

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

Office of the County Clerk, July 12, 2011.

The Board met pursuant to adjournment and was called to order by Chairperson 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. Members present: C. Schmidt, Nagler, Mahan, Defferding, Iverson, Rabec, Mueller, Stueck, Strauch, Groat, Janssen, Buechel, Pleuss, Callies, Duncan, DeGroot, VandenHeuvel, Trentlage, Hammen, Hirte, McDaniel, Schommer, McAndrews, Vander Heiden, Kramer, Austin, Schuette, Weyenberg, Hofacker, A. Schmidt, Culbertson, Griesbach, Thern, Anthony. Members absent: Beckley, Gosse.

The Board Chairperson requested the Board's confirmation to excuse Supervisors Gosse and Beckley. No objections; so ordered.

The reflection/invocation and Pledge of Allegiance was offered by Supervisor Vander Heiden.

MINUTES OF JUNE 28, 2011

Supervisor Mueller moved, seconded by Supervisor Culbertson, to approve the minutes of the June 28, 2011, County Board meeting.

ROLL CALL: 32 aye, 2 abstain, 2 absent. MINUTES OF THE JUNE 28, 2011, BOARD MEETING ARE APPROVED.

SPECIAL ORDER OF BUSINESS

Sheriff Brad Gehring reported on the proposed 700 MHz radio system and recommended approval of Motorola as the vendor for the project. A handout was distributed on the desks detailing the information presented to County Board supervisors (copy available in the County Clerk's Office for review). The FCC mandate requires a mandate to narrow band by December 31, 2012. Individual counties/agencies are migrating into various systems due to a variety of issues such as the number of users, calls received, terrain, etc.

FoxComm has been utilized as the facilitating governing body for the three counties still within the consortium, which includes Calumet, Outagamie, and Winnebago Counties. Studies were done in 2005 and 2008. Recommendations were made in conjunction with users from EMS, law enforcement, and fire agencies. GeoComm was retained to assist with the project and evaluate proposals received to make a recommendation, which has now been complete. VHF coverage is limited in certain counties. However, some counties are going to utilize VHF and actively seek additional VHF frequencies with tower placements to make up loss coverage. The equipment in Outagamie County is nearing end of life, and issues such as congestion of channels, interference and inadequate coverage are concerns due to terrain and capacity. Situations that occur include nine agencies occupying one channel at a time and officers needing to wait to get an open channel. If one channel is restricted, MDCs or cell phones need to be utilized. With the recommended 700 MHz trunked system, agencies can go into a talk group for emergency situations needing multiple users to communicate. Additional advantages include simulcast transmission from multiple sites. Compression of the bandwidth will be phased in and migration to 700 MHz is important for future communication. Sheriff Gehring continues to communicate

with adjacent counties (Brown, Calumet, and Winnebago) for shared resources. Costs associated with the proposed Motorola system for Outagamie County are projected to be \$4,957,867 of a multi-county \$12,263,922 capital cost (with current structure as proposed; further conversation are ongoing regarding the needs including conversations with adjacent counties). Maintenance costs are anticipated for years 2-7 for Outagamie County to be \$236,940/year.

During a question and answer period that followed, responses given included:

- As Calumet County is planning to utilize VHF narrow banding, this could change their capital and maintenance cost for the project dependent on the intergovernmental agreement. Cost analysis breakdown changes could occur, but those details still need to be completed.
- Coverage of 95% for 95% of the time is due to technology. For example, if in the interior of a large masonry/steel construction, interference could occur.
- Calumet County is planning to migrate to VHF narrow banding and Winnebago County is planning to migrate to 700 MHz system.
- PSAP study by L.R. Kimball has recently been released. If Winnebago and Outagamie County share a PSAP and both agree to 700 MHz system, there could be cost savings.
- Costs for handheld units were distributed to municipalities.
- Monies previously allocated for FoxComm were relative to funding for CAD (computer aided dispatch) and MDCs (mobile data computer).
- No federal or state grant dollars are available at this time for funding.

#### ESTABLISH ORDER OF THE DAY

Supervisor Hirte request that Resolution No. 28 be moved to the first order of New Business. No objections; so ordered.

At the June 28 meeting, Supervisor Culbertson requested that Resolution 23—2011-12 be held in the Property Committee. No objections, so ordered. Listed under Unfinished Business.

#### COMMUNICATIONS

Communication Referral List – Nothing referred.

A copy of the L.R. Kimball PSAP Consolidation Feasibility Report was emailed to County Board Supervisors. A hard copy of the report is available in the Legislative Services office for any supervisor without email access.

Chairperson Nagler reported she was going to be in Madison to discuss redistricting with legislators.

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

Winnebago County Sheriff John Matz reported that the Winnebago County Judiciary and Public Safety Committee moved forward approval of migrating to 700 MHz system and also approved with procurement of radios with their municipalities. Motorola was scored the highest vendor and came in with the lowest price. Sheriff Matz urged Outagamie County to similarly approve the 700 MHz system with Motorola as vendor by approving Resolution No. 28.

Richard Buntrock, representative of the City of Seymour Police, Fire, and EMS services, reported that he currently has a portable radio on his desk, which has signal strength of only 70-80%. Mr. Buntrock reported that he worked for the Village of Ashwaubenon for twenty years

including working with a 700 MHz trunking system, which had great advantages including ease with getting assistance from Brown County and service providers such as St. Mary's Hospital. In addition, he viewed the Phoenix, Arizona, 700 MHz system, which enhanced their interoperability with the incident command model, and he urged approval of Resolution No. 28.

Robert Kavanaugh, Appleton Deputy Chief and FoxComm User Technical Advisory Board Member representing law enforcement, reported that several vendors were reviewed for a new system. Mr. Kavanaugh served on the evaluation committee for the RFPs, and the committee found Motorola technically and fiscally the best proposer. He further reported that the investment is good future communications, and he requested support of Resolution No. 28.

Steven Schmichel, Town of Center Fire Chief and President of Outagamie County Fire Chiefs, reported the Fire Chiefs have gone on record in support of the 700 MHz system upgrade, and he urged support of Resolution No. 28. The current system is at the end of its operational life with limited capacity and coverage. The new system provides enhanced communications that allows for multiple talk groups, eliminating dead spots. Approximately 1,000 responders are within the County, many of which are volunteering for EMS and fire. These users would be provided better communication with the 700 MHz system. The Fire Chiefs have applied for a grant for subscriber handheld units that would be required.

Lisa VanSchyndel, Outagamie County EMS President and Chief of Town of Buchanan EMS, urged support for Resolution No. 28. A letter was sent to the County Executive reporting issues with the current system. For example, EMS responders have occasionally had to hold their handheld units outside of vehicles while en route to an emergency in order to try to obtain coverage.

#### APPOINTMENTS

None.

#### REPORT BY THE COUNTY EXECUTIVE

County Executive Thomas Nelson congratulated Mark Wadium on his birthday July 21. A round of applause was given. Executive Nelson reported:

- Clerk of Courts - Approximately 300 automated reminder calls on court dates/week are continuing. The program is being evaluated for its effectiveness. The State Budget created two categories for small claims, those less than \$5,000 and those from \$5,000 to \$10,000 (a new category). Because the Clerk of Courts cannot give legal advice to a claimant on which category to apply for regarding their claim, a guide is being developed for claimants as set forth in the policy in the budget.
- Solid Waste - Construction in NE cell is proceeding. Work on coverage of E cell final cover is continuing. Piping on W cell is in development. Transition for the three-county consortium to use Outagamie County as the active landfill remains on track for first quarter of next year. Director Stecker reported to local municipalities on impact of recycling grant cut of approximately \$300,000; however, no decisions have been made exactly on how that shortfall will be made up to the County.
- Airport – Frontier Airlines is leaving Outagamie County. The overall impact is limited as their passenger volume was 6% of traffic and 3% of the operating budget. A tentative 7-year lease with Air Wisconsin has been reached, which keeps approximately 250-300 jobs within the County. The Airport passed their annual FAA inspection. New airfield signage and lighting is being installed. Ongoing discussions are occurring between the FAA, Airport, and FVTC for converting 75 acres to a regional public safety training site. The Airport fuel farm is almost set for tenants.
- Health & Human Services (HHS) – Outagamie County plays a leadership role in Family Care with approval of calling on U.S. HHS Secretary Sebelius to reject the Family Care amendment, which could cost Outagamie County up to \$3 million. Ouzaukee, Milwaukee, and Fond du Lac Counties, WCA, and the Wisconsin County Health Services Association have joined in lobbying this effort. HHS Director Rosemary Davis is leading a twelve-to-fifteen-county consortium for income maintenance eligibility determination. Outagamie

County lobbied against the income maintenance eligibility determination program in Madison. In lieu of the program being in Madison, regional consortiums are being formed and Outagamie County is heading up this region. The department has seen an increase in their out-of-home care for abused and neglected children double. In addition, an increase in children with mental health disorders is making referrals and treatment more difficult and expensive.

- Human Resources – The annual Employee Appreciate Day is August 3. The Deputies Sheriff Association is continuing contract negotiations. Interviewing for a new County Veterans Service Officer (VSO) is ongoing. Acting VSO and Deputy Lisa Ley and staff have been doing a great job in the interim.
- Highway – The department moved staff for general maintenance to four 10-hour days/week. Along with road crews on the schedule, this accounts for 30% of the county highway workforce. Savings are anticipated to be between \$10-15,000. Evaluation will occur at the beginning of October to see how the schedule works.

#### REPORT AND PRESENTATION OF COUNTY LOBBYIST

County Lobbyist Mark Wadium reported:

- The State Legislature is holding a special session including taking up TIF bills, unemployment compensation extension, and redistricting. The redistricting changes law as it impacts the County and will match current incumbents in similar districts.
- At the federal level, the Health and Human Services Department released their insurance exchange rules. Preliminary work on health exchanges has been started by the states and territories impacted, which must be implemented by 2013 and functional by 2014.
- As budget talks continue, the federal highway funding may be impacted including a possible 28-35% cut in Wisconsin which equates to \$250 million/year for a 35% cut. The administration has talked about increasing the minimum miles for fleets, which could cut gas tax revenue in half.
- The legislative process on bills of interest has slowed with redistricting. Lobbyist Wadium will give information regarding AB173 and fiscal estimates on a DNR bill.

During question and answer period, the following was reported:

- With the State redistricting plan, the County would have to match County districts to the State's district lines.
- AB173 (Resolution No. 127) could impact workload to the State Patrol and opens up the possibility of noncompliance, which could result in being sued.
- Regarding concealed carry rules and possible future litigation, the rule does not become effective until November 1 and the Department of Justice is working on rules.

#### UNFINISHED BUSINESS

Resolution No. 23—2011-12 – Property, Airport, Recreation & Economic Development Committee. Approve of granting WE Energies a permanent easement to construct, erect, operate, maintain and replace overhead utility facilities above ground for the transmission of electric energy, signals, television and telecommunications services. Held in committee on June 28, 2011.

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

ROLL CALL: 33 aye, 1 abstain, 2 absent. RESOLUTION 23 IS ADOPTED.

NEW BUSINESS

Resolution No. 28—2011-12 – Public Safety Committee. Approve of the FoxComm Fiscal Advisory Board’s recommendation to utilize Motorola as the vendor for the multi county 700 MHz project and that the Outagamie County Sheriff continues to pursue joint purchasing and regional concepts when appropriate for Outagamie County.

Supervisor Hirte moved, seconded Supervisor McAndrews, for adoption.

Supervisor C. Schmidt moved, seconded by Supervisor Kramer, to amend Resolution No. 28 as follows: On line 15 eliminate the words “utilize Motorola” and replace with “engage in discussions with Motorola” and eliminate the words “the vendor” and replace with “a vendor.”

ROLL CALL on amendment: 3 aye, 31 nay, 2 absent. AMENDMENT DEFEATED.

ROLL CALL for adoption: 33 aye, 1 nay, 2 absent. RESOLUTION NO. 28—2011-12 IS ADOPTED.

Supervisor A. Schmidt moved, seconded by Supervisor Trentlage to suspend the rule to not take a break. VOICE VOTE CARRIED - MOTION APPROVED.

Resolution No. Z-13—2011-12 – Agriculture, Extension Education, Zoning & Land Conservation Committee. Approve of a proposed text amendment regarding regulation of landscape and screening standards, which is an addition to Chapter 27.06 (11) in the Town of Grand Chute Municipal Code.

Supervisor Anthony moved, seconded by Supervisor Weyenberg, for adoption

ROLL CALL: 33 aye, 1 nay, 2 absent. RESOLUTION NO. Z-13—2011-12 IS ADOPTED.

Resolution No. 25—2011-12 – Health & Human Services Committee. Request US Department of Health & Human Services Secretary Sebelius to reject Governor Walker’s Family Care Medicaid Waiver Amendment, as proposed and support Outagamie County Executive Nelson’s June 27 request.

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

ROLL CALL: 32 aye, 2 nay, 2 absent. RESOLUTION NO. 25—2011-12 IS ADOPTED.

RESOLUTION NO. 26—2011-12 – Highway & Solid Waste Committee. Approve of dedicating 0.10 acres, more or less, as fee acquisition and 0.49 acres, more or less, as temporary limited easement along CTH A to be used for highway purposes and reserve the remainder of the land for possible future sale. Note: A large map of the area was posted in the County Board Room.

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

ROLL CALL: 34 aye, 2 absent. RESOLUTION NO. 26—2011-12 IS ADOPTED.

RESOLUTION NO. 27—2011-12 – Public Safety Committee. Oppose Bill AB 173, in current or amended forms, requiring that a law enforcement officer have a Federal Agency, or a person authorized by a Federal Agency, determine whether a person, who is arrested for or charged with a crime or civil violation, is lawfully present in the State if the law enforcement officer has reasonable suspicion that the person is not here lawfully.

Supervisor Hirte moved, seconded by Mahan, for adoption.

ROLL CALL: 32 aye, 2 nay, 2 absent. RESOLUTION NO. 27—2011-12 IS ADOPTED.

REPORTS

None.

Supervisor Callies moved, seconded by Supervisor A. Schmidt, to adjourn until July 26, 2011, at 6:30 p.m. VOICE VOTE CARRIED.

The meeting adjourned at 8:06 p.m.

\s\ Lori O'Bright  
County Clerk