

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

Office of the County Clerk, May 24, 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: 36 present, 0 absent. Members present: C. Schmidt, Nagler, Mahan, Defferding, Iverson, Rabec, Mueller, Beckley, Stueck, Strauch, Groat, 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.

The Pledge of Allegiance was led by Supervisor Groat.

Board Chairperson Nagler introduced new Assistant Corporation Counsel Mark Schroeder attending as he will act as Corporation Counsel at the next meeting.

MINUTES OF MAY 10, 2011

Supervisor Anthony moved, seconded by Supervisor Mahan, to approve the minutes of the May 10, 2011, County Board meeting.

Supervisor C. Schmidt reported that Supervisor A. Schmidt should be listed on page 5 of the minutes in the fifth paragraph that lists Supervisor C. Schmidt as requesting a suspension of the rules. Chairperson Nagler requested that the change be made by unanimous consent. No objections; so ordered.

ROLL CALL: 34 aye, 0 nay, 2 abstain, 0 absent. MINUTES OF THE MAY 10, 2011, BOARD MEETING ARE APPROVED AS CORRECTED.

SPECIAL ORDER OF BUSINESS

Tom Swadley, FoxComm, and Lex Rutter, GeoComm, reported on the Multi-County 700 MHz Digital Trunked Radio Project. The presentation was divided into four sections as follows:

- **Introduction:** Mr. Swadley currently serves as FoxComm's Management Information Coordinator. His responsibilities include FoxComm, which is a three-county partnership including Calumet, Outagamie, and Winnebago Counties, and public safety communication. Mr. Swadley has been in the position for 11 months and has worked on several projects including:
 - Broadband Opportunities Program (federal program, which could still bring broadband network to the area),
 - Computer Aided Dispatch (CAD) program with Motorola,
 - Public Safety Answering Point (PSAP) Consolidation Feasibility Project (in progress with information to be forwarded in July), and
 - 700 MHz Digital Trunked Radio Project.
- Mr. Swadley has an engineering background of 25 years working with utilities including nuclear, power distribution, and operations. He has knowledge of critical components of communications with public safety in working for the utility industry.
- **Radio System Procurement Process:**
 - The FCC mandate and corresponding deadline is December 31, 2012, after which UHF and VHF radios are not allowed to operate in wideband at 25 kHz.
 - Recent research began in March 2007. Analysis of public service responders identified deficiencies including lack of interoperability, frequency conflicts, aged equipment at tower sites that goes out with no redundancy, deficient coverage, and

- deficient capacity for major emergency situations.
- Concepts to Operations, Inc. was contracted to evaluate the system, and a report was issued in May 2008 that reinforced the analysis listed above. The study concluded that the 700 MHz digital trunk system should be implemented due to frequency availability and uniform coverage.
- In May 2010, GeoComm was contracted for support of procurement of the system. During the project GeoComm was requested to provide estimated annual costs for the 700 MHz digital trunk system. Maintenance costs for the complete system were estimated to be between \$1.6-1.8 million annually and approximately \$2 million for 2013, the first year costs would be incurred. Costs are shared by the three counties and vary dependent on county participation. The estimated capital cost for the complete radio system project was \$34.65 million. Due to concerns with the projected costs, a supplemental agreement was approved for GeoComm to evaluate costs/benefits of alternatives.
- In December 2010, GeoComm provided a final report with various options including narrowbanding the system. The recommendation remained moving to a 700 MHz digital trunk system due to the system being the most cost effective, addressing FCC deadline and requirements, and providing future expansion to provide a safe and reliable system.
- In January 2011, FoxComm approved proceeding with the 700 MHz digital trunk system and an RFP was authorized for procurement with a consolidated PSAP between the FoxComm participants.
- Implementation of the 700 MHz digital trunk system supports the mission of FoxComm, which is to coordinate and support shared information and communication technologies to enhance safety of law enforcement, fire, rescue, emergency medical, and emergency management personnel and the people they serve.
- **FCC Narrowbanding Mandate, Narrowbanding Current System vs. Implementation of the 700 MHz Digital Trunk System, Radio System Procurement Status, and Interoperability.** Lex Rutter, GeoComm, FoxComm's consultant, reported the following:
 - GeoComm has been in business for 16 years with a staff of approximately 80 people. They are the third largest group specializing in public safety in the nation. Mr. Rutter has been in public safety for 30 years.
 - The FCC narrowbanding mandate states that the wideband cannot be operated after the deadline. For Outagamie County, approximately 80% of the infrastructure (repeaters and boxes) in the field and approximately 40% of the handhelds units will not meet requirements.
 - GeoComm reviewed options and determined the 700 MHz digital trunk system is the best option as there is no interference and equipment has been tested. The 700 MHz and 800 MHz systems utilize similar equipment but have regulatory differences.
 - Creation of the RFP included intense review with end users to determine system and public safety requirements. Future expansion was an important consideration.
 - Three proposals were received and are currently being analyzed by a user group. Scoring and selection is based on standards of national end users. The system allows for multiple vendors for end users radios to be utilized, which gives options to end users. Recommendation to award is anticipated to be made within the next two weeks.
 - Interoperability is a key component for obtaining grant monies. FEMA and grant writers view interoperability as communication to regional personnel for lending mutual aid and communication with state and federal personnel. The system is designed for both types of communication. Manitowoc County is going to an 800 MHz digital trunk system and Brown County has approved a 700 MHz system. Radios will be able to communicate with either system. The system will have overlay for VHF radios to be able to come into the county and connect directly with dispatch to connect to the appropriate groups in the field. Purchase of blocks of equipment is

- recommended to communicate with nearby State of Wisconsin sites to provide connectivity of a 700 MHz channel so that end users as they go out of the County could utilize their own equipment.
- Ongoing cost of maintenance for Outagamie County (separate from FoxComm) is approximately \$160,000 annually. If continuing with VHF, maintenance costs are approximately \$150,000 annually with less coverage. Preventative maintenance has not been ongoing basis, which requires replacement of the system.
 - **Question and answer period.** Responses to questions follows:
 - The difference between a 700 MHz and 800 MHz is regulatory with Mr. Rutter reporting that a 700 MHz system has some regulatory advantages in obtaining grant monies and the system is contiguous with the broadband block that FoxComm is participating in currently. Mr. Rutter estimated that at some point in time, regulations/technologies will be rolled into one band. Brown and Manitowoc Counties are in the implementation phase of their systems.
 - The three vendors who submitted proposals include Harris Corporation, Motorola Solutions, and Tate Radio Communications for the complete system. Nielsen Communication submitted a fourth package for the central purchasing part of the proposal.
 - Mr. Rutter was not aware of specific issues with a company associated with Big Sky in northern Indiana. Mr. Rutter reported that proper project oversight is needed for good implementation. Proposals submitted were Project 25 standard. A system known as Open Sky, which was not Project 25 standard, had issues and other systems not designated for public safety have not worked well.
 - Regarding concerns for health, power output for 700 MHz and 800 MHz are miniscule compared to television broadcast.
 - In 2013 with inflation, all three counties and FoxComm central is estimated at \$2.3 million for annual maintenance. Costs are mostly software related as the system is a computer system that thinks like a radio. FoxComm has the majority of the costs.
 - Mr. Swadley reported costs were estimates as proposals were being reviewed. FoxComm allocation of the maintenance cost is based on population of each of the counties. Outagamie County's share is approximately 40.94%; Calumet's portion is considerably less; and Winnebago County is approximately the same.
 - Mr. Rutter reported the system could be kept almost indefinitely if adapted and maintained with growth. If not maintained, 7-10 years is estimated as equipment maintenance would be difficult due to obsolescence. If barely maintained, 15-20 years was estimated for most of the infrastructure. Infrastructure includes hardware such as remote site repeaters, controllers, and consoles in dispatch. The other part of the system includes subscriber units (handhelds and mobiles). Subscriber unit lifespan is approximated at 7-10 years before replacement (wear and tear of use). Infrastructure continues well if maintained.
 - There are 13 different pieces to the proposals including equipment in Outagamie County and maintenance costs. Additional costs will be the responsibility of municipalities for subscriber units. The system is built and sized to accommodate all the different agencies within the County.
 - All municipalities will have to comply with the FCC mandate.
 - Implementation is approximated at 12-18 months from the time the contract is signed.
 - VHF band radios will not directly connect into the proposed system. The interoperability overlay is not designed to handle day-in and day-out load. Dual- and tri-band end radios are available but costly.
 - Brown County dropped out of FoxComm on December 31, 2009; however, Mr. Swadley has communicated with Brown County regarding redundancy of systems should FoxComm's system match.
 - The 700 MHz radio system's capacity relates to trunking. The number of frequencies is not available for a VHF trunking system. The current conventional system provides

- only one public safety entity to talk on the radio. Trunking provides a shared system. National organizations report in an emergency situation during a busy hour, there should not be a probability of 2% of the conversations being blocked or having to wait for a free channel. Reviewing number of users/channels, FoxComm would be less than 1% for capacity. For VHF radio, meeting the standard would not be available.
- Currently paging occurs on one channel. With the new system, paging would be on a separate system. Fire, law and EMS users have endorsed the 700 MHz radio system. Coverage inside buildings with the 700 MHz radio system would provide national standards or better. In the northern end of the County, better coverage would be provided than what currently occurs.
 - Local levels of government were notified of the radio system through meetings with Fire Chiefs Association. Mr. Swadley reported that no formal letters were sent to municipalities, but communication could have been made prior to his start.
 - Issues with tactical channels would be handled for various units with recordings by the trunk system as communication comes back into the system.
 - Public safety broadband grant was unsuccessful for the 700 MHz broadband system which would support the CAD system. FoxComm was one of 20 agencies that applied. Federal levels may reallocate funds for implementation of a nationwide public safety network. However, Mr. Swadley was not aware of any current grants available. With most projects, federal dollars are not being distributed.
 - Study of the feasibility of one PSAP for FoxComm is in process. L.R. Kimball has been contracted as the consultant and data has been provided to them. Their report is expected by June 3. PSAP Executive Work Group will review that data and develop a final report. FoxComm Fiscal Advisory Board will then review the feasibility study. The County Board should receive information after July 12.

ESTABLISH ORDER OF THE DAY

Supervisor Hirte requested that Resolution #12 be held in committee for County Board members to review a handout that was distributed on the desks at the meeting. Chairperson Nagler requested the referral be delayed until after public participation. Supervisor Hirte was agreeable to Supervisor Culbertson making a motion for delay as it came up on the agenda.

COMMUNICATIONS

Communication Referral List – Sent out in the packet.

Chairperson Nagler announced the following regarding communications:

- A sign-up sheet was distributed for interest in the WCA Annual Conference in September. Members were requested to return the sheet to Legislative Services.
- Emergency Contact Information was being updated by a memo being distributed to the County Board. The memo was to be returned to Legislative Services.
- Communications distributed on desks were:
 - Memo from Planning Director Hendrick regarding failure to adopt a Tentative Plan in 60-Day Timeframe
 - Letter to Chairperson Nagler from FVTC President Dr. May regarding FVTC housing initiative along with a handout regarding the proposed housing entitled, “Tech Village.”
 - Handout from Supervisor Schuette regarding off road truck information relative to Resolution #10—2011-12.

Chairperson Nagler requested a roll call vote of supervisors who wanted copies of the 2010-11

Proceedings Book. County Clerk O'Bright reported that the cost of the proceeding book in 2010 was \$12.73/copy and in 2011 the cost is expected to be \$13.11/copy.

ROLL CALL for 2010-11 Proceedings Book copies: 7 aye, 29 nay, 0 abstain, 0 absent.

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

Edward Paul, 2009 graduate from Fox Valley Technical College (FVTC) in Automotive Repair, requested support of the Tech Village and Resolution #12—2011-12. Mr. Paul reported that after graduating he started a business and was appointed to the Wisconsin Technical College System Board. Tech Village would assist students who travel from across the State and out of the State to obtain affordable housing. Tech Village would provide benefits to FVTC in continuing to educate students to provide a qualified workforce in the area. Student housing would allow students to participate in other activities offered at FVTC.

Patty Jorgensen, FVTC Vice President of Student Development, read a letter in support of Tech Village from Paul Cleveland, Miller Electric, stating that student housing would assist in continuing to provide skilled labor for their business. Miller Electric has hired FVTC graduates, and Tech Village would make the college more attractive to incoming students.

As required by Board rules, a five minute break was taken by the County Board.

APPOINTMENTS

A letter was received from County Executive Nelson recommending the re-appointment of Harold Hermansen as Commissioner on the Outagamie County Housing Authority; said term expiring May 2016.

Supervisor Pleuss moved, seconded by Supervisor Groat, for confirmation of the re-appointment of Harold Hermansen to the Outagamie County Housing Authority as listed above.

ROLL CALL: 35 aye, 0 nay, 1 abstain, 0 absent. RE-APPOINTMENT OF HAROLD HERMANSEN AS OUTAGAMIE COUNTY HOUSING AUTHORITY COMMISSIONER IS CONFIRMED.

A letter was received from County Executive Nelson recommending the appointment of Michael Bouchard to the Land Information Council; said term expiring April 2012. Mr. Bouchard will be taking the place of Mary Schuelke, who has retired.

Supervisor Pleuss moved, seconded by Supervisor Griesbach, for confirmation of Michael Bouchard to the Land Information Council, said term expiring April 2012.

ROLL CALL: 36 aye, 0 nay, 0 abstain, 0 absent. APPOINTMENT OF MICHAEL BOUCHARD TO THE LAND INFORMATION COUNCIL IS CONFIRMED.

REPORT BY THE COUNTY EXECUTIVE

County Executive Tom Nelson recognized the birthdays of Supervisor Chuck Schmidt, May 25, and Supervisor Shane Griesbach, May 31. Mr. Nelson reported the following:

- MIS is completing their 3-year plan process. Requests by departments have been

conservative due to the current economic environment.

- Construction of the NE landfill is ongoing. The expansion will be prepared to begin taking in the three-county waste stream the first quarter of 2012.
- On May 22, sirens worked well as they were sounded due to funnel cloud formations. Media coverage questioned the alarms; however, the County will err on side of caution due to threatening weather patterns.
- Paved handicap access to the Dog Park will be completed for Memorial Day weekend, and the Children's Farm will be open. The Children's Farm is in its 22 year of operation.
- Gratitude was expressed to the Shadows of Wolf group for their donation of seven fishing platforms.
- The next Honor Flight flies out June 8.
- This week the NCAA Division III Baseball National Championship plays in the area.
- The wellness bingo for health and wellness program begins in June.

REPORT AND PRESENTATION OF COUNTY LOBBYIST

Chairperson Nagler reported that Lobbyist Mark Wadium would not to report to the County Board due to a conflict with attending the State Joint Finance Committee meeting.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Resolution No. Z-4—2011-12 – Agriculture, Extension Education, Zoning & Land Conservation Committee. Approve of a proposed rezoning in the Town of Grand Chute containing .55 acres located at the southwest corner of CTH JJ and CTH A from General Agriculture District to Local Commercial District. Petitioner: Larry Henke.

Supervisor Anthony moved, seconded by Supervisor Schommer, for adoption of Resolution #Z-4—2011-12.

ROLL CALL: 34 aye, 2 nay, 0 abstain, 0 absent. RESOLUTION Z-4—2011-12 IS ADOPTED.

Resolution No. 7—2011-12 – Agriculture, Extension Education, Zoning & Land Conservation Committee. Approve of accepting and expending approximately \$114,000 from the Natural Resources Conservation Service, Strategic Watershed Action Teams grant, over a two-year period. This grant requires a 25% County match, which has been budgeted.

Supervisor Anthony moved, seconded by Supervisor Weyenberg, for adoption of Resolution #7—2011-12.

ROLL CALL: 35 aye, 1 nay, 0 abstain, 0 absent. RESOLUTION #7—2011-12 IS ADOPTED.

Resolution No. 8—2011-12 – Legislative Audit & Human Resources Committee. Authorize and approve of amending the Table of Organization for the Land Conservation Department to add one Conservation Technician II position. In the event that the funding mechanism fails to fund 75% of the position with non-levy funds, the position will sunset and be removed from the Table of Organization.

Supervisor Pleuss moved, seconded by Supervisor Anthony, for adoption of Resolution #8—2011-12.

ROLL CALL: 33 aye, 3 nay, 0 abstain, 0 absent. RESOLUTION #8—2011-12 IS ADOPTED.

Supervisor Anthony moved, seconded by Supervisor Pleuss, to reconsider Resolution #8—2011-12 for the purpose of lock-in.

ROLL CALL: 34 aye, 2 nay, 0 abstain, 0 absent. RESOLUTION #8—2011-12 IS RECONSIDERED.

ROLL CALL to adopt and lock in: 33 aye, 3 nay, 0 abstain, 0 absent. RESOLUTION #8—2011-12 IS ADOPTED AND LOCKED IN.

Resolution No. 9—2011-12 – Agriculture, Extension Education, Zoning & Land Conservation Committee. Approve of a budget adjustment in the Land Conservation Intergovernmental Revenue line item and the Purchased Services line item in the 2011 Land Conservation Department budget to reflect an increase of \$6,745.20 for grant funding to provide cost-sharing to landowners for Nutrient Management plans and other non-bondable conservation practices that reduce nutrient runoff in high risk areas.

Supervisor Anthony moved, seconded by Supervisor Callies, for adoption of Resolution #9—2011-12.

ROLL CALL: 35 aye, 1 nay, 0 abstain, 0 absent. RESOLUTION #9—2011-12 IS ADOPTED.

Resolution No. 10—2011-12 – Highway & Solid Waste Committee. Approve of the budget adjustment request of \$155,000 of unallocated Highway funds to Capital Outlay line item for the purchase of an articulated truck.

Supervisor Schuette moved, seconded by Supervisor McDaniel, for adoption of Resolution #10—2011-12.

ROLL CALL: 31 aye, 5 nay, 0 abstain, 0 absent. RESOLUTION #10 —2011-12 IS ADOPTED.

Supervisor Schuette moved, seconded by Supervisor McDaniel for reconsideration for the purpose of lock in.

ROLL CALL: 31 aye, 5 nay, 0 abstain, 0 absent. RESOLUTION #10 —2011-12 IS RECONSIDERED.

ROLL CALL to adopt and lock in: 31 aye, 5 nay, 0 abstain, 0 absent. RESOLUTION #10 —2011-12 IS ADOPTED AND LOCKED IN.

Resolution No. 11—2011-12 – Highway & Solid Waste Committee. Approve of the East Landfill Final Cover Project Oversight Committee ending and adjourning sine die due to DNR oversight and Ordinance A--2011-12 adoption which exempts this project from the requirement to form an oversight committee.

Supervisor Groat moved, seconded by Supervisor Schuette, for adoption of Resolution #11—2011-12.

ROLL CALL: 34 aye, 2 nay, 0 abstain, 0 absent. RESOLUTION #11—2011-12 IS ADOPTED.

Resolution No. 12—2011-12 – Property, Airport, Recreation & Economic Development Committee. Authorize amending a portion of Section 2.03 of the Development Agreement with Casaloma Holdings, LLC to allow private for-profit student housing as an acceptable form of development for approximately 18 acres of county-owned land north of the Fox Cities Stadium.

Supervisor Culbertson moved, seconded by Supervisor Hofacker, to hold Resolution #12—2011-12 in committee. No objections, so ordered. RESOLUTION #12—2011-12 IS HELD IN COMMITTEE.

Resolution No. 13—2011-12 – Property, Airport, Recreation & Economic Development Committee. Approve of the First Addendum to extend the term of the existing lease agreement between Outagamie County and DMH, Inc. for an additional one year and eight month period, to expire February 28, 2013, and DMH, Inc. agreeing to commissions of gross revenue sales as detailed.

Supervisor Culbertson moved, seconded by Supervisor Rabec, for adoption of Resolution #13—2011-12.

ROLL CALL: 36 aye, 0 nay, 0 abstain, 0 absent. RESOLUTION #13—2011-12 IS ADOPTED.

Resolution No. 14—2011-12 – Property, Airport, Recreation & Economic Development Committee. Authorize granting WE Energies a permanent easement for the North fueling area.

Supervisor Culbertson moved, seconded by Supervisor Hofacker, for adoption of Resolution #14—2011-12.

ROLL CALL: 35 aye, 0 nay, 1 abstain, 0 absent. RESOLUTION #14—2011-12 IS ADOPTED.

Resolution No. 15—2011-12 – Legislative/Audit & Human Resources Committee. Authorize and approve of the tentative County plan for Outagamie County apportioned into 36 supervisory districts.

Supervisor Pleuss moved, seconded by Supervisor Mahan, for adoption of Resolution #15—2011-12.

During discussion, Corporation Counsel Guidote reported that with passage of a redistricting plan less than the current number, the plan could still be challenged once in the next ten years.

Supervisor Kramer moved, seconded by Supervisor C. Schmidt, to amend Resolution #15--2011-12 that all references of 36 be changed to 31.

Corporation Counsel Guidote reported that an amendment to reduce the number of supervisory districts would essentially be a referral back to the Redistricting Committee as the amendment did not include a proposed map with lines drawn according to constitutional requirements for equal number of constituents.

ROLL CALL on amendment: 2 aye, 34 nay, 0 abstain, 0 absent. MOTION DEFEATED – AMENDMENT FAILS.

ROLL CALL for adoption: 33 aye, 3 nay, 0 abstain, 0 absent. RESOLUTION#15—2011-12 IS ADOPTED.

Supervisor Anthony moved, seconded by Supervisor A. Schmidt, to reconsider Resolution #15--2011-12 for the purpose of lock in due to time constraints of requirements to submit the plan to municipalities for their ward plans.

ROLL CALL for reconsideration: 33 aye, 3 nay, 0 abstain, 0 absent. RESOLUTION 15—2011-12 IS RECONSIDERED

ROLL CALL for adoption and lock in: 32 aye, 4 nay, 0 abstain, 0 absent. RESOLUTION 15—2011-12 IS ADOPTED AND LOCKED IN.

REPORTS

The following rezoning petition was received by Timothy P. Roach, Zoning Administrator.

From the Town of Ellington

- Petitioner: Jerry W. Velie
- Proposed rezoning from Local Commercial District to Residential Two Family District

Supervisor Callies moved, seconded by Supervisor Jansen, to adjourn until June 14, 2011, at 6:30 p.m. VOICE VOTE CARRIED.

The meeting adjourned at 9:10 p.m.

\s\ Lori J. O'Bright
County Clerk