

**WINNEBAGO COUNTY BOARD MEETING
TUESDAY, SEPTEMBER 23, 2014**

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. Supervisor Locke presented the invocation.

The following Supervisors were present: Konetzke, Barker, Harpt, Eisen, Ramos, Kiel, Roh, Smith, Widener, Hamblin, Albrecht, Gabert, Schellenger, Thompson, Olson, Brewer, Hardy, Wingren, Norton, Warnke, Robl, Singstock, Neubauer, Turner, Locke, Hegg, Finch, Youngquist, Farrey, Rasmussen, Keller, Egan, Ellis, Snider and Kriescher.

Excused: Lautenschlager

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

PUBLIC HEARING

No one from the public addressed the board.

COMMUNICATIONS, PETITIONS, ETC.

Notice of Claim from AT&T for damage to an AT&T pedestal caused by a county mower cutting the cable was referred to the Personnel and Finance Committee.

Notice of Claim from Kim Chapin for an injury sustained by her daughter, Eden Chapin, while playing soccer at 4-H camp was referred to the Personnel and Finance Committee.

Notice of Claim from Joseph Warne for injuries sustained when riding his bike on the WIOUWASH Trail in Winnebago County was referred to the Personnel and Finance Committee.

Notice of Claim from Harms Insurance Group for Mid State Traffic Control / Storm Companies, Inc. for damage to a sign that was hit by a Winnebago County Highway snow plow truck was referred to the Personnel and Finance Committee.

Petition for Zoning Change for Greg Geise in the Town of Poygan for tax parcel no. 020-0138-01 to change from B-2 to B-3 for storage.

Jefferson County – Resolution No. 2014-34, "Supporting state funding for county 911 services/one designated Public Service Answering Point per county" was referred to the Legislative and the Judiciary and Public Safety Committee.

Jefferson County – Resolution No. 2014-35, "Opposing actions by the Wisconsin State Legislature which abrogate or significantly modify local control in matters related to the health, safety and well-being of county residents" was referred to the Legislative Committee.

Jefferson County – Resolution 2014-36, "Opposition to proposed lapse in state funding to Circuit Court System" was referred to the Legislative and the Judiciary and Public Safety Committee.

Jefferson County – Resolution 2014-37 - "Resolution commending Margaret Burlingham on receiving the 2014 Rod Nilsestuen Award for Working Lands Preservation" was referred to the Land Conservation Committee.

Outagamie County – Resolution 26-2014-15 - "...support proposed legislation which would allow escrow accounts and irrevocable trusts used by landfill owners to demonstrate proof of financial responsibility to include securities issued by an instrumentality of the federal government, as well as securities issued by the federal government" was referred to the Legislative Committee and the Solid Waste Management Board.

REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS

Supervisor Finch spoke on behalf of the Northern County Dog Park. He stated that there was a very nice article in the Post Crescent and that he has received phone calls regarding donations. Mr. Finch said that the Glatfelter property was looking more promising. Mr. Finch was a member of the Dog Park Committee, but has removed himself. He expressed to the board that if they have any questions or concerns in regard to what they should or shouldn't do to contact Corporation Council, John Bodnar, and he will be able to help you.

Motion by Supervisor Robl and seconded by Supervisor Finch to approve the August 19, 2014 proceedings. CARRIED BY VOICE VOTE.

COUNTY EXECUTIVE'S REPORT

Executive Harris addressed the Board in favor of the following resolutions:

- Resolution 81-2014 - "Authorize a Transfer of \$15,000 from the Airport Fund Balance to a Capital Project to Reconstruct Taxiway B to Cover Winnebago County's Portion of the Engineering and Design Costs."

- Resolution 82-2014 - "Authorize a Capital Project to Resurface the Maintenance Facility Parking Lot at a Cost of \$367,000 to be Funded with a Bond Issue."

COUNTY BOARD CHAIRMAN'S REPORT

Chairman Albrecht reported that Supervisor Lautenschlager asked to be excused from tonight's meeting.

COUNTY BOARD CHAIRMAN'S APPOINTMENT

Supervisor District No. 16

Chairman Albrecht asked for approval of his appointment of Johnny Brewer, 208 Osceola Street, Oshkosh as County Board Supervisor in District 16. Mr. Brewer will complete the term of Shannon Gilson, who has resigned from the Board. Mr. Brewer's term will expire on April 19, 2016. Motion by Supervisor Robl and seconded by Supervisor Finch to approve. CARRIED BY VOICE VOTE.

Chairman Albrecht administered the Oath of Office to Supervisor Brewer.

NATIONAL CENTER FOR STATE COURTS

Chang-Ming Yeh, with National Center for State Courts Project, gave a presentation on Winnebago County, Wisconsin Circuit Court Facility Needs Assessment and Space Planning. He discussed the caseload regarding population demographics, the judicial positions and staff in terms of court case filing projection and future staffing and space needs for future facility planning. Mr. Yeh showed proposed staffing for the years 2025 and 2035. He shared projections of the conceptual plan for all levels of the Court House Remodel project. After his presentation, Mr. Yeh and Mike Elder, Director of Facilities and Property Management, took questions from the Board.

ZONING REPORTS & ORDINANCES

No zoning or ordinance reports for this meeting.

RESOLUTIONS AND ORDINANCES

ORDINANCE 72-82014: Amend Winnebago County General Code Section 19.24(7) Relating to the Sunnyview Exposition Center Rental Fees Schedule

WHEREAS, the Winnebago County Parks and Recreation Committee has reviewed and recommends approval of the following amendments to Section 19.24(7) of the General Code of Winnebago County containing the rental fee schedule established for the Sunnyview Exposition Center; and

WHEREAS, with the upcoming expiration of the current 2011-2015 Sunnyview Exposition Center Rental Fee Schedule it is necessary for Winnebago County to proceed with the establishment of a subsequent rental fee schedule for the period 2016 – 2020 so that use agreements can be generated for clients planning to hold events at the Exposition Center in 2016 and beyond; and

WHEREAS, while fees for both 2016 and 2017 are to be held at their 2015 levels, the multi-day discount that has continuously been in place at the Exposition Center will be gradually phased-out over the first two years of the schedule; and

WHEREAS, it is anticipated that, with the exception of the utility charges, all other charges within the rental fee schedule for 2018 – 2020 respectively will be set so as to reflect an average increase of 2.5% per year; and

WHEREAS, having a 2.5% yearly increase in the Exposition Center rental fees for 2018 – 2020 is deemed appropriate in that the price increases will be near the average annual increase in the Consumer Price Index (CPI) experienced over the past four years; and

NOW, THEREFORE, BE IT ORDAINED by the Winnebago County Board of Supervisors as follows:

That section 19.24(7) of the General Code of Winnebago be expanded to include the new rates for 2016 – 2020, and the new rates shall be as outlined in "Exhibit C" which is herewith attached and made part of this ordinance by reference.

BE IT FURTHER ORDAINED by the Winnebago County Board of Supervisors that said amendment to the General Code of Winnebago County shall become effective on the date following the date of publication.

Submitted by:

PARKS & RECREATION COMMITTEE

Motion by Supervisor Finch and seconded by Supervisor Konetzke to approve. AYES: 28; NAYS: 6 – Hamblin, Thompson, Olson, Brewer, Egan & Snider; ABSTAIN: 0; ABSENT: 2 – Lautenschlager and Kriescher. CARRIED.

RESOLUTION 78-92014: Disallow Claim of Nikki M Beaver

WHEREAS, your Personnel and Finance Committee has had the claim of Nikki M. Beaver referred to it for attention; and

WHEREAS, your Committee has investigated 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 Nikki M. Beaver, filed with the County Clerk on August 1, 2014, be and the same is hereby disallowed for the reason that there is no basis for liability on the part of Winnebago County.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Rasmussen and seconded by Supervisor Widener to approve. CARRIED BY VOICE VOTE.

ORDINANCE 79-92014: AMEND CHAPTER 21.05 (6) OF THE GENERAL CODE OF WINNEBAGO COUNTY ENTITLED "FUEL FLOWAGE FEES"

WHEREAS, fuel flowage fees at Wittman Regional Airport were previously amended in September 2004 and were proposed to be further amended in 2008, but were disapproved; and

WHEREAS, Wittman Regional Airport is mandated by state and federal government grant assurances to maintain fee and rental structures which will make the airport as financially self-sustaining as possible; and,

WHEREAS, a survey of large general aviation airports, the same category as Wittman Airport, in the state of Wisconsin revealed financially-beneficial alternative methods of collecting fuel flowage fees to those done by the fixed base operators at Wittman Regional Airport; and,

WHEREAS, the fuel flowage fee exemptions outlined in Section 21.05(6)(b) of the General Code of Winnebago County are obsolete; and,

WHEREAS, the Aviation Committee recommends that updated fees and policy revisions to the Ordinance go into effect on January 1, 2015.

NOW, THEREFORE, BE IT ORDAINED by the Winnebago County Board of Supervisors that it hereby amends Section 21.05(6) of the General Code of Winnebago County to read as follows:

(6) FUEL FLOWAGE FEES: All commercial operators authorized to dispense aviation fuels at Wittman Regional Airport will remit to Winnebago County the following regarding fuel flowage fees:

- (a) A fee of \$0.10 per gallon for all aviation fuels delivered to commercial operators at Wittman Regional Airport.
- (b) Fuel Flowage Fees and reports by the operator(s), with a copy of the fuel load bill of lading attached, within 10 days of fuel delivery.

Submitted by:
AVIATION COMMITTEE

Motion by Supervisor Warnke and seconded by Supervisor Gabert to approve. CARRIED BY VOICE VOTE.

RESOLUTION 80-92014: AUTHORIZE EXECUTION OF LEASE BETWEEN WINNEBAGO COUNTY AND BASLER TURBO CONVERSIONS, LLC, d/b/a BASLER FLIGHT SERVICE, INC.

WHEREAS, Basler Turbo Conversions LLC has previously leased ground and facilities from Winnebago County for the purpose of operating Basler Flight Service, Inc. a full-service Fixed Base Operation (FBO); and

WHEREAS, in May 2014 Basler Flight Service and Air Oshkosh Flight Support (formerly Orion Flight Services, the second FBO at Wittman Regional Airport), consolidated operations and facilities; and

WHEREAS, Basler Flight Services desires to terminate the existing lease agreements of the two FBOs and enter into a new agreement to lease 19,254 square feet of office and hangar space, 271,501 square feet of improved land for aircraft and auto parking, and 49,269 square feet of unimproved land beneath Basler Turbo Conversions-owned facilities; and

WHEREAS, said lease shall be for twenty (20) years, ending on August 31, 2034; and

WHEREAS, the lease rates for such property shall be adjusted every three (3) years at the increase of the National Consumer Price Index (CPI); and

WHEREAS, the Aviation Committee has approved and recommends execution of said lease agreement.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves the execution of a lease agreement between Wittman Regional Airport (Winnebago County) and Basler Turbo Conversions, LLC pursuant to the terms listed above and as outlined in the attached Airport Operator's Agreement and Ground Lease, attached hereto and made part of this Resolution.

Submitted by:
AVIATION COMMITTEE

Motion by Supervisor Warnke and seconded by Supervisor Gabert to approve. AYES: 24; NAYS: 10 – Ramos, Roh, Schellenger, Thompson, Wingren, Singstock, Turner, Hegg, Farrey, and Ellis; ABSTAIN: 0; ABSENT: 2 – Lautenschlager and Kriescher. CARRIED.

RESOLUTION 81-92014: Authorize a Transfer of \$15,000 from the Airport Fund Balance to a Capital Project to Reconstruct Taxiway B to Cover Winnebago County's Portion of the Engineering and Design Costs

WHEREAS, Taxiway B at Wittman Airport is in need of reconstruction; and

WHEREAS, the 2012 Pavement Condition Index (PCI) report showed significant deterioration to many pavement portions as well as forecasted for failure within three years for several portions of the taxiway; and

WHEREAS, reconstruction of the taxiway with concrete will achieve an estimated 30-to-50 year life span and match the 100,000 lb aircraft wheel loading strength associated with Runway 9/27; and

WHEREAS, reconstructing the taxiway will correct non-standard taxiway/runway separation and taxiway geometry safety concerns; and

WHEREAS, this project has been included in the Winnebago County 5-Year Capital Improvements Plan and is scheduled for improvement in 2015; and,

WHEREAS, the pavement has significant cracking and may become hazardous for aircraft taxiing on this pavement; and

WHEREAS, funding may be available shortly from the Federal Aviation Agency (FAA) and Wisconsin Department of Transportation (DOT) which would cover 95% of the project costs; and

WHEREAS, the total cost to do the reconstruction is estimated to be \$5,515,000 making Winnebago County's share \$275,000; and

WHEREAS, the total project funding is not immediately available, however, engineering and design need to be completed so that when funds are available Winnebago County will be ready to go with the project; and

WHEREAS, it is anticipated that the funding will become available during 2015; and

WHEREAS, Winnebago County's share of the engineering and design cost is \$15,000.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes a transfer of \$15,000 from the airport fund balance to a capital project for the purpose of paying the county's share of the engineering costs.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that when the project is ready to move forward, the Airport will be back before the County Board to approve funding for the entire project.

Submitted by:
AVIATION COMMITTEE
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Warnke and seconded by Supervisor Gabert to approve. AYES: 33; NAYS: 1 – Roh; ABSTAIN: 0; ABSENT: 2 – Lautenschlager and Kriescher. CARRIED.

RESOLUTION 82-92014: Authorize a Capital Project to Resurface the Maintenance Facility Parking Lot at a Cost of \$367,000 to be Funded with a Bond Issue

WHEREAS, the Facilities and Property Management Department works with the Highway Department to review and rate all Winnebago County parking lot facilities; and

WHEREAS, as a result of this rating, the Facilities and Property Management Department has a plan to systematically resurface all county parking lots over time; and

WHEREAS, this year, the parking lot at the maintenance facility is scheduled for resurfacing based on the pavement rating system used by the Highway Department; and

WHEREAS, using cost estimating procedures, it is estimated that the cost of the project will be approximately \$367,000; and

WHEREAS, it is important to have a systematic plan to resurface county parking lots to keep them safe and spread the process over a long period of time, and to resurface them before they become deteriorated to the point that they need complete reconstruction.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates the sum of \$367,000 to a capital project to resurface the parking lot at the maintenance facility.
BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates funds for the project from the General Fund with said Fund being reimbursed from a subsequent bond issue.

Submitted by:
FACILITIES AND PROPERTY MANAGEMENT COMMITTEE
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Roh and seconded by Supervisor Ramos to approve. Motion by Supervisor Hegg and seconded by Supervisor Hardy to amend Line 21 of this resolution to delete "with said Fund being reimbursed from a subsequent bond issue". Vote on Amendment – CARRIED BY VOICE VOTE. Vote on Resolution as amended: AYES: 32; NAYS: 2 – Wingren and Youngquist; ABSTAIN: 0; ABSENT: 2 – Lautenschlager and Kriescher. CARRIED.

RESOLUTION 83-92014: Oppose Expansion of Federal Control Under the Clean Water Act

WHEREAS, the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers are seeking to extend control over additional Waters of the United States; and

WHEREAS, the agencies have expanded their authority under the Clean Water Act to implement an onerous permit system that has forced delays as well as caused unnecessary additional expense to projects on the local level; and

WHEREAS, the U.S. Supreme Court previously reprimanded the agencies for over-reaching their authority, and Congress has recently documented concerns with this effort to redefine the scope of federal power under the Clean Water Act.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby opposes additional regulations that have been proposed by the Environmental Protection Agency to redefine the current definition, as well as implement additional enforcement, with respect to the Clean Water Act and the Waters of the United States.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby directs the Winnebago County Clerk to transmit a copy of this Resolution to all legislators representing Winnebago County constituents; to the Wisconsin Counties Association; and to the Office of Governor Scott Walker.

Submitted by:
CHUCK FARREY, District 30

Motion by Supervisor Farrey and seconded by Supervisor Eisen to approve. Motion by Supervisor Norton and seconded by Supervisor Thompson to postpone this resolution indefinitely. Vote on Postponement: AYES: 14; NAYS: 18 – Harpt, Eisen, Roh, Smith, Widener, Gabert, Olson, Brewer, Warnke, Robl, Turner, Finch, Youngquist, Farrey, Rasmussen, Egan, Ellis and Snider; ABSTAIN: 1 – Hamblin; ABSENT: 3 – Lautenschlager, Locke and Kriescher. LOST.

Motion by Supervisor Norton and seconded to refer resolution to the Legislative Committee: AYES: 10 – Konetzke, Hamblin, Schellenger, Thompson, Wingren, Norton, Robl, Singstock, Finch and Keller; NAYS: 23; ABSTAIN – 0; ABSENT: 3 – Lautenschlager, Lock and Kriescher. LOST.

Vote on Resolution – AYES: 21; NAYS: 8 – Konetzke, Albrecht, Schellenger, Thompson, Hardy, Wingren, Singstock and Keller; ABSTAIN: 4 – Ramos, Kiel, Norton and Hegg; ABSENT: 3 – Lautenschlager, Locke and Kriescher. CARRIED.

RESOLUTION 84-92014: Authorize Rescheduling the November 2014 Winnebago County Board Meeting

WHEREAS, the November meeting of the Winnebago County Board of Supervisors is currently scheduled for November 11, 2014; and

WHEREAS, the November 2014 meeting was scheduled early in order to allow an additional week to complete the budget process; and

WHEREAS, the Winnebago County Finance Director has indicated that the additional week to complete the budget process is no longer necessary; and

WHEREAS, rescheduling the November 2014 Winnebago County Board Meeting from November 11, 2014, to November 18, 2014, would allow the meeting to be held on the third Tuesday of the month, the day established by the Winnebago County Board Rule 1.1.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby amends its Rules so as to reschedule the November 2014 Winnebago County Board Meeting from November 11, 2014, to November 18, 2014.

Submitted by:
DAVID ALBRECHT, District 11

Motion by Supervisor Rasmussen and seconded by Supervisor Ellis to approve. CARRIED BY VOICE VOTE.

Motion by Supervisor Robl and seconded to adjourn until Tuesday, October 21, 2014. CARRIED BY VOICE VOTE.

The meeting was adjourned at 8:30 p.m.

Submitted by,
Julie A. Barthels
Winnebago County Deputy Clerk

State of Wisconsin)
County of Winnebago) ss

I, Julie A. Barthels, Winnebago County Deputy Clerk, 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 September 23, 2014.

Julie A. Barthels, Winnebago County Deputy Clerk