsin Act 59 took effect on September 23, 2017. I have included the brief summary (Legislative Summary) in your meeting packet that we had received from the League of Wisconsin Municipalities this week. I have also included the summary report from Governor Walker’s office, which includes the highlights in the 2017-2019 State Budget, which may be of interest to you.

Here are some of the summary points that I have for you, as it may impact the City of Menasha’s 2018 Budget (and perhaps years in the future):

• Created a new personal property tax exemption for machinery, tools, and patterns, and other items considered to be manufacturing property. A state aid program will be given to communities in lieu of taxes previously collected on this valuation of property. The 2018 payments will be frozen at the 2017 taxes level for future years, which means that there will be no opportunity for future growth in this type of property valuation, to assist in growing a municipality’s tax base. This may be the “first step” in the elimination of the personal property tax in the State of Wisconsin at some point in the future, which would especially NOT be good news for our 11 TIF Districts.

• Increases for General Transportation Aids (GTA) for municipalities by 8.5%. However, a municipality’s past 6-year expenditure history needs to be maintained or be increasing to be able to receive an increase of any amount for highway road aids.

• Clarifies that local room tax DOES apply to Airbnb and other short-term rentals in a municipality.

• Requires Airbnb to collect room taxes for municipalities.

• A municipality may shift from paying the fire hydrant rental out of its general tax levy and place it as a fee directly onto water utility bills without having to reduce its general tax levy. Previously prohibited from doing this, without a penalty.

• A municipal levy limit referendum will now be REQUIRED to specify the purpose for the additional funds being levied.

• Municipalities will still be REQUIRED to publish legal notices in its designated newspaper publication, instead of shifting it to the city’s website at a lower cost (which could have eliminated the newspaper publication cost).
State budget -- What's in and What's out

Last week, Governor Walker signed the state budget bill into law as Act 59. Act 59 took effect on September 23, unless a different effective date is specified for a particular provision.

Read the Governor's full veto message here.

What's not in the state budget Act?

- Full repeal of the personal property tax. (However, a partial repeal was included in the budget by exempting a chunk of personal property from the tax. Essentially, the Legislature took the first step towards incrementally repealing the personal property tax over several budgets. For more information, see the first item in the list below.)

- Making a local vehicle registration fee (wheel tax) conditioned on voter approval in a referendum. (Never added to the budget, though such an amendment was seriously promoted by legislators.)

- Language codifying case law standards for determining when a local ordinance conflicts with
state law. (*Line-item vetoed.*)

- Limits on local regulation of quarry operations. (*Line-item vetoed.*)

- New process for locating a place of residence for recently released violent sex offenders under ch. 980. (*Line-item vetoed.*)

- Allowing municipalities to publish legal notices on the community’s web site in lieu of paying for newspaper publication. (*Legislature removed this from the budget as a non-fiscal policy item.*)

- Converting the state’s health plan for local governments into a self insurance program. (*The Legislature rejected the Governor’s recommendation and removed it from the state budget.*)

**What’s in the state budget Act?**

- Creates new personal property tax exemption. Exempts machinery, tools, and patterns, other than items considered manufacturing property under current law, effective January 1, 2018. Creates a state aid program to reimburse municipalities for the lost tax revenue. The amount of the reimbursement for each community is based on the amount of property taxes levied in 2017 and collected in 2018 on the personal property exempted by the budget motion. Payments will remain at the initial payment amount in future years. Estimated total payments for the reimbursement program equal $74,400,000 annually.

- Prohibiting local governments from using condemnation to acquire land for bike paths, bike lanes, and pedestrian ways, like sidewalks.

- Prohibiting local governments from prohibiting home rentals of seven consecutive days or longer.

- Increases funding for the **GTA** program for municipalities by $27 million or 8.5%. The prior budget set the annual GTA funding level for cities, villages, and towns at $321,260,500 for 2017 and thereafter. Act 59 increases that amount to $348,639,300 for 2018 and thereafter.
- Provides an additional $5,000,000 annually for total annual funding of $32,832,200 for LRIP. This amount is shared between counties, cities, villages and towns.

- Clarifies that the local room tax applies to Airbnb and other short term rentals.

- Requires Airbnb to collect room taxes for municipalities.

- Exempts fees for the production, storage, transmission, sale and delivery of water for public fire protection purposes from the requirement in Wis. Stat. sec. 66.0602(2m)(b) that a community reduce its allowable levy by the amount of new or increased fire protection fees it collects. (*This means a community may shift from paying the fire hydrant rental out of its general levy and place it as a fee directly on water utility bills without having to reduce its general levy.*)

- Eliminates an exception to the requirement that communities reduce their allowable levy by any decrease in debt service for debt issued before July 1, 2005. Deletes language exempting a municipality from having to decrease its allowable levy if it does not carry forward unused levy capacity from a prior year. (*This modification to the levy limit program first applies to amounts levied in December, 2017.*)

- Repeals local authority to license soda water beverages.

- Increases dollar threshold for condemnation awards under which property owners may recover litigation expenses.

- Prohibits Milwaukee's downtown Business Improvement District (BID) from assessing the apartment component of mixed use buildings.

- Requires that the ballot language of a municipal levy limit referendum include the specific purpose for which the additional funds levied would be used. This provision would first apply to a resolution to exceed the levy limit that is adopted on the effective date of the state budget, September 23, 2017.
In the News

Biking Advocates And Local Officials Criticize State Budget Item

Two Rivers City Manager Greg Buckley says the provision cuts into a long practice of local use of eminent domain, or condemnation.

"It's both frustrating from a policy standpoint and hard to understand why bike and pedestrian facilities have now been carved out as some sort of pariah public use that doesn't rise to the level where this tool can be employed when necessary," Buckley said. He added that a bike and pedestrian trail being planned to go to Two Rivers High School may be in jeopardy.

On Friday, Madison City Attorney Michael May filed a public records request seeking details of the finance committee action. Walker's office did not respond to a request for comment. Read the full article here...

Walker's veto of historic tax credit program threatens dozens of projects

Gov. Scott Walker's line item budget veto this week to Wisconsin's historic tax credit program, reducing the per-project cap from $5 million to $500,000, could jeopardize dozens of real estate developments.

The former Garfield Avenue Elementary School will be transformed into 30 apartments. The $16.9 million project is receiving $1.3 million in historic tax credits.

"We have several projects on the drawing board in different phases that will be directly affected to the point of being infeasible by this and in complete suspension right now," said Sig Strautmanis of General Capital. "I can promise you there is one project we are working on right now in particular that absolutely depends on state historic tax credits and in all likelihood will come to a screeching halt unless the governor comes to an understanding about the potential impact of this." Read the full article here...

North-south corridor plans for La Crosse shelved again

The Department of Transportation has indefinitely halted work on the Coulee Region Transportation Study, which was scheduled to be completed last year and is part of a two-decade effort to connect Hwy. 53 and the
northern suburbs to downtown La Crosse.

The project is one of 15 so-called major projects "undergoing a reevaluation of cost, scope and priority," according to a DOT memo, which did not specify the reason for the work stoppage. Read the full article here...

**Recently Introduced Legislation**

**SB 419/AB 503, Local government employee grievance procedure.** This bill provides if a local government creates a grievance procedure for its employees, the procedure must contain termination, discipline, and workplace safety elements. Unless the discipline procedure provides otherwise, the local government may not define discipline to include any form of employment action other than suspension, termination, disciplinary reduction in rank, or any other disciplinary measure that results in a loss of wages to the employee that is contemporaneous with and directly related to the employment action. The bill also provides that if an employer places any written disciplinary materials in an employee's personnel file, the employer must so notify the employee, who has the right to place a written response to those materials in his or her file. By Sen. Wangaard (R-Racine) and Rep. Rob Brooks (R-Saukville). (This bill was initiated by the Wisconsin Counties Association with the League's assistance. The League supports this bill.)

**Public Hearings**

No public hearings scheduled on municipal bills this week.
WORKING AND WINNING FOR WISCONSIN

To the Honorable Members of the Assembly:

Assembly Bill 64 as 2017 Wisconsin Act 59 is approved and deposited in the office of the Secretary of State.

This budget as introduced was organized around three main priorities: student success, accountable government, and rewarding work. Working together, we have maintained these priorities proving once again that Wisconsin is Working.

While we have been working on a budget, our state has continued to thrive. Our state’s unemployment rate reached a 17-year low in 2017, the lowest this century. This year, there were more people employed in our state than ever before. We have a labor force participation rate that is in the top ten of all states. Our state’s private sector average weekly wage growth six years since taking office, is ranked 12th best in the nation.

Our state’s business climate is ranked in the top ten of the nation by Chief Executive Magazine. This is up from being among the ten worst in the nation when we took office. This coupled with common sense reforms have led to businesses locating and growing in Wisconsin. There has
been job growth and investment all over the state; including the largest investment in state history with $10 billion in private sector investment and up to 13,000 jobs to be created by one employer. This shows Wisconsin is leading the nation to again manufacture goods in America, right here in Wisconsin. Working together, this budget will continue to maintain these successes.

This budget is built upon a reform dividend. Lower than estimated state spending and higher than previously estimated revenues resulted in a dividend that we are investing into our priorities. Continuing this trend, the latest fiscal year closed with revenues higher than previously estimated. This budget is projected to end with more than a $200 million surplus.

When I first took office as Governor, Wisconsin was plagued by billion dollar deficits, double digit tax increases, and high unemployment. Today, years of fiscally responsible budgeting and bold common sense reforms have led to surpluses, billions in tax cuts, and some of the lowest unemployment this century.

Since we took office, Wisconsin has ended every year with a surplus. This budget continues that trend and in addition maintains a rainy day fund that is nearly $300 million. In fact, it is 168 times larger than when we first took office. Not only are our finances under control, but our state’s bonding is being maintained at a reasonably low level. Total new bonding authorized in this and last budget combined is the lowest back-to-back in at least 20 years. We are also paying off debt faster than we are authorizing new borrowing. We are one of only a handful of states with a fully-funded pension system. Our credit rating was just upgraded by Moody’s for the first time since 1973 and our state’s long-term obligations are some of the lowest of any state in the
nation. This is all great news for state residents and a good foundation for our state's financial future.

Investing in student success is an important part of maintaining this positive momentum in our state. This budget appropriates the largest amount of total state dollars into K-12 education of any budget in state history. The increase is the largest in a decade and total state support for K-12 will be the highest in a decade as well. We invest heavily in all schools as well as target dollars to school mental health, special needs, and broadband programs. These investments will help our students succeed and our state to prosper.

Additionally, we invest in higher education. We make the largest investment into the University of Wisconsin System in a decade by increasing state funding by nearly $100 million. We enact performance funding to ensure focus on student achievement, finishing college on time, and college affordability. We also freeze resident undergraduate tuition for a record six straight years. It is estimated this has saved the average student $6,311 over the last four years compared to the prior ten-year trend.

We are investing into our Technical College System. We set aside $5,000,000 for our technical colleges to partner with businesses to fill high demand jobs. In addition, a significant investment is made into need-based aid for technical college students. Overall, funding for Wisconsin Grant need-based aid will rise to the highest appropriated level in state history.
These investments into need-based aid coupled with freezing college tuition will make getting a degree or certificate more affordable. This will reduce student debt and build upon other positive reforms we have enacted to get students educated, graduate on time, and into the workforce with the skills they need to fill high demand jobs. Lowering the cost of higher education and giving students the skills they need to pursue successful careers can reduce student debt in meaningful ways for future generations.

This budget exemplifies our commitment to accountable government as well. We continue to reduce the tax burden on Wisconsin residents. In total, the cumulative tax cuts since we took office will rise to more than $8 billion with this budget. This includes eliminating the state levied property tax. This is one of the actions taken to meet our commitment to reduce property taxes. This budget is estimated to maintain a property tax bill for a typical homeowner in 2018 that is lower than it was in 2014, which is lower than it was when we first took office in 2010. This has cumulatively saved the typical homeowner thousands compared to the trend prior to us taking office. That is truly amazing.

This budget also reduces the personal property tax. This tax cut will directly benefit small businesses all throughout the state. Our efforts to reduce the tax burden in Wisconsin have been significant. Since we took office, only two other states' tax burdens improved more than Wisconsin. This is helping to create jobs, grow our economy, and make Wisconsin a more attractive place to live, work, and grow businesses.
This budget and a separate proposal that invests in the I-94 North-South corridor both invest heavily in our state’s infrastructure. Total transportation investments exceed $6 billion.

Including these investments, compared to the eight years prior to us taking office, this is more than an additional $3 billion investment into our state’s infrastructure. These investments will build upon our top ten ranked state and local spending on highways per capita in 2014.

The investments in infrastructure include the largest increases in local road aids in 20 years, significant investments into safety and maintenance, and we keep vital major road projects on schedule, such as the I-39/90, USH 10-441, and Verona Road projects. State highway rehabilitation receives a significant investment that utilizes higher than anticipated savings to keep projects on time. Also, in this budget total borrowing for roads is the lowest since the 2001-03 biennium and we didn’t raise the gas tax.

Our state’s employers are telling us they need more workers. This budget meets this need by focusing on rewarding work. One way to accomplish this is by getting more able-bodied individuals trained, off government dependence, and into the dignity and independence that comes from work.

To do this, we continue to expand our drug testing and treatment programs so we can get those in need treatment and ultimately employment. We provide able-bodied adults on public assistance programs opportunities to become trained and join the workforce. We also expand upon our successful workforce training programs such as Wisconsin Fast Forward and our apprenticeship programs to get those seeking employment the skills they need for a successful career.
Wisconsin is working and the policies in this budget will keep Wisconsin moving forward.

I am pleased that the Legislature agreed with my priorities to cut property taxes, fund K-12 education at record levels, and to heavily invest in our state's infrastructure. This budget proves we can work together to meet our shared goals.

These are short summaries of how this budget promotes student success, advances accountable government, and prioritizes rewarding work:

**STUDENT SUCCESS**

- This budget appropriates the largest amount of state dollars into K-12 education in state history at $11,525,378,600 in general and categorical aids. In total, schools will receive a $636,272,000 increase in general and categorical aids which is the largest in a decade. State support for K-12 will also rise to the highest level in a decade.

- Investments into broadband are increased by $35,500,000 over the biennium. The investments will benefit rural schools, public library systems, and underserved areas of the state. A permanent Broadband Expansion Grant program will also be created to continue our efforts to extend broadband into underserved areas of Wisconsin.

- New funding for school mental health programs is included. This includes $3,000,000 for school social workers, $3,250,000 for schools that collaborate with providers to provide
mental health services for pupils, and $1,000,000, including funding provided in 2017 Wisconsin Act 31, to support mental health screening and trauma informed care training for school staff.

- A $6,100,000 investment is made into special education incentives. This program provides incentives for schools to enroll special needs students into a postsecondary education training program or become employed. An additional $1,500,000 is invested into a special education transition readiness grant program. These grants would fund transportation for special needs students to internships or work, training for school staff, and additional staff to support coordinating work experiences for special needs students with local businesses and organizations.

- High Cost Transportation Aid is fully funded with an additional $10,400,000 over the biennium. This will fully reimburse school districts with comparatively high transportation costs. Eligible districts have costs higher than 150 percent of the state average and 50 pupils or less per square mile.

- We create and fund a teacher development grant program under which school districts may partner with an educator preparation program to prepare certain nonteacher school district employees to become teachers. Private schools and charter organizations would also be eligible if they partner with an educator preparation program approved by the Department of Public Instruction. This program provides a tool schools can use to address teacher shortages or curriculum expansions.
• We continue the resident undergraduate tuition freeze at University of Wisconsin System schools for historic fifth and sixth straight years. Tens of thousands of students have benefited from this freeze since it went into effect four years ago. Since its first year, a student graduating in four years was estimated to have saved $6,311 compared to the prior ten-year annual average due to the freeze.

• We implement performance funding for the University of Wisconsin System. An investment of $26,250,000 was made into performance funding based on student completion, access, contributions to the workforce, and operational efficiency.

• We invest an additional $5,000,000 into the University of Wisconsin System to increase enrollments in high demand degree programs.

• We increase Wisconsin Grant program need-based financial aid by roughly $15,000,000. This increase will push total need-based aid to the highest appropriated level in state history. Thousands of students will receive aid due to this action that reduces the cost and potentially the debt of graduates.

• We extend the Wisconsin veterans tuition remission benefit to certain children and spouses. This will ensure disabled veterans’ spouses and children will be eligible for tuition and fee remission at University of Wisconsin System and Wisconsin Technical College System schools if they have been state residents for five or more years.
- We provide $648,000 in need-based financial aid for Flexible Option students. Also, we require the Board of Regents to increase the number of Flexible Option degree and certificate programs by 100 percent.

- We provide $100,000 in new funding for the Alzheimer's Disease Research Center at the University of Wisconsin-Madison.

- We provide $490,000 in new funding annually for the University of Wisconsin Carbone Cancer Center.

- We require the University of Wisconsin System and Wisconsin Technical College System to recognize service members' postsecondary credits recommended by the American Council on Education. This will assist our veterans by saving education costs as they transition from service to civilian life.

- We authorize the Board of Regents to create a school of engineering at the University of Wisconsin-Green Bay. Engineering positions are in high demand all over the state, but particularly in Northeast Wisconsin.
ACCOUNTABLE GOVERNMENT

- This budget keeps our commitment to reduce property taxes. Property taxes for the typical homeowner are estimated to be lower in 2018 than they were in 2014, which is lower than they were when we took office in 2010. This is estimated to cumulatively save the typical homeowner roughly $3,000 compared to the trend prior to 2010.

- Including this budget, we provided over $8 billion in cumulative tax relief since 2010. This includes reducing income tax brackets, cutting income taxes for all Wisconsin earners focused on the middleclass, and enacting a tax credit for our manufacturing and agriculture industries that is making Wisconsin a destination for employers to locate and expand.

- In this budget, we eliminate the state levied property tax. This historic action is coupled with other property tax relief measures that are keeping property taxes down in Wisconsin. This keeps more money in families' pockets and makes Wisconsin an even better place to live, work, and raise a family.

- We invest $86,935,200 into general transportation aids and into the Local Road Improvement and Bridge Improvement Assistance Programs. These increases for local government general aids are the largest in 20 years.

- This budget provides a $63,710,000 increase in safety and maintenance funding. Of this, $33,733,000 will go to Wisconsin’s counties to perform highway maintenance. This
increases the total to $373,733,000 over the budget biennium for county performed maintenance.

- We provide a significant $1,619,432,400 for State Highway Rehabilitation. This funding will allow the state to complete projects on time, but at a lower cost largely due to savings from competitive bids and lower fuel prices.

- The budget provides $563,700,000 for major projects. This funding will keep the I-39/90, USH 10-441, and Verona Road projects on time. The budget also reserves $19.4 million in anticipated project let savings for STH 23.

- This budget has numerous provisions that will result in savings to be reinvested into our infrastructure. These include repealing prevailing wage, cutting unneeded positions at the Department of Transportation, and enacting institutional reforms at the department that will together save tens of millions of dollars.

- We create a human resources shared services initiative to save taxpayers $2,800,000 over just the next two years. This initiative will streamline human resources policies for better implementation at a reduced cost to taxpayers.

- We provide four information technology (IT) purchasing positions to review state IT purchases. The goal is to consolidate similar vendor contracts across the enterprise, strategically source our IT purchases, and save state taxpayer dollars. Hundreds of millions
of dollars are spent on IT supplies and services each year, so trimming even a small percentage of the cost could result in significant savings.

- A $63,000,000 program is created for environmental mitigation from Volkswagen settlement funds. Of this amount, up to $32,000,000 may be used for a new statewide capital program to assist local governments in the purchase of transit vehicles. The remaining funds could be used to purchase necessary vehicles for use by the state. These programs would save taxpayer dollars by using settlement funds as opposed to existing dollars for new vehicles. The state will receive $21,000,000 in each of the next three fiscal years for replacement of both state and local vehicles.

- We provide $6,700,000 for Next Generation 911 enhancements to ensure our state public service answering points have the capabilities necessary to provide vital 911 services.

- We provide 3.25 FTE positions to expand mental health services for girls at Copper Lake School so that they have similar access to mental health services as juvenile males.

- There are 8.25 FTE youth counselor positions at Lincoln Hills School to improve staff ratio standards prescribed by the Prison Rape Elimination Act.

- This budget provides 9.0 FTE nurse positions for the safe distribution of medication to the juvenile corrections population.
• In combination with 2017 Wisconsin Act 32, we increase funding for treatment, alternatives, and diversion programs throughout the state by $4,500,000 and increase funding for drug courts by $300,000.

• There is $2,000,000 for beat patrol grants to local governments. These grants are to reimburse for police overtime in cities with population of 25,000 or more.

• This budget provides an additional $1,500,000 for the Internet Crimes Against Children program.

• We continue $80,000 per year in funding for the Wisconsin Court Appointed Special Advocates to support court appointed special advocacy services for abused and neglected children.

• There are an additional 5.0 FTE staff positions to increase support for the Prescription Drug Monitoring Program. These staff will assist our pharmacy partners to monitor the dispensing of drugs as we work to stem drug abuse in Wisconsin.

• We provide $2,000,000 per year to operate a data analytics system within our Medical Assistance programs. The system is designed to identify, prevent, and eliminate fraud in our state Medical Assistance programs.
• There is additional funding for local income maintenance consortia to investigate and prevent fraud. Funding is increased from $1,000,000 to $1,500,000 per year.

• We increase funding for our veterans service organization grants. Our state Disabled American Veterans transportation grant will increase to $200,000 per year. Veterans service organization grants will increase by $60,000 per year. Camp American Legion will receive a grant increase to $75,000 per year. These increases will assist these organizations as they help veterans with their claims, with transportation of veterans to health care, and help veterans and families heal from the wounds of war.

• We provide an additional $6,250,000 for Children and Family Aids and $460,600 annually to fully fund a previously-enacted foster care rate increase. Total state Children and Family Aids funding will rise to $74,308,000 in fiscal year 2018-19. These funds are used to assist abused and neglected children as well as other children and their families in need.

• There is an additional $2,000,000 to provide services to sex trafficking victims. Total funding will rise to $6,000,000 over the biennium.

• Foster care and kinship care rates paid to parents and relatives will increase by 2.5 percent in each of the next two calendar years or by $1,140,100 over the biennium.

• Additional Temporary Assistance for Needy Families (TANF) funding of $3,900,000 annually is allocated to the state's home visiting program to expand the number of families
served and increase the number of parents equipped with the tools needed to improve
c chances of success for parents and their children. Program funding would total $14,297,700
in each fiscal year and $28,595,400 over the biennium.

- Medical Assistance nursing home and personal care reimbursement rates will both rise by
  2 percent in each year of the biennium. This is the largest increase in over a decade. In
  addition, we increase by $5,000,000 support for nursing homes to provide care for residents
  with dementia and other challenging behaviors.

- We provide funding to increase Family Care capitation rates. This $25,000,000 increase in
  state funding is intended to address workforce shortages and retention challenges with
  caregivers.

- The waiting list for the Children’s Long-Term Support Waiver program is eliminated. This
  provides $39,551,900 and is estimated to provide services to 2,200 children with
  developmental disabilities, physical disabilities or severe emotional disturbances on the
  waiting list.

- There is $3,149,000 to maintain 19 dementia care specialists and increase the number to 24.
  These positions will assist families as they take care of their loved ones and seniors dealing
  with dementia.
• We provide an increase of $3,611,700 for assistant district attorney and deputy district attorney pay progression. This will provide for two $1.97 per hour pay increases and is intended to improve our retention of experienced district attorney staff. In addition, $3,887,600 will be provided for pay progression for assistant state public defenders.

REWARDING WORK

• This budget continues to move individuals from government dependence to the true independence that comes from work. Building on the successful reforms to the FoodShare program, this budget creates a pilot program in which able-bodied adults with school-age dependents in two regions of the state will be required to be working, be looking for work, or engaged in worker training. Tens of thousands of individuals on FoodShare have found employment since statewide implementation of the FoodShare Employment and Training (FSET) program.

• This budget includes a Medicaid waiver that will allow the state to include a requirement for certain childless adults to be engaged in work, looking for work, or enrolled in a worker training program for the first time if approved by the federal government.

• We expand drug screening and testing requirements in numerous state programs. This expansion will extend testing and treatment options to thousands of additional public assistance recipients. This will help move them from government dependence to the dignity and independence that comes through work.
• The Learnfare school attendance requirements are strengthened to ensure students are attending school as opposed to just enrolled as is the case under current law. This aims to reduce truancy that leads to poor academic performance.

• Wisconsin Fast Forward training grants are increased by $11,500,000. Of this amount, $5,000,000 is allocated specifically for technical colleges. The remaining increase will be used for apprenticeships, mobile laboratories to train offenders reentering the workforce, dual enrollment programs, and other competitive workforce development awards.

• We invest $400,000 into fabrication laboratory (Fab Lab) technical assistance grants to nonprofit organizations to provide services to school districts. School districts would also benefit from an additional $500,000 per year in Fab Lab incentive grants. Since the program was created 34 school districts have received grants of up to $25,000. Fab Labs provide hands-on experience to students in the skills they need for jobs in the 21st century.

• We eliminate an eligibility cliff in the Wisconsin Shares program for child care. Currently, at a certain income threshold, a family loses eligibility for any child care subsidy which creates disincentives to work more hours or accept pay raises. Eliminating the cliff by creating a phaseout will support more individuals to successfully make the transition from government dependence to independence by rewarding work.
- We provide $75,000 per year for a Wisconsin municipality to pilot a homelessness employment program based on Albuquerque's "Better Way" initiative. The program is intended to provide homeless individuals with work experience and work routine through jobs cleaning up municipal parks and public spaces with a goal of transitioning them into permanent employment.

- We provide $500,000 per year in grants funded by TANF funds to homeless shelters for intensive case management services for homeless families, with a focus on financial management counseling, continued school enrollment for children, connecting parents who are job training graduates or who have a recent work history with their local workforce development board to employment, and enrolling unemployed or underemployed parents in W-2 or FSET.

- The Medicaid Assistance Purchase Plan (MAPP) program is strengthened to provide incentives for individuals with disabilities to engage in work. These changes will eliminate a current premium cliff and give participants greater incentives to work. The MAPP program allows individuals with disabilities to be eligible for Medical Assistance who otherwise would not be due to income and asset requirements.

- The Supporting Parents Supporting Kids program is expanded to three additional counties in fiscal year 2018-19. This program helps noncustodial parents not meeting their child support obligations find employment and connect with their children.
• An occupational licensing reform study is created. The Department of Safety and Professional Services would conduct a study to identify barriers that occupational licensing requirements create to employment. The study would examine the financial burden these licenses have on license seekers and whether these licenses are necessary to protect public health and welfare.

• We allow a person to take the journeyman plumber's examination if the individual has completed an apprenticeship in this or any state, passed a journeyman plumber's exam in any state, and has practiced for at least five years under a journeyman's plumber's license or equivalent license.

• We enact reforms to the Homestead Tax Credit to preserve it for seniors and the disabled while encouraging able-bodied adults to work to qualify.

• A grant of $5,000,000 is provided to partner with Brown County, educational institutions, and other industry partners to create the Brown County STEM Innovation Center. This center in Green Bay will provide space for a new University of Wisconsin-Green Bay mechanical engineering program as well as space for high-tech startups. The center will not only help to fill high demand jobs in engineering, but be a place to grow our manufacturing sector.

• The budget provides $55,189,000 in funding for a new engineering facility at the University of Wisconsin-Platteville.
• A grant of $5,000,000 is provided to the St. Ann Center for Intergenerational Care. The funding would help complete the Alzheimer’s and dementia care unit.

• A grant of $5,000,000 is provided for the La Crosse Center. The funding will assist to complete renovation and expansion of the La Crosse Convention Center.

• There is $2,000,000 to expand the Windows to Work program and other vocational training programs for exoffenders. Also, we provide $660,800 to extend the Opening Avenues to Reentry Success program to more counties. The program provides employment training for mentally ill offenders. These programs aim to reduce recidivism by successful reentry of offenders into employment which saves taxpayer dollars and fills job openings.

• We created a five-year offender reentry demonstration project using a trauma-informed approach and targeted to formerly incarcerated males who are noncustodial parents over age 18 and returning to certain Milwaukee neighborhoods. The TANF funding would total $187,500 in fiscal year 2017-18 and $250,000 in fiscal year 2018-19, for a biennial total of $437,500.

• There is funding for graduate medical training of $1,500,000. This funding is intended to increase our medical professionals available to work in high need rural and underserved areas of the state.
• We provide $2,000,000 for training allied health professionals and advanced practice clinicians. This funding will provide grants to health systems to train and retain health professionals in rural hospitals and clinics.

• We increase funding for the Rural Physician Residency Assistance program by $100,000 per year. This is intended to increase the number of rural residency positions in the state.

Pursuant to Article V, Section 10 of the Wisconsin Constitution and consistent with its intent, I have made 98 vetoes to the budget. These vetoes maintain our priorities while eliminating items that could be categorized as earmarks and nonfiscal policy items. These vetoes also reduce spending, eliminate unfunded mandates, and make technical corrections. These vetoes increase the general fund balance by $16,511,100 GPR over the biennium and reduce overall spending by roughly $4,759,400 GPR. These vetoes will also improve the structural balance heading into the next budget biennium by an estimated $71,143,500 GPR.

We have enacted numerous measures together that have moved Wisconsin forward. We cut taxes by billions of dollars. We enacted historic reforms proving Wisconsin continues to be a leader in the nation. We now have surpluses instead of deficits. We have some of the lowest unemployment in the nation and more people working that ever before. Our state’s economy is growing and our wages are rising.
This budget invests in our shared priorities of education, tax relief, and workforce development. I am appreciative of the Legislature’s work on this budget and look forward to continuing our good work for the people of Wisconsin.

Respectfully submitted,

[Signature]

Scott Walker
Governor

Date: September 21, 2017
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A. AGRICULTURE, ENVIRONMENT AND JUSTICE

DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

1. Livestock Premises Identification

Sections 183 [as it relates to s. 20.115 (2) (r)] and 183m

These sections provide $100,000 SEG from the agricultural chemical management fund in each year in a new appropriation for administration of the livestock premises registration program. The current program provides $250,000 GPR annually for the program.

I am vetoing these sections because I object to the use of agricultural chemical management fund moneys for purposes for which they are not intended. The revenues from the fund are generated from feed, fertilizer and pesticides, and are used for the regulation and oversight of those programs. Finally, there is no evidence that additional funds are necessary to manage this program. The department believes it can manage this program with existing funds.

DEPARTMENT OF CORRECTIONS

2. Alcohol Abuse Treatment Program

Section 9108 (8w)

This section directs the Department of Corrections to design an intensive alcohol abuse treatment program which would provide intensive treatment in conjunction with a work release model that allows inmates to work in individual job placements. Under the provisions, the department must develop community job placements that are appropriately matched to each inmate's employment and educational skills and provide or arrange for appropriate transportation to and from job sites. In addition, the department must submit as part of its 2019-21 budget request a plan for staffing and funding for the program, as well as any statutory changes necessary to provide sentencing modifications to coordinate the program. Finally, five years after the program begins to operate, the department must submit to the Governor and appropriate legislative standing committees an evidence-based evaluation of the program's impact on inmates' long-term recovery from alcohol abuse programs and recidivism into the criminal justice system.

I am vetoing this section because I object to including a new unfunded mandate that will impede the department's ability to implement the existing expansion of the Earned Release Program included in this budget and would require additional resources and positions to be successful. In addition, the required submission as part of the 2019-21 budget request is premature. The Department of Corrections should ensure it has the positions and resources necessary to address the Earned Release Program before the department begins to develop new programs to address alcohol and drug abuse needs. The department will continue to evaluate the need for additional alcohol abuse programming and will request those needs in the department's agency biennial budget requests when appropriate.
3. Earned Release Program Expansion

*Sections 1856c, 1856e, 1856f, 1856g, 1857b, 1857c, 1857e, 1857f and 1857h*

These provisions modify the Earned Release Program from a substance abuse treatment program to a rehabilitation program that addresses needs related to an inmate's criminal behavior.

I am vetoing these provisions because I object to expanding the purpose of the program from its current form, as the department has demonstrated the need for increased alcohol abuse services. The additional resources and funding position authority provided under the bill for the current program should be fully utilized to meet the demands of the existing eligible population. Since 2011 Wisconsin Act 32, the Earned Release Program has been used to address eligible inmates' alcohol and drug related needs. Expanding the program to a rehabilitation program would be an administrative burden on the department and would require newly-eligible inmates to petition the court for participation. Instead, the department should focus on treatment for the existing eligible population under the current program. If there is a desire to expand the scope of the Earned Release Program beyond its current form, it would be more appropriate to do so through separate legislation with additional resources.

4. Inmate Work Opportunity Training

*Section 9108 (31t)*

This section directs the Department of Corrections to submit a report by December 31, 2017, to the appropriate legislative standing committees addressing inmate participation in work release programs, outcomes of the work release program after the inmates are released and the costs the department assesses to the work release participants.

I am vetoing this section because I object to the creation of an additional mandated report which is administratively burdensome and would result in additional unfunded costs to produce. Further, the deadline for submitting the report is not practical. The department already reports on a number of variables relating to recidivism and reincarceration after release from prison, as well as the program outcomes served by the Becky Young program.

5. Long-Term Service Awards

*Sections 1761p and 9101 (11w)*

These sections provide lump-sum awards for correctional officers, correctional sergeants, youth counselors and youth counselors-advanced on their 10th, 15th, 20th and 25th work anniversaries, and every fifth anniversary thereafter.

I am vetoing the provision to provide the lump-sum anniversary awards. I object to providing the lump-sum awards to a subsection of the Department of Corrections and Department of Health Services personnel. Existing provisions of the compensation plan should be used to reward select department personnel for the purposes of recognition of merit and employee retention. Furthermore, the budget already includes two general wage adjustments of 2 percent each to state employees over the biennium, which is in addition to the 80-cent per hour increase Department of Corrections' officers, sergeants and youth counselors received in fiscal year 2015-16.
6. Mental Health Staffing at Oshkosh, Waupun, Green Bay and Columbia

Section 9108 (22t)

This provision requires the Department of Corrections to submit a report to the appropriate legislative standing committees regarding: (a) the number of inmates with serious mental illnesses, (b) the average number of inmates with serious mental illnesses at each of the institutions’ restrictive housing units, (c) the department’s status or alternative policies related to each of the U.S. Department of Justice’s recommendations related to the use of restrictive housing for inmates with serious mental illnesses, and (d) the department’s estimate for necessary additional resources.

I am vetoing this provision because it is unnecessary and would create an administrative burden on the department. The department may assess whether additional resources are needed as part of its 2019-21 budget request and provide data to accompany the request.

7. Opening Avenues to Reentry Success

Section 1849m

This provision requires the Department of Corrections to submit a Wisconsin Results First Initiative Biennial report to the appropriate legislative standing committees regarding the outcomes from the program expansion.

I am vetoing this provision because I object to creating an unnecessary additional report. The department already prepares a report of Becky Young community corrections expenditures and outcomes, which includes this program. In addition, the Results First Initiative is an independent project of the Pew Charitable Trusts and the John D. and Catherine T. MacArthur Foundation, which is already preparing a cost-benefit analysis of departmental policies and programs.

8. Planning Concerning Correctional Facilities

Section 9104 (11)

This provision provides $600,000 from the building trust fund for a comprehensive long-range master plan of Department of Corrections facilities to be conducted by the Department of Administration, and directed by a nine-person committee consisting of three appointees of the Governor (one of whom would serve as chair), and six legislators jointly appointed by the Speaker and Senate Majority Leader. The committee would be required to report to the standing committees dealing with Corrections issues by September 15, 2018.

I am partially vetoing the section that establishes the size of the committee, and the number of appointees appointed by the Governor. I object to the requirement limiting the number of committee members appointed by the Governor, as the Department of Administration and the Department of Corrections will be actively participating in the master planning, and the number of individuals required to provide the expertise required to develop the master plan cannot yet be determined. Further, I object to the deadline established under the provision, as it may not provide sufficient time to complete a thorough master plan.
9. Geriatric Prison Facility

Section 9104 (12)

This provision provides $7,000,000 general fund supported borrowing and enumeration of a geriatric prison facility at a total cost of $7,000,000. Under the provision, the bonding can be issued upon the approval of the Joint Committee on Finance.

In addition, the provision provides $4,535,000 GPR in fiscal year 2018-19 in the Committee’s supplemental appropriation for operating costs of the facility, to be released once the Department of Corrections has identified the location and costs of the facility as well as staffing and other operating costs.

I am partially vetoing this provision because I object to the requirement that the bonding may only be issued upon approval of the Joint Committee on Finance. The approval of this project would be subject to State Building Commission oversight. The Commission has legislative representation and this project has already been enumerated in the budget bill approved by the full Legislature. Therefore, it should not require additional duplicative approval to release the bonding authority.

DISTRICT ATTORNEYS

10. Creation of a Prosecutor Board

Sections 1e, 1L, 31n, 68g, 171b, 171c, 183 [as it relates to s. 20.548f], 460r, 507g, 508f, 1712h, 1740g, 1758g, 1762s, 2261g, 2261h, 2261j, 2261L, 2261m, 2261o, 2261q, 2261r, 2261s, 2262c, 2262e, 2262g, 9101 (7p) and 9401 (1p)

These provisions establish a new Prosecutor Board and the Office of State Prosecutors, and assigns various duties for both the office and board. The board is created effective February 1, 2018.

The Prosecutor Board is also responsible for providing recommendations on District Attorney budget requests, setting policy initiatives, and reviewing existing and proposed legislation. In addition, the provision creates an executive director in an Office of State Prosecutors, which is attached to the Department of Administration for administrative purposes only, and outlines duties of the office. The executive director is responsible for preparing the biennial budget request on behalf of the board and managing the day-to-day operations of the board and the office, representing the board before various entities, and preparing various documents relating to proposed legislation. The provision provides the board funding and position authority of $93,800 GPR in fiscal year 2017-18 and $225,000 GPR in fiscal year 2018-19 in order to support an executive director and a legislative liaison. Funding and position authority in the Department of Administration is reduced by $75,500 GPR in fiscal year 2017-18 and $181,700 GPR in fiscal year 2018-19 and 1.0 FTE classified position annually.

I am vetoing these provisions because I object to the creation of another layer of bureaucracy which is unnecessary and administratively burdensome, and redirects valuable staff time away from prosecutorial activities and towards functions of the proposed Prosecutor Board. While I understand the importance of identifying evidence-based practices in the performance of the DA function, creating a separate board whose duties resemble activities performed by an existing
separate external organization dedicated to advocating on behalf of prosecutors is an ineffective use of taxpayer funding. In addition, when the current director position was filled last year, the duties were redesigned, and it was expected that the individual hired into the position would perform broader advocacy duties on behalf of DAs, without the need for a board.

Further, I am vetoing section 183 [as it relates to s. 20.548] because I object to adding administrative resources to an unnecessary board. By lining out the appropriation under s. 20.548, I am vetoing the part of the bill that funds the Prosecutor Board. I am also requesting the Department of Administration secretary not to allot these funds.

In addition, I direct to the secretary of the Department of Administration to continue to support the functions of the state prosecutor's office within the department. Finally, I direct that the Department of Administration ensures that the individual on military leave serving on active duty, who was displaced as a result of the elimination of the position in the Department of Administration, be reemployed in support of this function under the provisions of the escalator principle, as permitted under the federal Uniformed Services Employment and Reemployment Rights Act of 1994.

JUDICIAL COUNCIL

11. Restore Judicial Council

Section 183 [as it relates to s. 20.670 (1) (k)]

This provision provides the Judicial Council with $111,400 PR in each year of the biennium and 1.0 FTE position.

I am partially vetoing section 183 [as it relates to s. 20.670 (1) (k)] by reducing the amount under s. 20.670 (1) (k) to $0 in each fiscal year. I object to including these funds because the Supreme Court notified the Department of Administration on August 17, 2017, that it had issued an order utilizing its discretion under s. 751.20 to discontinue the transfer of funds from the Courts budget to the Judicial Council. Without sufficient funds, the Judicial Council cannot operate. With this veto, I am reducing the 1.0 FTE position in the appropriation under s. 20.670 (1) (k) in each year of the biennium. Further, as the appropriation is a continuing, all monies received appropriation, I am requesting the Department of Administration secretary to allot only the funds received by the Director of State Courts which it has agreed to transfer for obligations incurred to date in fiscal year 2017-18. Finally, I am requesting the Department of Administration secretary not to authorize the position authority.

LOWER WISCONSIN STATE RIVERWAY BOARD

12. Standard Budget Adjustments

Section 183 [as it relates to s. 20.360 (1) (g)]

This section provides additional funding for a position which was converted from classified to unclassified status as part of standard budget adjustments in order to align with current law regarding positions in the Lower Wisconsin State Riverway Board.
I am partially vetoing section 183 [as it relates to s. 20.360 (1) (q)] by lining out the amount under s. 20.360 (1) (q) and writing in a smaller amount that reduces the appropriation by $14,600 SEG in fiscal year 2017-18 and $14,600 SEG in fiscal year 2018-19. I object to this provision because the conversion of a position from classified to unclassified status should not automatically trigger a pay adjustment, especially if no funds were budgeted for such an increase. The practice would set a bad precedent in the establishment of salaries in the unclassified service. I am requesting the Department of Administration secretary not to allot these funds.

DEPARTMENT OF NATURAL RESOURCES

13. Use of Unobligated Stewardship Bonding Authority

Section 514g

This section utilizes unobligated Stewardship Program bonding authority from fiscal years 2014-15 and 2015-16 for various Stewardship projects.

The projects consist of the following:

a. Up to $1,000,000 for Iron County Saxon Harbor reconstruction necessary as the result of storm damage.

b. Up to $1,000,000 for abandoned Canadian Pacific rail corridor for the White River State Trail in Walworth County.

c. Up to $750,000 for a grant for 50 percent of the costs of reconstructing Eagle Tower in Peninsula State Park.

d. Up to $500,000 for city of Horicon for a shelter on the south side of Horicon Marsh Wildlife area and the requirement that the Department of Natural Resources and the city of Horicon submit a plan through passive review to the Joint Committee on Finance by June 30, 2019, for using the funds.

e. Up to $415,300 for up to 50 percent of the costs to finish construction of Twin Trestles project (first provided under 2015 Wisconsin Act 55). Total bonding cannot exceed $2,015,300, which includes $1.6 million under Act 55.

I am partially vetoing the requirement that the Department of Natural Resources provide a grant for the Eagle Tower project. This project is enumerated in the bill and financed by existing general fund supported borrowing. It is unnecessary and duplicative to require the department to provide this funding as a grant. Further I am partially vetoing the requirement that the department provide $500,000 to the city of Horicon and that the plan must be submitted to the Joint Committee on Finance for passive review. I object to providing a grant to a city for a project which is located on state land. In addition, I object to the requirement that the bonding may only be issued upon approval of the Joint Committee on Finance. The approval of this project would be subject to State Building Commission oversight, which has legislative representation. Instead, I request that the Building Commission fund this project using bond proceeds and no additional duplicative approval to release the bonding authority should be required.
14. Vacant Forestry and Parks Positions

Section 9101 (11u)

This section directs the Department of Natural Resources to delete 10.0 FTE vacant forestry or parks SEG positions, and require the Department of Administration to report to the Joint Committee on Finance identifying the deleted position by funding source, no later than January 1, 2018.

In addition, the section requires that the final 2017-19 appropriation schedule reflect funding reductions associated with the deleted positions.

I am partially vetoing this section because I object to establishing a reporting deadline that may not give the Department of Natural Resources sufficient time to identify the positions to be deleted due to the delay in budget passage. As part of this budget act, the department reorganized its operations, and implementing the reorganization will result in significant technical changes, including the realignment of position authority in different forestry and parks operations. As a result, the department should be given sufficient time to identify the positions to be deleted. Instead, I ask the department to complete the report no later than April 1, 2018.

15. Council on Forestry Report

Section 9133 (6r)

This section requires the Wisconsin Council on Forestry to determine the relative priority of current forestry account expenditures and submit a report with these determinations and recommendations regarding forestry account expenditures for the 2019-21 budget to the Governor, the Department of Natural Resources, and the appropriate legislative standing committees by July 1, 2018.

I am vetoing this section because I object to requiring the council to conducting this review without the completion of the recommended audit of the forestry account. This Act requires the Legislative Audit Bureau to audit the forestry account of the conservation fund to determine whether its expenditures support forestry activities. The results of the audit should be completed prior to preparing any recommendations on forestry account expenditures. Further, the Council can conduct such a study independently.

16. Tainter Lake Water Quality

Section 9133 (7p)

This section provides $65,000 SEG from the nonpoint account of the environmental fund in fiscal year 2017-18 for a pilot project using biomanipulation to improve water quality of Tainter Lake in Dunn County.

I am partially vetoing this section because I object to focusing on one type of potential remedy to address the phosphorus and other water quality issues with the lake. Instead, I ask the Department of Natural Resources to study all available options, and use the funds for the remedies that are likely to lead to the most success in improving the water quality.
17. Wolf Damage Payments

*Sections 239m and 582h*

These provisions prohibit the Department of Natural Resources from prorating claims for damage associated with gray wolves and wildlife damage control and claims. In addition, the department is required to use federal funds and endangered resources funds to pay the claims when necessary, and if those funds are insufficient, the department may request a supplement through s. 13.10 action. Further, the provision deletes the cap on the amount of endangered resources license plate money or income tax checkoff money that could be used for this purpose. Under the provision, the department is required to pay a claim as soon as it determines the claim to be eligible. Under the bill, the provisions apply if the gray wolf is on the federal or state endangered species list.

I am partially vetoing these sections because I object to the use of "prorate" to characterize how claims are paid. The department pays damage claims based on the value of the damage established by administrative rule through a panel of experts. Further, I object to permitting more than 3 percent of the voluntary payments for the endangered resources program to be used for wildlife damage claims, as these funds should continue to be used primarily for improving land or habitats for endangered or threatened species. Finally, I object to specifically requiring the use of federal funds for this purpose in statute, as federal funds received by the department are designated for broad purposes. The department has had sufficient funds in the endangered resources general fund appropriation to satisfy all claims for several years, and the use of these other funds is unnecessary.

18. Permit Sale of Dyed Diesel Fuel to Recreational Motor Boats

*Sections 147d, 1208m and 9438 (3m)*

This provision permits the sale of dyed diesel fuel for use in a recreational motor boat. Under current law, dyed diesel fuel is exempted from the state motor vehicle fuel tax. However, the sale of gasoline or diesel fuel for use in recreational motor boats is subject to the state's motor vehicle fuel tax. The sales and use tax would apply to the sale of dyed diesel fuel to recreational motor boats, which would result in minimal additional revenue to the general fund. The revenue from the tax is then transferred from the transportation fund to the water resources (motorboats) account of the segregated conservation fund based on a formula that includes the motor vehicle fuel tax rate, a standard number of gallons and the number of annual motorboat registrations in the state. The provision would apply retroactively to July 1, 2013.

As a result of the provision, direct revenues to the transportation fund would decrease by $50,000 SEG in fiscal year 2017-18 and $200,000 SEG in fiscal year 2018-19, while the amount of transportation fund revenue transferred to the conservation fund would be unchanged. Under the provision, $50,000 GPR would be transferred from the general fund to the transportation fund in fiscal year 2017-18 and $200,000 GPR from the general fund to the transportation fund in fiscal year 2018-19, and annually thereafter.

I am vetoing this provision because I object to expanding the use of dyed diesel fuel for purposes outside of agriculture and the unnecessary use of GPR to fund the lost revenues. Because of the requirement that the transportation fund transfer certain revenues to the conservation fund based on the fuel tax rate, gallons and the number of annual motorboat registrations, rather than actual fuel taxes collected, this provision results in an unnecessary use of GPR to backfill the transportation fund for revenues it would otherwise collect under current law.
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

19. Possession, Use and Transportation of Fireworks and Fireworks Manufacturer Fees

Sections 1680h and 9339 (7f)

This provision modifies current law relating to the possession, use and transportation of fireworks, and increase fees paid by fireworks manufacturers. The following regulations and fees are modified: (a) a person transporting fireworks must hold a permit from a municipality if the person remains in that municipality for 72 hours, rather than 12 hours, or more; (b) a user's permit for possession of fireworks is no longer required, if the person is not a resident of Wisconsin and if the person will not be using fireworks in the state; (c) any fireworks permits issued by a city, village or town may specify a range of dates (rather than a single date) and location of permitted use; and (d) the fireworks manufacturers' fees are increased from $70 to $100 for the four-year credential term. In addition, the provision establishes in statute the license term to manufacture fireworks.

I am partially vetoing this section because I object to increasing fees on Wisconsin manufacturers. There is no evidence that an increase in the fee is required to support the program.

20. Information Technology Projects

Section 183 [as it relates to s. 20.865 (4) (g)]

This section provides $2,200,000 PR in each year of the biennium in the Joint Committee on Finance's supplemental appropriation for the implementation of an information technology project in the Department of Safety and Professional Services. The provisions require the department to submit a request under s. 13.10 for the release of the funds.

I am partially vetoing section 183 [as it relates to s. 20.865 (4) (g)] by lining out the amount under s. 20.865 (4) (g) and writing in a smaller amount that reduces the appropriation by $2,200,000 in each fiscal year to veto the part of the bill that funds the information technology project. I object to creating an additional requirement in order to receive the funds. Under current law, the department can submit a funding request for this project under s. 16.515. I am also requesting the Department of Administration secretary not to allot these funds.

21. Local Regulation of Quarries

Sections 982i, 982ib, 982ic, 982id, 982ie, 982if, 982ig, 982im, 982mb, 982mc, 982md, 982me, 982mf, 982g, 982gb, 982gc, 982gd, 982ge, 982s, 984ig, 984ij, 1305p, 9431 (1i), and 9431 (2i)

These provisions outline the parameters for the local regulations of quarries, including creating a definition of quarries, creating definitions relevant to the regulation of quarries, outlining the parameters for the local regulation of quarries, outlining specific provisions on local regulation of blasting at quarries, local regulation of water quality and quantity related to quarry operations, local regulation of air quality and fugitive dust related to quarry operations; and establishing
requirements relating to local ordinances in effect prior to the implementation of the provisions. The provisions under the bill generally take effect on April 1, 2018.

I am vetoing these provisions because I object to inserting a major policy item into the budget without sufficient time to debate its merits. While I support the need to address quarry regulations and the ability to provide materials for public works projects in a timely manner, changes of this magnitude should be addressed as separate legislation where the implications can be more carefully explored.

B. EDUCATION AND WORKFORCE DEVELOPMENT

HISTORICAL SOCIETY

22. State Archive Preservation Facility

Section 183 [as it relates to s. 20.245 (1) (a)]

This provision provides an additional $72,400 GPR over the biennium for State Archive Preservation Facility rent, and deletes $1,962,400 PR over the biennium.

I am partially vetoing section 183 [as it relates to s. 20.245 (1) (a)] by lining out the amount under s. 20.245 (1) (a) and writing in a smaller amount that reduces the appropriation by $44,000 GPR in the fiscal year 2018-19. This state-of-the-art facility supports the State Historical Society's mission to collect, preserve and share the stories of Wisconsin's past. The state has recognized the importance of this mission by providing $34.67 million — approximately 75 percent of the total cost of the building — in general fund supported bonding for the facility, and an additional $8.4 million in general fund supported bonding for customized shelving systems. However, it is appropriate that the society partner with the state on an ongoing basis to support the cost of operating the facility, as the society is the primary tenant and has the ability to raise funds to support preservation of the precious historical artifacts, maps and documents in its holdings. Other facility tenants will pay rent to support the facility as well. I am requesting the Department of Administration secretary not to allot these funds.

LABOR AND INDUSTRY REVIEW COMMISSION


Section 9142 (5)

This section requests that the Chief Justice of the Wisconsin Supreme Court survey decisions of the Labor and Industry Review Commission citing statutes interpreted by the commission and whether the commission's decisions were appealed to the Circuit Court.

I am vetoing this section in its entirety because the study is unnecessary and unlikely to yield useful information.
TECHNICAL COLLEGE SYSTEM BOARD

24.  Sunset of the Educational Approval Board

Sections 9111 (1p), 9411 (1p) and 9411 (1q)

These provisions administratively transfer the Educational Approval Board and the incumbent employees from the Wisconsin Technical College System to the Department of Safety and Professional Services on January 1, 2018. The board would then sunset on July 1, 2018, and the incumbent staff and current functions would remain with the department.

I am vetoing sections 9111 (1p), 9411 (1p) and (1q) related to the sunset of the board because retaining the board as an entity is unnecessary; the department will provide oversight for the board's functions. As a result of this veto, the board will be eliminated immediately.

25.  Educational Approval Board Incumbents

Section 9111 (1q) (6m) [as it relates to the transfer of incumbents]

This provision administratively transfers the Educational Approval Board and the incumbent employees from the Wisconsin Technical College System to the Department of Safety and Professional Services on January 1, 2018. The board would then sunset on July 1, 2018, and the incumbent staff and current functions would remain with the department.

I am partially vetoing the provision related to retaining the incumbent employees in order to provide the department with flexibility related to staffing. As a result of this veto, only positions will transfer to the department.

UNIVERSITY OF WISCONSIN SYSTEM

26.  Performance Funding

Section 603m [as it relates to s. 36.112 (2) (b), (3) (a), (3) (b) and (5) (a) 3.]

These provisions permit University of Wisconsin System institutions to earn funding based upon performance on metrics of their choosing, one each for improvement and excellence, in accordance with a formula that must be submitted to the Joint Committee on Finance for approval or modification under passive review. In addition, these provisions cap the amount of funding that may be allocated for excellence at 30 percent.

I am partially vetoing these provisions for three reasons. First, performance-based funding in higher education should vigorously challenge institutions to improve, and the provisions do not support this level of challenge. Second, I object to limiting the ability of the Board of Regents to reward high-performing institutions, especially if institutions may not choose metrics upon which to be measured. Third, I believe a passive review process does not provide sufficient transparency around such a significant initiative.

The performance funding initiative includes a substantial investment of state dollars, and as such demands achievement and accountability. Allowing institutions to choose the metrics upon which to be measured is likely to result in funding allocations based upon metrics that are easiest
for institutions to improve upon or maintain. This partial veto deletes the ability of institutions to choose performance funding metrics, which will ensure funding incentivizes institutions to improve and excel in many areas. In addition, I am vetoing the cap on funding that is allocated based on excellence so that the Board of Regents may decide how much funding is given to high performing institutions; this will encourage institutions to focus on the performance metrics and give the board flexibility in developing a formula. Finally, this partial veto accomplishes transparency by requiring a meeting under s. 13.10 for approval of the board’s formula; the review by the Joint Committee on Finance should be undertaken publicly.

27. Innovation Fund

Section 603m [as it relates to s. 36.112 (6) and (7)]

This provision relates to the creation of an Innovation Fund to support University of Wisconsin System institutions in increasing enrollment in high demand programs through competitive grants. The provision specifies that the Board of Regents is responsible for determining what programs are considered high demand for purposes of the grant program.

I am partially vetoing this provision because it lacks specificity as to the meaning of high demand, and does not require high demand to relate to state priorities (such as creating the workforce needed by the state’s employers). As a result of the veto, the Board of Regents will not have specific authority to determine the definition of high demand. I am directing the Board of Regents to consult with the Department of Workforce Development in developing a request for proposals for grants in order to ensure that chosen programs address state workforce needs.

28. University of Wisconsin System Audits

Section 9148 (2q) (b)

This section suspends the requirement that the Legislative Audit Bureau conduct an annual financial audit of the University of Wisconsin System for the fiscal years 2017-18 and 2018-19. Other provisions substitute an audit by an independent accounting firm for these two years.

I am partially vetoing this section because the Legislative Audit Bureau will continue to have other auditing responsibilities related to the Comprehensive Annual Financial Report, the statewide Single Audit report, and the Annual Fiscal Report – each of which incorporates financial information from the University of Wisconsin System. In addition, this will ensure that both an independent audit and an audit by the Legislative Audit Bureau will be done separately and all parties will have the opportunity to compare auditing practices and findings to determine whether an independent audit is appropriate beyond this biennium.

29. Wisconsin Institute for Sustainable Technology

Section 183 [as it relates to s. 20.285 (1) (sp)]

This provision provides funding of $440,000 SEG annually from the environmental fund for the Wisconsin Institute for Sustainable Technology at the University of Wisconsin-Stevens Point.

I am partially vetoing this provision by lining out the appropriation under s. 20.285 (1) (sp) and writing in a smaller amount that deletes $440,000 in fiscal year 2018-19. This results in a one-time grant to the institute and avoids committing environmental fund monies for this purpose.
in the future, before the condition of and pressures on the environmental fund are known. The environmental fund supports activities that are critical to protecting the state's environmental resources through programs such as recycling grants, nonpoint runoff abatement, and solid waste and air management. The University of Wisconsin System has access to other resources to support the institute. I am requesting the Department of Administration secretary not to allot these funds.

30. University of Wisconsin-Green Bay Tribal Gaming Appropriation

Section 183 [as it relates to s. 20.505 (1) (km)]

This provision provides funding of $247,500 PR-S annually to the University of Wisconsin-Green Bay from tribal gaming revenues.

I am vetoing this provision by lining out the appropriation under s. 20.505 (1) (km) and writing in smaller amounts that delete $247,500 in each fiscal year because I object to the historical use of these funds, which is to support the institution's athletic programming and is not directly related to tribal affairs. I am requesting the Department of Administration secretary not to allot these funds.

31. Flexible Option Program

Section 9148 (2)

This provision requires the University of Wisconsin System-Extension to increase the number of programs offered as Flexible Option programs by 25 percent from the number of programs offered on the date the budget is enacted. The increase must be accomplished by December 1, 2019.

I am partially vetoing this provision so that the required increase in program offerings by December 1, 2019, is 100 percent. The Flexible Option program is a unique, powerful and affordable tool for nontraditional students to earn degrees or certificates. I believe the University of Wisconsin System can and should aggressively pursue expansion of this program, which will benefit the system, students and employers. Therefore, a 100 percent increase is a more appropriate requirement to challenge the University of Wisconsin System than a 25 percent increase.

PUBLIC INSTRUCTION

32. Energy Efficiency Revenue Limit Adjustment

Section 1641m

This section permits school district boards to adopt a resolution to exceed the district's revenue limit for energy efficiency projects before January 1, 2018, or after December 31, 2018, only. Effectively, this provision suspends the school district revenue limit adjustment for energy efficiency measures for one year.

I am exercising the digit veto in this section to limit adoption of such resolutions to before January 1, 2018, or after December 3018. I object to the temporary suspension of this revenue
limit adjustment because I believe school districts should be required to use referenda to bypass revenue limits. Many of the recently adopted resolutions for energy efficiency measures allowed school districts to exceed revenue limits by a significant amount. Taxpayers should have a direct voice when large property tax increases are under consideration. This veto will maintain the ability for school districts to ask taxpayers if they wish to exceed revenue limits and eliminate an exemption that has been viewed as a loophole to revenue limits.

33. Low Revenue Adjustment

Section 1640g

This section increases the low revenue adjustment for school districts from $9,100 under current law to $9,300 in fiscal year 2017-18; $9,400 in fiscal year 2018-19; $9,500 in fiscal year 2019-20; $9,600 in fiscal year 2020-21; $9,700 in fiscal year 2021-22; and $9,800 in fiscal year 2022-23 and each year thereafter.

I am vetoing this section entirely because the result is a substantial increase in property tax capacity that school districts may exercise without voter input. In several school districts that would be eligible to raise taxes under these sections, referenda to exceed revenue limits already failed within the past two years. An increase in revenue authority from the state in these districts would circumvent purposeful, local actions.

It should also be noted that in some cases, the same districts that would have become eligible to increase their revenues with this adjustment have increased their base revenues at a rate higher than the state average. This brings into question the need for this adjustment and highlights the need for local taxpayer input before a revenue limit adjustment is made.

As a result of this veto, the low revenue adjustment level for school districts will remain at $9,100. School districts across the state will benefit from other significant education investments in this budget, including meaningful increases in per pupil aid. These per pupil increases are equal among all school districts. In addition, school districts could pursue an increase in their revenue limit through a referendum as is the case under current law. In fact, numerous districts have already done so by asking taxpayers through a referendum. Increases to the low revenue adjustment can be discussed in future state budgets.

34. School District Referenda Scheduling

Sections 996pr [as it relates to special elections], 1640i [as it relates to s. 121.91 (3) (a) 3.], 1640p, 9335 (1g) [as it relates to s. 121.91 (3) (a) 3.] and 9435 (1w) [as it relates to s. 121.91 (3) (a) 3.]

These provisions generally limit the scheduling of school district referenda to regularly scheduled elections up to twice per year, but permit a school board to conduct special elections to consider referenda on the Tuesday after the first Monday in November in an odd-numbered year, so long as the special election is not earlier than 70 days after adoption of the related resolution. In addition, school districts that experience increased costs as a result of a natural disaster are permitted to hold a special referendum outside of these limitations, so long as the referenda occurs within six months of the event and at least 70 days elapses between adoption of the initial resolution approving the referenda and the public vote. Section 9435 (1w) specifies an effective date of January 1, 2018, for these provisions.
I am partially vetoing these provisions to eliminate the ability of school districts to conduct the special elections to consider referenda as described above, but maintain the effective date of January 1, 2018, for the limitations on referendum scheduling. School referenda should be known and considered by the greatest number of voters possible, and limiting referenda to regularly scheduled election days will further this principle. Maintaining the delayed effective date will allow currently scheduled referenda to take place.

35. **Whole Grade Sharing Aid**

   *Sections 183 [as it relates to s. 20.255 (2) (bp)], 208p, 1534p and 9135 (4p)*

   These sections create a grant program in fiscal year 2018-19 for school districts to enter into a whole grade sharing agreement. Grants of $150 per pupil enrolled in a shared grade would be provided to school districts in the first four years of the agreement. In the fifth year, grants are prorated to 50 percent. In addition, the Department of Public Instruction is required to provide a report to the Joint Committee on Finance by February 1, 2019, regarding the number of grant applicants, the number of approved whole grade sharing agreements, the names of participating districts and the grades shared in each district, and how much of the appropriation is awarded or encumbered.

   I am vetoing these sections in their entirety to eliminate the grant program for whole grade sharing and related reporting requirements. Whole grade sharing is intended to create savings, which should be a built-in incentive; however, school districts have not taken advantage of whole grade sharing since it became permissible under 2015 Wisconsin Act 55. Therefore, I believe these funds can be repurposed to support more effective programs that support rural schools.

36. **Shared Services Aid**

   *Sections 183 [as it relates to s. 20.255 (2) (b)], 208t and 1475p*

   These sections create a grant program funded at $2,000,000 in fiscal year 2018-19 for school districts that share administrative functions with local governments or other school districts. Grants would be provided in the following amounts during the first three years of an agreement to share services: $40,000 for sharing a district administrator; $22,500 for sharing a human resources director, information technology coordinator or business manager; and $17,500 for other administrative positions, excluding principals and assistant principals. In the fourth year, grants are prorated to 50 percent, unless the parties to the agreement also are whole grade sharing.

   I am vetoing these sections in their entirety to eliminate the grant program for shared services. Sharing services will create savings for school districts; therefore, providing state grants would nullify savings to taxpayers that would result from local actions. In addition, I believe these funds can be repurposed to support more effective programs that support rural schools.

37. **Summer School Grants**

   *Section 1482j [as it relates to grant eligibility and uses]*

   This provision creates a grant program in fiscal year 2018-19 for the Milwaukee Public Schools district and any other school district that receives a "fails to meet expectations" rating on its
district report card. These competitive grants are to be awarded to school districts to increase attendance, improve low-performing schools, improve academic achievement and expose pupils to innovative learning activities, all through development, redesign or implementation of a summer school program.

I am partially vetoing this provision to create a grant to the Milwaukee Public Schools for summer school programs. The program proposed in my Executive Budget was targeted to the district to augment the Milwaukee Public Schools district’s summer school expansion efforts. I object to the expansion of eligibility because it will dilute the funding, and therefore effectiveness, of the funds in the district. I also believe that language specifying outcomes is unnecessary absent a competitive process, and would diminish the ability of a district to employ the funds in the most effective way. As a result of this veto, the district will receive a grant of $1,400,000 in fiscal year 2018-19 for summer school programs, and no other districts will be eligible to apply for these funds.

38. Virtual Charter School Funding Study

Section 9135 (1t)

This provision requires the Department of Public Instruction to submit a report by January 1, 2019, to the Joint Committee on Finance and appropriate standing legislative committees comparing open enrollment payments and the actual costs of educating virtual charter school pupils.

I am vetoing this provision to eliminate the report. I object to the increased administrative burden on the department.

39. Mental Health Services Grants

Sections 1470g [as it relates to eligibility criteria] and 9135 (4f) [as it relates to an advisory committee]

These sections create a grant program to fund increased collaborations among school district personnel and community mental health service providers. Under these sections, eligible grantees are public schools, independent charter schools, consortia of schools or school districts, or cooperative education service agencies. Applicants for grants must: (a) require providers or contractors to bill Medical Assistance or an appropriate health insurance company for any goods or services provided as part of the collaboration, and (b) seek nonstate funding for costs not covered by Medical Assistance or insurance. The Department of Public Instruction has authority to define additional grant parameters. The department also is required to establish an advisory committee to make recommendations about grant parameters and awards, members of which must include: (a) a current or retired school administrator, (b) a teacher or pupil services license holder, (c) a mental health service provider or representative of a mental health service provider association, (d) a family member of a potential service recipient, and (e) a representative of a school board or charter school. The department is further required to award the full appropriated amount in each year.

I am partially vetoing these sections as they relate to requirements on applicants and the requirement for an advisory committee. I believe schools should have maximum flexibility in designing and implementing these collaborations and therefore the statutes creating the program
should be general, not prescriptive. In addition, the requirement for an advisory committee is burdensome. As a result of this veto, the department will have broad flexibility to specify grant criteria in administrative rule without an official advisory committee; however, the department should seek input from interested parties informally.

WORKFORCE DEVELOPMENT

40. Technical Education Equipment Grants

Section 1407k [as it relates to s. 106.275 (2) (b) and (4) (a)]

This provision creates a technical education equipment grant program, allows the Department of Workforce Development to allocate up to $500,000 GPR annually from the department's workforce training grants appropriation, and requires that: (a) the department award grants of no more than $50,000 to school districts whose grant applications are approved by the department, (b) school districts use dollars for the acquisition of equipment in advanced manufacturing fields, (c) a school district shall provide matching funds equal to 200 percent of the grant amount awarded, (d) school districts apply in accordance to the procedures established by the department, (e) the secretary of the department appoint an advisory committee to review and evaluate applications, and (f) school districts receiving a grant file a report with the department the first three years following the fiscal year in which the grant was received.

I am partially vetoing the provision to delete the requirement for the department secretary to appoint an advisory committee because this provision is administratively burdensome. The department presently seeks input from stakeholders and subject matter experts on a variety of issues and therefore a statutory advisory committee is unnecessary.

C. GENERAL GOVERNMENT, CHILDREN AND FAMILIES

DEPARTMENT OF ADMINISTRATION

41. Positions for Information Technology Purchasing Report

Section 9101 (11q)

Section 9101 (11q) requires the Department of Administration to submit a report to the Joint Committee on Finance by August 31, 2018, regarding the activities of four new positions added in fiscal year 2017-18, including: (a) any identified accomplishments such as process improvements or major information technology procurements that were done efficiently or effectively, (b) any savings that the department estimates resulted from the initiative, and (c) plans for additional improvement or projects in fiscal year 2018-19. The 4.0 FTE PR-S positions, split between the divisions responsible for information technology and procurement services, are vacancies from other agencies that have been repurposed for this initiative, which is anticipated to generate savings from standardizing and streamlining contract, procurement and information technology practices. It is estimated that state agencies, excluding the University of Wisconsin System, spent $445 million on information technology procurement in fiscal year 2015-16. For every 1 percent in reductions to these purchases, the state could save $4.45 million.

I am vetoing this section to remove the reporting requirement because I believe that placing reporting requirements in the statutes is both unnecessary and encroaches on the executive
branch's responsibility to manage state agency programs within the statutes and funding levels set by the Legislature. This type of information can be requested by legislators or the legislative service agencies at any time without creating an unfunded mandate in the statutes.

42. Replacement of Information Technology Contractors Report

Section 9101 (11s)

Section 9101 (11s) requires the Department of Administration to submit a report to the Joint Committee on Finance by August 31, 2018, regarding the activities performed in fiscal year 2017-18 by new permanent positions, which were added to replace contractor staff, including: (a) accomplishments such as system or process improvements, progress or completion of projects, or finished work products; (b) any additional savings or efficiencies that the department can estimate resulted from the work of the positions; and (c) plans or additional improvements, projects or work products for fiscal year 2018-19. Replacing information technology contractors with 54.0 FTE PR-S positions will generate savings of $463,100 PR-S in fiscal year 2017-18 and $3,712,100 PR-S in fiscal year 2018-19.

I am vetoing this section to remove the reporting requirement because I believe that placing reporting requirements in the statutes is both unnecessary and encroaches on the executive branch's responsibility to manage state agency programs within the statutes and funding levels set by the Legislature. This type of information can be requested by Legislators or the legislative service agencies at any time without creating an unfunded mandate in the statutes.

43. State Transforming Agency Resources (STAR) Program and Benefits Realization Report

Section 169t

Section 169t requires the Department of Administration to submit a report to the Joint Committee on Finance and the Joint Committee on Information Policy and Technology once every six months, beginning in October 2017, relating to the management of the STAR enterprise resource planning system, including: (a) year-to-date expenditures for related system appropriations, (b) master lease originations since the date of the last report, (c) state agency assessments (most recently charged as well as estimated for future fiscal years), (d) the status of the appropriation deficits, and (e) updated information relating to the department's efforts regarding benefits realization, including any actual or anticipated savings or efficiencies associated with the STAR system.

I am vetoing this section to remove this ongoing reporting requirement because I believe that it is unnecessary and redundant to information that has already been and will be provided to the Legislature. The department has been transparent about the implementation and financing of the STAR system, including presentations at the Joint Committee on Information Policy and Technology informational hearing on November 10, 2015, and on March 8, 2017, presentations on the new STAR assessment to all agencies in the spring of 2016, and written updates on each STAR release to the Legislature on February 3, 2016; December 30, 2016; and March 7, 2017. Furthermore, the department has provided, and will continue to provide until the appropriation is no longer in deficit, a significant amount of financial information each year when it submits its spending plan as required under s. 16.513.
44. Self-Funded Portal Annual Report

Section 172

Section 172 requires the Department of Administration to submit a report to the Joint Committee on Finance and Legislature by October 1 of each year that includes: (a) a financial statement of the state's self-funded portal revenues and expenditures for the fiscal year; (b) a list of the services available through the portal, including the addition of services available since the previous fiscal year; (c) the amounts of any fees charged for each of the services; and (d) a summary of the activity levels of the services provided, as well as any other information the department wishes to provide. The portal does not have a cost to taxpayers, but is fee-based and user-driven by agencies and customer demand for services.

I am vetoing this section to remove the reporting requirement because I believe that it encroaches on the executive branch's responsibility to manage state agency programs within the statutes and funding levels set by the Legislature. In the Executive Budget, the department requested the conversion of the self-funded portal appropriation from annual to continuing, which would have given the department more flexibility in managing the appropriation and expanding the number of e-projects based on existing fee revenue available. As part of this request, the department was directed to report to the Legislature on these projects. Given that the Joint Committee on Finance elected to reject this proposal, it will be involved directly in any expenditure authority increase and can request any additional information it would like at that time.

45. Office of the Commissioner of Insurance Information Technology Position Transfers Report

Section 9101 (11c)

Section 9101 (11c) requires the Department of Administration, in consultation with the Office of the Commissioner of Insurance, to prepare a report on information technology services provided to the office and, specifically, any efficiencies created through consolidation during the 2017-19 biennium. This report is to be submitted with the department's 2019-21 budget request.

I am vetoing this section to remove the reporting requirement because I believe that it is unnecessary as the biennial savings related to this initiative have already been estimated at 2.0 FTE PR positions and $216,900 PR. If additional information is of interest, it can be requested of each agency during the 2019-21 biennial budget process.

46. Worker's Compensation Recording Equipment Report

Section 9101 (11i)

Section 9101 (11i) requires the Department of Administration's Division of Hearings and Appeals to conduct a study of the audio and visual needs of worker's compensation hearings and to present the findings no later than June 30, 2018, to the Worker's Compensation Advisory Council, which may submit a recommendation to the division regarding the recording equipment that would be sufficient to replace a court reporter for inclusion in the department's 2019-21 biennial budget request. The proposal included in the Executive Budget would have eliminated the requirement that court reporters record testimony at worker's compensation hearings and would have resulted in a reduction of 4.0 FTE PR-S positions and a savings of $555,000 PR-S in each year.
Wisconsin is the only state with a central panel hearing structure to still have court reporters on staff.

I am vetoing this section to remove the requirement to study the issue further and present to the advisory council because I believe that it is unnecessary as this study can be conducted by the division without creating a statutory requirement.

47. Cost-Benefit Analysis of Leases

**Sections 161d, 161e and 9301 (2f)**

This provision specifies that the Department of Administration may not enter into, extend or renew an executive branch agency lease with an annual rent of more than $500,000 unless the secretary signs the lease, a copy of the proposed lease is submitted electronically to the Chief Clerk of each house of the Legislature, and the department notifies the Joint Committee on Finance of the proposed lease and provides the following information and a summary report to the Committee: (a) a cost-benefit analysis comparing the lease with purchasing the space or another suitable space, and (b) an evaluation of comparable lease options within a ten-mile radius of the property proposed in the lease or, if there are not sufficient comparable properties within a ten-mile radius to perform a meaningful comparison, a wider radius as needed to ensure the lease rate per square foot does not exceed the lease rate per square foot on comparable properties or the market rate by more than 5 percent. Each proposed lease would be subject to a 14-day passive review process.

I am vetoing these sections in their entirety because I object to these additional restrictions on the state leasing program. Approving leases is a statutory responsibility of the Department of Administration and the State Building Commission, which includes legislative members. In addition, I am concerned that some landlords could try to use the proposed legislative approval process to circumvent the procurement process. However, I understand the policy goal behind this provision of ensuring that state agencies are evaluating alternatives before entering into large, long-term leases in order to find the most cost-effective option and consequently, I am directing the department to review and improve its existing evaluation procedures for these types of leases.

48. Fee Report with Agency Budget Requests

**Section 139m**

This provision requires each executive branch agency to include in its biennial budget request a report identifying: (a) each fee the agency is authorized to charge, (b) the amount of each fee or method of calculating the fee, (c) the statutory authority to charge the fee, (d) a statement of whether or not the fee is currently charged, (e) a description of how each fee has changed over time, and (f) any recommendation the agency has concerning each fee.

I am vetoing this provision because I object to these requirements as they are burdensome and not directly related to the budget development process. In addition, although it is unclear what the legislative intent is behind this new mandate, the Legislature (or its service agencies) already has access to this information and has the authority to request any additional information at any time.
49. On-Site Delivery of Human Resources, Payroll and Benefit Functions at Select Agencies

Section 73

This section requires the Division of Personnel Management within the Department of Administration to provide human resources and payroll and benefit services to most executive branch agencies, beginning on July 1, 2018. It also requires the department to submit an annual report to the Joint Committee on Finance by April 15 under 14-day passive review that includes: (a) the assessments that the department intends to charge each agency for human resources, payroll and benefit services in the upcoming fiscal year; (b) the number of positions that the department is using to administer these services; (c) the number of vacant and filled positions the department no longer needs to administer these services; (d) the cost savings to the state due to the administration of these services; and (e) the metrics evaluating the effectiveness of these services provided to participating agencies by the department in the previous fiscal year, as well as a comparison of the metrics for the previous fiscal year to similar metrics in previous reports. If the Committee schedules a meeting within the 14-day time frame, the department may not provide human resources, payroll and benefit functions or charge the assessments proposed in the report without the approval of the Committee.

The provision also requires the Department of Administration to provide human resources, payroll and benefit services on-site for the Department of Corrections, Department of Health Services, Department of Veterans Affairs and State Fair Park Board, beginning on July 1, 2018.

I am partially vetoing the provision that requires the Department of Administration to provide human resources, payroll and benefit services on-site for select agencies because it will restrict the department’s ability to achieve the maximum enterprisewide staffing flexibility and efficiency possible from the human resources shared services initiative. Concerns regarding the location of human resources, payroll and benefit services and staffing levels can be addressed through service level agreements that will be negotiated between agencies and the Department of Administration’s Division of Personnel Management.

DEPARTMENT OF CHILDREN AND FAMILIES

50. Homeless Shelter Employment Services Grant Uses

Section 129

This section defines the types of entities that could receive Homeless Shelter Employment Services Grant funds to include shelter facilities as well as nonprofit organizations that partner with local governments, religious organizations, local businesses and charitable organizations to provide individuals and families with rent assistance and intensive case management. For each type of organization, it also defines the services that shall be provided, including specifically that nonprofit organizations shall use the funds for the purpose of providing immediate housing relocation services, including paying rent on behalf of participants in private housing.

I am partially vetoing this section because the expansion of eligible organizations beyond shelter facilities and the exclusion of rent assistance as an allowable use of grant funds could diminish the intended effect of the grant dollars, which was to provide funding to existing Homeless Management Information System or State Shelter Subsidy Grant-participating homeless shelters
for social workers and associated case management services. Expanding grants to organizations other than homeless shelters will reduce the ability of shelters to provide case management services. In addition, including rent assistance as an allowable use of grant funds could direct more funds to a short-term housing solution rather than the long-term employment solution achieved through case management services.

51. Work Participation Rate Reporting Requirements

Section 9106 (3w)

This provision requires the Department of Children and Families to submit periodic reports regarding performance on work participation rate targets in the Temporary Assistance for Needy Families (TANF) program; progress on any compliance programs with the federal Department of Health and Human Services; and the appeals process for any TANF penalties related to work participation rate requirements. Reports would be required every six months, starting September 15, 2017, and ending March 15, 2019. The department would also be required to present a plan on or before October 1, 2018, for Joint Committee on Finance approval, to improve work participation rates in the TANF program. This provision also encourages, but does not require, the department to include a request for a waiver under section 1115 of the Social Security Act.

I am partially vetoing this provision because statutory language specifying the timing of reporting intervals, requiring a plan for Committee approval, and encouraging a section 1115 waiver is unnecessary. I support requiring the department to be more accountable regarding work participation rate issues, but it is sufficient for the department to periodically report updated information when it has it, which won’t be on September 15, 2017, given the budget delay and may not be on six-month intervals. Requiring the submission of an improvement plan for approval and language encouraging a section 1115 waiver are unnecessary because the worker supplement created in the budget is the mechanism that the department will use to improve work participation rates in the state’s Wisconsin Works program.

ELECTIONS COMMISSION

52. Funding for Elections Commission Positions

Section 183 [as it relates to s. 20.510 (1) (a) and (1) (x)]

This provision allocates funding and permanent position authority for Elections Commission positions currently funded by federal Help America Vote Act funding. The current 22.0 FTE FED positions were previously approved with an end date of the end of fiscal year 2016-17 and the federal funding supporting these positions is expected to be exhausted at some point during fiscal year 2018-19. The provision creates 21.0 FTE FED permanent positions and provides federal expenditure authority in fiscal year 2017-18 and provides 21.0 FTE GPR positions and funding in fiscal year 2018-19. The Executive Budget recommended funding and position authority for only 16.0 FTE positions.

I am partially vetoing this provision by lining out the appropriation under s. 20.510 (1) (x) and writing in a smaller amount in fiscal year 2017-18 and lining out the appropriation under s. 20.510 (1) (a) and writing in a smaller amount in fiscal year 2018-19. The reduction in each year is $304,100 and is equivalent to the salary and fringe benefit costs associated with 5.0 FTE
positions. I am requesting the Department of Administration secretary to not allot these funds. I object to the level of staffing approved by the Legislature given that the Elections Commission has been operating effectively with fewer staff. Rather than adding five additional permanent FTE positions, I believe that the commission can more cost effectively manage peak workload periods by hiring limited term employees or contractors, as they did during the 2016 presidential election.

ELECTIONS AND ETHICS COMMISSIONS

53. Elections and Ethics Commissioner Per Diems

Sections 17 and 183 [as it relates to s. 20.510 (1) (a) and s. 20.521 (1) (a)]

These sections establish and fund the statutory per diem of each of the elections and ethics commissioners at $227 per meeting. Under current law, each commissioner receives a per diem equivalent to a reserve judge sitting in circuit court for each day the commissioners were actually and necessarily engaged in performing their duties. In fiscal year 2016-17, this was equivalent to $454 per day.

I object to this provision because I believe that a $227 per meeting statutory per diem paid to ethics and elections commissioners is still out-of-line with per diems paid to members of comparable boards and commissions.

I am exercising the digit veto in section 17 in order to decrease the statutory per diem from $227 per meeting to $27 per meeting. Further, I am partially vetoing section 183 by lining out the amounts under s. 20.510 (1) (a) and s. 20.521 (1) (a) and writing in smaller amounts that reduce each appropriation by $9,600 in each year of the biennium. I am requesting the Department of Administration secretary to not allot these funds. With these vetoes, the statutory per diems paid to ethics and elections commissioners will be better aligned with the statutory per diems paid to members of other state boards and commissions.

DEPARTMENT OF EMPLOYEE TRUST FUNDS

54. Group Insurance Program Changes and Group Insurance Board Directives

Sections 17n, 39d, 39f, 39g, 39h, 39j, 39k, 707f, 709g, 9114 (1c), 9114 (1t), 9114 (2p), 9114 (2w), 9129 (2w), 9314 (3c), 9314 (3p) and 9314 (4p)

These sections make the following changes to the state group health insurance program and the Group Insurance Board:

- Section 9114 (2w) directs the Group Insurance Board to attempt to ensure that state group health insurance costs paid from GPR are reduced by $63,900,000 over the 2017-19 biennium through a combination of provider negotiation savings, utilization of state group health program reserves, increased use of health plan tiers and health plan design changes, with an emphasis on consumer-driven health care, that do not exceed a 10 percent increase to total employee costs for the lowest tier plans in each of calendar years 2018 and 2019. Premiums, copays, deductibles, coinsurance and out-of-pocket-maximums are subject to the 10 percent limitation.
Section 9114 (1c) directs the Department of Employee Trust Funds to submit a plan and request for related funding to conduct an educational campaign for consumer-driven health plans before and during the annual enrollment period for the state health insurance plan for calendar year 2019 to the Joint Committee on Finance for its approval no later than January 1, 2018. The educational campaign shall provide the following information: (a) the advantages of high-deductible health plans and health savings accounts, (b) examples of individuals or families that may benefit from high-deductible health plans and health savings accounts, and (c) any consumer-driven health plan design changes or initiatives approved by the board. The department cannot conduct the campaign without the approval of the Committee.

Section 9114 (1t) requires the Group Insurance Board to submit a report to the Joint Committee on Finance by March 1, 2018, detailing: (a) the amount of state group health program reserves as of December 31, 2017, (b) the amount of state program reserves that will be used during calendar year 2018 to reduce state program costs, (c) a projection of 2018 year-end state program reserves by the board's consulting actuary, and (d) the board's planned utilization of state program reserves during calendar year 2019. The board may not implement the plan if, within 21 working days, the cochairs of the Joint Committee on Finance notify the board that a meeting has been scheduled to review the plan.

Section 9114 (2p) requires the Group Insurance Board to use $68,800,000 of the state group health program reserves during the 2017-19 biennium to reduce program costs. The board is also directed to review its policies related to maintaining reserves for fully insured health plans. In conducting the review, the board is required to review: (a) the history of changes in the participation of fully insured health plans in the group health insurance program, (b) the number of members affected by the discontinuation of fully insured health plans from year to year, and (c) the dollar amount of claims or premiums associated with members that are affected by the discontinuation of fully insured health plans from year to year.

Sections 709g and 9314 (3c) establish five, rather than three, health plan tiers in statute.

Sections 707f and 9314 (3p) require the Group Insurance Board, in consultation with the Division of Personnel Management within the Department of Administration, to submit any proposed changes to the state group health insurance program in the following program year to the Joint Committee on Finance by April 1 of each year under a passive review approval process. Proposed changes for calendar year 2018 that would have a financial impact or affect covered benefits are also subject to the passive review requirement. If the Committee notifies the board within 21 working days that a meeting has been scheduled for the purpose of reviewing the changes, the changes may not be implemented unless approved by the Committee.

Section 9129 (2w) requests the Joint Legislative Audit Committee to direct the Legislative Audit Bureau to conduct a financial and performance audit of the state group health insurance programs, including a review of the Group Insurance Board's compliance with the state group health reserves policy, a review of the appropriateness of its policy regarding fully-insured program reserves and the circumstances that have created ongoing, frequent accumulation and use of reserves.
• Sections 17n, 39d, 39f, 39g, 39h, 39j, 39k and 9314 (4p) require that the six members of the Group Insurance Board who are appointed by the Governor to two-year terms under current law be appointed with the advice and consent of the Senate. In addition, this provision would expand the board from 11 members to 15 members and specify the following new members: (a) one member appointed by the Speaker of the Assembly, (b) one member appointed by the Minority Leader of the Assembly, (c) one member appointed by the Majority Leader of the Senate, and (d) one member appointed by the Minority Leader of the Senate.

I am vetoing all of these sections in their entirety because I object to having the Legislature interfere with the responsibilities of the Group Insurance Board, which has set policy and overseen administration of the group health insurance plan for state and local employees, retirees and employers since 1959. The Legislature’s role is to approve the compensation plan and set overall funding for the state group health insurance program. In addition, last session, the Legislature passed, and I signed, 2015 Wisconsin Act 119, which established new authority for the Joint Committee on Finance to approve or reject contracts to provide self-insured group health plans to state employees. Thus, I believe that current law already provides a sufficient and appropriate oversight role for the Legislature. I do not believe that they should micromanage plan design, contract negotiations and the financial and programmatic management of the program. The provisions to be vetoed ensure that the Joint Committee on Finance have complete control over any change, no matter how small, to the program. This degree of oversight will not be workable, especially for a Committee that does not meet on a regular basis.

Furthermore, some of these provisions are unnecessary and administratively burdensome. For example, the board has already approved the participating health plans and rates for the calendar year 2018 group health insurance program and is committed to achieving the biennial savings target established by the Legislature. Any changes to the 2018 program made by the Joint Committee on Finance would require problematic contract amendments. Submitting any future changes to the plan design to the Committee for approval will also be problematic and may encourage additional lobbying of the Legislature by providers and employees. In addition, statutorily increasing the number of health plan tiers from three to five does not make sense for counties where fewer than five plans are even offered. Furthermore, statutorily requiring reports and an audit by the Legislative Audit Bureau of the program reserves are unnecessary as the Group Insurance Board is already in the process of updating its reserve policies as part of its normal process.

Finally, direct involvement of legislators in the policy-setting and administration of the group health program could politicize a process that has worked effectively under Group Insurance Board oversight for the past 58 years. While the Legislature has a substantial role in setting statutory policy and establishing overall funding levels, the members of the board must develop significant expertise in health plan design and administration, while balancing the needs of the employers, employees and health plans. This is best achieved with the current composition of the board.
LEGISLATURE

55. 100th Anniversary of the State Capitol

Sections 8p, 183 [as it relates to s. 20.765 (4) (title), (b), (h) and s. 20.855 (3) (k)]. 480b, 480c, 480cg and 483m

This provision creates an annual GPR appropriation for activities related to the celebration of the 100th anniversary of the State Capitol and appropriates $50,000 GPR in fiscal year 2017-18. Payments from the appropriation must be authorized by the cochairs of the Joint Committee on Legislative Organization. It also creates a PR continuing appropriation to receive revenues generated from activities related to the celebration. The first $50,000 of these funds received in each fiscal year lapses to the general fund. Any amounts above $50,000 are transferred to a new PR biennial appropriation for capitol restoration and relocation planning.

I am vetoing this provision in its entirety because the State Capitol and Executive Residence Board has already authorized the use of funds from the capitol restoration fund for this purpose.

56. State Capitol Basement Renovations

Section 9104 (1) (a)

This provision enumerates $1 million GPR-supported borrowing for the purpose of renovations of the State Capitol basement.

I am vetoing this provision to delete the enumeration for the State Capitol basement renovation. I believe that the State Capitol and Executive Residence Board should study the proposal and determine if renovations to the basement are the best use of funds or if renovations to other parts of the State Capitol would be a more beneficial investment.

PUBLIC SERVICE COMMISSION

57. Provision of Utility Services Effective Date

Section 9437 (1t)

Section 1691c amends the definition of "public utility" to exclude, among other entities, a state agency, as defined in s. 20.001 (1) of the statutes, that may own, operate, manage or control all or any part of a plant or equipment for the production, transmission, delivery or furnishing of water either directly or indirectly for the public. Section 9437 (1t) provides an effective date for this change on the first day of the 13th month after the effective date of the budget bill.

In addition, for the purposes of awarding federal Community Development Block Grant funding in the 2017-19 biennium, section 9101 (10t) directs the Department of Administration to give priority to a project meeting all of the following: (a) the project would plan for or establish public or private facilities for the provision of water and sewer services primarily to residential users; (b) the new water service would replace services currently provided by an entity other than a public utility, a community water system, a cooperative association, or private groundwater wells; and (c) the new sewer service would replace services currently provided by an entity other than a
public utility, private on-site wastewater treatment systems, or any other on-site forms of sewage disposal.

These provisions were added to allow the Department of Health Services’ Winnebago Mental Health Institute to discontinue providing water and sewer services to residents located near the facility without negatively impacting these individuals.

I am vetoing section 9437 (1t) to remove the effective date of the first day of the 13th month beginning after the effective date of the bill because I believe that the change to clarify that the department is not a public utility should be made immediately. I am, however, directing the department to continue to provide water and sewer services to these residents for 12 months after the effective date of the budget.

D. HEALTH SERVICES AND INSURANCE

DEPARTMENT OF HEALTH SERVICES

58. Supervised Release of Sexually Violent Persons

Sections 377h, 979p, 2230s, 2251y, 2257e, 2257f, 2257g, 2257h, 2257i, 2257j, 2257k, 2257l, 2257m, 2257n, 2257o, 2257p, 2261d, 2262L, 2262m, 2262n, 2262o, 2262p, 2262g, 2262r, 2262s, 2262u, 2262v, 2262w, 9120 (1t) and 9320 (1t)

These provisions make a series of changes to the supervised release of sexually violent persons and representation of sexually violent persons by the State Public Defender. The changes apply to all petitions for supervised release under Chapter 980 currently pending at the time of the effective date of the bill. The following details those changes.

Require the county of residence of the sexually violent person, as determined by the Department of Health Services, to create a temporary committee in order to prepare a report identifying an appropriate residential option in that county and demonstrate that the county has contacted the landlord and that the landlord has committed to enter the lease. The committee will consist of: (a) the county human services department, (b) a representative from the department, (c) a local probation or parole officer, (d) the county corporation counsel or his or her designee, and (e) a representative of the department of the county that is responsible for land conservation.

The county shall consider the following factors when identifying an appropriate residential option: (a) the distance between the person’s placement and any school premises, child care facility, public park, place of worship or youth center; (b) if the person committed a sexually violent offense against an adult at risk or an elder at risk, the distance between the person’s placement and a nursing home or assisted living facility; and (c) if the person is a serious child sex offender, the distance between the person’s placement and a property where a child’s primary residence exists.

The county must consult with a local law enforcement agency having jurisdiction over the residence and allow the law enforcement agency to submit a written report that provides information on the residential option that must be included in the report submitted to the department.
The county report must be submitted to the department within 120 days following the court order. If a county does not submit a report within 120 days, it is in violation of the person's rights and each day after the 120-day mark is a new violation. A new PR appropriation is created for fees recovered by the person for a violation. These funds would be used for costs associated with housing a person. Within the first 12 months of the bill's effective date, the 120-day limit is extended to 180 days.

Within 30 days after the court orders the county to prepare a report, the department is required to determine the identity and location of known and registered victims of the person's acts by searching its victim database and consulting with the Office of Victim Services in the Department of Corrections, the Department of Justice, and the county coordinator of victims and witness services in the county of intended placement, the county where the person was convicted and the county of commitment.

Require the department, within 30 days after the county submits its report, to use the report to prepare a supervised release plan for the person that would address the person's need for supervision, counseling, medication, community support services, residential services, vocational services and alcohol and other drug abuse treatment. An extension of 30 days may be granted for good cause. The current law provision that the department may not arrange placement in a facility that did not exist before January 1, 2006, is repealed.

If current law procedures are insufficient, the department shall find the county of residence is the county in which, on the date that the person committed the sexually violent offense that resulted in the sentence, placement or commitment, the person would have been a resident for the purpose of Social Security disability insurance eligibility.

In any situation under Chapter 980 where the person has the right to be represented by counsel, the court is required to refer the person as soon as practicable to the State Public Defender, who would be required to appoint counsel.

At the conclusion of any proceeding under Chapter 980, the court may inquire as to the person's ability to reimburse the state for the costs of representation. If the court determines that the person is able to make reimbursement, the court may order the person to reimburse the state. These reimbursements would be made to the clerk of courts where the proceedings took place, which would transmit payments to the county treasurer, who would be required to deposit 25 percent of the payment in the county treasury and transmit the remainder to the Department of Administration. Upon request, the State Public Defender must conduct a determination of indigency and report the results of the determination.

Require the clerk of courts to report, by January 31 of each year, to the State Public Defender the total amount of reimbursements ordered for Chapter 980.

While I understand the importance of updating the process for placing sexually violent persons in the community, the issues the Department of Health Services and communities face in completing placement plans and how critical it is that these individuals be placed in appropriate settings for the health and safety of the citizens in those counties, I am vetoing these provisions as nonfiscal policy. This policy eliminates current law provisions requiring that residential options be a specific distance from any school premises, child care facility, public park, place of worship or youth center and should therefore be thoroughly vetted through the regular legislative process, with input from the public and counties.
59. **FoodShare Employment and Training – Universal Referrals**

*Section 964d*

This provision requires income maintenance workers to provide all FoodShare applicants and participants information about the FoodShare Employment and Training program at least two times per year.

I am vetoing this provision because there is no additional funding or positions included in the bill to implement this unfunded mandate. However, I am directing the Department of Health Services to develop a protocol for better informing all FoodShare applicants and participants about the FoodShare Employment and Training Program because I agree with the intent of the provision.

60. **FoodShare Employment and Training – Cost to Continue**

*Section 9120 (2s)*

This section requires the Department of Health Services to submit a report to the Legislature regarding the outcomes related to the FoodShare Employment and Training program before February 1, 2018. The report shall include any proposed program improvements and contract modifications necessary based on the reported outcomes.

I am vetoing this section because I object to this administratively burdensome requirement.

61. **FoodShare Employment and Training Pilot**

*Section 9120 (2)*

This provision modifies the provision in the Governor's budget to increase the amount of job training and employment assistance services provided to individuals receiving FoodShare benefits by requiring able-bodied adults with school-age children to participate in the FoodShare Employment and Training Program. The provision is modified in the following ways: (a) require the pilot region selected by the Department of Health Services to be composed of no more than two FoodShare Employment and Training vendor regions; (b) require a pilot of the work requirement be run from April 2019 through June 30, 2020; and (c) require an evaluation of the pilot program and make statewide expansion contingent on that evaluation.

Further, this provision reduces funding in fiscal year 2017-18 by $29,000 GPR and increases funding by $42,300 GPR in fiscal year 2018-19. This provision also transfers the biennial funding of $4,236,400 GPR provided in the bill to the Joint Committee on Finance supplemental appropriation and requires that the Department of Health Services seek release of the funds through s. 13.10 by submitting a detailed plan for implementation of the pilot.

I am partially vetoing this provision to remove the requirements that the regions be FoodShare Employment and Training vendor regions because I object to this arbitrary policy. I direct the department to determine which region or regions make the most sense for Wisconsin.

Second, I am partially vetoing the provision to remove the evaluation of the program because I object to requiring an evaluation of this provision before it can be expanded.
Lastly, I am partially vetoing the requirement that the department operate a pilot from April 2019 through June 30, 2020, because I object to this arbitrary and administratively burdensome timeline. The department requires flexibility in operating this program and an arbitrary timeline impedes on the administration’s ability to successfully implement this provision.

62. Medical Assistance Coverage of Complex Rehabilitation Technology

Sections 926p, 931n and 9120 (5k)

This provision specifies that durable medical equipment that is considered complex rehabilitation technology is a covered service under the Medical Assistance program.

The provision defines a "complex needs patient" as an individual with a diagnosis or medical condition that results in significant physical impairment or functional limitation; "complex rehabilitation technology" as items classified within Medicare as durable medical equipment that are individually configured for individuals to meet their specific and unique medical, physical and functional needs and capacities for basic activities of daily living and instrumental activities of daily living identified as medically necessary; "individually configured" as having a combination of sizes, features, adjustments or modifications that a qualified complex rehabilitation technology supplier can customize to the specific individual by measuring, fitting, programming, adjusting or adapting as appropriate so that the device operates in accordance with an assessment or evaluation of the individual by a qualified health care professional and is consistent with the individual’s medical condition, physical and functional needs and capacities, body size, period of need, and intended use.

The provision further defines "Medicare" as coverage under Part A or Part B of Title XVIII of the federal Social Security Act, 42 USC 1395 et seq. A "qualified complex rehabilitation technology professional" is defined as an individual who is certified as an assistive technology professional by the Rehabilitation Engineering and Assistive Technology Society of North America.

The provision defines "qualified complex rehabilitation technology supplier" as a company or entity that meets all of the following criteria: (a) is accredited by a recognized accrediting organization as a supplier of complex rehabilitation technology; (b) is an enrolled supplier for purposes of Medicare reimbursement that meets the supplier and quality standards established for durable medical equipment suppliers, including those for complex rehabilitation technology under Medicare; (c) is an employer of at least one qualified complex rehabilitation technology professional to analyze the needs and capacities of the complex needs patient in consultation with qualified health care professionals, to participate in the selection of appropriate complex rehabilitation technology for those needs and capacities of the complex needs patient, and to provide training in the proper use of the complex rehabilitation technology; (d) requires a qualified complex rehabilitation technology professional to be physically present for the evaluation and determination of appropriate complex rehabilitation technology for a complex needs patient; (e) has the capability to provide service and repair by qualified technicians for all complex rehabilitation technology it sells; and (f) provides written information at the time of delivery of the complex rehabilitation technology to the complex needs patient stating how the complex needs patient may receive service and repair for the complex rehabilitation technology.

Further, the provision defines "qualified health care professional" as any of the following: (a) a licensed physician or physician assistant, (b) a licensed physical therapist, (c) a licensed occupational therapist, or (d) a licensed chiropractor.
The provision also requires the Department of Health Services to promulgate rules and other policies for the use of complex rehabilitation technology by recipients of Medical Assistance (MA). The provision stipulates that the rules shall include all of the following: (a) designation of billing codes as complex rehabilitation technology including creation of new billing codes or modification of existing billing codes and provisions allowing for quarterly updates to the designations; (b) establishment of specific supplier standards for companies or entities that provide complex rehabilitation technology and limiting reimbursement only to suppliers that are qualified complex rehabilitation technology suppliers; (c) a requirement that MA recipients who need a manual wheelchair, power wheelchair, or other seating component to be evaluated by a qualified health care professional who does not have a financial relationship with a qualified complex rehabilitation technology supplier and a qualified complex rehabilitation technology professional; (d) establishment and maintenance of payment rates for complex rehabilitation technology that are adequate to ensure complex needs patients have access to complex rehabilitation technology, taking into account the significant resources, infrastructure and staff needed to appropriately provide complex rehabilitation technology to meet the unique needs of complex needs patients; (e) a requirement for contracts with the department that managed care plans providing services to MA recipients comply with statutory requirements related to the provision of complex rehabilitation technology and with the related administrative rules; and (f) protection of access to complex rehabilitation technology for complex needs patients.

Lastly the provision specifies that the proposed rules must designate certain healthcare common procedure system codes, which are used under the federal Medicare program and certain mixed complex rehabilitation technology product and standard mobility and accessory product codes. Require the department to specify, in the proposed rules, that procurement of these codes shall be exempt from any bidding or selective contracting requirements.

I am vetoing this provision because I believe there may be unanticipated costs to the MA program and that the language presented may inadvertently limit availability for this service in rural areas of the state. I object to this policy item being placed in the budget without giving the department, MA recipients, health care providers and the public an opportunity to publicly debate its merits. While this provision may have merit, the Legislature should review the impact further and forward legislation when the impacts have been analyzed and such issues have been resolved.

63. Exemption from the Nursing Home Bed Assessment

Sections 969n, 969p and 969r

This provision creates an exemption for county-owned institutions for mental diseases and state licensed nursing homes, which are not certified to participate in Medicaid and Medicare, from the state nursing home bed assessment. The Department of Health Services is required to seek approval from the U.S. Department of Health and Human Services.

I am vetoing this provision because the practice would violate a Centers for Medicare and Medicaid Services requirement that the assessment be "broad based" in design and is therefore not allowable.
64. Childless Adult Employment and Training Waiver

Section 928d

This section requires the Department of Health Services to submit a report to the Joint Committee on Finance no later than three months following final approval of the proposed Medicaid Childless Adult waiver, including the following: (a) a description of each component of the approved waiver, including information on the department’s plan to implement; and (b) an estimate of the impact on Medical Assistance enrollment and the Medical Assistance budget.

The section further specifies that that the department may not implement the waiver unless the Joint Committee on Finance meets under s. 13.10 of the statutes to review the report and approves the waiver. Lastly, the Joint Committee on Finance may modify the waiver by removing certain components. The department is required to implement the waiver as approved by the Joint Committee on Finance and the department must submit a waiver amendment to the federal government with any changes made by the committee.

I am vetoing this section because I believe these requirements will infringe on the Department of Health Services’ ability to negotiate a successful waiver with the Centers for Medicare and Medicaid Services. Further, I object to the creation of unnecessary and burdensome reporting requirements that could delay approval of the waiver, jeopardizing these reforms from being implemented.

65. Family Care Funding

Section 928r

This provision provides funding in the Joint Committee on Finance supplemental GPR appropriation and requires the Department of Health Services to work with both the Centers for Medicare and Medicaid Services as well as Family Care Managed Care Organizations to develop a payment mechanism to increase the direct care and services portion of the capitation rates paid to the managed care organizations.

The provision further requires the department to seek release of the funds under s. 13.10 upon the Centers for Medicare and Medicaid Services approval of such a payment mechanism and lastly requires the department to seek any required federal approval no later than December 31, 2017.

I support efforts aimed at increasing rates paid to direct care service providers. However, I believe the requirements of this provision to be administratively burdensome and am vetoing it in two ways. I am partially vetoing the provision to remove the date by which the department must seek federal approval for the rate methodology because I object to this burdensome timeline and believe the department should seek federal approval when it is appropriate to do so, and not at an arbitrary time.

Further, I am partially vetoing the provision to remove the requirement for the department to seek funds under s. 13.10 because I believe it is administratively burdensome. As a result, the supplement of funds to implement this provision will be made from the appropriation under s. 20.865 (4) (a) without the approval of the Joint Committee on Finance.
66.  Family Care Partnership Program

Section 9120 (4k)

This section directs the Department of Health Services to submit a waiver to the Centers for Medicare and Medicaid Services to expand the Family Care Partnership Program statewide. The department is further required to submit a plan to expand the program to the Joint Committee on Finance within 60 days of federal approval. Lastly, should the waiver request be denied by the federal government, the section requires the department to submit a report to the Joint Committee on Finance detailing the reasons why the waiver request was denied.

I am vetoing this section because a waiver request is not necessary to expand the Family Care Partnership Program and I object to the creation of this unnecessary and burdensome process. However, I support expansion of the Family Care Partnership Program and am directing the department to explore expansion opportunities throughout the state.

67.  Self-Directed Services Waiver for Postsecondary Education

Section 747w

This section requires the Department of Health Services to request a federal home and community-based services waiver to provide Medicaid coverage for services provided to individuals with developmental disabilities receiving postsecondary education on the grounds of a health care institution. If the waiver is approved, the department shall limit the coverage to 100 individuals per month and shall determine the funding for each participant based on the benefit levels for the Include, Respect, I Self-Direct (IRIS) waiver program.

I am vetoing this section because these requirements are substantially similar to current law provisions directing the department to request a waiver. The federal government has indicated the provisions are not permitted under federal regulations and law regarding Medicaid home and community-based services.

68.  Nursing Home Bed Licenses

Section 9120 (5b)

This provision requires the Department of Health Services to increase by 18 the number of licensed nursing home beds for a nursing facility that meets the following requirements: (a) has a bed capacity of no more than 30 on the effective date of the bill, (b) is in a county with a population of at least 27,000 with the population of the county seat no more than 9,200 and the home county is adjacent to a county with a population of at least 20,000 on the effective date of the bill, and (c) has requested the increase in its licensed beds through a notice to the department that includes the applicant's per diem and operating and capital rates. The provision further requires the department to approve an application from a nursing home under this provision within one month of receiving the application. The provision also requires the department to develop a policy which nursing homes may use to apply for, and receive approval of, the transfer of available and licensed nursing home beds. Lastly, the provision requires the department to report to the Joint Committee on Finance no later than July 1, 2018, with details of the developed policies.
I am vetoing this provision because there is a current law process by which nursing homes can transfer licensed beds and I object to the creation of this redundant process. I further object to the increase in the number of licensed nursing home beds which is a deviation from the department's long-standing nursing home bed moratorium and the decades-long trend toward community-based long-term care. However, I understand the issues facing the nursing home industry and direct the department to work with stakeholders to identify any alternatives available to increase a nursing home's licensed bed count.

69. Intensive Care Coordination Pilot Program

Sections 928g, 2249e and 2249g

These provisions provide one-time funding for the Department of Health Services to fund an intensive care coordination pilot project. The pilot would reimburse hospitals and health care systems for intensive care coordination services provided to Medical Assistance (MA) recipients.

The department is required to select eligible hospitals and health care systems to receive reimbursement under the program that submit a description of their programs to the department that meets the following: (a) the entity uses emergency department utilization data to identify MA recipients in order to reduce the use of the emergency department; (b) the entity identifies MA recipients who frequently visit the emergency room; (c) the entity has an intensive care coordination team; (d) the entity provides MA recipients with discharge instructions, referral information, appointment scheduling and intensive care coordination by a coordination individual to connect the MA recipient to a primary care provider; and (e) the intensive care coordination by the entity is designed to result in outcomes during the six-month or 12-month period.

The department is required to respond to the entity if additional information is required to determine eligibility and provide a description for enrolling MA recipients. The department is also required to reimburse the entity for enrollment in the program at $500 per MA recipient with an option for one additional six-month period for additional $500 reimbursement payment.

Entities that are eligible for reimbursement under this program are required to report, for each of the two years of the pilot program, to the department all of the following: (a) the number of MA recipients served by intensive care coordination; (b) for each MA recipient, the number of emergency department visits for a time period before enrollment of that recipient in intensive care coordination and the number of emergency department visits for the same recipient during the same period after enrollment in intensive care coordination; and (c) any demonstrated outcomes.

The department is required to calculate the costs saved to the MA program by avoiding emergency department visits and distribute half the amount to the hospital or health care system if the calculation is positive.

The department is required to submit a report to the Joint Committee on Finance no later than 24 months after the date on which the first hospital or health care system is able to enroll individuals.

Finally, the department is required to obtain any necessary approval from the federal Department of Health and Human Services.

Overuse of the emergency room system leads to needless expense, crowding and reduced access to those individuals in need of true emergency services. I support efforts to reduce emergency
overuse. However, I am vetoing this provision because I believe efforts to address this systemic problem should be broad-based and not aimed at one or two health care systems. Further, I believe that incentives of this nature should be tied to performance in order to best utilize taxpayer dollars and ensure the best outcomes for program participants. Lastly, Wisconsin has a strong history of managed care and a pilot of this nature reverts back to a fee-for-service and more costly payment model.

70. Clinical Consultations

Section 928h

This provision requires the Department of Health Services to provide reimbursement for clinical consultations under the Medical Assistance program. This provision defines "clinical consultation" as, for a student up to age 21, communication from a mental health professional, or qualified treatment trainee working under the supervision of a mental health professional, to another individual who is working with the client to inform, inquire and instruct regarding all of the following and to direct and coordinate clinical service components: (a) the client's symptoms, (b) strategies for effective engagement, care and intervention for the client, and (c) treatment expectations for the client across service settings. The department is required to report on utilization of these services, to the Joint Committee on Finance, by March 31, 2019. This provision is repealed effective June 30, 2019.

I am partially vetoing this provision to remove the report on utilization of services because I believe this report is administratively burdensome.

71. Emergency Physician Services and Reimbursement Workgroup

Section 9120 (5)

This provision establishes a workgroup to examine and make recommendations regarding medical services provided in hospital emergency departments to Medical Assistance recipients. The workgroup is to focus on aspects of the healthcare system involving emergency care, specifically patient care practices, medication use and prescribing practices, billing and coding administration, organization of health care delivery systems, care coordination, patient financial incentives, and any other aspects the workgroup finds appropriate.

This provision specifies the workgroup to include: (a) two physicians practicing in Wisconsin representing a statewide physician-member organization of emergency physicians; (b) two representatives of the Division of Medicaid Services, with experience in emergency physician services, codes and payment; (c) one representative who is a hospital emergency department administrator employed by a Wisconsin hospital or hospital-based health system; and (d) one coding/billing specialist from an organization with expertise in the business of emergency medicine that contracts with emergency physicians practicing in Wisconsin.

The provision requires the workgroup to meet no later than 60 days after the effective date of the bill and at least every 45 days following until a consensus of the workgroup has established a set of recommendations. The workgroup is to report its findings to the Joint Committee on Finance no later than September 1, 2018.
I am vetoing this provision because it is duplicative of current managed care and care coordination efforts in the Department of Health Services. I direct the department to continue its efforts.

72. Youth Crisis Stabilization Facility

Sections 183 [as it relates to ss. 20.435 (5) (kd) and (kp) and 20.865 (4) (g)], 377, 377b, 379j, 379k, 379p, 379r, 752b, 9120 (1b), 9420 (3l) and 9420 (4f)

These provisions create two new facilities for serving individuals with mental health needs. First, these provisions modify the Governor’s budget initiative to allow the Department of Health Services to make transfers from its program revenue appropriation that funds the general operations of the state mental health institutes by transferring $450,000 PR in fiscal year 2018-19 on a one-time basis to a new program revenue, all moneys received appropriation for the purpose of contracting for a peer-run respite center for veterans in the Milwaukee area.

Further, these provisions modify language included in the Governor’s budget to establish a youth crisis stabilization facility eliminating funding from the department and requiring the department to submit a request under s. 13.10 to the Joint Committee on Finance for release of funds allocated for youth crisis stabilization grants. The provisions require the department to submit any such request to the Joint Committee on Finance prior to the department soliciting proposals and allows the Committee to approve or modify and approve any plan submitted for review. A new sum certain appropriation is created in the department to receive any approved transfer of authority from the Committee and fund the costs of the facility.

These provisions also require the department to include in its 2019-21 budget request, a proposal to provide ongoing GPR funding for both the peer-run respite center for veterans as well as the youth crisis stabilization facility.

Finally, both the new appropriation for the peer-run respite center for veterans as well as the appropriation for the crisis stabilization facility are repealed at the end of the biennium, as is the authority to transfer any balances from the state operations for the mental health institutes appropriation for these purposes.

I believe both a youth crisis stabilization facility and a peer-run respite center for veterans are important tools for the department to support and treat individuals with complex mental health needs and potentially significant mental health crises. I object to the overly burdensome requirements laid out in the bill and believe they will impede the ability for the department to negotiate and enter into contracts for both services, thereby delaying critical treatment options for some of Wisconsin’s most vulnerable citizens. In order to give the department full flexibility in implementing these important programs, I am partially vetoing the provisions in the following ways.

First, I am partially vetoing section 183 [as it relates to s. 20.435 (5) (kd)] and vetoing section 379j to remove the appropriation for the youth crisis stabilization facility. Further, I am vetoing section 9120 (1b) to remove any requirements for the department to seek funding from the Joint Committee on Finance to implement this program. I object to this overly burdensome process and believe this type of treatment center should be implemented as soon as the department believes it is feasible to do so. I am also partially vetoing section 183 [as it relates to s. 20.865 (4) (g)] by lining out the appropriation and writing in a smaller amount that reduces the
appropriation by $1,245,500 in fiscal year 2017-18. I am also requesting the Department of Administration secretary to not allot these funds.

Next, I am partially vetoing section 183 [as it relates to s. 20.435 (5) (kp)] related to the peer-run respite center for veterans by striking the words "veterans peer-run respite" from the title of the appropriation to broaden its scope in order to fund both the peer-run respite center for veterans and a youth crisis stabilization center. I am also partially vetoing section 379p to further broaden the scope of the appropriation. However, I direct the department to expend at least $450,000 PR for a peer-run respite center for veterans and at least $1,245,500 PR for a youth crisis stabilization facility, consistent with the amounts approved for each by the Legislature.

Further, I am partially vetoing section 377 to allow sufficient funding to be transferred from the appropriation funding operations of the mental health institutes to fund the youth crisis stabilization facility and the peer-run respite center for veterans.

Lastly, I am vetoing the remaining provisions to ensure ongoing funding for both the peer-run respite center and the youth crisis stabilization facility.

I believe these changes will allow the department to implement these important mental health treatment options in the most efficient manner possible.

73. Disposition of Surplus Revenue Balance in the Mental Health Institutes Appropriation

Section 744av

This provision requires the Department of Health Services, at the close of each even-numbered fiscal year, to provide county and tribal human services agencies with the unencumbered balance in the program revenue appropriation account for the state mental health institutes. If this amount exceeds 17 percent of the expenditures from the appropriation in the even-numbered year, the department must include a spending plan for the balance in its next biennial budget request. The department is required to consult with county human services agencies in developing the proposal.

While consultation between the Department of Health Services and counties is an integral part to setting policy, I am vetoing this provision as I believe it is overly burdensome for the agency and encroaches on the executive branch's responsibility to manage state agency programs within the statutes and funding levels set by the Legislature. In addition, these consultations already occur without a statutory requirement.

74. Office of Children's Mental Health Travel Reimbursement

Section 392c

This provision requires the Department of Health Services to fund, from within its base resources in its GPR general administration appropriation, travel reimbursements for individuals with firsthand mental health experience to participate in Office of Children's Mental Health meetings.

I am vetoing this provision because the Department of Health Services has the ability to provide funding for this purpose and so the authorization in statute for the department to fund these costs is duplicative and unnecessary.
DEPARTMENT OF VETERANS AFFAIRS

75. Veterans Trust Fund and State Veterans Homes

Sections 739ag, 739qm, 9149 (1f) and 9149 (1g)

These provisions make a series of changes to the Wisconsin Department of Veterans Affairs veterans trust fund and State Veterans Homes. Under these provisions, the Department of Veterans Affairs is prohibited from making any transfer from the unencumbered program revenue balance of the Veterans Homes to the veterans trust fund unless the transfer has been approved by the Joint Committee on Finance.

The Department of Veterans Affairs is required to prepare a report that contains all of the following: (a) a description and analysis of the administrative costs supported by the veterans trust fund and veterans home revenue; (b) proposes any changes to the department's programs, administrative structure or position level and salaries to increase efficiency or lower administrative costs; and (c) proposes two long-term plans to maintain solvency of the veterans trust fund, one of which allows for transfers from the homes and one of which uses no such transfers.

Further, these sections require the department to submit proposed changes to VA 6 of the Administrative Code to include a formula for calculating private pay rates for nursing home and assisted living care at Veterans Homes and to clearly define rate-setting terms. Further, the department is required to submit a report to the Joint Legislative Audit Committee and the Joint Committee on Finance by January 1, 2018, on the cash balance in the Veterans Home program revenue appropriation it believes is appropriate to maintain, and its efforts to develop, and routinely update, a detailed plan for the management and proposed use of the cash balance.

Finally, under these sections the department is required to submit a report to the Joint Legislative Audit Committee and the Joint Committee on Finance by January 1, 2018, on its efforts to (a) establish a systematic process for comprehensively identifying and assessing the capital-related project needs for the State Veterans Homes, and (b) the use of this information to complete a ten-year facilities plan for the Veterans Homes and to help develop its required six-year facilities plans in the future.

I am vetoing these provisions because I object to the creation of a series of additional mandated reports which are administratively burdensome and redirects valuable staff time away from care for veterans. Further, I believe these requirements encroach on the executive branch's responsibility to manage state agency programs within the statutes and funding levels set by the Legislature.
E. TAX, LOCAL GOVERNMENT AND ECONOMIC DEVELOPMENT

BUDGET MANAGEMENT

76. General Fund Structural Balance

Section 140k

This section prohibits general fund net appropriations from exceeding general fund revenues in the second year of the fiscal biennium for every future Governor's budget bill submitted to the Legislature.

I am vetoing this section for several important reasons.

First, I am vetoing this section because I object to the unnecessary constraint that this provision places upon the Governor's budget recommendations. Prudent budgeting can, and has been, undertaken without this constraint. This unnecessary limitation would prohibit the Governor from recommending the return of excess funds at the beginning of the second year of a fiscal biennium to the people of Wisconsin through reduced taxes, increases in state aid or enhanced state programs.

Second, I am vetoing this section because it is poorly placed in the budget process and, consequently, can be expected to create unnecessary uncertainty for the funding of state programs. It is poorly placed because the Governor's budget recommendations are made prior to the final general fund revenue estimates used for budget passage that the Legislative Fiscal Bureau typically makes in May of each odd-numbered year. As a result, this section may generate unneeded angst regarding the funding of a wide variety of state aids and programs despite an expected excess balance in the state's general fund.

Third, I am vetoing this section because it establishes a standard contradictory to legislative action. This requirement would submit the Governor's budget to a constraint that the Legislature has explicitly excluded itself from in recent budgets, including this 2017-19 budget act.

Finally, I am vetoing this section because it forces the Executive Budget Bill to be incomplete, in that it cannot be fully tailored to address the state's fiscal circumstances. By prohibiting all Governors, both current and future, from having the current level of budget flexibility in making gubernatorial budget recommendations, it gives the Legislature an incomplete outline, direction and vision to move the state forward in the best manner possible just as the Legislature begins its budget deliberations.
GENERAL FUND TAXES

77. Refundable Business Tax Credit Claims

Sections 1036h, 1036Lm, 1037bc, 1037bd, 1037be, 1037d, 1037e, 1037f, 1037g, 1037h, 1037i [as it relates to s. 71.07 (3wm) (c) and (d)], 1037i, 1037u, 1037v, 1037w, 1038g, 1038h, 1085ba, 1085bb, 1085bc, 1085bd, 1085be, 1085d, 1085e, 1085f, 1085g, 1085h, 1085i [as it relates to 71.28 (3wm) (c) and (d)], 1086b, 1086d, 1086e, 1086f, 1086g, 1086h, 1110ba, 1110bb, 1110bc, 1110bd, 1110be, 1110d, 1110e, 1110f, 1110g, 1110h, 1111b, 1111d, 1111e, 1111f, 1111g, 1111h, 1769v, 1779L, 1783q and 9150 (3t)

These provisions require that claims for credits awarded by the Wisconsin Economic Development Corporation must be filed with and paid by the corporation from the tax credit appropriations using policies and procedures developed by the corporation's board. In addition, these provisions require that credits earned by pass-through entities be claimed by the business entity itself rather than the individual owners of the business. Finally, these provisions specify that the corporation may recover such credits that have been revoked or that are otherwise invalid from either the pass-through entity or the entity's individual owners.

I am vetoing these provisions because I object to transferring these responsibilities from the Department of Revenue to the Wisconsin Economic Development Corporation, which may result in a diminution of internal controls that safeguard against incorrect payments. I appreciate the desire for efficiency by consolidating functions with the corporation, but the department has a well-established system to prevent incorrect payments of these credits that would be unnecessarily jeopardized by transferring these functions to the corporation.

78. Limit on Enterprise Zones

Sections 1783L and 1783o

These provisions eliminate the current law limit that the Wisconsin Economic Development Corporation may not designate more than 30 zones under the Enterprise Zone Jobs Tax Credit program. Instead, the provisions specify that the corporation may not verify businesses as eligible to claim enterprise zone credits of more than $80,600,000 biennially, beginning with the 2017-19 biennium. The corporation would be permitted to exceed the biennial limit if such an action is approved by the Joint Committee on Finance subject to a 14-day passive review process.

I am vetoing these provisions because I object to fully removing the 30-zone limitation on the corporation while also imposing limitations on credit payments that could result in uncertainty for recipients regarding when their credits, which are subject to existing contracts specifying timetables for payment, may be claimed. The biennial limitation on verifications may result in situations where key Wisconsin companies would face significant delays between when their qualifying activity takes place and when they may claim the credits for those activities. This would weaken the attractiveness of the enterprise zone program for businesses, potentially harming the ability of the state to attract and retain businesses.
79. Historic Rehabilitation Credit

Section 1775g

This section creates a limitation on the historic rehabilitation tax credit that limits the amount of credits the Wisconsin Economic Development Corporation may certify to no more than $5 million on the same parcel. This limitation would first take effect with certifications beginning on July 1, 2018.

I am partially vetoing this because I object to continuing this program with almost no limitation on the amount that can be awarded each fiscal year. The $5 million per parcel limitation does little to curtail the fiscal effects of this program, which has swelled to cause an annual tax revenue loss exceeding $60 million, making it one of this state’s most expensive economic development incentives. My budget proposal included a recommendation to limit program awards to $10 million annually and institute competitive awards of those credits to emphasize job creation potential, among other considerations, in order to balance the state’s fiscal exposure with the needs of local communities. I am using the digit veto to reduce the per parcel cap from $5,000,000 to $500,000. Reducing the per parcel cap to $500,000 per parcel leaves unchanged the incentives for many of the projects in smaller communities across Wisconsin while reducing the state’s fiscal exposure on larger projects. I am maintaining the July 1, 2018, effective date for this new cap to allow projects currently under consideration time to incorporate the limitation into their plans.

Roughly half of states have per project caps and a third of those state have per project caps at or lower than $500,000. Of the awards approved since 2014, just under half have been for $500,000 or less.

Further, while I support the reasonable changes made through this veto, the Legislature could pursue separate legislation that more closely mirrors my original budget recommendations to more thoroughly reform this program, addressing both the state’s fiscal exposure and program objectives in a comprehensive manner.

The fiscal effect of this veto is estimated to be an increase in general fund tax revenue of $1,220,700 in fiscal year 2018-19, $12,062,900 in fiscal year 2019-20 and $33,173,000 in fiscal year 2020-21. Savings would grow to $46,241,200 in fiscal year 2021-22 and $47,390,000 annually beginning in fiscal year 2022-23.

80. Working Families Tax Credit

Section 1041e

This section repeals the Working Families Tax Credit beginning with the 2017 tax year.

I am vetoing this section because I object to entirely eliminating the Working Families Tax Credit instead of addressing the narrower issue of ensuring that credits may only be claimed by full-time Wisconsin residents, which I proposed in the Executive Budget for the 2017-19 biennium. The fiscal effect of vetoing this provision will be a loss of $200,000 in general fund tax revenue in each year of the biennium.
81. Private Label Credit Card Bad Debt Deduction

Section 2265

This section delays the effective date for 2013 Wisconsin Act 229, which pertains to allowing sales tax return adjustments for bad debts on private label credit cards, until July 1, 2018, instead of the September 1, 2019, recommended in the Executive Budget.

I am exercising the digit veto in this section to delay the effective date to July 1, 2078, because I object to incurring a large fiscal effect in this biennium. The effect of this veto will be to achieve the same result as my original budget recommendations. These funds may be better spent on broad-based relief such as with a sales tax holiday that was included in my original budget recommendations as opposed to a provision that will benefit only select financial institutions. Partially vetoing this provision will increase sales and use tax collections by $10,436,000 in fiscal year 2018-19.

82. Sales Tax Exemption for Broadcast Equipment

Sections 1187d, 1187e, 1187f and 9438 (2i)

These provisions create a sales and use tax exemption for broadcast transmitters, satellite dishes and communications towers if the equipment is used primarily for transmitting or receiving commercial radio or television material. This sales tax exemption would first be effective on July 1, 2019, and would cause an annual general fund revenue loss of $928,000. These provisions also exempt a vehicle if it is used exclusively in the origination of radio or television programs. In addition, these provisions create an exemption for leased space on a communications tower if the space is used exclusively for transmitting or receiving commercial radio or television program material. For the purposes of this exemption, "program material" is defined to mean material generally available to the public free of charge.

I am vetoing these provisions because I object to providing a sales and use tax exemption that does not have any clear tax equity or economic purpose. It is unclear if any meaningful activity would be incentivized by this exemption. Further, there is no compelling tax equity issue being addressed by this sales and use tax exemption. This may be better reviewed as separate legislation. Vetoing this provision will increase annual revenue collections by $928,000 beginning in fiscal year 2019-20.

83. Alternative Minimum Tax Repeal Technical Correction

Section 1052e.

This section sunsets the state alternative minimum tax with taxable years beginning after December 31, 2016. Separately in the bill, nonstatutory language specifies that the effective date for the repeal is for taxable years beginning after December 31, 2018.

I am partially vetoing this section to remove the "2016" reference in the applicable taxable years, which is inconsistent with the general effective dates of this provision and the Legislature's stated intent. The intent of this provision is to sunset the state alternative minimum tax with taxable years beginning after December 31, 2018. This corrective partial veto will leave the only sunset date as the nonstatutory language setting the initial applicability of the repeal as December 31, 2018.
LOCAL GOVERNMENT

84. Duties of the Milwaukee County Comptroller

Section 981e

This section specifies that the duties and responsibilities of the Milwaukee County Comptroller include administering accounts payable, payroll, accounting and financial information systems, in addition to those duties and responsibilities specified under current law.

I am vetoing this section because I object to how the increased specification of duties for the Milwaukee County Comptroller in state law will diminish how the county may best structure its administrative responsibilities.

85. County Board Approval for Sale or Lease of Land Owned by Milwaukee County

Sections 980s, 980se, 981h, 981m [as it relates to land transactions in Milwaukee County], 982f and 9331 (71)

These sections specify that, with regard to the sale or lease of property owned by Milwaukee County, the Milwaukee County Executive’s action must be consistent with established county board policy and must be approved by the county board to take effect. In addition, these sections provide that the county board may only approve or reject a contract for the sale or lease of county property as negotiated by the Milwaukee County Executive. These sections also delete current law provisions that permit the Milwaukee County Executive, together with either the Milwaukee County Comptroller or an appointed real estate executive, to form a majority to lease, sell or convey any nonpark county property regardless of board policy and without board approval. These changes apply to a land transaction for which a contract has been entered into after September 1, 2018.

I am vetoing these sections [as these sections relate to land transactions in Milwaukee County] because these changes would hinder recent progress made to provide the Milwaukee County Executive with effective and efficient means to conduct the county’s business transactions.

86. Conduit Revenue Bonds

Sections 8s, 177s, 179e, 179s, 585h, 984g, 984gh, 984gc, 984gd, 984ge, 984gf, 984gg, 984gh, 984gi, 984gj, 984gk, 984gl, 984gm, 984gn, 984go, 984gp, 984gq, 984gqf, 984gr, 984gs, 984gt, 984gu, 984gv, 984gw, 984gx, 984gy, 984h, 984hb, 984hc, 984hd, 984he, 984hf, and 984hg

This provision modifies current law as it relates to the Public Finance Authority and its ability to issue bonds in an assortment of ways, including empowering the authority to create one or more business units to carry out, or assist the authority in carrying out, all or part of the purposes or powers of the authority. In addition, the provision modifies the requirements for local approval of financing by the authority; broadens the authority’s ability to own or operate property; and extends the existing personal liability law exemptions to officers, employees and agents of the authority and related business units.
I am vetoing this provision because this is nonfiscal policy that should be vetted as separate legislation.

87. Ordinances Conflicting with Statutory Provisions

Section 982t

This provision prohibits cities, villages, towns or counties from enacting ordinances which either directly conflict with statute or when the intent of the ordinance appears to conflict with statute, either in its intent or its spirit.

I am vetoing this provision because I object to inserting a broad provision which may violate home rule under the Wisconsin Constitution for cities and villages. The statutes already provide the ability to regulate matters of statewide concern that could affect political subdivisions.

DEPARTMENT OF TRANSPORTATION

88. Transfer of State Car-Killed Deer Removal Program

Sections 362n, 578ym and 1222m

This provision would transfer, from the Department of Natural Resources to the Department of Transportation, the administration of the car-killed deer removal program that is currently funded on a one-time basis in the 2015-17 biennium by the forestry account of the conservation fund. It would further require that the Department of Transportation's expenses for contracting with vendors or local governments to remove car-killed deer shall be funded from the department's departmental management and operations, state funds appropriation under s. 20.395 (4) (aq) and specify that the removal of car-killed deer is not a routine highway maintenance activity.

I am partially vetoing this provision in several ways because I object to the appropriation under which the Department of Transportation is to fund its costs pertaining to the removal of car-killed deer and I object to the restrictions placed on the department's flexibility to address the removal of car-killed deer.

I am vetoing the requirement to fund the removal of car-killed deer from the department's departmental management and operations, state funds appropriation under s. 20.395 (4) (aq) because this requirement would take funding away from other priorities for the department's operating expenses given that no additional funding was provided to the department for car-killed deer removal.

I am vetoing the prohibition that specifies that the removal of car-killed deer is not a routine highway maintenance activity because this prohibition conflicts with current law. Through its routine maintenance agreements for county-performed maintenance on state highways, the department already has the authority under s. 84.07 (1) to perform, "all routine measures deemed necessary to provide adequate traffic service" including the removal of car-killed deer.

I am also vetoing the requirement that the department must contract for the removal and disposal of deer killed by vehicles to provide the department with greater flexibility in administering these duties.
This provision placed an unfunded mandate on the Department of Transportation. Under my partial vetoes, however, removal of deer carcasses could be funded under the Department of Transportation’s routine maintenance appropriation if a need arises.

Under my partial vetoes, the earlier intent to sunset the Department of Natural Resources program for car killed deer at the end of fiscal year 2016-17 will be maintained.

89. Volkswagen Settlement

Section 111

This provision allocates funding for state vehicle replacement and the creation of a statewide local transit capital assistance program using Wisconsin’s share of a settlement with Volkswagen related to the company’s fraudulent vehicle emissions practices.

I am partially vetoing this provision to eliminate the $10,000,000 cap on Volkswagen settlement funds that may be used for state fleet vehicle replacement because I object to limiting the funds for state vehicle replacement to an amount below the state’s potential replacement needs. As a result of my partial veto, Volkswagen settlement funds sufficient for the replacement of all eligible state vehicles will be available for this purpose. This partial veto will not, however, impact the total $32,000,000 in funding set aside for a statewide local transit capital assistance program because the state can fully fund this amount by allocating a portion of the final third of Wisconsin’s share of settlement funding that it will gain access to in the 2019-21 biennium.

90. Tolling Implementation Study

Sections 183 [as it relates to s. 20.395 (4) (aq)] and 9145 (6b)

This provision provides the Department of Transportation with $2,500,000 SEG in fiscal year 2017-18 to enter into a contract not to exceed that amount for a tolling implementation study. The study is to include an analysis to support the completion of a federal tolling application process; a tolling concepts of operations plan that outlines the policies, procedures and operations needed to govern roadway tolling; a traffic and revenue analysis including the revenue needed to support toll revenue-supported debt; and an evaluation, or reevaluation of federal environmental requirements, including needed documentation.

I am vetoing this provision to eliminate the requirement for the department to enter into a contract for a tolling study. This provision is unnecessary as the Department of Transportation may further study tolling under its own administrative authority at its discretion.

I am directing the Department of Transportation to continue to monitor and evaluate federal actions and directives that would impact Wisconsin’s highway funding and review the need to further study tolling.

To make the $2,500,000 SEG that was provided for this study more immediately available, I am lining out the amount under s. 20.395 (4) (aq) for fiscal year 2017-18 and writing in a smaller amount that excludes this funding. In doing so, I am vetoing the part of the bill that funds this provision. I am also requesting the Department of Administration secretary not to allot these funds. This action will increase the transportation fund’s ending balance for the biennium by $2,500,000.
91. Aeronautics Local Government Zoning

Section 1460m

This section specifies that no county, city, village or town airport or spaceport protection ordinance may prohibit the use of a physical barrier in lieu of compliance with a 48-hour drainage requirement for a storm retention pond that is located in a residential subdivision underlain by natural clay soil.

I am vetoing this section because it creates a safety hazard by increasing the risk of wildlife strikes to airplanes. The purpose of the 48-hour drainage requirement rather than a physical barrier is to prevent standing water from attracting wildlife that may pose a hazard to aircraft operations. This is a recommended practice under federal and state guidelines. I am also vetoing this section because it may conflict federal wildlife hazard management plans required by the Federal Aviation Administration administrator.

92. State Highway Rehabilitation – State Highway 154 (Sauk County)

Section 9145 (10c)

This section requires the Department of Transportation to complete state highway rehabilitation work on STH 154 in the 2017-19 biennium in Sauk County, from the Richland/Sauk County line to the village of Loganville.

I am vetoing this section because it interferes with the department’s ability to prioritize rehabilitation work. Moreover, since the department has this work programmed for fiscal year 2019-20, this project could already be advanced into the 2017-19 biennium should funding become available.

93. Enumerate I-94 between USH 12 and STH 65 (St. Croix County)

Section 1212m

This section enumerates the 7.5-mile segment of I-94 between USH 12 and 130th Street near STH 65 in St. Croix County in the statutes as a major highway development project.

I am vetoing this section because I object to efforts to sidestep the current prioritization of major highway projects. In addition, the enumeration of this project at this time may create expectations that work may be undertaken on this project earlier than is likely to occur. As a result of my veto, the Department of Transportation will be able to consider this project in the context of all other projects which are under consideration – thereby allowing a comprehensive statewide approach to be applied.

94. State Highway Construction – "Replace-In-Kind" Alternative Requirement

Sections 1221m and 9345 (4t)

These sections require the Department of Transportation to study, consider and provide a cost estimate for a "replace-in-kind" alternative when developing state highway construction projects plans. These sections define "replace-in-kind" alternatives as plans that would not include bicycle lanes, added lanes of travel or significant design modifications that would include any of
the following: (a) geometric or safety modifications, (b) changes to highway alignment, or (c) changes to access points. These sections would first apply to a highway improvement project commenced on the effective date of the bill.

I am vetoing these sections because placing these requirements in statute is both unnecessary and potentially costly. The provisions are unnecessary because the Department of Transportation has already adopted a "replace-in-kind" approach as a standard strategy to limit the scope and cost of construction projects. This provision is also potentially costly because the placement of this requirement in statute may force the development of plans that will be known from the start as imprudent if clear safety or congestion needs unquestionably merit something beyond a "replace-in-kind" project plan.

95. Initial Applicability of the Repeal of Prevailing Wage Law

Section 9452 (2w)

This section establishes when the bill's repeal of the state's prevailing wage law goes into effect. This section specifies, for a project of public works that is subject to bidding, the prevailing wage repeal first applies to a project for which the request for bids is issued on or after September 1, 2018. In addition, this section specifies that for a project of public works that is not subject to bidding, the prevailing wage repeal first applies to a contract that is entered into on or after September 1, 2018.

I am vetoing this section because I object to making the taxpayers of Wisconsin wait for nearly a year before they can begin to benefit from the cost savings to be created by the repeal of the state's prevailing wage laws. As a result of my veto, the delay of the repeal to September 1, 2018, will be deleted, so that the repeal of the state's prevailing wage law will, instead, be effective with the effective date of the 2017-19 budget bill as a whole—and consequently, the effective date will be the day after publication of this budget act rather than nearly a year from now.

96. Transportation Projects Commission Temporary Changes

Sections 8bi, 8c, 8d, 8e, 8f, 8g, 8h, 8i, 8j, 8k, 8l, 8m, 8n, 183 [as it relates to s. 20.395 (4) (ab) and s. 20.865 (4) (a), 362m, 507d, 1216bg, 1216bi, 1757m, 9145 (1f), 9145 (2f) and 9445 (1f)]

These provisions make numerous changes to the Transportation Projects Commission and the Department of Transportation's duties pertaining to the commission. These changes include modifying the membership of the Transportation Projects Commission, providing staff and funding for the commission, specifying duties and the authority of the commission, requiring the Department of Transportation to provide specific information to the Transportation Projects Commission, requiring the commission to produce certain reports, and requiring an independent engineering firm to prepare a report reviewing the department's construction standards and project prioritization. These provisions also create a new biennial appropriation with $150,000 GPR in fiscal year 2017-18 to fund the initial costs for the Transportation Projects Commission and include an additional $550,000 GPR in fiscal year 2017-18 in the Joint Committee on Finance's supplemental appropriation to fund costs associated with staff for the commission. Certain duties and the statutory specification of the membership of the commission, under these provisions, sunset after June 30, 2021. The commission is initially provided 3.0 FTE GPR.
positions and may request an additional 4.0 FTE GPR positions through the Joint Committee on Finance.

I am fully vetoing these provisions as they pertain to the Transportation Projects Commission and the positions for the commission because I object to the creation of the duplicative functions and duties that these provisions create. I am also vetoing these provisions to eliminate wasteful and unnecessary spending.

I am retaining, however, the requirement that the department contract with an independent engineering firm to prepare a report reviewing the department’s construction standards and project prioritization. I am partially vetoing the section that specifies the scope and due date of the independent engineering report, however, to eliminate the requirement that the department undertake the engineering study in consultation with the commission. I am making this partial veto because it is unnecessary to specify that the department must consult with the commission especially once the unneeded staffing for the commission is eliminated.

Under my veto, both the appropriation for $150,000 GPR for the Transportation Projects Commission and the initial 3.0 FTE GPR positions are eliminated. In addition, I am writing down the GPR supplemental appropriation for the Joint Committee on Finance by $550,000 in fiscal year 2017-18 by lining out the amount under s. 20.865 (4) (a) for that fiscal year and writing in a smaller amount to eliminate the funding set aside for additional Transportation Projects Commission staffing costs. I am also requesting the Department of Administration secretary to not allot these funds. I am further vetoing the provision allowing the commission to request up to an additional 4.0 FTE GPR positions under a 14-day passive review request to the Joint Committee on Finance. I am, however, directing the department to create an Office of Inspector General.

The sections pertaining to the Transportation Projects Commission include numerous problems and duplications. The staff provided to the commission would duplicate the duties of existing department positions. Permanent year-round positions for the commission are also wasteful because the activity of the commission is cyclical. The broad authority that these provisions give to the commission staff to access any record of the department means personal information from driver licenses, driver medical records and law enforcement investigations is available to the commission — thus jeopardizing the state’s compliance with confidentiality laws. Changing the membership of the commission whereby the secretary of the Department of Transportation is potentially not a member creates a potential gap in program prioritization and the flow of information. Requiring commission staff to produce reports which are redundant with Department of Transportation duties is unnecessary. Sunsetting provisions pertaining to the commission’s membership and duties after June 30, 2021, creates unnecessary disruption to highway programming activities and oversight.

97. Transfer of Segregated Funds

Sections 359p and 9145 (4w)

These provisions require the Department of Transportation to study and report on the effects of consolidating SEG in the surface transportation program and replacing these funds with FED from the state highway program. This report is required to be submitted to the Joint Committee on Finance no later than May 1, 2018. These provisions further permit the department to submit a s. 13.10 request to the Joint Committee on Finance that would accomplish such transfers and would require such requests to include an estimate of the potential savings or costs to local
governments. In addition, these provisions create a SEG continuing appropriation under which funds could be transferred to implement any actions by the Committee.

I am partially vetoing these provisions because I object to the limitations created in this budget on the allocation of segregated funds among highway projects. The limitations placed on the amounts provided for the southeast Wisconsin freeway megaprojects and the major highway projects, in particular, will inhibit the department's ability to allocate funds in the most advantageous manner especially in light of the I-94 north-south corridor project funding provided for in separate legislation.

As a result of my partial vetoes of these sections, the department will be able to make dollar-for-dollar reallocations among all state and local road and highway projects – including the southeast Wisconsin freeway megaprojects. My veto will ensure that the state can maximize the use of federal matching dollars and begin to implement state efforts to reduce local government's costs immediately. While no overall increase in spending will be permitted by my partial vetoes, critical reallocations, especially to advance the southeast Wisconsin freeway megaprojects will be enabled. None of these reallocations, however, will hinder my earlier commitment to keep all major projects on schedule to the highest degree possible within the overall funding provided under the budget bill.

I am also partially vetoing the Joint Committee of Finance review of reallocations under this provision because such review may impede the speed of the department's efforts to bring projects to completion. I am further partially vetoing the requirement that the department provide a report on the consolidation of funds to the Committee by May 1, 2018, because the study of such consolidation should remain as an ongoing function. My partial vetoes retain, however, the requirement for the department to study the effects of consolidating state moneys in the surface transportation program as our efforts to examine means to reduce local government costs must continue.

98. Railroad Corporation Condemnation Authority

Sections 585i and 585k

These sections require that prior to a railroad corporation acquiring any property through condemnation that exceeds 100 feet in width, the Legislature must enact a law that states a legislative finding that the railroad corporation's acquisition serves the public interest, and that authorizes the acquisition of the property or property interest.

I am vetoing these sections because it is possible that this limitation may be deemed an unreasonable interference with railroad transportation, which is prohibited by federal law. In addition, I am vetoing these sections because the requirement that the Legislature must enact a law prior to the acquisition of property through condemnation may cause excessive delays in railroad projects necessary for economic growth in the state.
A. CALL TO ORDER  
Meeting called to order by Mayor Merkes at 6:17 p.m.

B. PLEDGE OF ALLEGIANCE  
The Pledge of Allegiance was recited.

C. ROLL CALL/EXCUSED ABSENCES  
EXCUSED: Aldermen Grade and Benner  
ALSO PRESENT: Mayor Merkes, CA Captain, PC Styka, FC Kloehn, CDD Buck, ASD Jacobs, PRD Tungate, PHD McKenney, DPW Radomski, Clerk Galeazzi.

D. PUBLIC HEARING  
None

E. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THE CITY  
(five (5) minute time limit for each person)  
No one spoke.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS  
1. Clerk Galeazzi - the following minutes and communications have been received and placed on file:  
   Minutes to receive:
   a. Administration Committee, 9/5/2017  
   b. Board of Public Works, 9/5/2017  
   c. Committee on Aging, 8//2017  
   Communications:  
   d. Sidewalk Project at Main & Tayco Memorandum, 9/12/2017, CA Captain  
   e. Wisconsin Department of Natural Resources—Asbestos Compliance Inspection Contract  
Moved by Ald. Sevenich seconded by Ald. Collier to receive Minutes and Communications a-e.  
Ald. Taylor requested to separate Minutes b (Board of Public Works).  
General discussion ensued on Comm. d.  
Motion to approve Minutes and Communications a,c,d,e carried on voice vote.  
Motion to approve Minutes b (Board of Public Works) carried on roll call 5-1. Ald. Collier voted no.

G. CONSENT AGENDA  
(Prior to voting on the Consent Agenda, items on the Consent Agenda may be removed at the request of any Alderman and placed immediately following action on the Consent Agenda. The procedures to follow for the Consent Agenda are: (a) removal of items from Consent Agenda; and (b) motion to approve the items from Consent Agenda.)  
Minutes to approve:  
1. Common Council, 9/5/2017  
   Administration Committee, 9/5/2017, Recommends the Approval of:  
2. Paint and Restore Grant Program and associated Guidelines, as amended.  
   Board of Public Works, 9/5/2017, Recommends the Approval of:  
3. Payment – Mechanical Technologies, Inc.; Contract Unit 2017-05; Memorial Building Boiler Replacement; $25,500.00 (Payment No. 1)
4. Payment – MCC, Inc.; Contract Unit 2017-02; New Street Construction, Reconstruction and Rehabilitation – Various Streets; $96,216.97 (Payment No. 3)

NMFR Joint Finance & Personnel Committee, 8/22/2017, Recommends the Approval of:

5. NMFR’s 2018 Cost Distribution Formula with the City of Neenah’s weighted share at 59.56% and the City of Menasha’s weighted share at 40.44%.

6. Hietpas Welding, Inc. for the steel decking upgrades at a cost not to exceed $22,764.00 and approve the building materials list to enclose the 2nd floor of the training tower for a cost not to exceed $3,535.00 with construction to be completed by NMFR staff members for a grand total of $26,300. $17,500 of this project would be funded through the Neenah Police Department’s approved 2017 CIP budget and the remaining $8,800 would be funded through NMFR’s approved CIP budget.

Ald. Sevenich requested to remove item 1, Ald. Krueger requested to remove item 2, and Ald. Taylor requested to remove item 6 from Consent Agenda.

Moved by Ald. Sevenich seconded by Ald. Krueger to approve Consent Agenda items 3-5. Motion carried on roll call

H. ITEMS REMOVED FROM THE CONSENT AGENDA


General discussion ensued on how discussion and votes are recorded in the minutes. Motion carried on roll call 6-0.


General discussion ensued on some recommended amendments to the program. Moved by Ald. Krueger seconded by Ald. Taylor to postpone until next meeting. Motion carried on voice vote.

3. Moved by Ald. Sevenich seconded by Ald. Krueger to approve Consent Agenda item 6, Hietpas Welding, Inc. for the steel decking upgrades at a cost not to exceed $22,764.00 and approve the building materials list to enclose the 2nd floor of the training tower for a cost not to exceed $3,535.00 with construction to be completed by NMFR staff members for a grand total of $26,300. $17,500 of this project would be funded through the Neenah Police Department’s approved 2017 CIP budget and the remaining $8,800 would be funded through NMFR’s approved CIP budget.

General discussion ensued on improvements to the building, opening building for other fire and police departments to use for training, cost and staffing issues if we use Fox Valley Tech College facilities. Motion carried on roll call 6-0.

I. ACTION ITEMS

a. Accounts payable and payroll for the term of 9/7/2017—9/14/2017 in the amount of $648,704.84.

Move by Ald. Krueger seconded by Ald. Collier to approve accounts payable and payroll. Motion carried on roll call 6-0.

b. Beverage Operators License Applications for the 2017-2019 licensing period.

Moved by Ald. Krueger seconded by Ald. Collier to approve beverage operator’s license applications for the 2017-2019 licensing period as listed in memo dated 9/13/17. Motion carried on roll call 6-0.
Moved by Ald. Krueger seconded by Ald. Collier to approve the formation of the Ad-hoc Protocol Committee.
General discussion ensued on who should make up the committee.
Moved by Ald. Sevenich seconded by Ald. Krueger that the Ad-hoc Protocol Committee members be the Council President, 2 Aldermen, the Mayor, and the City Attorney as a non-voting member. Motion carried on roll call 6-0.

Ald. Sevenich nominated Ald. Taylor and Zelinski to be the 2 Aldermen members of the Ad-hoc Protocol Committee.
Hearing no other nominations, the Clerk was directed to cast a unanimous ballot for Ald. Taylor and Zelinski as members of the Ad-hoc Protocol Committee.

d. Special Assessment for Province Terrace
Moved by Ald. Krueger seconded by Ald. Zelinski to accept the Special Assessment for Province Terrace.
DPW Radomski explained the project is complete, final payments made, and the special assessment amount is final.
Motion carried on roll call 6-0.

J. HELD OVER BUSINESS
None

K. ORDINANCES AND RESOLUTIONS
None

L. APPOINTMENTS
Moved by Ald. Sevenich seconded by Ald. Zelinski to approve Council reappointment of Roy Kordus to the Menasha Water and Light Commission for the term of 10/1/2017-10/1/2022. Motion carried on voice vote.

Moved by Ald. Nichols seconded by Ald. Collier to approve Mayoral reappointment of Richard Sturm to the Parks and Recreation Board for the term of 10/1/2017-10/1/2020.
General discussion ensued on Mr. Sturm’s experience and length of time on the board. Motion carried on roll call 5-1. Ald. Taylor voted no.

c. Mayoral Appointment of ASD John Jacobs to the Fox Cities Room Tax Commission for the term of 9/18/2017—5/31/2018
Moved by Ald. Sevenich seconded by Ald. Taylor to approve Mayoral appointment of ASD John Jacobs to the Fox Cited Room Tax Commission for the term of 9/18/2017-5/31/2018. Motion carried on voice vote.

M. CLAIMS AGAINST THE CITY
None

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA
(five (5) minute time limit for each person)
No one spoke.
O. ADJOURNMENT
   Moved by Ald. Krueger seconded by Ald. Collier to adjourn at 7:11 p.m.
   Motion carried on voice vote.

Deborah A. Galeazzi, WCMC
City Clerk
MEMORANDUM

Date: September 14, 2017

To: Administration Committee
From: Pamela A. Captain, City Attorney

Re: Pollution Legal Liability Insurance

A few years ago Cities and Villages Mutual Insurance Company (CVMIC) members expressed an interest in pricing pollution liability insurance coverage. CVMIC staff worked on putting together an offering for such add-on coverage. Various carriers were approached and provided an opportunity to present coverage options and pricing. A "mock" pricing for 2017 was arranged to give CVMIC members an idea about the cost of this coverage. Attached you will find a coverage summary and estimate of the premiums for pollution liability insurance.

The question presented is whether the City of Menasha desires to purchase this type of coverage. This is a group purchase meaning that a minimum number of CVMIC members must opt to take the coverage or it will not be offered. Thus, even if the City of Menasha decides to participate, if the overall number of CVMIC members choosing to participate is not sufficient the coverage will not be available.

Action is required only if the City of Menasha desires to add this coverage to its insurance repertoire.
Cities & Villages Mutual Insurance Co

Premium Summary

Named Insured: Cities and Villages Mutual Insurance Company
Coverage: Pollution Legal Liability
Carrier: Illinois Union Insurance Company
Policy Period: 1/1/2017 to 1/1/2018

The following is a general summary of the Insuring Agreement. Refer to actual policy form for complete terms and conditions.

<table>
<thead>
<tr>
<th>COVERAGE</th>
<th>FORM TYPE</th>
<th>RETROACTIVE DATE</th>
<th>PENDING &amp; PRIOR DATE</th>
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<tr>
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<td>Claims Made</td>
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Limits:

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<tr>
<td>Option 1</td>
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<tr>
<td>Pollution Conditions or Indoor Environmental Condition Coverage</td>
<td>$1,000,000</td>
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<tr>
<td>Business Interruption</td>
<td>$1,000,000</td>
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<tr>
<td>Non-Owned Disposal Site – Per Condition</td>
<td>$1,000,000</td>
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<tr>
<td>Transportation – Per Condition</td>
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<tr>
<td>Aggregate</td>
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<tr>
<td>Option 2</td>
<td></td>
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<tr>
<td>Pollution Conditions or Indoor Environmental Condition Coverage</td>
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<td>Business Interruption</td>
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<tr>
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<td>Transportation – Per Condition</td>
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<td>Aggregate</td>
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Self-Insured Retention:

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<th>DESCRIPTION</th>
<th>AMOUNT</th>
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<tbody>
<tr>
<td>Per Condition; except</td>
<td>$50,000</td>
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<tr>
<td>Pollution Condition or Indoor Environmental Condition - Waste Water Treatment Plants, Water Treatment Facilities, Airports, Incinerators, Hazardous Waste Facilities, or Landfills owned or leased by the insured.</td>
<td>$100,000</td>
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<tr>
<td>Indoor Environmental Condition – Residential Housing</td>
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<tr>
<td>Business Interruption – waiting period</td>
<td>10 days</td>
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</table>
Program Details (Cont.)

Policy Form:

**DESCRIPTION**

Premises Pollution Liability Insurance Policy #PF-44887 (09/14)

Endorsements include, but are not limited to:

**DESCRIPTION**

Per Covered Locations Schedule PF-44913

Additional Insureds Schedule (Broad - With By Contract) PF-44890

Asbestos and/or LBP Coverage (inadvertent Disturbance) PF-44895a

Auto Acquisition Due Diligence (Fungi-No Lease Due Diligence) PF-44899 - Acquisition rates to be determined

Business Interruption Loss Coverage Limitations PF44905

Covered Locations Schedule PF-44913

Owned or Operated Landfills – covered if scheduled

Named Insured Schedule PF32460 - all participating cities, towns or entities

Non-Owned Disposal Site means:

1. Any treatment, storage, transfer, disposal or recycling site or facility located within the United States of America that has not at any time been owned or operated, in whole or in part, by any "insured", which receives, or has historically received, a "named insured's" waste for disposal; provided that such treatment, storage, transfer, disposal or recycling site or facility:
   a. Was properly permitted and licensed pursuant to "environmental law" to accept the "named insured's" waste at the time of such disposal by the Federal, state, commonwealth, municipal or other local government agencies or bodies with applicable jurisdiction;
   b. Was not owned or operated by any person, corporation or unincorporated association that was in bankruptcy at the time the "named insured's" waste was received for disposal; and
   c. Has not, prior to the time the "named insured's" waste was received for disposal, been identified on the United States EPA (CERCLA) National Priorities List or pursuant to any functional equivalent of that list made by Federal, state, commonwealth, municipal or other local government agency or body with applicable jurisdiction pursuant to "environmental law", or

2. Any treatment, storage, transfer, disposal or recycling site or facility specifically identified on a Schedule of Non-Owned Disposal Sites Endorsement attached to this Policy, if any.

Notice of Cancellation Amend (90 Days) PF-44957

Public Entity Coverage Amendatory PF44971a

Products Pollution Coverage (Public Entity) PF46062

a. "Product Pollution" means a "pollution condition" resulting from the use of reclaimed or recycled water that has been sold or distributed by a "named insured" (hereinafter Product), provided that:
   1. The use occurs after the "named insured" has relinquished possession of such Product; and
   2. The Product was processed within a wastewater treatment plant situated at a "covered location".

Terrorism Risk Insurance Act Endorsement PF-23728a (01/15) – if accepted

Disclosure Pursuant To Terrorism Risk Insurance Act TRIA11c (01/15) – if accepted

Exclusions include, but are not limited to:

**DESCRIPTION**

Specific Pollution Conditions or Indoor Environmental Conditions Exclusionary PF-44991

a. Applies to lead at any location used as a gun range or school.

b. PCB's in caulking at any school location.
Program Details (Cont.)
Exclusions include, but are not limited to:

**DESCRIPTION**
Policyholder Disclosure Notice of Terrorism Insurance Coverage TRIA24 (01/15) – if declined

Other Significant Terms and Conditions/Restrictions:

**DESCRIPTION**
CHUBB INCIDENT ALERTSM is a complimentary program developed to assist Chubb Environmental clients find and dispatch qualified incident response contractors, monitor cleanup costs (in real time) and mitigate potential liabilities associated with environmental releases. CHUBB INCIDENT ALERTSM is a 24/7 incident response and reporting program via phone, web or mobile device.

Premium Includes TRIA Premium of $4,310.50 (Option 1) and $4,513.59 (Option 2)

Binding Requirements:

**DESCRIPTION**
1. Completed, signed and dated Chubb Environmental Application – CVMIC Only
2. Completed, signed and dated copy of the attached TRIA disclosure form.
3. Written confirmation from the broker of the Named Insured’s “Home State” as defined in the Nonadmitted and Reinsurance Reform Act (NRRA).
4. Completion of an Engineering Review, including an Engineering phone survey – determining viability
5. Fungi/ Legionella Plan and Asbestos/Lead-Based Paint Plan to be created by ACE Environmental Risk/ESIS for AWC RMSA – determining viability
6. Two years of audited financials.
7. 3 years of currently valued General Liability and Property Loss Runs.

Subject to Signed TRIA Form

---

**Option 1 ($1M / $10M) Premium** $87,884.39
WI Surplus Lines Tax (3%) $2,936.53

**OPTION 1 -ESTIMATED PROGRAM COST** $90,820.92
TRIA/TRIPRA PREMIUM (Including Surcharges, Taxes and Fees as applicable) INCLUDED

**Option 2 ($2M / $10M) Premium** $92,024.57
WI Surplus Lines Tax (3%) $2,760.74

**OPTION 2 -ESTIMATED PROGRAM COST** $94,785.31
TRIA/TRIPRA PREMIUM (+ Additional Surcharges, Taxes and Fees as applicable) INCLUDED

**MINIMUM EARNED PREMIUM** Fully Earned

---

Amherst Gallagher & Co. Insurance Brokers of CA, Inc.
Program Details (Cont.)

Claims Made Coverage:
Should you elect to change carriers (if a new retroactive date is provided) or non-renew this policy, a supplemental extended reporting endorsement may be available subject to policy terms and conditions. You must request the extended reporting period in writing to the carrier within ([Days To Extend]) days of the expiration date. The cost of this extended reporting period is [Percent Cost]% of the annual premium and is fully earned. The extended reporting period extends only to those claims made during the extended reporting period for wrongful acts that occurred prior to the expiration date and would have been covered by the policy. Claims must be reported to the carrier within ([Days To Report]) days of the end of the policy period. The extended reporting period does not increase the limits of liability and is subject to all policy terms, conditions and exclusions.
Cities & Villages Mutual Insurance Co

Program Details (Cont.)

as of 10/10/2016

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<th>Allocation by Member</th>
<th>Total TIV</th>
<th>Premium including TRIA + Plus Taxes</th>
<th>Premium including TRIA + Plus Taxes</th>
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<td>City of Waupun</td>
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Cities & Villages Mutual Insurance Co

Program Details (Cont.)

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<th></th>
<th>Premium</th>
<th>Expense</th>
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<td>UW Baraboo Sauk County Campus</td>
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<td>Waupun Utilities</td>
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<tr>
<td><strong>GRAND TOTAL</strong></td>
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<td>$90,520.92</td>
<td>$94,785.31</td>
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Program Details (Cont.)

What does Environmental Liability Cover?

Designed to cover claims arising from pollution releases at, on, or emanating from a specific scheduled location, including:

- Bodily Injury
- Property Damage
- 3rd Party Property Damage
- Business Interruption
- Clean-up & Remediation
- Defense Costs

Property policies exclude or may provide a small sub-limit however only for resultant damage by a covered cause of loss. Liability policies either exclude coverage entirely or limits to specified perils such as hostile fire.

Municipality Potential Exposures

- Fungi/Mold/Legionella
- Herbicide, pesticide, fertilizes, road salt contamination
- Improper processes at landfills, recycling centers, wastewater treatment plants, etc.
- Midnight dumping or illegal disposal or wastes, household goods, used oil, batteries, etc.
- Non-Owned Disposal Sites
- Noise or Light Pollution
- Overturn of vehicles
- Soil/Groundwater Contamination

Claim Examples:

☐ California State failed to maintained integrity of a hazardous waste facility. State was found liable for the subsequent escape of chemicals from the ponds to the surrounding soils & groundwater creating a polluting event. Total cost was not disclosed.

☐ Class Action Suit against San Francisco for nuisance of noise pollution. Total judgment against City for $381,500 & City spent $600,000 defending - $981,500.

☐ City’s insufficient sewer system left the area’s beaches & rivers exposed to sewage pollution. Judgment against city for improper maintenance of several storm sewers - $1.2 Million.

☐ Raw Sewage spilled into residential area taking up to 6 weeks for clean-up, defense & investigations - $362,000.
Certificate of Payment

Date: September 13, 2017
Payment Request: 4 (Four)

Contractor: MCC, Inc.
Address: 2600 N. Roemer Road, Appleton, WI 54912

Contract Unit No.: 2017-02
Project Description: New Street Construction, Reconstruction, Rehabilitation – Various Locations

Original Contract Amount $ 652,472.49

Change Order No.: ____________________ Amount: $ ____________________

Previous Change Order(s): $ ____________________

Total Contract Amount (including Change Orders) $ 652,472.49
Total Earned to Date (Summary Attached) $ 353,909.36
Less Retainage (2.5% of Original Contract) $ 16,311.81
Amount Due $ 337,597.55

Previous Payments $ 240,016.11
Amount Due this Payment $ 97,581.44

Estimate Period from August 31, 2017 to September 13, 2017

I certify that all bills for labor, equipment, materials and services are paid for which previous certificates for payment were issued.

Date: ____________________ By: ____________________

Lien Waivers from all subcontractors and suppliers shall accompany each Request for Payment. Affidavit of Compliance with Prevailing Wage Rates shall accompany Request for Final Payment.

Recommended for Payment

Josh Radomski, Director of Public Works: ____________________ Date: ____________________

Common Council Approval Date: ____________________

Finance Department

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<th>Account Number</th>
<th>Budget</th>
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<tr>
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S:\PUBLICWORKS\PUBLICWORKS\Contracts\Forms\Certificate of Payment.docx
# Itemized Bid Tab

**City of Menasha Contract Unit No. 2017-02**

**Unit 2017-02 New Street Construction (Curb & Gutter) - Silver Birch Estates Subdivision Streets**

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>DESCRIPTION</th>
<th>BASE BID</th>
<th>UNIT PRICE</th>
<th>ITEM TOTAL</th>
<th>QUANTITY</th>
<th>YTD TOTAL</th>
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</thead>
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<td>1</td>
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<tr>
<td>2</td>
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<td>$146.86</td>
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<tr>
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<td>$3,586.01</td>
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**Total Unit 2017-02 Silver Birch Estates Subdivision Streets**

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**Unit 2017-02 Reconstruction (Pulverize & Resurface) and Rehabilitation (Mill & Overlay) - Various Streets**

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<th>Quantity</th>
<th>DESCRIPTION</th>
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<td>$3,586.01</td>
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**Total Unit 2017-02 Reconstruction (Pulverize & Resurface) and Rehabilitation (Mill & Overlay) - Various Streets**

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<th>BASE BID</th>
<th>UNIT PRICE</th>
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**Grand Total Unit 2017-02 New Street Construction (Curb & Gutter, Asphalt Pavement) - Silver Birch Estates Subdivision Streets and Reconstruction (Pulverize & Resurface) and Rehabilitation (Mill & Overlay) - Various Streets**

<table>
<thead>
<tr>
<th>BASE BID</th>
<th>UNIT PRICE</th>
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<th>TOTAL</th>
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<td>$652,472.49</td>
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To: Members of the Board of Public Works

From: Tim Styka, Chief of Police

Date: September 7, 2017

RE: Building Addition – Subcontractor Bid Acceptance

BACKGROUND

The approved 2017 Budget / CIP included a building addition at the Public Safety Building to create an evidence processing/storage area. We have continued to work with Keller, Inc. over the past few months to finalize the project details and complete a public bid process for the project.

ANALYSIS

In working with Keller, Inc. the project ended up getting bid out twice. The first time we did not receive bids in a few of the subsections listed. In addition, the project costs were outside the funds budgeted for the project. As a result, we rejected all of the bids and directed Keller Inc., to rebid the project. During the second bid process, the bids were within range of the scope of the project.

I have attached a copy of an email from Michael Queoff from Keller Inc. explaining his recommendation to accept the bids from the subcontractors listed. I have also attached a spreadsheet listing the recommended and alternate bids. The project costs are listed at $231,224, which is less than the $240,000 budgeted for the construction of the project. I should note that earthworks portion of the project was rejected as it was decided that Public Works Staff could complete the work in one day.

FISCAL IMPACT

The initial fiscal impact for the project, based upon the bids, is $231,224. As discussed this is within budget for the project.

RECOMMENDATION

It is recommended to approve the subcontractor bids provided by Keller, Inc. for the addition at the Police Department, in the amount of $231,224.
Tim Styka

From: Queoff, Michael (Keller Inc.) <mqueoff@kellerbuilds.com>
Sent: Wednesday, September 06, 2017 4:04 PM
To: Tim Styka
Subject: Police Station addition

Tim,

Per Phase 3 of our Design/Construction Management Proposal, Keller is recommending the city approve the contract amount of $231,224.15 for the construction of the evidence room addition.

Here is a list if the recommended contractor we will hire upon acceptance from the city:

1. Cardinal Construction
2. Pahlow Masonry
4. Commercial Interiors
5. Acoustic Professional
6. Crafts Roofing
7. Best Mechanical
8. JT Schmidt
9. Enterprise Electric

Keller will bond the entire project and all sub-contracts will be written by Keller to the sub-contractor, making Keller at Risk for the entire project with exception of the earthwork bid unit, which will be completed by the City of Menasha.

Regards,

Michael Queoff
Construction Management Services Manager / Co-Owner

KELLER, INC.
Planners | Architects | Builders
With offices in the Fox Cities, Madison, Milwaukee and Wausau

Mobile (262) 707-4214 | Direct (920) 759-3380 | Office (920) 766-5795
MEMORANDUM

TO: Neenah-Menasha Fire Rescue Joint Fire & Personnel Committee

FROM: Pamela A. Captain and James Godlewski

SUBJECT: NMFR Merger Agreement Updates

DATE: Monday, September 18, 2017

The purpose of this memo is to outline the proposed updates to The Neenah-Menasha Fire Rescue Merger Agreement, executed on December 31, 2002. The Supplementary Agreement to Neenah-Menasha Fire Rescue Merger Agreement is presented in an attempt to provide needed updates to the original merger agreement. It is structured as an add-on document. Only the provisions proposed for changes are included in the supplementary agreement. Please note the bolded sections are the sections that have been updated and are bolded only for ease of reference.

There are four (4) proposed changes, which are noted below.

1. In Section 3.02(A): the language change is to identify what is currently done; City of Neenah’s financial procedures apply. The more practical change is that the dollar amount increases from $5,000 to $10,000 to stay consistent with the City of Neenah’s policy.

2. In Section 4.01: language is added to reflect that the cities must consider each other’s ability to invoke the levy limit exemption. There were no statutory levy limits in existence when the initial agreement was executed.

3. Also in Section 4.01: language has been added to address what will happen in the event that the Mayors in our cities cannot agree on a final budget. The NMFR Joint Fire and Personnel Committee will consider the disputed amounts/items and make a recommendation to the councils.

4. Section 4.02(A) has been updated to reflect the current formula being used over the last few years to determine the cost distribution. The factors change from five to four, removing square footage of all buildings as a factor since the City of Menasha does not have this information readily available to it.
SUPPLEMENTARY AGREEMENT TO
NEENAH–MENASHA FIRE RESCUE MERGER AGREEMENT

This Supplementary Agreement to the Neenah-Menasha Fire Rescue Merger Agreement is made as of this 31st day of August, 2017 between the City of Neenah (hereinafter “Neenah”), a Wisconsin municipal corporation located in Winnebago County, Wisconsin, and the City of Menasha (hereinafter “Menasha”), a Wisconsin municipal corporation located in Winnebago and Calumet Counties, Wisconsin (collectively, Neenah and Menasha referred to hereinafter as the “Cities”).

WITNESSETH:

WHEREAS, the Cities, pursuant to Secs. 62.13 and 66.0301, Wis. Stats., entered into an intergovernmental agreement that merged their respective fire departments as the Neenah Menasha Fire Rescue (“NMFR”) effective January 1, 2003 (the “Merger Agreement”); and

WHEREAS, the merged department has provided efficient and effective emergency services to the Cities; and

WHEREAS, the Merger Agreement provided for various operational procedures that inhibit the efficient administrative operation of the NMFR; and,

WHEREAS, the Cities wish to enter into this Supplemental Agreement to address changes to operational procedures;

NOW THEREFORE, in consideration of the above recitals, which are contractual, and the mutual promises, covenants, undertakings, and other consideration contained herein, the Cities agree to the following terms and conditions

1. **MERGER AGREEMENT.** The Cities reaffirm the Merger Agreement and intend to modify it by the specific items listed in this Supplemental Agreement. Items not mentioned or referenced remain unchanged. Section numbers reserved do not imply any change to or repeal of the corresponding section in the Merger Agreement.

2. **[RESERVED]**
3. **JOINT DEPARTMENT ADMINISTRATION.**

3.01. [Reserved.]

3.02. **NMFR Operational Oversight.** Section 3.02(A) of the Merger Agreement relating to the jurisdiction of the Neenah Menasha Fire Rescue Joint Finance & Personnel Committee is replaced with the following paragraph:

(A) **Power & Authority.** The oversight of the day-to-day operations & budgetary matters of the Neenah Menasha Fire Rescue shall be conducted by the Joint Fire Finance & Personnel Committee. The Joint Fire Finance & Personnel Committee shall review budgetary issues, labor contracts, position vacancies, proposed new positions, capital outlay items and expenses **consistent with financial procedures in place for Neenah departments (currently $10,000 or more)** and make recommendations to the Common Councils of the Cities of Neenah and Menasha. The recommendations of the Joint Finance & Personnel Committee shall be acted upon separately by the common councils of both Neenah and Menasha and shall be effective only upon the concurrence of both councils.

4. **BUDGET, FUNDING.**

4.01. **Budget Dispute Resolution.** Regarding the development of the joint department annual budget, the Cities agree that the final adopted joint budget shall not exceed the maximum increase permitted for either City to invoke the levy limit exemption permitted for joint fire departments under Wis. Stat. 66.0602(3)(h).

(A) In the event that the Cities’ Mayors cannot agree on a final budget, the discussion will be brought back to the NMFR Joint Finance and Personnel Committee to develop a recommendation which will then be given to each of the City Councils.

4.02. **Cost Distribution Formula.** Commencing with the 2018 budget, Neenah and Menasha shall prepare a joint budget for the Neenah Menasha Fire Rescue using the following formula (replacing §4.01(A) of the Merger Agreement):

(A) The joint finance and personnel committee shall re-evaluate the cost distribution formula based on the following four factors: population; equalized value (with tax increment finance property values and State of Wisconsin owned property subject to a payment for municipal services included); annual fire/rescue service calls; and square miles. Such review shall occur on or before September 1 of each year and shall be based on figures for each factor as of the prior December 31st. Each factor shall be given equal weight in determining the formula.

In witness whereof, this agreement was signed on the date above written.
CITY OF MENASHA

By: ____________________________
    Donald J. Merkes, Mayor

ATTEST:

______________________________
Debbie Galliazi, City Clerk

Approved as to form:

______________________________
Pamela Captain, City Attorney

CITY OF NEENAH

By: ____________________________
    Dean R. Kaufert, Mayor

ATTEST:

______________________________
Patricia A. Sturn, City Clerk

Approved as to form:

______________________________
James G. Godlewski, City Attorney
City of Menasha Disbursements

Weekly Accounts Payable
9/21/17-9/28/17 $ 815,976.77
Checks # 58863-58978 $ (233.94)
Void Check #58803

Bi-Weekly Payroll
9/28/17 $ 183,953.65

Additional Regular Cycle Accounts Payables -Paid Electronically

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<th>Amount</th>
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$ 110,613.42

Total $ 1,110,309.90

Items included on this list have been properly audited and certified by the City Comptroller and are being presented for approval by the Common Council.

Jennifer Sassman  
Finance Manager  
Date 9-28-17

Notes:
- Medical Expense Reimbursement Trust-Retirement Pay Out
- United Way-Employee Donations
- Wisconsin Support Collections-Child/Spousal Support
- WI SCTF-Child Support Annual Fee
- Gaps in check numbers indicate that more invoices being paid than fit on one check stub
(The last check stub used is the check number that will appear on the check register)
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### AP Check Register

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**Page 5**

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592,804.52
To: Menasha Common Council

From: Jenny Groeschel Police Records

RE: Beverage Operator License (Bartender) Applicants

Date: September 28, 2017

The below individuals have applied for a bartender license to serve, dispense and/or sell alcohol at a licensed establishment within the City. They have all met the criteria under the “Guidelines for Operator Licenses” approved by the Common Council. Therefore, staff is recommending the following people be APPROVED for an Operator’s License for the 2017-2019 licensing period:

Patrick Buck
Bryce Davisson
Alicia Kolbe
Melissa Murray
Gina Rasmussen
Michael Sztuczko
Jacquelyn Viehman

The following individual has applied for a bartender license to serve, dispense and/or sell alcohol at a licensed establishment in the City. They have not met the criteria under the “Guidelines for Operator Licenses” approved by the Common Council. Therefore, staff is recommending the following person be DENIED an Operator’s License:

Derek Jones

cc: chief via email
September 15, 2017

Derek Jones
1743 Johnston Dr.
Manitowoc, WI 54220

Re: City of Menasha Alcohol Operators License Application

Dear Mr. Derek Jones,

In conducting a background investigation on your Alcohol Operator’s License application, I have determined that you have a drug related misdemeanor (2011 conviction for possession/delivery dismissed but read in) (not noted in your application) and felony convictions (2007 Deliver THC, possess with intent to deliver cocaine) related to possession and distribution of THC and/or cocaine. These offenses are substantially related to the license for which you have applied for. Under City of Menasha Policy Guidelines for Alcohol Operator Licenses, you do not meet the guidelines as described in Guideline 1 that indicates “any person who has been convicted of any FELONY unless duly pardoned, does not qualify for an operator’s license.”

Engaging in bartending involves the purchase and sale of a closely regulated substance, alcohol. Individuals granted an Operator’s License must act in cooperation with law enforcement to enforce the alcohol beverage laws, drunken driving laws.

The Police Department is recommending to the Common Council that they deny your application for an Alcohol Operator’s License within the City of Menasha. The recommendation will be given to the Common Council at their next meeting on October 2, 2017 at 6:00 p.m., or shortly thereafter. Should you wish to provide comment to the Common Council on your application, you may do so during the public participation portion of the meeting.

Sincerely,

Lt. Mark Mauthe
Investigative Services
Menasha Police Department
CITY OF MENASHA
ALCOHOL OPERATORS LICENSE APPLICATION

Establishment of Employment: Shopko
TEMPORARY ___ PROVISIONAL ___ REGULAR ___ RENEWAL ___

Name: Jones Derek Jonathan
Last First Middle

Address: 1743 Johnston Drive Madison WI 54220
Street City State/Zip Code

Phone: __________________________


Birth Date: ______ Age: ______ Birthplace: ______

Scars, Marks, Tattoos: __________________________
Drivers License No: __________________________ State of Issue: __________________________
Expiration Date: __________________________

NOTE: A license may be denied if applicant fails to provide accurate information or if the information is incomplete! Please read this section carefully.

Please explain all yes answers completely on the back of this form!
Do you currently have any criminal charges pending against you? NO
Have you ever been convicted of a felony? YES
Have you ever been convicted of a misdemeanor? YES
Have you ever been convicted of operating a motor vehicle while under the influence of an intoxicant or drug? NO
Have you ever been convicted of any law, statute, or ordinance pertaining to the use or sale of alcohol (including drinking alcohol underage)? NO
Have you ever been convicted of any law, statute, or ordinance pertaining to the possession, use, or sale of illegal drugs? YES
Have you ever been convicted of a criminal traffic offense? NO

I UNDERSTAND THAT THE APPLICATION FEE WILL NOT BE RETURNED IF LICENSE IS DENIED.

SIGNATURE: Derek Jones __________________________ Date: 9/14/17

Approve: __________________________ Denied: __________________________ Expiration Date: __________________________
Chief of Police: __________________________ Date: 9/15/17

Comments: __________________________

REVOKED FOR VIOLATION: __________________________
Please answer all yes questions from the front of this form completely! Include correct charges, date of offense, and sentence. Failure to include all information or inaccurate information may result in the denial of your application!

**Manitowoc County Case #: 2007CF000061  02-08-2007**
- Deliver THC, a class H felony  Guilty Plea
- Possess w/intent - Cocaine (25-15g) class E felony  Guilty Plea
- Possess THC with intent to deliver while armed  Charge Dismissed turned in
- Keeper of Drug House while armed  Charge Dismissed last read

**Outagamie County Case #: 2004CM001165  05-24-2004**
- Disorderly Conduct Misd 3  Guilty/No Contest

[Signature]
CITY OF MENASHA POLICY GUIDELINES FOR OPERATOR LICENSES

1. **Intent:** It is the responsibility of the Menasha Police Chief to screen applications for operators' licenses (bartender licenses) for the City of Menasha. The following guidelines are adopted in order to specify the reasons for denying, non-reviewing or revoking an operator's license and outlines the steps and considerations given, for any denials that are appealed to the Menasha Common Council.

All applications for operators' license applications are submitted to the Menasha Police Department for a background check. The Menasha Police Chief makes the decision on licensing by either accepting or rejecting the application.

Due to the discretionary nature of the alcohol beverage licensing process, it is not possible to state every circumstance that may result in approval of a license application and what circumstances will result in approval of a license application. However, it is possible to enumerate what will be considered in the decision-making and what circumstances are more likely to result in the denial of a license application.

Individuals granted an operator's license must act in cooperation with law enforcement to enforce the alcohol beverage laws, drunk driving laws, and assist with minimizing disturbances of the peace and maintain the safety of the community. Therefore, individuals with a past history of negative or uncooperative contacts with police agencies will be scrutinized.

It is with these goals in mind that these guidelines are adopted. Furthermore, to the extent that Wis. Statutes Ch. 125 or Menasha City Ordinances provide additional grounds for denial, suspension, revocation or non-renewal, the Police Chief may also rely on such provisions.

In the event an individual with an operator's license is considered for non-renewal, suspension or revocation, all offenses will be considered, the circumstances of which are substantially related to the license regardless of whether some of the offenses occurred prior to the adoption of these guidelines.

Upon request, a copy of these guidelines shall be provided to each person who applies for a license.

**Guidelines:** What is meant by *substantially related*? The law does not specifically define this term although there are many court decisions on the topic. The Wisconsin Supreme Court has stated that the purpose of the test is to assess whether the tendencies and inclinations to behave a certain way in a particular context are likely to reappear later in a related context, based on the traits revealed. The "*substantially related*" test looks at the circumstances of an offense, where it happened, when, what, etc. compared to the circumstances of the licensed activity.
Where does the licensed activity typically occur, when and what is involved in performing the licensed activity, etc.

Examples of "substantially related" in the context of an operator's license: There is a substantial relationship between the illegal purchase, use and sale of controlled substances and engaging in bartending, which involves the purchase and sale of a closely regulated substance. The same is true for offenses involving alcohol, e.g. drunk driving, selling to underage, possession and/or consuming as an underage, committing law violations while under the influence of alcohol or drugs, etc.

- **Guideline 1.** Provided the offense is substantially related to the circumstances of the license activity, circumstances of the offense substantially relate to the circumstances of the job or licensed activity, **any person who has been convicted of any FELONY, unless duly pardoned, does not qualify for an operator's license.** Sec. 125.04(5)(b), Wis. Stats. (To the extent the other guidelines reference a specific offense; this guideline shall apply if the offense constitutes a **felony**.)

- **Guideline 2.** Provided the circumstances of the offense substantially relate to the circumstances of the job or licensed activity, **offense is substantially related to the circumstances of the licensed activity,** any person who has been convicted of or has a current charge pending, for two (2) or more offenses within the last five (5) years or for two (2) or more offenses, arising out of separate incidents, within the last five (5) years in the following subcategories, **does not qualify for an operator's license:**
  
  o Violent crimes against the person of another, including but not limited to battery, criminal disorderly conduct, sexual assault, injury by negligent use of a vehicle, intimidation of a victim or witness.
  
  o Crimes involving cooperation (or lack thereof) with law enforcement officials, including but not limited to, resisting or obstructing a police officer, bribery of public officers/employees, eluding police, bail jumping, hit and run, perjury, or acts/threats of terrorism.
  
  o Manufacturing, distributing, delivering a controlled substance or a controlled substance analog; maintaining a drug trafficking place; possessing with intent to manufacture, distribute, or deliver a controlled substance or a controlled substance analog. Sec. 111.335(1)(c), Wis. Stats.

- **Guideline 3.** Provided the circumstances of the offense substantially relate to the circumstances of the job or licensed activity, **offense is substantially related to circumstances of the license activity,** any person who has been convicted of or has a current charge pending, for two (2) or more offenses, arising out of separate incidents, within the last three (3) years in the following subcategories, **does not qualify for an operator's license:**
  
  o Disorderly conduct, criminal damage to property, solicitation of prostitution or other prostitutions-related offenses, wherein the offense involves an incident at a place that is, or should have been licensed under Wis. Stat. Ch. 125.
  
  o Alcohol beverage offenses (under Wis. Stat. Ch. 125 or Menasha City Ordinances).
- Possessing a controlled substance, controlled substance analog without a valid prescription, or possessing drug paraphernalia.
- Operating a motor vehicle while under the influence of intoxicants or drugs.
- Operating a motor vehicle with a prohibited alcohol concentration (PAC) in excess of .08% by weight.
- Open intoxicants in a public places or in a motor vehicle.

What is a **habitual law offender**? The term “habitual” refers to multiple convictions or pending charges and could include an offender with two (2) offenses occurring within a relatively short period of time. The term “offender” refers to a person with civil violations such as ordinance convictions and/or misdemeanor convictions (or pending charges), which substantially relate to the licensing activity. A legal opinion rendered by the League of Wisconsin Municipalities states that a person with two drunk driving convictions within the last couple years would be considered a habitual offender under the alcohol beverage licensing laws. *Intoxicating Liquors #890 (1991)*. Some examples include:

  - Two (2) or more offenses, each with a separate incident, within the immediately preceding one (1) year.
  - Three (3) or more offenses, each a separate incident, within the immediately preceding five (5) years.
  - Six (6) or more offenses, each a separate incident, within the preceding ten (10) years.

- **Guideline 4.** Applicants must truthfully and completely fill out applications:
  - If an applicant provides false information on an application, that application shall be denied and the applicant shall not be eligible to reapply for an operator license for a period of one (1) year from the date of denial of such application.
  - If the Police Chief determines that information was intentionally omitted from an application, the application shall be denied and the applicant shall not be eligible to reapply for an operator license for a period of one (1) year from the date of the denial of such application.
  - If the Police Chief determines that information was OMITTED from an application due to inadvertence, mistake or excusable neglect, the Chief may allow the applicant to submit a corrected application and recommend granting of the license, if the applicant is otherwise qualified.

- **Guideline 5.** Recommending approval of an operator’s license application for an applicant who would otherwise be denied under these policy guidelines:
  - The Common Council may approve an operator’s license application if the application would otherwise be denied under this policy if the applicant presents substantial, credible evidence of rehabilitation. Such evidence includes letters of recommendation from Alcohol and Other Drug (“AODA”) counselors, probation agents or other relevant service providers, other professional counselors, certificates and/or letters confirming satisfactory completion of an AODA or other relevant counseling program. Any such letters shall be on the letterhead of the agency offering the recommendation in order for the letter to be considered credible evidence of rehabilitation. Any evidence must be in the form of
documents submitted to the Common Council and may not be statements of the applicant at the time of the hearing.
  o The reason for any recommendation of approval of an operator’s license application under this paragraph must be clearly stated in the record.

• **Guideline 6.** If the Police Chief recommends denial of an operator’s license application, the reasons for the denial must be clearly stated on the record and shall be consistent with the criteria outlines above.
MEMORANDUM

DATE: September 28, 2017

TO: Common Council

FROM: Debbie Galeazzi, Clerk

SUBJECT: Mario Nunez, d/b/a Crazy Donkey
14 Tayco Street, Menasha

An application for a Class "B" Fermented Malt Beverage and Class C Wine for the 2017-2018 liquor licensing year has been submitted by Mario Nunez, d/b/a Crazy Donkey for the premises at 14 Tayco Street, Menasha.

In accordance with Section 7-2-8 of the City Code, the Police Department completed a background check and has no objections. Fire Department and Health Department have inspected the property and have no objections. I am waiting for the final inspection report from the Building Inspectors. I will report their findings at the meeting.
Submit to municipal clerk.

For the license period beginning:

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TO THE GOVERNING BODY of the:

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<tbody>
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<td>Menasha</td>
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1. The named [ ] INDIVIDUAL [ ] PARTNERSHIP [ ] LIMITED LIABILITY COMPANY [ ] CORPORATION/NONPROFIT ORGANIZATION hereby makes application for the alcohol beverage license (s) checked above.

2. Name (individuals give first name, middle name, if any, and last name; corporations/limited liability companies give registered name):

An "Auxiliary Questionnaire," Form AT-103, must be completed and attached to this application by each individual applicant, by each member of a partnership, and by each officer, director and agent of a corporation or nonprofit organization, and by each member/manager and agent of a limited liability company. List the name, title, and place of residence of each person.

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<tr>
<td>President/Member</td>
<td>Luigi</td>
<td>Mario Núñez</td>
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<td>Directors/Managers</td>
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3. Trade Name [ ] Crazy Donkey [ ] Business Phone Number (608) 489-5822

4. Address of Premises: 14 Tayco St. Menasha, WI

5. Is individual or partners or agent of corporation/limited liability company subject to completion of the responsible beverage server training course for this license period? [ ] Yes [ ] No

6. Is the applicant an employee or agent of, or acting on behalf of anyone except the named applicant? [ ] Yes [ ] No

7. Does any other alcohol beverage retail license or wholesale permit have any interest in or control of this business? [ ] Yes [ ] No

8. (a) Corporate/limited liability company applicants only: Insert state and date of registration. [ ] Yes [ ] No

(b) Is applicant a corporation or limited liability company a subsidiary of any other corporation or limited liability company? [ ] Yes [ ] No

(c) Does the corporation or any officer, director, stockholder or agent of any other corporation or limited liability company or any member/manager or agent hold any interest in any other alcohol beverage license or permit in Wisconsin? [ ] Yes [ ] No

(NOTE: All applicants explain fully on reverse side of this form every yes answer in sections 5, 6, 7 and 8 above.)

9. Premises description: Describe building or buildings where alcohol beverages are to be sold and stored. The applicant must include all rooms including living quarters, if used, for the service, storage, and/or sale of alcohol beverages and records. (Alcohol beverages may be sold and stored only on the premises described.)

10. Legal description (omit if street address is given above): 14 Tayco St Menasha

11. (a) Was this premises licensed for the sale of liquor or beer during the past license year? [ ] Yes [ ] No

(b) If yes, under what name was license issued?

12. Does the applicant understand they must file a Special Occupational Tax return (TTB form 5630.5) before beginning business? [ ] Yes [ ] No

13. Does the applicant understand they must hold a Wisconsin Seller's Permit? (Phone: 1-800-937-8864) [ ] Yes [ ] No

14. Does the applicant understand that they must purchase alcohol beverages only from Wisconsin wholesalers, distributors, and/or brewpubs? [ ] Yes [ ] No

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the signers. Signers agree to operate this business according to law and that the rights and responsibilities conferred by the licenses. If granted, will not be assigned to another. (Individual applicants and each member of a partnership applicant must sign; corporate officers, members/managers of Limited Liability Companies must sign.) Any lack of access to any portion of a licensed premise during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

SUBSCRIBED AND SWORN TO BEFORE ME this 14th day of September, 2017.

My commission expires 8/17/2020

TO BE COMPLETED BY CLERK

<table>
<thead>
<tr>
<th>Date received / filed with municipal clerk</th>
<th>Date reported to council/boards</th>
<th>Date/period of issuance</th>
<th>Signature of Clerk / Deputy Clerk</th>
</tr>
</thead>
<tbody>
<tr>
<td>9/14</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Wisconsin Department of Revenue
AUXILIARY QUESTIONNAIRE
ALCOHOL BEVERAGE LICENSE APPLICATION

Submit to municipal clerk.

<table>
<thead>
<tr>
<th>Individual's Full Name (please print)</th>
<th>First Name</th>
<th>Middle Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nunez</td>
<td>Mario</td>
<td>Alberto</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Home Address (street/routes)</th>
<th>Post Office</th>
<th>City</th>
<th>State</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>14 Tayco St. A</td>
<td>54952</td>
<td>Menasha</td>
<td>WI</td>
<td>54952</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Home Phone Number</th>
<th>Age</th>
<th>Date of Birth</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The above named individual provides the following information as a person who is (check one):

☒ Applying for an alcohol beverage license as an individual.
☐ A member of a partnership which is making application for an alcohol beverage license.

☐ (Officer/Director/Member/Manager/Agent) of
☐ (Name of Corporation, Limited Liability Company or Nonprofit Organization)

which is making application for an alcohol beverage license.

The above named individual provides the following information to the licensing authority:

1. How long have you continuously resided in Wisconsin prior to this date? 2007

2. Have you ever been convicted of any offenses (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ☐ Yes ☒ No

If yes, give law or ordinance violated, trial court, trial date and penalty imposed, and/or date, description and status of charges pending. (If more room is needed, continue on reverse side of this form.)

3. Are charges for any offenses presently pending against you (other than traffic unrelated to alcohol beverages) for violation of any federal laws, any Wisconsin laws, any laws of any other states or ordinances of any county or municipality? ☐ Yes ☒ No

If yes, describe status of charges pending.

4. Do you hold, are you making application for or are you an officer, director or agent of a corporation/nonprofit organization or member/manager/agent of a limited liability company holding or applying for any other alcohol beverage license or permit? ☐ Yes ☒ No

If yes, identify.

(Name, Location and Type of License/Permit)

5. Do you hold and/or are you an officer, director, stockholder, agent or employee of any person or corporation or member/manager/agent of a limited liability company holding or applying for a wholesale beer permit, brewery/winery permit or wholesale liquor, manufacturer or rectifier permit in the State of Wisconsin? ☐ Yes ☒ No

If yes, identify.

(Name of Wholesale Licensee or Permittee) (Address By City and County)

6. Named individual must list in chronological order last two employers.

<table>
<thead>
<tr>
<th>Employer's Name</th>
<th>Employer's Address</th>
<th>Employed From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>Self Employee</td>
<td>14 Tayco St.</td>
<td>2015</td>
<td>Present</td>
</tr>
<tr>
<td>Self Employee</td>
<td>14 Tayco St.</td>
<td>2014</td>
<td>2015</td>
</tr>
</tbody>
</table>

The undersigned, being first duly sworn on oath, deposes and says that he/she is the person named in the foregoing application; that the applicant has read and made a complete answer to each question, and that the answers in each instance are true and correct. The undersigned further understands that any license issued contrary to Chapter 125 of the Wisconsin Statutes shall be void, and under penalty of state law, the applicant may be prosecuted for submitting false statements and affidavits in connection with this application.

Subscribed and sworn to before me this 20th day of September, 2017

[Signature]

My commission expires 01/17/2020

Walter E. Flacks

Wisconsin Department of Revenue
MEMORANDUM

Date: October 2, 2017
To: Common Council
From: Community Development Department/DB

RE: Paint and Restore Program and Associated Guidelines Draft

As part of the 2017 budget, the City of Menasha Common Council allocated $22,500 for city-wide housing improvement and residential property maintenance projects. In response to this allocation, the Community Development Department developed the attached draft Paint and Restore Program guidelines. This program was drafted as an incentive for residents to improve the appearance and quality of their property and promote reinvestment in Menasha’s housing stock thereby improving our neighborhoods as a whole.

It is important to note that the program is not meant to be a “cure-all” for proper maintenance issues. Rather, it aims to improve neighborhood perception and aesthetic appeal by helping to fund exterior repairs and improvements. As proposed, the Paint and Restore Program provides a one-time matching grant of up to $1,000 for exterior paint/stain and materials for exterior repairs and improvements. This grant is available to both owner- and renter-occupied properties; however, owner-occupied property participants must provide a minimum of 100% matching funds and renter-occupied property participants must provide a minimum of 200% matching funds. In this way, the grants are anticipated to leverage two to three times the public’s investment through private investment.

The draft Paint and Restore Program and associated Guidelines were presented to the Administration Committee at their September 5, 2017 meeting. The Administration Committee recommended approval of the program guidelines with an amendment to add “the expectation of a 30 day timeframe in which the applicant would receive a response”. The item was placed on the Common Council Agenda on September 18, 2017 and was postponed to provide staff the opportunity to analyze comments provided by the community including excluding elected officials and not-for-profit agencies from being eligible for the program and removing the maximum property assessed value eligibility cap for the program. Staff reviewed these items and continues to recommend that only properties at or below the median assessed value ($118,400) be eligible but has included an amendment that “Properties owned, in part or in whole, by a currently elected official of the City of Menasha or owned, in part or in whole, by a government entity” be listed as ineligible for program participation.

RECOMMENDED MOTION: Approval of the Paint and Restore Program and associated Guidelines, as amended.
Paint and Restore Grant Program
City-Wide Residential
Amended

Program Guidelines
2017
The City of Menasha *Paint and Restore Program* was developed as an incentive for residents to improve the appearance and quality of their property and promote reinvestment in Menasha’s housing stock thereby improving our neighborhoods as a whole. Stagnant residential values; older, lower-mid quality housing development through the 1970s; and a high property tax rate, especially in contrast to surrounding municipalities, has led to disinvestment in Menasha’s housing stock. This trend, coupled with demographic and economic conditions, has led to an overall decline in both the structural and aesthetic condition of Menasha’s housing stock. The decline in property maintenance and improvements in housing adds to the perception of disinvestment on a neighborhood level, which leads to further disinvestment in housing. As housing represents a majority of Menasha’s tax base, this downward spiral of lower housing quality may significantly affect the overall municipal tax rate, as well as the City’s ability to attract new residents and residential property investment.

The City of Menasha *Paint and Restore Program* is not meant to be a cure-all for proper maintenance issues. Rather, this program aims to improve neighborhood perception and aesthetic appeal by funding exterior repairs and improvements. Generally speaking, when home exteriors are improved, household and neighborhood perceptions of quality are raised, as well as expectations of tenure. As a result, surrounding neighbors, who may not want to be perceived as having the “worst “house on the block, are more likely to improve their homes as a result. These collective improvements increase the perceived viability of the neighborhood and help to attract further investments (i.e. new homeowners and further improvements).

It is not the intent of the *Paint and Restore Program* to create, establish or designate any particular class or group of persons who may benefit by the terms of this grant program. Rather, its intent is to improve Menasha’s neighborhoods and housing. The *Paint and Restore Program* provides a one-time matching grant of up to $1,000 for exterior paint/stain and materials for exterior repairs and improvements. This grant is available to both owner- and renter-occupied properties; however, owner-occupied property participants must provide a minimum of 100% matching funds and renter-occupied property participants must provide a minimum of 200% matching funds. Participants are encouraged to go above grant cap with their improvements and to complement funds from this program with other housing programs whenever possible. It is hoped that this program will leverage twice the public’s investment through private investment. It is not inconceivable that the investment on the part of the City may be recouped over time by the increased improvement activity and heightened maintenance levels resulting in higher valuations on grant-assisted homes.

The City of Menasha *Paint and Restore Program* will be administered by the Community Development Department. For the initial 2017 program year, the City of Menasha funded $22,500 for projects city-wide. In addition there was authorization to utilize excess funds realized within TID #10 to supplement the City of Menasha Housing Rehabilitation Fund within a ½ mile radius of the TID #10 boundaries. If this program is advanced, the City will also reach out to other public and private entities to determine interest in participating to increase the budget.
PROGRAM OBJECTIVES
1. To help raise and improve the value of Menasha’s housing stock.
2. To help provide property owners in the City of Menasha resources to make repairs and improvements to the exterior of their homes.
3. To help leverage larger home improvement projects and investment that may not otherwise take place.
4. To assist in overall neighborhood revitalization.
5. To create a positive influence on surrounding properties and encourage further investment by neighboring and nearby property owners.

FUTURE FUNDING FOR PROGRAM CONTINUATION
The continuation of the program on a yearly basis will be dependent on the City's annual allocation of funds via the Budget process. This source of funding is the most reliable in order to administer the program year to year. It is anticipated the program will be on-going as the issue of neighborhood revitalization will take significant effort to achieve noticeable results. In addition to the City Budget, staff will actively pursue other sources of funding to help supplement the program fund.

USE OF UNUSED GRANT FUNDS
Any grant funds that were allocated but not used in full by an approved applicant and/or any unused funds within the 2017 Paint and Restore Program will either be reprogramed to another grant application with an eligible project(s) or will be carried over to the 2018 budget year.

ADMINISTRATION
The Community Development Department will administer the Paint and Restore Program. Administration includes, but is not limited to, promoting and advertising the program, accepting and reviewing completed applications, interpreting program guidelines, approving or disapproving applicants and grants, and reviewing reimbursement requests.

PUBLIC PURPOSE MEASUREMENTS
Since each project is individually administered by the Community Development Department, the City is able to track if the Paint and Restore grants are used to leverage larger projects. Each project will be individually tracked at the start by listing on the application form the proposed project and its total cost. The City will track the total number and types of funded projects as well as the total amount of investment by the property owner versus the city as a means to determine to what degree the program leverages private investment.
ELIGIBLE PROPERTIES
This program is available to any single- or two-family residential owner-occupied or rental property within a City of Menasha that have an total assessed value at or below the City’s median value of $118,400.00, per the US Census Bureau.

INELIGIBLE PROPERTIES
A property which has any one or more of the following conditions is ineligible:
1. A property that is not located within the corporate limits of the City of Menasha
2. Any property where the owner of that property owes the City of Menasha any money or debt, including but not limited to, delinquent personal property taxes and real estate taxes.
3. A property that has an open or issued Correction Notice. Applications that are submitted for projects that will close a Correction Notice may be considered on a case by case basis.
4. Properties owned, in part or in whole, by a currently elected official of the City of Menasha or owned, in part or in whole, by a government entity.
5. Property that has received Paint and Restore Grant Program funds in previous years.

GRANT GUIDELINES
1. Applicants must submit a completed application packet, including “before” photos, prior to any work being completed in order to be considered for a Paint and Restore Program grant.
2. The Paint and Restore Grant Program is a reimbursement grant. The applicant is required to pay for all expenses related to their approved project and then submit for reimbursement from the City.
3. Owner-Occupied Properties may receive a grant, not to exceed $1,000, for exterior paint, stain and materials for exterior repairs and improvements but must provide 100% matching funds.
4. Non-Owner-Occupied (rental) properties may receive a grant, not to exceed $1,000, for exterior paint, stain and materials for exterior repairs and improvements but must provide 200% matching funds.
5. For any painting or staining projects applicants are required to scrape and prime all surfaces prior to painting or staining. Photo documentation of the finished prep work is required.
6. Any non-painting, exterior projects must involve the replacement or repair of existing features, materials, or fixtures.
7. Homeowner must agree to obtain all necessary permits (e.g. building, plumbing, electrical, roofing, permits, etc.).
8. All work must meet local, state and national standards including but not limited to lead and asbestos.

ELIGIBLE GRANT EXPENDITURES
REIMBURSABLE EXPENDITURES
Items/projects that are eligible for reimbursement under the Paint and Restore Program include, but are not limited to, the following:
PAINTING/STAINING
1. Eligible Items for reimbursement
   2. Exterior Paint/Primer/Stain
   3. Brushes
   4. Rollers
   5. Painting Tape
   6. Drop cloths
   7. Scrapers or cleaners to remove existing paint
   8. Paint pans
   9. Brushes
10. Renting of equipment necessary to complete the project (scaffolding, power washer, etc.) is an eligible expense under this Program but may not exceed 25% of the cost of your project or $500, whichever is less.
11. Other items may be eligible for reimbursement upon approval of the Paint and Restore Program Coordinator.

Eligible Projects
1. Exterior painting of the primary building.
2. Exterior painting of a detached garage.
3. Exterior painting of an accessory building. (Shed)
4. Painting or staining of porches.
5. Painting or staining of decks.
6. Painting or staining of fences.
7. Painting or staining of any railings.
8. Demolition and removal of structures deemed dilapidated by the City Building Inspector.
9. Other projects may be eligible for reimbursement upon approval of the Paint and Restore Program Coordinator.

EXTERIOR MATERIALS
1. Any material or part required to complete the exterior project that was stated on the approved application. This does not include permanent tools, such as ladders, nail guns, etc.

Eligible Projects
1. Re-roofing and/or residing of the primary building, detached garage, or accessory building.
2. Tuck-pointing, masonry repair or reconstruction of the primary building, detached garages, existing masonry walls, or accessory structures.
3. Repair or replacement of existing fences.
4. Repair or replacement of existing windows on the primary building, detached garage, or accessory building.
5. Repair or replacement of existing features on the primary building, detached garage, or accessory building including, but not limited to, the following:
6. Doors
7. Overhead garage doors
8. Light fixtures
9. Gutters
10. Soffit and fascia
11. Trim  
12. Porches and/or decks, including railings  
13. Repair or reconstruction of existing interior sidewalks, including masonry steps.  
14. Repair or reconstruction of existing driveways.  
15. Exterior Security Lighting. (This is on the only project/item that does not have to be an existing feature to be eligible for reimbursement.)  
16. The renting of equipment to complete the project (scaffolding, tools, etc.) is an eligible expense under this Program but may not exceed 25% of the cost of your project or $500, whichever is less.  
17. Other projects may be eligible for reimbursement upon approval of the Paint and Restore Program Coordinator.

LABOR  
1. Only professional labor can be claimed for reimbursement. Professional labor is generally considered work done by someone other than the property owner/applicant who is trained and engaged in such work for a career. An invoice outlining the work performed/completed and that indicates the invoice has been "Paid in Full" is required in order to be considered for reimbursement.

INELIGIBLE GRANT EXPENDITURES  
Items/projects that are NOT eligible for reimbursement under the Paint and Restore Program include, but are not limited to, the following:  
1. The repair or replacement of dog houses or any other structures for animals.  
2. The construction or installation of exterior features, items, or elements that do not currently exist. (Example; if the primary building does not have gutters, the installation of new gutters is not an eligible project.)  
3. Landscaping.  
4. Any interior projects to the primary building, detached garage, or accessory buildings.  
5. Rental companies may not use this program to reimburse their own staff's labor expenses to complete their projects.  
6. Materials that have been purchased or projects that are completed or underway prior to issuance of a signed Contract for Services and Grant Award Letter by the Paint and Restore Program Coordinator.
ADMINISTRATIVE PROCEDURES

APPLICATION PROCESS
Once grant funding is made available for disbursement to applicants, the Community Development Department will advertise the program, disperse and begin accepting completed applications. The Paint and Restore Program Coordinator shall ensure a complete application is submitted and then will process them on a "first-come first-serve" basis. A waiting list of applicants shall be kept for the current program year’s funding only.

PROCEDURES FOR PROCESSING A GRANT APPLICATION
All applicants must submit a completed application in order to be considered for a Paint and Restore Grant. A completed application includes:

1. A completed Pre-Documentation Form. This Form must include an itemized description of the proposed project and an estimated cost for each item. Any item not listed on the worksheet will not be considered for reimbursement. If the project is being completed by a contractor, a copy of their estimate to complete the work must be attached.
2. Before photos of the proposed project. Items will not be considered if before photos are not submitted.
3. A completed W-9 Form. A completed W-9 form must be completed and submitted in order to be eligible for the program. This form is required by the City of Menasha’s Finance Department in order to process reimbursement requests. If applicants have concerns about providing the form to the Paint and Restore Program Coordinator, the applicant may mail it directly to the Finance Department.
4. A signed Contract For Services Form. Submit a signed Contract For Services Form. If approved, a signed copy of the Contract from the City will be sent back to the applicant.
5. Once the application is considered complete, the Program Coordinator will review the application to ensure that the proposed project(s) is/are eligible under the Program’s guidelines. Completed applications are reviewed on a first come first serve basis and are stamped with the date and time that they are received.
6. The Paint and Restore Program Coordinator determines whether the applicant owes money to the City and if there are any Correction Notices on the property.
7. It is anticipated that an applicant will receive a response whether they are eligible or ineligible for the Paint and Restore Grant Program within 30 days from the date the complete application is received.
8. If the application meets all of the program requirements the Paint and Restore Program Coordinator determines the amount to award based on the estimated cost of the project. For example:

<table>
<thead>
<tr>
<th>Property Type</th>
<th>Project Request Amount</th>
<th>Public Grant Award Amount</th>
<th>Private Investment (Min. for Grant Match)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner Occupied</td>
<td>$500</td>
<td>$250</td>
<td>$250 *</td>
</tr>
<tr>
<td>Owner Occupied</td>
<td>$1,200</td>
<td>$600</td>
<td>$600 *</td>
</tr>
<tr>
<td>Non-Owner occupied</td>
<td>$1,200</td>
<td>$400</td>
<td>$800 **</td>
</tr>
<tr>
<td>Non-Owner occupied</td>
<td>$2,000</td>
<td>$667</td>
<td>$1,334 **</td>
</tr>
</tbody>
</table>

* Owner occupied properties must provide a 100% grant amount match
** Non-Owner occupied properties must provide a 200% grant amount match
9. Once an award amount is determined, the Paint and Restore Program Coordinator sends an award letter to the applicant informing them that their application has been approved and indicating the amount awarded. The Paint and Restore Program Coordinator also sends a signed Contract for Services Form. The applicant has twelve (12) months from the date signed by the Paint and Restore Program Coordinator to complete the project(s).

10. The Paint and Restore Program Coordinator then sends a copy of the award letter, a copy of the signed Contract for Services, and a copy of the Pre-Documentation Form to the applicant.

APPLICANT FILE
A copy of all pertinent records such as the Pre-Documentation Form, Contract for Services Form, “Before” Pictures, Award Letter, Paint Prep Pictures, Reimbursement Form, “After” Pictures, receipts, contractor invoices and other pertinent information shall be maintained in the project file which shall be organized by property address and year. A copy of the applicant’s W9 Form is not kept in the project file, but is on file in the City of Menasha’s Finance Department.

PROCEDURES FOR REIMBURSEMENT
To receive reimbursement for completed projects the applicant must submit the following:

1. A completed Final Reimbursement Form/Worksheet. This Form must include a description of the proposed project(s) and the final cost for each project. Any items for projects not listed on the Pre-Documentation Form are not considered for reimbursement.

2. Copies of receipts/paid invoices showing proof of purchase of the approved/completed items/materials for each project. The applicant is required to mark on their receipts which item(s) is/are being requested for reimbursement and what project they were for.

3. Final photo documentation of the completed project. (“After” Photos)

4. After the applicant submits all of the required information for reimbursement, the Paint and Restore Program Coordinator reviews all information submitted to ensure it is eligible for reimbursement. The Paint and Restore Program Coordinator also reviews the applicant’s requested reimbursement amount to make sure the correct amount is stated on the form.

5. Once the Paint and Restore Program Coordinator determines the request is complete, copies are made of the Reimbursement Form and all receipts and/or paid invoices are forwarded to the City of Menasha’s Finance Department and the dollar amount to be reimbursed back to the applicant.

6. In the event a dispute exists between the applicant and the Paint and Restore Program Coordinator, the Menasha Housing Authority may review the case and take appropriate action.
SUMMARY
- 3,427 eligible properties with a total assessed value less than or equal to $118,400 and occupied as a single or two family residential use
- 24 of the eligible properties are tax exempt
August 16, 2017

Mayor Don Merkes
100 Main St, Suite 200
Menasha, WI 54952

Dear Mayor Merkes:

I, Melissa Zwach, am submitting my letter of intent to be considered for a position on the Park and Recreation board for the City of Menasha. Upon being selected, it is my understanding that this term will last for 3 years. The requirements are 1 meeting a month, on the 1st Tuesday of the month.

As the parent of a 10-year-old girl and a 8-year-old boy at Clovis Grove Elementary, I have a passion for local parks and the activities that the local community provides. Since the birth of my children, I’ve sought out many opportunities that the City of Menasha offers, some examples of activities we’ve participated in are: Tiny Tots, Tot Lot, Dance with Dana, Gymnastics, T-Ball, City Carnival, Fun Runs, Swimming Lessons, and Holiday Hayrides. We also utilize the city parks and swimming pool regularly. When we haven’t found the opportunities that we were looking for within the city of Menasha, we’ve utilized the reciprocity agreements with Appleton and Fox Crossing and participated in their activities. I feel my experiences would add value to the City of Menasha Park Board.

As a parent, I appreciate that the Park and Rec offers many activities, and makes them affordable for parents. It has given my children the opportunity to try new things before signing up for baseball at Youth Sports and Soccer at Menasha Area Soccer Club.

My background includes: My husband and I bought our house in Menasha a little over 13 years ago. We appreciated the small town feel and felt it would be an ideal place to start a family. I have a business degree from UW Oshkosh and have worked in finance and accounting at Thrivent Financial. I have served on the Fundraising Board at Harbor House. This will be my 4th year serving on the PTO for Clovis Grove Elementary. I was part of the fundraising effort and committee to resurface the Clovis playground and have new equipment installed. I also coach my daughters soccer team.

Given my education and experiences, I feel I’m an ideal candidate for the Park and Rec Board. I am passionate about making the City of Menasha Park and Rec even better and making Menasha an even better place for families. I look forward to hearing from you at the end of the decision-making process.

Sincerely,

Melissa Zwach
(920) 430-6138