

**WINNEBAGO COUNTY BOARD MEETING
TUESDAY, JULY 27, 2010**

Chairman David Albrecht called the meeting to order at 6:00 p.m. in the County Board Room, Fourth Floor, Courthouse, 415 Jackson Street, Oshkosh, Wisconsin.

The meeting was opened with the Pledge of Allegiance and an invocation by Supervisor Lennon.

The following Supervisors were present: Konetzke, Barker, Eisen, Englebert, Ramos, Miller, Roh, Smith, Widener, Hamblin, Albrecht, Swanson, Thompson, Lennon, Reynolds, Hall, Wingren, Jacobson, Norton, Warnke, Robl, Eichman, Kline, Locke, Hegg, Finch, Farrey, Diakoff, Brennand, Egan, Ellis, Rengstorf and Reinert. Excused: Sievert, Neubauer and Gabert.

Motion by Supervisor Robl and seconded to adopt tonight's amended agenda. CARRIED BY VOICE VOTE.

PUBLIC HEARING

Johnathan Krause, 322 North Lark Street, Oshkosh, spoke in support of Resolution No. 79-72010, "Place Advisory Referendum Question on November Ballot-Use of Transportation Tax Funds".

COMMUNICATIONS, PETITIONS, ETC.

A note was received from Lynnel Arndt thanking the Board for the commendation resolution they passed and the county history book they sent her when she retired from Winnebago County.

Notice of Claim from Herrling Clark Law Firm for Leonard W. Weis and Weis Earth Science Museum for damages resulting from the formation of the Weis Earth Science Museum, Inc., was referred to the Personnel & Finance Committee.

Notice of Claim from Sara Ellen Payne for jewelry lost while she was an inmate in the Winnebago County jail was referred to the Personnel & Finance Committee.

Notice of Claim from Integrity Insurance for Daniel R. Miller for damage to Mr. Miller's vehicle caused by an accident with a Winnebago County Sheriff's Office squad car was referred to the Personnel & Finance Committee.

Notice of Claim from George Curtis on behalf of David Glaze and Mary Ann Glaze for injuries to Mr. Glaze resulting from a fall at the Department of Natural Resources Center, which is located in the James P. Coughlin Center. This claim was referred to the Personnel & Finance Committee.

The following resolutions were received from various counties:

- Adams County, Resolution 2010 – 31: Request State Law Changes Allowing Counties to Use the Design-build Construction Method. Referred to the Legislative Committee.
- Dodge County – resolution urging the state legislature to "rescind the changes that were made to prevailing wage laws (Sections 66.0903 and 103.49, Wis. Stats.) effective January 1, 2010, by enactment of the State budget, 2009 Wisconsin Act 28." Referred to the Legislative Committee.
- Douglas County – Resolution #43-10, which urges action by the State of Wisconsin and the federal government that will eliminate the potential spread of Asian Carp throughout the Great Lakes and surrounding watersheds. Referred to the Legislative Committee.
- Langlade County – Resolution #57-2010: urging the state legislature to "rescind the changes that were made to prevailing wage laws (Sections 66.0903 and 103.49, Wis. Stats.) effective January 1, 2010, by enactment of the State budget, 2009 Wisconsin Act 28." Referred to the Legislative Committee.
- Lincoln County – Resolution 2010-07-20: – "request rescinding the changes that were made to prevailing wage laws (Sections 66.0903 and 103.49, Wis. Stats.) effective January 1, 2010, by enactment of the State budget, 2009 Wisconsin Act 28." Referred to the Legislative Committee.
- Vilas County – Resolution 2010-66 supports a referendum question on the November ballot that would, "prohibit any further transfers or lapses from the segregated transportation fund". Referred to the Legislative Committee.
- Washburn County – Resolution #50-10: "Resolution to Rescind the Prevailing Wage Law Changes that Were Made Effective January 1, 2010". Referred to the Legislative Committee.
- Waushara County – Resolution 25-07-10: "Request for Elimination of Potential of Asian Carp Spread Throughout Great Lakes and Surrounding Watersheds." Referred to the Legislative Committee.
- Wood County – Resolution #10-7-8: "To require the State of Wisconsin that funds in the segregated transportation fund be used solely to fund Wisconsin's transportation systems and infrastructure. Referred to the Legislative Committee.

REPORTS FROM COMMITTEES, COMMISSIONS & BOARDS

Supervisor Finch reported that the Winter Navigational Aids Special Committee determined that it is best that the county does not have Buoy 100 lit during winter months. He explained that Arlene Schmuhl, the chairman of that committee, will be at a future county board meeting to explain that committee's findings.

Supervisor Eisen thanked Chairman Albrecht for allowing him to attend the National Association of Counties (NACo) annual conference in Reno, Nevada earlier this month. Supervisor Eisen gave an overview of the sessions he attended at the conference. A copy of Supervisor Eisen's report is on file with the proceedings from this meeting in the County Clerk's Office.

Supervisor Barker reminded the Board that this is the 155th anniversary of the county's fair and she encouraged them to attend the fair opening on Tuesday, August 3 @ 5:00 p.m. She stated that they will also be commemorating the 100th anniversary of the Winnebago County Fair Association at the fair opening. Supervisor Barker commended the members of the fair association for their hard work and dedication to the county fair.

Supervisor Barker distributed pictures of Buoy 100, so board members would be familiar with the issue.

Supervisor Barker also commented on the appointment of James Engelbert to the Board by stating that she had served on the Menasha City Council with him and that Mr. Engelbert is an excellent choice for the Winnebago County Board of Supervisors.

Supervisor Egan stated that the fair is also having a parade on Thursday night. It will start at Park View Health Center and end at the fairgrounds. Supervisor Egan also encouraged the Board to attend this year's fair and celebrate the fair association's 100th birthday. He also explained changes that have been made to the 4-H programs and classes.

Supervisor Lennon reported that the Aviation Committee will be meeting on Wednesday, August 11.

Motion by Supervisor Robl and seconded to approve the proceedings from the June 15, 2010 County Board meeting. Supervisor Eisen asked that the vote for Resolution No. 51-62010 be corrected by listing Supervisor Gabert's abstention. Vote on proceedings as corrected – CARRIED BY VOICE VOTE.

COUNTY EXECUTIVE'S REPORT

Executive Harris reported that all the county's departments have submitted their initial budget requests and that the majority of them have come in at the targets they were given. Executive Harris explained that the budget will show a significant decrease in overall spending, primarily because of the county's participation in the family care system. He explained that this will be a trend for a number of years.

Executive Harris stated that the overall decrease in spending is good news, but revenue sharing and other intergovernmental transfers (from the federal and state governments) will most likely decrease at a faster rate than the cuts in spending. This trend, plus the continuing decline in other revenue sources, will cause an increase in the county's tax levy. Executive Harris stated that he hopes to hold that property tax levy increase to 2%.

Executive Harris asked for the Board's approval of Resolution No. 78-72010, "Authority to Execute 2010 Labor Agreement with Winnebago County Bridgetenders." He explained that bridgetenders are employees of Winnebago County, but their salaries are reimbursed by the State of Wisconsin. Executive Harris feels that because the pay increase is modest and the same changes in health insurance as other union groups is included, this is a fair contract. He explained that the contract also includes a provision for a "winter maintenance pool". This pool will allow bridgetenders who have a Commercial Driver's License (CDL), to assist with snow plowing when necessary.

COUNTY EXECUTIVE'S APPOINTMENTS

Aging and Disability Resource Center (ADRC) Committee

Executive Harris asked for the Board's approval of his appointments of the following people to the Aging and Disability Resource Center Committee:

- Terms Expire 8/31/11: Supervisor Tom Widener, 129 Richard Avenue, Neenah; Deb Pahl, 535 Camelot Court, Oshkosh; Rob Peterson, 530 North Main Street, Oshkosh
- Terms Expire 8/31/12: Janice Dibble, 2471 Security Drive, Oshkosh; Ann Jungwirth, 2817 Homestead Drive, Oshkosh; Diane Egan, 1267 Williams Road, Pickett; Ginger Beuk, 224 East Tennessee Avenue, Oshkosh; Supervisor Mike Norton, 1029 South Main Street, Oshkosh
- Terms Expire 8/31/13: Supervisor Jef Hall, 112 East Irving Avenue, Oshkosh; Donna Lohry, 511 West Bent Avenue, Oshkosh; Jean Wollerman, 110 West Bent Avenue, Oshkosh; and Debra Hogue, 4390 Lakeland Drive, Oshkosh

Motion by Supervisor Robl and seconded to approve these appointments. CARRIED BY VOICE VOTE.

COUNTY BOARD CHAIRMAN'S REPORT

Chairman Albrecht reported that Supervisors Sievert and Neubauer are recovering from their medical procedures and are excused from tonight's meeting. Supervisor Gabert is also excused from tonight's meeting.

APPOINTMENT TO COUNTY SUPERVISOR DISTRICT NO. 3 – JAMES ENGLEBERT

Chairman Albrecht asked for approval of his appointment of James Engelbert. Motion by Supervisor Finch and seconded to approve. CARRIED BY VOICE VOTE.

Chairman Albrecht administered the Oath of Office to Mr. Engelbert.

ELIMINATE THE TRANSFER OF STATE TRANSPORTATION FUNDS TO OTHER STATE PROGRAMS – CRAIG THOMPSON, EXECUTIVE DIRECTOR, TRANSPORTATION DEVELOPMENT ASSOCIATION

Craig Thompson, Executive Director of the Transportation Development Association (TDA), spoke to the Board on behalf of the TDA and Finding Forward. Finding Forward is a coalition formed to support the efforts to segregate transportation funds and the transportation user fees that Wisconsin citizens pay. Finding Forward is made up of 34 different associations and groups, not all of which are related to transportation. Some of those include the Oshkosh Chamber of Commerce, East Central Wisconsin Regional Planning Commission, Wisconsin Restaurant Association, Wisconsin Grocers Association, Wisconsin Retailers Association, Great Lakes Timber Professionals and others.

Mr. Thompson explained the reasons that the TDA and Finding Forward feel it's important that Wisconsin's Constitution be amended so transportation user fees are segregated:

- Over the last decade, more than \$1.2 Billion has been transferred from the state's transportation fund to the general fund. \$800 Million of that money was replaced with general obligation bonds out of the general fund, but \$400 Million was lost from the fund.
- The general public has "lost faith" that their transportation user fees are going for transportation.
- Vehicle miles travelled in Wisconsin are down, but transportation costs are up. This puts a great strain on transportation projects around the state, because they don't know where the money will come from for these projects.
- Transportation Projects Commission, which was formed to oversee major projects and approve them, has not met in eight years. They have not met because they can't approve projects unless they can show where the funding will come from so the project can be completed within three years. This delay has affected the US 441 project in Winnebago County.
- This not only negatively impacts the state's transportation situation, but it negatively impacts the state as a whole.

Mr. Thompson explained that TDA and Finding Forward feel that for the last decade, Wisconsin has been "stuck in a rut" of structural deficit. Mr. Thompson stated that the Pew Center on the States has ranked Wisconsin as having the tenth worst budget situation in the country. They specifically cited the state's practice of using these transportation funds for "ongoing expenses in the general fund."

Mr. Thompson explained that the state's practice of using transportation funds for ongoing expenses and then issuing general obligation bonds for transportation expenses is a way to "get around" language in the state's Constitution that restricts what can be bonded for in Wisconsin.

Mr. Thompson stated that TDA and Finding Forward believe it's important that these user fees are kept segregated and are only used for transportation. To do this, they are encouraging all the counties in Wisconsin to have an advisory referendum question on the November ballot that will ask voters if the state's Constitution should be amended so that transportation funds can only be used for transportation purposes.

Mr. Thompson then took questions from the Board.

ZONING REPORTS & ORDINANCES

REPORT NO. 001. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant George Dearborn, Community Development Director for the Town of Menasha; and property owner, Kenneth Syring; Town of Menasha, for a zoning change to R-2 for tax parcel no. 008-0310-01. Motion by Supervisor Brennand and seconded to accept. CARRIED BY VOICE VOTE..

AMENDATORY ORDINANCE NO. 07-01-10. A requested zoning change from R-1 (Single Family non-subdivided) to R-2 (Single Family subdivided). Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – August 3, 2010)

RESOLUTIONS AND ORDINANCES

MOTION TO RECONSIDER

RESOLUTION NO. 51-62010: Authorize \$300,000 of Funding Needed to Begin Acquisition of Right of Way for the County Trunk Highway (CTH) T Project

The undersigned supervisor, having voted on the prevailing side regarding the foregoing Resolution at the previous County Board Meeting, hereby moves the Winnebago County Board of Supervisors to reconsider its action upon said Resolution.

Respectfully submitted:
THOMAS KONETZE, DISTRICT 1
WINNEBAGO COUNTY BOARD SUPERVISOR

Motion by Supervisor Konetzke and seconded to adopt. Ayes: 30. Nays: 2 – Thompson and Jacobson. Excused: 3 – Gabert, Neubauer and Sievert. (No vote was recorded for Supervisor Konetzke). CARRIED.

RESOLUTION NO. 51-62010: Authorize \$300,000 of Funding Needed to Begin Acquisition of Right of Way for the County Trunk Highway (CTH) T Project

WHEREAS, the Winnebago County Board of Supervisors supports the design and reconstruction of CTH T from CTH Y to CTH G; and

WHEREAS, the project will begin approximately .25 miles south of CTH Y and continue north to the intersection of CTH G, a distance of approximately 4 miles; and

WHEREAS, the project is in the Winnebago County Five-Year Capital Improvement Plan; and

WHEREAS, the project will include construction of one roundabout which will be located at the intersection of CTH Y and CTH T; and

WHEREAS, the adjacent area near the CTH T corridor is expected to continue to develop rapidly in the near future as other local and state highway projects are completed; and

WHEREAS, the roadway surface on CTH T is continuing to deteriorate due to the age and condition of the original concrete road bed and inadequate subgrade materials beneath it; and

WHEREAS, the estimated cost to acquire the right of way needed to construct the project is \$300,000.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates the sum of \$300,000 from the General Fund of Winnebago County for the right of way costs related to the reconstruction of County Trunk Highway T.

BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors that funds to pay for said deficit are hereby appropriated from the General Fund of Winnebago County with the General Fund to be reimbursed from a subsequent bond issue.

Submitted by:
HIGHWAY COMMITTEE
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Konetzke and seconded to adopt. Ayes: 32. Nays: 1 – Widener. Excused: 3 – Gabert, Neubauer and Sievert. CARRIED.

MOTION TO RECONSIDER

RESOLUTION NUMBER 61-62010: Authorize Wittman Regional Airport to Purchase a Runway Broom at a Cost of \$650,000, to be funded by Grants Totaling \$520,000 and General Obligation Bond Proceeds of \$130,000

The undersigned supervisor, having voted on the prevailing side regarding the foregoing Resolution at the previous County Board Meeting, hereby moves the Winnebago County Board of Supervisors to reconsider its action upon said Resolution.

Respectfully submitted:
CHUCK FARREY, DISTRICT 30
WINNEBAGO COUNTY BOARD SUPERVISOR

Ayes: 28. Nays: 5 – Miller, Roh, Wingren, Hegg and Diakoff. Absent: 3 – Gabert, Neubauer and Sievert. CARRIED.

RESOLUTION NO. 61-62010:

Authorize Wittman Regional Airport to Purchase a Runway Broom at a Cost of \$650,000, to be funded by Grants Totaling \$520,000, and General Obligation Bond Proceeds of \$130,000

WHEREAS, the current runway broom has aged beyond its economic useful life; and
WHEREAS, the current equipment does not work properly due to a balancing problem with the broom; and
WHEREAS, this problem is such that the broom can only be used in one direction; and
WHEREAS, there are additional mechanical problems with the equipment making it difficult to keep it in an operational state due, partially, to its age; and

WHEREAS, the new broom can be used year round to keep the runways clear of debris and is especially useful in winter in being able to clear snow right down to the runway surface, thus reducing the need to use sand and other materials to make the runways safe for use.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates \$650,000 for the purchase of a new runway broom for Wittman Regional Airport.

BE IT FURTHER RESOLVED that funds to pay for said equipment be transferred from the General Fund of Winnebago County with the General Fund being reimbursed from grant funds of \$520,000 and a subsequent bond issue of \$130,000.

Submitted by:
CHUCK FARREY, DISTRICT 30
WINNEBAGO COUNTY BOARD SUPERVISOR

Motion by Supervisor Farrey and seconded to adopt.

Motion by Supervisor Farrey and seconded to amend the Resolution as follows:

- Change the word "General" to "Airport" wherever it appears in the "BE IT FURTHER RESOLVED" paragraph that starts on Line 30.
- Delete "and a subsequent bond issue of \$130,000".

Vote on amendment – Ayes: 26. Nays: 7 – Eisen, Ramos, Miller, Widener, Lennon, Warnke and Kline. Excused: 3 – Gabert, Neubauer and Sievert. CARRIED.

Vote on Resolution as amended – Ayes: 30. Nays: 3 – Ramos, Miller and Roh. Excused: 3 – Gabert, Neubauer and Sievert. CARRIED.

ORDINANCE NO. 65-62010: Amend Section 9.14 of the General Code of Winnebago County: Smoking in County Buildings

WHEREAS, several years ago, Winnebago County enacted Section 9.14 of the General Code of Winnebago County, prohibiting smoking in County buildings and in certain outside areas of Winnebago County as well as County leased or operated vehicles; and

WHEREAS, the State of Wisconsin has adopted § 101.123, Wis. Stats., which prohibits smoking in public buildings and places throughout the State of Wisconsin; and

WHEREAS, it is imperative that definitions within the Winnebago County ordinance be updated so as to be consistent with those definitions in the new State Statute; and

WHEREAS, it is also in the best interests of Winnebago County that certain redundant parts of its present ordinance be rescinded.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors as follows: That Section 9.14 of the General Code of Winnebago County is hereby amended as is reflected in the attached written ordinance.

Submitted by:
WINNEBAGO COUNTY BOARD OF HEALTH

Motion by Supervisor Ramos and seconded to adopt. Ayes: 31. Nays: 1 – Reinert. Abstain: 1 – Locke. Excused: 3 – Gabert, Neubauer and Sievert. CARRIED.

9.14 SMOKING IN COUNTY BUILDINGS. (1) AUTHORITY. This Section of the Code is adopted under the authority granted by Sec. 101.123(4m), Wis. Stats.

(2) DEFINITIONS. As used in this Section.

(a) "Assisted Living Facility" means a community-based residential facility, as defined in Sec. 50.01(1g), Wis. Stats., a residential care apartment complex, as defined in Sec. 50.01(1d), Wis. Stats., or an adult family home, as defined in Sec. 50.01(1)(b), Wis. Stats.

(b) "Building" means any enclosed, indoor area of a structure owned by the County, or any enclosed indoor area of that part of a structure leased by the County.

(c) "County-owned" means any buildings, as defined in this section, owned by the County.

- (d) "County-leased" means any part of a building, as defined in this section, which is leased by the County.
- (e) "Enclosed indoor area" means all space between a floor and a ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50 percent (50%) of the combined surface area of the vertical planes constituting the perimeter of the area.
- (f) "Entrance" means a doorway which gives direct access to a building from a contiguous street, plaza, sidewalk or parking lot, open windows, and any building ventilation systems.
- (g) "Smoking" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, or any other lighted smoking equipment in any manor or in any form.
- (h) "Sports arena" means any stadium, pavilion, gymnasium, swimming pool, skating rink, bowling center, or other building where spectator sporting events are held.
- (i) "Vehicle" means any automobile, truck, or other motorized piece of equipment owned, leased, or operated by the County.
- (j) "Workplace" means any enclosed indoor area that employees normally frequent during the course of employment, including an office, a work area, an elevator, an employee lounge, a restroom, a conference room, a meeting room, a classroom, a hallway, a stairway, a lobby, a common area, a vehicle, a storage area, or an employee cafeteria. A private residence shall not be considered a place of employment unless it is used as a child care, adult day care, or health care facility.

(3) SMOKING PROHIBITED.

- (a) No person shall smoke in any County-owned or County-leased building, workplace, or vehicle at any time.
- (b) Smoking is prohibited within all sports arenas on County-owned or County-leased property.
- (c) Smoking is prohibited within twenty (20) feet of any entrance of a County-owned or County-leased building, sports arena or workplace.
- (d) No person shall smoke within the building or the campus area of Park View Health Center.
- (1) The "Campus of Park View Health Center" shall be defined for the purpose of this ordinance as those areas, both indoors and outdoors, falling within the perimeter of the campus boundary surrounding the skilled nursing facility building at Park View Health Center, as is indicated in Exhibit "A", attached.

(4) EXCEPTIONS. The prohibition in subsection (3) shall not apply to the following structures or the following areas:

- (a) County-owned or County-leased residential rooms in assisted living facilities which are designated smoking as defined in Secs. 101.123(3)(i) and 101.123(3)(j), Wis. Stats.
- (b) Private residences in buildings owned or leased by the Winnebago County Housing Authority, unless the building is otherwise designated as smoke-free
- (c) Outside smoking areas, designated as such by the County Executive after conferring with the County Health Director, upon County-owned and leased property and sports arenas.

(5) RESPONSIBILITIES. The County shall post signs prohibiting smoking at least twenty (20) feet from the public entrance of County-owned and County-leased buildings, sports arenas, and workplaces. The signs shall be:

- (a) Of uniform dimensions and other characteristics required under Sec. 101.123(2m), Wis. Stats., specified by Sec. 101.123(6) Wis. Stats.;
- (b) be posted at doorway entrances of County-owned and County-leased buildings, sports arenas and workplaces.

(6) PENALTIES AND ENFORCEMENT.

- (a) Any person who shall violate any provision of this Section of the Code shall, upon conviction thereof, forfeit \$100.00, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution.
- (b) Citations may be issued for violations of this section of the General Code as provided for in Section 25.04(4) of the General code of Winnebago County.

(7) EFFECTIVE DATE. This Ordinance shall be in full force and effect as of August 22, 2010.

RESOLUTION NO. 75-72010: Recommitment to Full Implementation of the Americans with Disabilities Act (ADA)

WHEREAS, on July 26, 1990, President George H. Bush signed into law the Americans with Disabilities Act (ADA) to ensure the civil rights of people with disabilities. This legislation established a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities; and

WHEREAS, the ADA has expanded opportunities for Americans with disabilities by reducing barriers, changing perceptions, and increasing full participation in community life. However, the full promise of the ADA will only be realized if public entities remain committed in their effort to fully implement the ADA.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that on the 20th anniversary of the American with Disabilities Act, Winnebago County celebrates and recognizes the progress that has been made by reaffirming the principals of equality and inclusion, and recommitting our efforts to reach full ADA compliance.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby reaffirms its commitment to work toward full ADA compliance in Winnebago County.

Submitted by:
MIKE NORTON, DISTRICT 20
TRAVIS SWANSON, DISTRICT 13
CHUCK FARREY, DISTRICT 30

Motion by Supervisor Norton and seconded to adopt. Supervisor Smith asked that Line 10 be corrected to read "George H. W. Bush". Vote on Resolution as corrected – Ayes: 33. Nays: 0. Excused: 3 – Gabert, Neubauer and Sievert. CARRIED.

RESOLUTION NO. 76-72010: Authorize Payment of Excess Committee Days (May 1, 2009 through April 19, 2010)

WHEREAS, § 59.13(2)(b), Wis. Stats., allows that in counties with a population of 25,000 persons or more, the Board of Supervisors may, by a two-thirds vote of the members present, increase the number of days for compensation and mileage that may be paid in any year and fix the compensation for each additional day; and

WHEREAS, your undersigned Committee recommends that a per diem payment be made for those committee members who have committee days in excess of 30 days for the period between May 1, 2009, and April 19, 2010.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves a per diem compensation for persons serving on committees for more than 30 days as is shown in the attached report, which is hereby made a part of this resolution, for the period May 1, 2009, through April 19, 2010.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Supervisor Swanson asked that the Line 11 be corrected by changing "two-thirds vote" to "majority of those present". Corporation Counsel Bodnar stated that the vote for passage is actually two-thirds of the members present. The Resolution was so corrected. Vote on Resolution as corrected – Ayes: 26. Nays: 7 – Ramos, Miller, Roh, Hall, Hegg, Finch and Farrey. Absent: 3 – Gabert, Neubauer and Sievert. CARRIED.

RESOLUTION NO. 77-72010: Approve Winnebago County's Participation in Boston Mutual Life Insurance Program Offered in Conjunction with Wisconsin Counties Association

BE IT RESOLVED by the Winnebago County Board of Supervisors that in an effort to enhance voluntary employee benefits, Winnebago County shall make available to its employees the opportunity to participate in the Boston Mutual Life Insurance Program on a voluntary basis.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that 100% of any and all costs for insurance purchased by an employee shall be paid for by the employee.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 23. Nays: 10 – Barker, Engelbert, Miller, Swanson, Thompson, Reynolds, Wingren, Jacobson, Egan and Rengstorf. Excused: 3 – Gabert, Neubauer and Sievert. CARRIED.

RESOLUTION NO. 78-72010: Authority to Execute 2010-2012 Labor Agreement with Winnebago County Bridgetenders

BE IT RESOLVED by the Winnebago County Board of Supervisors that the Winnebago County Executive and the Winnebago County Clerk be, and hereby are, authorized to execute a 3-year Agreement on behalf of Winnebago County and the Winnebago County Bridgetenders Union Local 1280 Unit, AFSCME, AFL-CIO, for the years 2010, 2011, and 2012, effective January 1, 2010, which Agreement will provide the following major changes from the previous Agreement:

1. WAGES

Effective April 1, 2010, a 1.5% across-the-board increase

Effective January 1, 2011, a 1.5% across-the-board increase

Effective January 1, 2012, a 0.5% across-the-board increase (with a me-too clause for wages only should any bargaining unit in Winnebago County receive a greater wage increase, excluding Park View Health Center)

2. ARTICLE XXII—GROUP HEALTH INSURANCE

Effective for the October 1, 2010, premium, Winnebago County will contribute 85% of the monthly premium amount of Plan 2 in either the Network Health Plan or the UMR Health Insurance Plan toward each employee's monthly health insurance premium. If an employee and spouse complete an annual Health-Risk Assessment on or before September 1 of each year, Winnebago County will contribute 90% of the monthly premium amount of Plan 2 in either the Network Health Plan Insurance Plan or the UMR Health Insurance Plan toward the employee's monthly health insurance premium. Winnebago County agrees to maintain the current benefit levels for the duration of the Agreement; but, reserves the right to change the Group Health Plans as long as benefit levels are maintained.

3. ARTICLE XXXII—WINTER MAINTENANCE POOL

The Union agrees to allow Winnebago County to create a "Winter Maintenance Pool." This pool shall include, but not be limited to, bridgetenders who have been hired with CDL's after January 1, 2009. Winnebago County shall be allowed to utilize workers from the Winter Maintenance Pool to replace bargaining unit employees who are not available for work due to vacation, holiday, compensatory time, illness, workers compensation claim, FMLA, and any other paid or unpaid time off. Winnebago County will be allowed to provide training on an annual basis for the "Winter Maintenance Pool" workers. The pay rate for Winter Maintenance Pool workers shall be Step "A" of Classification 2 provided in the Labor Agreement.

Bridgetenders shall be called in by seniority. Employees can refuse the call in and not be penalized for doing so. If no employee accepts the call-in, employees shall be ordered in by inverse seniority.

In addition to the foregoing, the new Agreement provides for modifications to Management Rights and modifies the ability to use vacation days during the bridgetending season (maximum of 3 days per season).

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 32. Nays: 1 – Hegg. Excused: 3 – Gabert, Neubauer and Sievert. CARRIED.

RESOLUTION NO. 79-72010: Place Advisory Referendum Question on November Ballot—Use of Transportation Tax Funds

WHEREAS, according to the Legislative Fiscal Bureau, over the past decade, the State of Wisconsin has transferred approximately \$1.2 billion from the State's Segregated Transportation Fund to the State's General Fund and replaced it with approximately \$800 million in General Obligation (GO) bonds, thereby, reducing the amount available for transportation purposes by approximately \$400 million; and

WHEREAS, Wisconsin's practice of transferring money from the Segregated Transportation Fund to the General Fund has eroded the public's confidence that the "user fees" the public pays through the State gasoline tax and vehicle registration fees will be used for their intended purposes; and

WHEREAS, Wisconsin's practice of replacing the dollars transferred from the State's Segregated Transportation Fund with GO bonds puts our State in the precarious position of bonding to fund ongoing operations; and

WHEREAS, the Pew Center on States recently released a report that indicated Wisconsin has one of the ten worst budget situations in the country and specifically citing transferring money from the Transportation Fund to fund ongoing operations as an example of one of the practices that has put Wisconsin in such an untenable position; and

WHEREAS, the debt service for these bonds will have to be paid for out of the State's General Fund, which hinders its ability to fund other programs like Shared Revenue, Youth Aids, Community Aids, and Court in the future; and

WHEREAS, using the State's General Obligation (GO) bonds in this way has hurt the State's bond rating, and a report issued by CNN in 2009 listed Wisconsin as having the second worst GO bond rating in the country; and

WHEREAS, gas tax and vehicle registration fees comprise over 90% of the State's Segregated Transportation Account, and revenue from these two sources have been declining and are inadequate to meet the existing transportation needs in this State; and

WHEREAS, Wisconsin's transportation infrastructure is a fundamental component in its ability to attract and retain business and produce jobs; and

WHEREAS, the citizens of Winnebago County deserve the right to have their voices heard on this important issue; and

WHEREAS, providing constitutional protection much like our neighbors in Minnesota, Iowa, Michigan, and Ohio already have is the only way to ensure that this practice will not continue.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the following question will be put to the voters of Winnebago County in an advisory referendum during the November 2010 election:

Should the Wisconsin Constitution be amended as follows: All funds collected by the state from any taxes or fees levied or imposed for the licensing of motor vehicle operators, for the titling, licensing, or registration of motor vehicles, for motor vehicle fuel, or for the use of roadways, highways, or bridges shall be deposited only into the transportation fund or with a trustee for the benefit of the Department of Transportation or the holders of transportation-related revenue bonds. None of the funds collected or received by the state from any source and deposited into the transportation fund shall be lapsed, further transferred, or appropriated to any program that is not directly administered by the Department of Transportation in furtherance of the Department's responsibility for the planning, promotion, and protection of all transportation systems in the state except funds that were already lapsed, transferred, or appropriated from the transportation fund as of December 31, 2007. In this section, the term "motor vehicle" does not include any all-terrain vehicles, snowmobiles, or watercraft.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the Winnebago County Clerk is directed to cause a copy of the Notice of Referendum to be published in the County's official newspaper as required by law; and

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the Winnebago County Clerk is directed to provide a copy of this Resolution and a copy of the results of the advisory referendum to the Wisconsin Counties Association.

Submitted by:
HIGHWAY COMMITTEE

Motion by Supervisor Robl and seconded to adopt. Ayes: 24. Nays: 9 – Widener, Swanson, Thompson, Reynolds, Hall, Wingren, Jacobson, Norton and Rengstorf. CARRIED.

RESOLUTION NO. 80-72010: Appropriate \$160,000 to a Project to Add a Utility Extension to the Northwest Hangar Development Area at Wittman Regional Airport and Fund with General Obligation Bond Proceeds

WHEREAS, utilities and infrastructure additions will be necessary for the development of four new hangars adjacent to the EAA Hangar and Post Office at Wittman Regional Airport; and

WHEREAS, two of the new hangars have already been leased with one hangar currently under construction, to which the owner plans to have city sewer and water hookups, as well as electrical and gas connections. The second lessee intends the same, although no firm construction date has been established; and

WHEREAS, this project is included in the Airport Master Plan; and

WHEREAS, the cost of the proposed utility extension is estimated to be \$160,000.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates \$160,000 to a project to extend utilities to the Northwest Hangar Development at Wittman Regional Airport.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that funds to pay for said improvements be transferred from the General Fund of Winnebago County, with the General Fund to be reimbursed from a subsequent bond issue.

Submitted by:
AVIATION COMMITTEE
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Lennon and seconded to adopt. Motion by Supervisor Hall and seconded to refer back to committee. Motion to refer – Ayes: 18. Nays: 13 – Eisen, Smith, Widener, Hamblin, Albrecht, Lennon, Jacobson, Norton, Warnke, Robl, Eichman, Egan and Reinert. Excused: 3 – Gabert, Neubauer and Sievert. MOTION TO REFER CARRIED.

RESOLUTION NO. 81-72010: Amend Table of Organization at Sheriff's Office to Add Four (4) Part-Time Corrections Officers

WHEREAS, the Winnebago County Sheriff's Office has had increasing amounts of overtime pay for several years; and

WHEREAS, the Sheriff desires to increase operating efficiencies by reducing overtime costs by adding additional part-time staff; and

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes that four (4) part-time Corrections Officer positions be added to the Table of Organization for the Winnebago County Sheriff's Office.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$71,841.00 from the Salary Contingency Fund to the Wage and Fringe Benefit Accounts of the Sheriff Department's 2010 budget to cover the costs of the positions for the remainder of 2010.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 31. Nays: 1 – Miller. Excused: 3 – Gabert, Neubauer and Sievert. Absent: 1 – Locke. CARRIED.

RESOLUTION NO. 82-72010: Authorize Execution of Service Agreement with US Cellular

WHEREAS, Winnebago County has had a 2-year agreement for cellular service with US Cellular; and
WHEREAS, that agreement recently expired; and
WHEREAS, the Winnebago County Information Systems Department believes that it would be in the best interests of Winnebago County to accept the proposed cellular Agreement that US Cellular has proposed to the State of Wisconsin; and
WHEREAS, Winnebago County believes that said Agreement is financially beneficial to Winnebago County.
NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Executive and Winnebago County Clerk to execute a 2-year Service Agreement between Winnebago County and US Cellular. A copy of the proposed Agreement is attached hereto and made a copy of this Resolution by reference.

Submitted by:
INFORMATION SYSTEMS COMMITTEE
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Hall and seconded to adopt. Ayes: 33. Nays: 0. Excused: 3 – Gabert, Neubauer and Sievert. CARRIED.

ORDINANCE NO. 83-72010: Amend Section 5.01(2) and 5.07(5) of the General Code of Winnebago County (Increase Per Capita Daily Cost Fee and Daily Jail Fee)

WHEREAS, in October 2008, the Winnebago County Board established a per capita daily cost charge as well as a jail inmate fee to be effective through July 1, 2010; and
WHEREAS, your undersigned committee believes that said charges and fees should be amended to reflect increases in the cost of living as well as increases related to the costs of incarcerating individuals in the Winnebago County Jail.
NOW, THEREFORE, BE IT ORDAINED by the Winnebago County Board of Supervisors that Section 5.01(2) of the General Code of Winnebago County be amended to read as follows:

5.01(2) Per Capita Daily Costs

(a) The per capita daily charge for maintenance and costs of the prisoners boarded in the Winnebago County Jail is hereby established. Each prisoner shall be charged for all meals served and for each day incarcerated, regardless if the prisoner actually consumes each meal. The per day charge for all Huber Law prisoners shall be established in the following amounts commencing on the following dates:

January 1, 2011: \$24.50; July 1, 2011: \$25.00; January 1, 2012: \$25.50; July 1, 2012: \$26.00

BE IT FURTHER ORDAINED by the Winnebago County Board of Supervisors that Section 5.07(5) of the General Code of Winnebago County be amended to read as follows:

5.07 Jail Inmate Fees. . .

(5) Daily Jail Fee

(a) For expenses incurred by Winnebago County for crimes for which an individual is sentenced to the Winnebago County Jail or for which the individual was placed on probation and confined in Jail, the Winnebago County Board hereby establishes a daily per person Jail Fee. The rate of the daily jail fee shall be established in the following amounts commencing on the following dates:

	First Day	Each Day Thereafter
January 1, 2011:	\$49.50	\$24.50
July 1, 2011:	\$50.00	\$25.00
January 1, 2012:	\$50.50	\$25.50
July 1, 2012:	\$51.00	\$26.00

BE IT FURTHER ORDAINED by the Winnebago County Board of Supervisors that said amended Ordinance shall take effect as of January 1, 2011.

Submitted by:
JUDICIARY AND PUBLIC SAFETY COMMITTEE

WITHDRAWN by Supervisor Rengstorf.

RESOLUTION NO. 84-72010: Disallow Claim of Gordon W. LeDioyt and Wendy LeDioyt

WHEREAS, the claim of Gordon W. LeDioyt and Wendy LeDioyt was referred to your Personnel and Finance Committee for its attention; and

WHEREAS, your Committee has investigated and considered the claim, and recommends disallowance of same by Winnebago County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the claim of Gordon W. LeDioyt and Wendy LeDioyt, dated June 2, 2010, be and is hereby disallowed for the reason that there is no liability on the part of Winnebago County.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. **CARRIED BY VOICE VOTE.**

At 8:08 p.m., Chairman Albrecht called for a brief recess. The Board reconvened at 8:15 p.m.

CLOSED SESSION

At 8:15 p.m., a motion was made by Supervisor Brennand and seconded to convene into closed session pursuant to exemption provided in § 19.85(1)(e), Wis. Stats., for the purpose of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, specifically the discussion of health insurance negotiation strategies. Ayes: 33. Excused: 3 – Gabert, Neubauer and Sievert. **CARRIED.**

Following a presentation by the Human Resources Department on health insurance, a motion was made and seconded to return to Open Session for adjournment of the Board. Ayes: 31. Excused: 5 – Gabert, Neubauer, Lennon, Sievert and Reinert. **CARRIED.**

Motion by Supervisor Robl and seconded to adjourn until Tuesday, August 17, 2010 at 6:00 p.m. **CARRIED BY VOICE VOTE.**

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,
Susan T. Ertmer
Winnebago County Clerk

State of Wisconsin)
County of Winnebago) ss

I, Susan T. Ertmer, do hereby certify that the foregoing is a true and correct copy of the Journal of the Winnebago County Board of Supervisors for their regular meeting held July 27, 2010.

Susan T. Ertmer
Winnebago County Clerk