

\* \* MINUTES \* \*  
\* \* OUTAGAMIE COUNTY BOARD \* \*

Office of the County Clerk, March 27, 2012

The Board met pursuant to adjournment and was called to order by Board Chairperson Helen Nagler at 6:30 p.m. in the County Board Room, located in the Administrative Building, 410 S. Walnut Street, Appleton, WI

ROLL CALL of the Board of Supervisors: 34 present, 2 absent. C. Schmidt, Nagler, Mahan, Defferding, Iverson, Rabec, Beckley, Stueck, Strauch, Gosse, Janssen, Buechel, Pleuss, Callies, Duncan, De Groot, VandenHeuvel, Trentlage, Hammen, Hirte, Schommer, McDaniel, McAndrews, Vander Heiden, Kramer, Austin, Schuette, Weyenberg, Hofacker, A. Schmidt, Culbertson, Griesbach, Thern, Anthony. Member absent: Groat, Mueller.

The Board Chairperson requested the Board's confirmation to excuse Supervisor Groat from the meeting. No objection; so ordered.

MINUTES OF MARCH 13, 2012

Supervisor Strauch moved, seconded by Supervisor Culbertson to approve the minutes of March 13, 2012.

Chairperson Nagler reported that the County Clerk would correct the minutes of March 13, 2012, under Ordinance No. J—2011-12 to reflect that Supervisor Schuette requested that Ordinance No J—2011-12 be pulled. No objections; so ordered.

ROLL CALL FOR APPROVAL OF THE MINUTES AS CORRECTED: 31 aye, 2 abstain, 3 absent.  
MINUTES OF MARCH 13, 2012, APPROVED AS CORRECTED.

Supervisor Schuette requested that the Public Safety Communications Special Order be taken prior to the Bay Area Workforce Development Board Special Order. No objections; so ordered.

SPECIAL ORDER OF BUSINESS

Public Safety Communications Update – Brad Gehring and Mike Jobe

Sheriff Brad Gehring distributed to the Board members a copy of a PowerPoint presentation (copy available in the County Clerk's Office). He reported that the presentation would be given by Captain Mike Jobe. Captain Jobe reported on the radio system evaluation up to this meeting. The recommendation is to go with an 800 MHz system. The system will be a trunked system with a simulcast transmission. One issue that occurs with incidents is that there is a need of professionals to directly control communications, which is best handled by separate talk groups (aka channels). The next step is to have a detailed design process confirm the entire system from top to bottom. The cost breakdown for infrastructure, equipment, and towers totals approximately \$7.6 million. A contingency of \$762,117 brings the total to \$8,450,084. Maintenance cost breakdown is \$161,581 for Outagamie County and a shared cost of \$77,360 with Winnebago County for total of \$238,941.

Sheriff Gehring reported that when the system was created, Motorola's response was specified to the towers and he detailed the locations of those towers. When Motorola responded and was awarded the contract, the Sheriff put in \$5 million for infrastructure and estimated \$1.3 million per tower, which

equates to the approximate \$7.6 million. When detail/design review was in process, the committee felt the need to add an addition tower. Motorola initially responded that 95% coverage would be met with the five towers. However, concerns have been expressed with the urban areas and adequate coverage. Therefore, the committee is recommending a sixth tower on the Justice Center. A contingency of \$762,117 is available due to unforeseen circumstances with the building of the towers not currently existing and other possibilities. Deployment of the system would start in 2012 and complete in 2013. There is concern about the towers and it is uncertain of the issues that might occur with the two towers in the north part of the county.

A question and answer period followed. Responses included the following. The system will be allowed to communicate between entities such as police and fire. Radios/portables must first be identified in the detail/design review. Once that is determined, those radios/portables will need to be procured in order for them to be programmed and then tested with the system. The sixth tower will not reduce costs with Motorola. The two towers in the north part of the county is the reason for the contingency. The lack of 5% non-coverage is for the entire county. The testing process is very complicated, but the requirements are that the system has 95% coverage on the tests. Corporation Counsel Guidote reported that a guarantee of 10% retainer is typical for contract performance. The Sheriff was uncertain about deploying five towers and then determining later a sixth tower could be put up and how the engineering and testing could be addressed with waiting to place the sixth tower.

#### Bay Area Workforce Development – James Golembeski

James Golembeski reported that a handout was given to the Board on their desks (copy available in the County Clerk's Office). On page 1, an overview of the Workforce Investment Act was explained and how funding/ responsibilities are divided. On page 2, a map was provided of the ten counties in the Bay Area Workforce Development. Mr. Golembeski reported three core contingencies are provided by Bay Area Workforce Development (Bay Area): 1) matching worker skills with employer needs, 2) building partnerships to work together, and 3) providing post-secondary training for those who need training.

A question and answer period followed. Following are responses. If Outagamie County would come into the Bay Area, it is anticipated the current Job Center in Menasha would be utilized. All job centers are contracted out and Bay Area would contract out staffing in the local job center. A competitive proposal process would occur and the subsequent contract closely monitored. The management structure is listed on page 1 of the handout. The Local Elected Official (LEO) has a written agreement on who does what, which includes that the LEO Board requests of Bay Area a corporate budget review (not the portion of the budget that goes to contractors). Each county is represented on the board. The Workforce Development Board makeup is set by law. Outagamie County would have four-five members on the Bay Area Workforce Development Board. Nominations are given by county officials. The private sector section of the board reflects the industry makeup of the area (i.e. healthcare field, finance, manufacturing, etc.). Terms are for three years. The Executive Committee meets sporadically to set direction of the Board's discussion, meets on emergency basis, and reviews James Golembeski's performance review. Seven staff members are part of the Bay Area. James Golembeski is Executive Director; Betty Gregory-Paasch is Program Operations Manager; and Debbie Laviolette-Spevacek is Controller. A deputy program operations manager was just hired. Bay Area would partner with local educational institutions and employers should the County Board decided to partner with Bay Area. The Bay Area Workforce Development Board has 45 members. Because of upcoming attrition, Outagamie County would have good representation on the Board with maintaining the 45 member Board.

ESTABLISH ORDER OF THE DAY

No further changes were made.

COMMUNICATIONS – No communications were distributed in the packet.

Chairperson Nagler reported the following communications were distributed at the meeting:

- Memo from Brad Gehring regarding 800 MHz radio communications system project.
- Information regarding Outagamie County Refinancing of the 2002 Bonds.
- Lobbyist Report.

PUBLIC PARTICIPATION FOR A PERIOD OF FIFTEEN MINUTES (PERTINENT TO THE RESOLUTIONS OF THE DAY)

Sabina Zolota, Executive Director of Workforce Economics, reported issues regarding a possible change in Outagamie County's participation with the Fox Valley Workforce Develop Board (FVWDB) and changing to the Bay Area Workforce Development Board (Bay Area WDB). Ms. Zolota's concerns were with the current contracting within the board that serves at-risk young individuals, adults, and displaced workers. She reported that there could be a change with a new process for service contracts, which could then be a problem for individuals being served who might then need to be re-engaged into the system.

Donna Janda, spoke against Resolution No. 122, questioning the benefits gained by a move to the Bay Area Workforce Development Board. Her primary concern is with people who access and could be confused by having two different service providers.

Brad Grant, FVWDB member of the Board, reported that the FVWDB has a priority to serve connections with those needing work. Mr. Grant reported being against Resolution No. 123 due to the inter-relationships between the current partners, such as partnership crossing county lines formed in Calumet and Winnebago Counties. Other concerns including significant grant funding the FVWDB has received to train healthcare workers and grant funding from the Department of Labor. Mr. Grant reported that much of the concerns regarding the FVWDB have been dismissed.

Al Hesse, interim CEO of the FVWDB, spoke against Resolution No. 123. He reported that the County Board was sent information regarding the issues involving the FVWDB. He requested that the County Board not approve a move to the Bay Area WDB, but that the Department of Labor is allowed to conclude their work and the County Board then consider its findings.

Tom Ciske, Fox Cities Chamber of Commerce & Industry (FCCI), reported that the FCCI represents 1,381 businesses in Appleton and surrounding communities. FCCI members recognize the services that the FVWDB has provided area to provide great access to labor. FCCI requests that the County Board consider all information regarding their decision to move from the FVWDB to the Bay Area WDB. The FCCI will support any decision that the Board adopts, but FCCI requests that any unintended consequences be minimized. FCCI is particularly concerned about the relationships formed with the other counties that are part of the FVWDB, investments and infrastructure costs invested, and consideration of the talent at the existing staff and contractors.

Toby Paltzer, former Outagamie County Executive, urged support of Resolution No. 123. He refuted information listed in a letter on Herrling & Clarke letterhead that Outagamie County has not made any complaints regarding the FVWDB in 12 years. Mr. Paltzer reported that complaints were made

regarding management of the FVWDB due to bad budget management and misappropriation funds with request to fire the CEO of the FVWDB. Mr. Paltzer also noted concerns with the Winnebago County Executive, who also noted improprieties in the FVWDB budgetary management.

### APPOINTMENTS

None

### REPORT BY THE COUNTY EXECUTIVE

County Executive Thomas Nelson congratulated Supervisor Austin on his 93<sup>rd</sup> birthday. A round of applause was given. Executive Nelson reported the following:

- Finance - Work continued to close out 2011 accounts, most recently with Brewster Village which ended the year \$1 million in the black, \$500,000 more than projected. Overall, revenues are on budget, and expenditures are approx \$3 million under projections. At this rate, projections are that the County will be beyond the 10 – 16% working capital requirement, pushing almost 18%. Went to market with refinancing and lowest 1.65% saving county \$2.8 million.
- Facilities – Miron Construction was awarded the contract for the Highway building. The bid and project is projected to be 17% under budget.
- Highway – Request was made to the Executive for an update on the budget regarding winter maintenance. The snowplow portion of maintenance is \$2-300,000 under budget. As a consequence, labor has been directed into much needed bridge work and sealing to catch up or work ahead of schedule in those two critical maintenance categories. Revenues are down \$180,000 from last year for the Equipment fund as the County has not billed the state and towns for snow removal due to the lessened activity.
- Corporation Counsel – The City Center lease is almost finalized with two small details to be resolved and the lease will be signed.
- Resolutions No. 122 and No. 123 – Executive Nelson reported support for leaving the FVWDB and joining the Bay Area WDB due to the following issues. The Department of Labor's (DoL) monitoring report and FVWDB's response point to a clear pattern of poor management. Key findings in the DoL report include: 1) FVWDB misinterpretation of federal rules by the procurement of its office building, 2) purchasing of gift cards to reward employees was an inappropriate use of federal funds, 3) payout of unused vacation time and the selective authorization and inconsistent timing of those vacation payments, and 4) the purchase of a first-class airline ticket and that travel was not consistently charged to appropriate fund sources. Other issues of concern include: 1) in the middle of last summer, meeting agendas and minutes were hidden from public view and not made public on the website; 2) the executive director was both CEO of the FVWDB and one of their contractors, Workforce Economics, creating a clear conflict of interest, which allowed for the inequitable vacation payouts to herself and three other employees; and 3) the Executive Committee continues to reject changes to the governance structure that would provide accountability by giving Local Elected Officials (LEOs) power to make personnel changes when needed. Executive Nelson further reported that the Executive Committee shielded the executive director from criticism and accountability; failed to notify counties of appointments to the board when they were due instead automatically nominating those individuals; did not timely report when three Outagamie County representative's to FVWDB resigned creating a lack of 33% representation during the critical period of time when the future of FVWDB was being deliberated; and following the executive director's resignation, the Executive Committee voted to keep her on retainer. Because of the previous issues, Executive Nelson reported that this shows a pattern and he recommended that the county join the Bay Area WDB, which has a proven track record of accomplishing key workforce development goals.

A question and answer period followed. Executive Nelson reported that discussions are ongoing where programming would be held and where the job center would be located. Those discussions included a presence being maintained at the current job center location.

The County Board took a ten-minute recess at 8:15 p.m. The County Board reconvened at 8:25 p.m.

REPORT AND PRESENTATION OF COUNTY LOBBYIST

County Lobbyist Mark Wadium reported on the following:

- SB 380 – Governor Walker signed the bill to lift the Family Care cap.
- SB 125 – Governor Walker signed pothole liability bill.
- Other bills awaiting the Governor’s action include AB-152 Airport Improvement Plan, AB-269 prohibitions against contracting certain persons and providing a penalty, and SB-394 regarding the establishment of Assistant District Attorneys pay progression. Remaining bills are all technically dead.
- Joint Legislative Council -Tomorrow, the co-chairs of Joint Legislative Council (Representative Ballweg and Senator Lazich) will meet with Senator Miller, Senate Democratic Leader, to discuss legislative council study committees for the interim. The Joint Legislative Council will make recommendation to the committee members for what topics to study this summer and fall and how many committees to form (possibly from five to twelve committees). With Senator Galloway’s retirement the Senate has shifted to a 16 to 16 split between Democrats and Republicans making Senate negotiations more complicated. The change impacts the makeup of the Joint Finance Committee; however, Republicans remain with the majority pending the recall elections.
- Economic Growth - On March 21, the Federal Reserve projected the next six month growth at 1.95% to 2.36%.
- Federal Legislation – Federally, the Highway, Transit Programs Overhaul Bill was passed. Senate did a two-year bill \$190 billion bill. The House, looking to passing a five-year \$260 billion was met with criticism from all sides shortly after it was introduced. The long-term transportation bill would have meant cuts to Wisconsin. That bill has stalled. House and senate need continuing resolution by March 31 for federal authority to levy federal gas tax.
- Congressman Ryan’s Proposed FY 2013 Budget - Lobbyist Wadium has been reviewing Congressman Ryan’s proposed budget, which has a 3% difference from that of the President’s proposed budget. Some differences include changes to the Medicaid system from the current formula to block grants to states changes to supplemental nutrition program from the current formula to block grants to the states. There is also a recommendation for redesigning federal student loans program and consolidating federal training programs. Congressman Ryan’s budget included changes to the federal income tax system with a two brackets system with highest bracket being 25%. The system proposes elimination of tax loopholes, which would most likely not be popular with the public.
- Federal Budget/Continuing Resolutions - Most likely nothing will be approved until after the November election. Therefore, continuing resolutions are likely, and with those there has been precedence for the occasional cut included, which is sometimes slipped in quickly and then lacks timing for advisement on those cuts.
- Other Actions - Agriculture is proposing a livestock antibiotic ban and Joint Finance is reviewing Badger Care Plus.

UNFINISHED BUSINESS

Resolution No. 115—2011-12 - Property, Airport, Recreation and Economic Development Committee. Approve the Outagamie County Highway Department to complete the resurfacing of the trestle bridge in Shiocton, which is part of the Newton-Blackmour State Trail at an estimated cost of \$38,500, and approve resurfacing a portion of the trail for \$7,400 for a total project cost of \$45,900. *At the March 13, 2012 meeting, Supervisor C. Schmidt moved, seconded by Supervisor Callies, to refer back to committee.*

Supervisor Culbertson moved, seconded by Supervisor Stueck, for adoption.

ROLL CALL: 33 aye, 1 nay, 2 absent. RESOLUTION NO. 115—2011-12 IS ADOPTED.

NEW BUSINESS

Resolution No. 119—2011-12 - Emergency Management Department. Approve the Outagamie County Emergency Management Department to apply for, accept and expend the Incident Command System training grant funds in the amount of \$4,956.44, with no county match required.

Supervisor McAndrews moved, seconded by Supervisor Hirte for adoption.

ROLL CALL: 33 aye, 1 nay, 2 absent. RESOLUTION NO. 119—2011-12 IS ADOPTED.

Resolution No. 120—2011-12 – Finance Committee. Approve and authorize the execution of the "Resolution Awarding the Sale of \$13,250,000 General Obligation Refunding Bonds".

Supervisor Beckley moved, seconded by Supervisor Trentlage for adoption.

Supervisor Beckley moved, seconded by Supervisor Stueck, to amend the resolution to reduce line 7 to \$13,035,000 due to the sale of the bonds at a premium. No objection; so ordered. AMENDMENT CARRIED.

ROLL CALL: 34 aye, 2 absent. RESOLUTION NO. 120—2011-12 IS ADOPTED AS AMENDED.

Resolution No. 121—2011-12 – Highway and Solid Waste Committee and Finance Committee. Approve the establishment of a Recycling Stabilization Account whose purpose will be to hold recycling monies that serve as a buffer against fluctuating commodity prices and state funding, and that amounts to be expended from this restricted account would be included in the Recycling Stabilization Account annual budget and approved by the County Board or would be brought forward to the Outagamie County Board through a separate resolution.

Supervisor Schuette moved, seconded by Supervisor DeGroot, for adoption.

ROLL CALL: 33 aye, 1 nay, 2 absent. RESOLUTION NO. 121—2011-12 IS ADOPTED.

Resolution No. 122—2011-12 - Property, Airport, Recreation and Economic Development Committee. Approve termination of the Consortium Agreement with the Local Elected Officials of the Fox Valley Workforce Development Board, thereby, effectively terminating its membership in the Fox Valley Workforce Development Board effective May 30, 2012.

Supervisor Culbertson moved, seconded by Supervisor A. Schmidt, for adoption.

Supervisor McAndrews questioned if Corporation Counsel received an answer regarding liability to Outagamie County implications from Mr. Hesse. Corporation Counsel reported that there would not be any liability to Outagamie County.

Supervisor Stueck reported that Outagamie County could be liability from the monitoring report whether Outagamie County moved to Bay Area or remained at Fox Valley Workforce Development Area. Corporation Counsel reported that Mr. Hesse reports there is no liability.

ROLL CALL: 32 aye, 2 abstain, 2 absent. RESOLUTION NO. 122—2011-12 IS ADOPTED.

Resolution No. 123—2011-12 - Property, Airport, Recreation and Economic Development Committee. Approve of joining the Bay Area Workforce Development Board.

Supervisor Culbertson moved, seconded by Supervisor A. Schmidt, for adoption.

ROLL CALL: 29 aye, 3 nay, 2 abstain, 2 absent. RESOLUTION NO. 123—2011-12 IS ADOPTED.

Resolution No. 124—2011-12 – Public Safety Committee. Oppose any language that holds the County financially responsible for services that are already paid for by other entities.

Supervisor Hirte moved, seconded by Supervisor Duncan, for adoption.

ROLL CALL: 31 aye, 3 nay, 2 absent. RESOLUTION NO. 124—2011-12 IS ADOPTED.

Resolution No. 125—2011-12 - Agriculture, Extension Education, Zoning and Land Conservation Committee. Commend the University of Wisconsin Extension, its division of Cooperative Extension, and its local county extension educators for their cooperation and support which allows people of Outagamie County to apply the research and knowledge of the University of Wisconsin in their lives, homes, farms, schools and businesses.

Supervisor Anthony moved, seconded by Supervisor Callies, for adoption.

ROLL CALL: 34 aye, 2 absent. RESOLUTION NO. 125—2011-12 IS ADOPTED.

Ordinance No. K—2011-12 – Finance Committee. Approve list of Outagamie County Approved Designated Depositories as listed.

Supervisor Beckley moved, seconded by Supervisor Hofacker, for adoption.

Supervisor Defferding reported that Thrivent Financial Bank is in process of converting to a credit union.

ROLL CALL: 34 aye, 2 absent. ORDINANCE NO. K—2011-12 IS ADOPTED.

Ordinance No. L—2011-12 - Legislative/Audit and Human Resources Committee. Approve that Chapter 2 of the Outagamie County Code of Ordinances, Sec. 2-62. Rule 19 – Committee on appointments and special committees, (3) be changed as indicated.

Supervisor Mahan moved, seconded by Supervisor Griesbach, for adoption.

Supervisor C. Schmidt questioned when the language would be enforced. Corporation Counsel Guidote reported that this would be in effect with the next County Board and would not be retroactive to previous service.

Supervisor Pleuss questioned the impact the Board Chair would have because of this resolution. Would the Board Chair have the authority to put a veteran member back on the committee despite Rule 19(3)? Corporation Counsel Guidote reported that the language in Rule 19 (3) would be clear and the Board Chair would not have the discretion to put someone back on the committee for more than those terms.

ROLL CALL: 5 aye, 29 nay, 2 absent. ORDINANCE NO. L—2011-12 IS DEFEATED.

#### REPORTS

The following rezoning petition has been received by Timothy P. Roach, Zoning Administrator:

From the Town of Vandebroek

- Petitioner: Jeff Vander Heiden
- Proposed rezoning from General Agricultural District to Industrial District

Supervisor Callies moved, seconded by Supervisor A. Schmidt to adjourn sine die. VOICE VOTE CARRIED.

The meeting adjourned at 9:20 p.m.

/s/ Lori J. O'Bright, County Clerk