

**ADJOURNED SESSION
COUNTY BOARD MEETING
TUESDAY, APRIL 20, 1999**

Chairman Joseph Maehl 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 Wagner.

The following Supervisors were present: Kollath, Griesbach, O'Brien, Savas, Maehl, Klitzke, Widener, Lauson, Albrecht, Pech, Leschke, Schwartz, Montgomery, Bertrand, Sundquist, Wingren, Wagner, Warnke, Footit, Troxell, Robl, Payne, Lawson, Crowley, Kramer, Schaidler, Finch, Hue, Sievert, Arne, Diakoff, Brennand, Egan, Rankin, Rengstorf and Metzsig. Excused: Barker and Koziczkowski.

Motion by Supervisor Robl and seconded to act on Resolution No. 219-499 prior to Resolution No. 203-499 and to approve the agenda with this change. CARRIED BY UNANIMOUS VOICE VOTE.

Motion by Supervisor Lauson and seconded to approve the minutes of the March 9 & 16, 1999 County Board meetings. CARRIED BY UNANIMOUS VOICE VOTE.

COMMUNICATIONS, PETITIONS, ETC.

Notice of Claim from State Farm Insurance regarding a claim from Debra J. Schall for an accident with a Maintenance Department vehicle was referred to the Personnel & Finance Committee.

A letter was received from Senator Michael Ellis acknowledging receipt of County Board Resolution No. 196-399, "Authorize Appropriation of Tobacco Litigation Settlement Dollars to Local Health Departments." He assured the Board that their recommendations will be kept in mind as this issue is debated in Madison.

A press release regarding an archaeological presentation at UW-Fox Valley was received. Dr. James P. Gallagher, a Professor of Archaeology at UW-LaCrosse will be making a presentation on archaeological projects in Egypt, Belize and the American Midwest from the past 20 years. It will be held on Thursday, April 22, 1999, from 7:30 p.m. to 9:00 p.m. in the Emeritus Room on the UW-Fox Valley Campus.

An invitation to attend a WCA Educational Seminar was received. The seminar is entitled, "Highway Liability" and will be held in Wausau on Monday, April 26. If anyone is interested in attending, they should contact the County Clerk's Office.

An invitation to attend a mini-conference co-sponsored by the East Central Wisconsin Regional Planning Commission and UW-Extension was received. The conference, entitled "Improving Local Roads for the 21st Century" will be held on Friday, April 30 at 8:30 a.m., Liberty Hall, 800 Eisenhower Drive, Kimberly.

Petition for Zoning Amendment from Ronald Leichtfuss, Town of Nekimi, for change from A-1 to A-2 for residential home partials and agriculture was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Harve Ross, Town of Omro, for change from A-2/R-1/R-2 to A-2 in order to place entire parcel within one zoning district was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Frederick A. Wirch, Jr., Town of Omro, for change from A-2/B-2/M-2 to A-2 for single family dwelling and general farming was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from J. Michael & Marian Sabee, Town of Clayton, for change from A-1 to A-2 for farming and development was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Paul G. Groskreutz, Sr., Town of Algoma, to add floodplain overlay zoning was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Richard L. Cleveland, Jr., Town of Menasha, for zoning change from B-2 to R-2 for single family residential with home occupation was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Norris & Mildred Mathison, Town of Winchester, for change from B-2 to R-1 for a single family residence was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Robert E. Braun, Zoning Administrator, on behalf of the Planning & Zoning Committee for amendments to the Winnebago County Town/County Zoning Ordinance was referred to the Planning & Zoning Committee.

COMMITTEE REPORTS

Supervisor Lauson reported that Vicky Redlin has been hired as the Assistant Expo Manager. She was the Marketing Director for WPKR Radio and has the type of background and experience that the Committee was looking for in this position.

Supervisor Rengstorf told the Board that the information in their packets from Corporation Counsel John Bodner regarding an ethics code for government officials was reviewed by the Judiciary & Public Safety Committee. The committee decided that the code of ethics as provided in the statutes is sufficient for Winnebago County and that no other county ethics code needs to be drafted.

Supervisor Rankin asked that the Supervisors read the Winnebago County Health Department's 1998 Annual Report that was included in their packets. He stated that the report is easy to read and understand and explains the accomplishments the Health Department made in 1998.

Supervisor Payne distributed pocket-size schedules for the new Sunnyview Speed Zone Raceway to the Board. He invited all the supervisors to attend the opening ceremonies for the raceway on Tuesday, May 18 at 5:15 p.m. Supervisor Payne also asked that the Board read the Oshkosh Northwestern article he placed on their desks regarding the Northwestern Racing Expo which is also being held on May 18 at the fairgrounds and raceway.

Supervisor Hue spoke to the Board about their per diem. He stated that twice during his time on the Board, he has proposed resolutions for modest increases to the County Board's compensation, and that only the first resolution passed. Supervisor Hue stated that these requests were made in response to the yearly wage increases that other county employees receive. Supervisor Hue suggested that the Board increase their per diem rates during the 2000 budget session so they would be in effect for the County Board elected in April, 2000.

COUNTY EXECUTIVE'S REPORT

Executive Van De Hey reported that the Aviation Convention held at Wittman Regional Airport last week was "outstanding". It was attended by people from all across Wisconsin, who were impressed and pleased with our facilities. Executive Van De Hey reported that the 5-year capital improvements plan includes ways to "optimize" the airport grounds and facilities.

Executive Van De Hey reported that she attended the youth mentoring program event in Outagamie County, where Gen. Colin Powell was the guest speaker. She stated that Gen. Powell is a very inspiring speaker and that he "shed some light" on ways that adults can mentor young people. Executive Van De Hey brought literature for the Supervisors on the mentoring program.

Executive Van De Hey told the Board that the 5-Year Capital Improvement Plan has been completed. She thanked the committees and department heads that co-operated and worked with her and Chuck Orenstein on the plan. Executive Van De Hey stated that this plan focuses on the County's infrastructure and addresses issues such as courthouse security. A public hearing on the 5-year plan will be held on Tuesday, April 27 at 6:00 p.m., in the Coughlin Building. She encouraged the Board to attend this meeting so they can be aware of how these projects will affect the county tax rate and levy.

Executive Van De Hey asked that the Board approve Resolution Nos. 206-499, "Authority to Execute 1999-2000 Labor Agreement with the Park View Rehabilitation Pavilion and Pleasant Acres Employees Union Local 1280, AFSCME" and 207-499, "Authority to Execute 1998-2000 Collective Bargaining Agreement with the Winnebago County Sheriff's Professional Police Association".

COUNTY EXECUTIVE APPOINTMENTS

County Executive Van De Hey presented the following appointments for the County Board's approval:

Advocap Board

Two-year appointments – Expire April 20, 2001

Dorothy Schwartz, 1008 Jackson Street, Oshkosh; Jacquelyn Wagner, 1207 School Avenue, Oshkosh; Helen Savas, 319 East Wisconsin Avenue, Neenah; Dennis Payne, 523 North Lark Street, Oshkosh

Affirmative Action Commission

Three-year term – Expires April 20, 2002

Michael Woods, Winnebago County Sheriff's Department, 420 Jackson Street, Oshkosh

Board of Health

Completing two-year terms – Expires 7/31/99 & 7/31/2000 respectively

Dr. Claire Meisenheimer, UW-Oshkosh College of Nursing, 800 Algoma Boulevard, Oshkosh; and Tom LaFuze, Elementary Supervisor, H. B. Patch Grade School, 607 Tyler Avenue, Omro

Commission on Aging

Three-year term – Expires April 20, 2002

Marge Neshek, 237 Lake Street, Neenah

Public Safety Building Board

Three-year term – Expires April 20, 2002

Stephen Rankin, 434 Larrabee Street, Omro

Solid Waste Management Board

Three-year term – Expires April 20, 2002

Patrick Brennand, 251 Ripple Avenue, Oshkosh
Gerald Konrad, 2141 Fairview Street, Oshkosh

UW Center-Fox Valley Board of Trustees

Terms expire on April 21, 2000

Joe Maehl, 528 Chatham Court, Neenah
John Hue, 192 Adella Beach, Neenah

Veterans Service Commission

Completing 3-year term – Expires December 31, 2000

Richard E. Langan, Job Service, 1313 Midway Road, Menasha

Winnebago County Housing Authority

Five-year term – Expires April 20, 2004

Larry Schuester, P.O. Box 434, Omro

Motion by Supervisor O'Brien and seconded to approve the above-listed appointments. CARRIED BY UNANIMOUS VOICE VOTE.

COUNTY BOARD CHAIRMAN'S REPORT

Chairman Maehl asked the Board to read the letter from Mary Pat Thompson, Counselor from the School District of Omro, complimenting the county's scholarship award program.

Chairman Maehl extended "happy birthday" wishes to Supervisors Widener, Barker, O'Brien and Albrecht.

Chairman Maehl congratulated and thanked Supervisors Brennand, Egan, Griesbach, Klitzke, Metzsig & Rengstorf for their five years of services on the County Board; Supervisors Diakoff and Troxell for fifteen years of service; and Supervisors Wagner and Schwartz for 21 years of service.

WCA PRESENTATION – STATE OF WISCONSIN'S BIENNIAL BUDGET

Mark O'Connell and Craig Thompson were invited by Supervisor Wagner and Chairman Maehl to make a presentation on the status of the State's budget and its affect on counties and other local units of

government.

Mr. O'Connell reported that Mark Rogacki, WCA Executive Director, recently had surgery for prostate cancer and has had some complications. However, he is at home and his prognosis is good.

Mr. O'Connell reported that the 1999-2001 biennial budget, is "not a good budget for counties. Generally speaking, not a very good budget for local government." He stated that the proposed income tax cut, school funding and other major items that must be taken care of reduces the amount of money counties will receive for state mandated programs. Mr. O'Connell emphasized the fact that these are state programs that the counties are forced to operate. He further emphasized that the State should provide sufficient funding to counties to operate these state programs.

Mr. O'Connell told the Board that this is the first time in the 15 years that he has been involved with government that at least one unit of local government isn't going to benefit from some aspect of the state's budget. He explained that because of this, all the local units of government are banding together to lobby the legislature to make changes in the budget that will be of benefit to local government.

Mr. O'Connell told the Board that the five areas of concern identified by the local units of government are shared revenue, community aids, youth aids, transportation and the state court system.

Mr. O'Connell explained that the proposed budget went to the Joint Finance Committee, who scheduled five meetings around the state to get input from the public. Prior to each of these meetings, a press conference was held and local units of government were able to express their concerns. He felt that these press conferences went very well and that the press and public are very aware of the problems that local units of government face. The fifth meeting was held last week in Madison, where lobbyists, Craig Thompson of the WCA, and others were allowed to speak and give their input.

Mr. O'Connell told the Board that public hearings have been held with each member of the Joint Finance Committee. The public hearings were held to make them aware of the concerns shared by counties, cities, towns and villages and the need for "partnership with the state government—a financial partnership with state government to deliver the state's services."

Craig Thompson went through the five issues that are of concern to local government:

Community Aids: Counties receive funds from the state to provide state-mandated Social Services programs for abused and neglected children and their families; adults with mental illness; older adults; and people with developmental disabilities. Counties are required to match these funds by ten percent. The problem is that the funding the counties receive from the state is insufficient, so the counties are forced to use property tax dollars to cover the excess program costs (county over match).

Youth Aids: Counties receive funds from the state to pay for state mandated services for juvenile offenders and their families. Like community aids, the funding from the state is insufficient and the county's are forced to "over match" to cover the costs of these programs. Mr. Thompson and Mr. O'Connell emphasized to the Board that these are services that are ordered by state courts, judges and district attorneys and provided by state run agencies or juvenile facilities, yet the counties are forced to cover the expenses. Mr. O'Connell stated that a strong argument could be made that these costs are a "state problem."

State Court System: In the 1970's, the state implemented the Circuit Court Support Grant. This grant is funded by increased court fines and fees and is to be used to reimburse counties for the costs they incur operating the state's circuit courts. These fine and fee increases were Phase I of the state's plans to continue to find ways to cover court costs and should have been followed up with Phases II & III, which were never implemented. Mr. Thompson told the Board that because no additional state funding has been provided, statewide counties pay \$84 Million annual to run their circuit courts.

Shared Revenue: Mr. Thompson reported that there has not been an increase in shared revenues for counties in over six years. He told the Board that state wide the total tax levy of counties was \$1.1 Billion, of which \$450 Million was used to cover the costs of community aids, youth aids and the court system.

Transportation Aid: Mr. Thompson told the Board that it is being recommended that the state gas tax

revenues that go into the segregated account be shared equally between the state and local units of government. He explained that 90 percent of Wisconsin's roads are locally maintained and 10 percent are maintained by the state. However, the state says that 50 percent of all traffic occurs on state roads, which still justifies an equal split of the segregated funding that is used to maintain these roads.

Mr. O'Connell stated that, "you're doing essentially nothing more than performing a job for the state, yet they're not paying you sufficiently to get it done." He emphasized the importance of local government asking the state, "just please give us enough to do your job, nothing more."

Mr. O'Connell explained that local units of government get 60 percent of the state's budget. However, 43 percent of that goes to the schools and only 17 percent goes to the cities, towns, villages and counties combined. It is out of that 17 percent that community aids, youth aids and the court system are to be funded. Obviously that isn't sufficient, so the balance is taken from property tax dollars.

Mr. Thompson stated that they would like to see the proposed state income tax cut, but before that is implemented, the state must fund their existing programs.

Both Mr. O'Connell & Mr. Thompson asked that citizens work with their county governments by talking to their legislators and asking them to give counties the funding they need for these state programs. They also asked the Board members to speak with Winnebago County's legislators and to encourage them to see that counties get the necessary funding for these state programs.

PUBLIC HEARING

George Dobberke, 6401 Dobberke Lane, Neenah, spoke in support of Amendatory Ordinance No. 11, in which he requests a zoning change from A-1 to A-2.

Jenny Morrow, General Counsel for the Azco Group, Ltd., spoke in opposition to Resolution No. 220-499, "Determination As To Postal Service Delay or Error: Real Estate Property Taxes Upon Property Owned by the Azco Group Limited."

Raymond Batley, Chairman of the Town of Vinland, 1519 Cowling Bay Road, Neenah, and Rodney Scholz, 229 Webster Street, Neenah, spoke in support of Amendatory Ordinance No. 11, which is the petition for zoning change from George and Verna Dobberke.

The following people spoke in support of Resolution No. 219-499, "Authorize Budget Transfer: Purchase of Old Neenah Weather Radar Station": Donald Cox, Fire Chief for the Town of Menasha; Chief Bill Wright, Winneconne/Poygan Fire Department; Chief Chuck Carlson, Town of Algoma Fire Department; and Chief Dean Mathison, Clayton/Winchester Fire Department.

Judge Robert Haase spoke in support of Resolution No. 218-499, "Support Creation of a Seventh Circuit Court in Winnebago County."

ZONING REPORTS & ORDINANCES

REPORT NO. 001. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Jeffrey Marlow (Foxshore Construction) and property owner Wisconsin Dept. of Transportation, Town of Menasha, for zoning change to R-5 (Planned Residential Unit). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY UNANIMOUS VOICE VOTE.

AMENDATORY ORDINANCE NO. 04-01-99. A request for zoning change from R-1 (Single Family, non-subdivided) to R-5 (Planned Residential Unit). Motion by Supervisor Schaidler and seconded to DENY. CARRIED BY UNANIMOUS VOICE VOTE.

REPORT NO. 002. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Gary Gelhar and property owner William Bartlett, Town of Oshkosh. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY UNANIMOUS VOICE VOTE.

AMENDATORY ORDINANCE NO. 04-02-99. A request for zoning change from B-2/R-1 (Community Business District/Single Family Non-subdivided) to M-2 (Heavy Industrial District). Motion by Supervisor Schaidler and seconded to DENY. CARRIED BY UNANIMOUS VOICE VOTE.

REPORT NO. 003. A report from the Planning & Zoning Committee regarding a requested zoning change from Clifford A. Osen, applicant, and property owner William A. Monteith, for zoning change to B-3 (General Business District). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY UNANIMOUS VOICE VOTE.

AMENDATORY ORDINANCE NO. 04-03-99. A request for zoning change from A-2 (General Farming District) to B-3 (General Business District). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

REPORT NO. 004. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Lance R. Treptow and property owner Leon H. Derber, Town of Omro, for zoning change to A-2 (General Farming District). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY UNANIMOUS VOICE VOTE.

AMENDATORY ORDINANCE NO. 04-04-99. A request for zoning change from R-1/A-2 (Single Family Non-subdivided/General Farming District) to A-2 (General Farming District). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

REPORT NO. 005. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner, Cheryl L. Miller, Town of Nekimi, for zoning change to MH-1 (Mobile Home District)(Parks & Subdivisions). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY UNANIMOUS VOICE VOTE.

AMENDATORY ORDINANCE NO. 04-05-99. A request for zoning change from B-3 (General Business District) to MH-1 (Mobile Home District)(Parks & Subdivisions). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

REPORT NO. 006. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant James Fletcher, Bechard Group, Inc., and property owner Gateway Development, L.L.C., Town of Menasha, for zoning change to B-5 (Planned Commercial Park)(Sewered Only). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY UNANIMOUS VOICE VOTE.

AMENDATORY ORDINANCE NO. 04-06-99. A request for zoning change from A-2 (General Farming District) to B-5 (Planned Commercial Park)(Sewered Only). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

REPORT NO. 007. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Henry J. Elling, MSA Professional Services, and property owner, Thomas J. Barr, Town of Nekimi, for zoning change to M-2 (Heavy Industrial District). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY UNANIMOUS VOICE VOTE.

AMENDATORY ORDINANCE NO. 04-07-99. A request for zoning change from A-1 (Agricultural Business District) to M-2 (Heavy Industrial District). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

AMENDATORY ORDINANCE NO. 8: A request from the Town of Vinland on behalf of Donald & Betty Schneider for zoning change from A-1 to R-1. Motion by Supervisor Hue and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

AMENDATORY ORDINANCE NO. 9: A request from the Town of Rushford on behalf of Raymond & Dennis Trabbold for zoning change from A-2 to A-3. Motion by Supervisor Egan and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

AMENDATORY ORDINANCE NO. 10: A request from the Town of Wolf River on behalf of Elmer & Eilene Karnofsky for zoning change from A-2 to B-3. Motion by Supervisor Metzsig and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

AMENDATORY ORDINANCE NO. 11: A request from the Town of Vinland on behalf of George & Verna Dobberke for zoning change from A-1 to A-2. Motion by Supervisor Hue and seconded to adopt. Ayes: 21. Nays: 15 - Kollath, Griesbach, Klitzke, Widener, Lauson, Schwartz, Sundquist, Wagner, Troxell, Crowley, Schaidler, Arne, Diakoff, Brennand and Rankin. Excused: 2 - Barker and Kozickowski. CARRIED.

Motion by Supervisor Diakoff and seconded to reconsider Amendatory Ordinance No. 10. CARRIED BY UNANIMOUS VOICE VOTE. Supervisor Diakoff asked that a typing error in Amendatory Ordinance No. 10 be corrected to show that this is a request for zoning change from A-2 to R-1 per Robert Braun, Zoning Administrator. CARRIED BY UNANIMOUS VOICE VOTE.

RESOLUTIONS & ORDINANCES

RESOLUTION NO. 203-499: Authorize Application for Grant From State of Wisconsin Land Information Board (Land Record Modernization Activities)

WHEREAS, the State of Wisconsin Land Information Board has made available a grant to Winnebago County in the amount of \$20,770 for land records modernization activities; and

WHEREAS, your undersigned Committee deems it to be advisable to apply for said grant.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes David Schmidt, as Winnebago County Land Information Officer, to apply for a grant from the State of Wisconsin Land Information Board in the amount of \$20,770 for land records modernization activities..

Submitted by:
PLANNING & ZONING COMMITTEE

Motion by Supervisor Schaidler and seconded to adopt. Ayes: 34. Nays: 0. Excused: 4 – Barker, Koziczkowski, Wagner and Crowley. CARRIED.

RESOLUTION NO. 204-499: Request Authority to Apply For Funds For Maintenance Of County Owned Snowmobile Trails

WHEREAS, Winnebago County is interested in maintaining 98.2 miles of County owned and leased lands for public snowmobile trail use; and

WHEREAS, funds are available for snowmobile trail maintenance and snowmobile trail bridge maintenance through the Department of Natural Resources pursuant to Sec. 23.09(26), Wisconsin Statutes; and

WHEREAS, in order to participate in this project it is necessary that the County Board authorize submittal of an application for said funds.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the County Executive and the County Clerk are hereby authorized to make application on behalf of Winnebago County with the Department of Natural Resources, pursuant to Sec. 23.09(26), Wisconsin Statutes, for any financial aid that may be available for public snowmobile trail use and maintenance in Winnebago County.

Submitted by,
PARKS AND RECREATION COMMITTEE

Motion by Supervisor Lauson and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

RESOLUTION NO. 205-499: Authorize Resolution Requesting Amendment to the Clean Water Act

WHEREAS, Winnebago County, as part of the Fox-Wolf River Watershed, contains over fifty-one thousand acres of wetlands that are vital to water quality, flood control, fisheries resources, wildlife, recreation, and to the economic vitality and health and welfare of the residents of the County; and

WHEREAS, Lake Winnebago provides sole source drinking water to over 100,000 people in the cities of Menasha, Neenah, and Oshkosh; and

WHEREAS, wetlands located throughout the entire 6,400 square mile Fox-Wolf Watershed are critical to the water quality of the Lake Winnebago System and to the bay of Green Bay; and

WHEREAS, a series of 1997 Federal Court decisions pertaining to the U.S. Clean Water Act have removed legal protection from the aforementioned wetlands that had been provided by review authority of the U.S. Army Corps of Engineers; and

WHEREAS, without legal protection many of the wetlands in the Fox-Wolf Watershed are vulnerable to destruction through dredging and drainage activities; and

WHEREAS, continued destruction and loss of these wetlands will severely impair the surface water and related resources of the entire Fox-Wolf Watershed.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors to ask the Wisconsin members of Congress to support an amendment of the Clean Water Act that will restore the U.S. Army Corps of Engineers prior level of authority to regulate dredging and drainage activities in those wetlands that are now at risk.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that a copy of this resolution be forwarded to the Wisconsin members of Congress.

Submitted by:
LEGISLATIVE COMMITTEE

Motion by Supervisor Lauson and seconded to adopt. Motion by Supervisor Lauson and seconded to amend Line 50 by adding, "and to state legislators representing this area". Amendment carried. Resolution as amended: CARRIED BY UNANIMOUS VOICE VOTE.

RESOLUTION NO. 206-499: Authority to Execute 1999-2000 Labor Agreement With the Park View Rehabilitation Pavilion and Pleasant Acres Employees Union Local 1280, AFSCME

BE IT RESOLVED, by the Winnebago County Board of Supervisors, that the County Executive and the County Clerk be, and they hereby are authorized to execute a two-year Agreement on behalf of Winnebago County and the Park View Rehabilitation Pavilion and Pleasant Acres Employees Union, Local 1280, AFSCME for the years 1999, and 2000 effective January 1, 1999, which Agreement will provide the following major changes from the previous Agreement:

- 1) WAGES:
2.5% across-the-board effective 1-1-99
2.75% across-the-board effective 1-1-2000

Wage increases in addition to the across-the-board adjustments:

1/1/99 MDS Coordinator (1 position) reclassified to Range 5 (\$0.26/hr.)
1/1/99 All positions (2) in Range 5, \$0.07 per hour
4/1/99 Maintenance Worker II (3 positions), \$1.00 per hour
4/1/99 Maintenance Worker I, (4 positions) \$0.50 per hour
7/1/99 Certified Nursing Assistant (143 positions) \$0.40 per hour
7/1/99 Maintenance Worker II, \$0.50 per hour

No retroactive wage adjustments are to be provided to individuals who terminate prior to May 1, 1999. This provision does not apply to any employees who retire or die.

- 2) ARTICLE XVII – FUNERAL LEAVE

Increase step-child leave from one day to three days.
Add uncle and aunt to one day.

- 3) APPENDIX A – LONGEVITY PAY

Eliminate the entirety of the longevity pay program and replace it with a new pay step for employees completing fifteen years of service. The new step will provide an additional fifteen cents beyond the current maximum pay rates. Longevity pay rates eliminated are \$0.03, \$0.06, \$0.09, \$0.12 and \$0.14 after 5, 10, 15, 20 and 25 years of service.

- 4) ARTICLE 39 – TRAINER PAY

This new article will provide premium pay in the amount of \$1.00 per hour to Certified Nursing Assistants who are selected to provide on-the-job training to newly hired Nursing Assistants.

In addition to the foregoing, the new agreement includes minor revisions to the Preamble and articles covering recognition and unit of representation, discipline, grievance procedure, group health program, shifts and work week, holidays, wage schedule, compensation plan, job classification and pay policy, worker's compensation, duration, and the pay schedule. Also, a letter of understanding regarding a preferential scheduling program for persons with perfect attendance records has been appended to the contract.

Submitted by,
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. Ayes: 36. Nays: 0. Excused: 2 – Barker and Koziczkowski. CARRIED.

RESOLUTION NO. 207-499: Authority to Execute 1998-2000 Collective Bargaining Agreement with the Winnebago County Sheriff's Professional Police Association

BE IT RESOLVED, by the Winnebago County Board of Supervisors, that the County Executive and the County Clerk be, and they hereby are authorized to execute a three year Agreement on behalf of Winnebago County and the Winnebago County Sheriff's Professional Police Association for the years 1998, 1999 and 2000, effective January 1, 1998, which Agreement will provide the following changes from the previous agreement:

1.) WAGES

Pay increase of 3.0% across-the-board effective 1-1-98
Pay increase of 3.25% across-the-board effective 1-1-99
Pay increase of 3.0% across-the-board effective 1-1-00

2.) GRIEVANCE REVIEW BOARD

Insert appropriate references to the Winnebago County Grievance Review Board in Article 4 – Probationary Employees, Article 5 – Grievance Procedure, and Article 6 – Discipline and Discharge, as the appropriate disciplinary and appeal authority as set forth in Section 59.26 (8) Stats.

3.) ARTICLE 7 – WORK WEEK

Expand this article by incorporating the revised terms of a previously existing Letter of Understanding regarding work schedules in the Patrol and Corrections divisions and governing the shift selection process. The revision also expands the number of personnel that may be assigned to a special overlap shift from two to four positions.

4.) ARTICLE 8 – RESUME TIME

This article has been deleted, however, the resume/briefing process will be continued and scheduled in accordance with Article 7.

5.) ARTICLE 13- SICK LEAVE WITH PAY

Restate sick leave earnings rates in terms of uniform hours for all employees. The impact of this change will be to redefine the monthly earnings rates of sixteen personnel from 7.5 hours to 8 hours; the maximum accumulations from 900 hours to 960 hours and the retirement payout rate from 337.5 hours to 360 hours. These employees will then have the same entitlements as the other seventy-eight employees in the group. This change is to become effective prospectively only on January 1, 1999.

6.) ARTICLE 16 – VACATION

Restate vacation earnings rates in terms of uniform hours for all employees. The impact of this change will be to increase the number of vacation hours for sixteen employees to the same level as is provided for the other seventy-eight employees in the group. In terms of long-term employees, the maximum benefit will be increased by twelve hours per year.

7.) ARTICLE 19 – UNIFORM ALLOWANCE

The changes to this article will result in an increase in the annual allowance of three dollars per year effective 1-1-00. Other changes will result in a substantial decrease in the Department's bookkeeping and collection activities associated with the uniform allowance program.

In addition to the foregoing, minor modifications were made to the articles relating to recognition and unit of representation, work week, drug testing, long term disability insurance, negotiations, seniority list and compensation plan. Appendix A – List of Items Eligible for Purchase Under the Uniform Allowance, was removed and referenced differently in the Agreement and the other appendices were relabeled.

BE IT FURTHER RESOLVED, that the necessary funds to cover the costs resulting from the adoption of this Resolution shall be made available from funds budgeted for this purpose.

Submitted by,
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. Ayes: 35. Nays: 0. Abstain: 1 – Albrecht. Excused: 2 – Barker and Koziczowski. CARRIED.

RESOLUTION NO. 208-499: Support Campaign Finance Legislation

WHEREAS, the current system of funding campaigns for public office relies too heavily on large financial contributions from select, big money donors; and

WHEREAS, such a regime severely limits the ability of most citizens to decide whom their slates of candidates will be especially in party primaries; and

WHEREAS, this environment has been proven to cause a marked decline in public interest in campaigns, politics and government; and

WHEREAS, now is the time to dramatically reform the method of financing elections in the United States and in Wisconsin; and

WHEREAS, such reform will increase citizen interest and participation in campaigns and elections; and

WHEREAS, there exist several Bills and plans to improve elections and campaigns in the United States and Wisconsin's governments.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it urges the Wisconsin Legislature to enact meaningful campaign finance legislation which includes the following:

A. Sum-sufficient public financing to candidates who accept voluntary spending limits;

B. A multi-partisan state tax return check-off of at least \$5.00 per person per tax year under which taxpayers might designate which ballot-status parties receive contributions;

C. Restrictions of non-candidate and non-campaign independent expenditures to 10 percent of any spending limits.

D. Consideration of issue advertisements run within 90 days of an election and which mention a candidate as independent expenditures;

E. An outright ban on out-of-state contributions of Wisconsin candidates or restriction on such expenditures to minimum constitutional limits;

F. A ban on soft-money contributions and limits on contributions from one political action committee to another political action committee to \$100.00 per campaign;

G. A sharp increase in penalties for willful violation of campaign finance laws, including jail time for offenders.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that copies of this Resolution be transmitted to legislators representing Winnebago County, the Majority and Minority Caucuses of both Houses of the Legislature, the Wisconsin Counties Association and the Clerks of each of Wisconsin's Counties and the offices of Wisconsin's Federal representatives and Senators..

Submitted by:
LEGISLATIVE COMMITTEE

Motion by Supervisor Lauson and seconded to adopt. Motion by Supervisor Leschke and seconded to delete Lines 35 & 36. Vote on Amendment - Ayes: 8 – Widener, Leschke, Sundquist, Warnke, Footit, Arne, Rankin and Metzsig. Nays: 28. Excused: 2 – Barker and Koziczowski. LOST. Vote on Resolution – Ayes: 30. Nays: 6 – O'Brien, Leschke, Crowley, Arne, Rankin and Metzsig. Excused: 2 – Barker & Koziczowski. CARRIED.

RESOLUTION NO. 209-499: Authorize Extension of Audit Contract with Virchow Krause & Company

WHEREAS, The audit firm of Virchow Krause & Company has been the County audit firm since 1994, and

WHEREAS, the Winnebago County Finance Director has indicated satisfaction with the firm's services, and

WHEREAS, Virchow Krause has provided a proposal to the Winnebago County Finance Director to renew the audit contract with the firm for 1999, 2000 and 2001 at the costs as follows:

<u>Year</u>		<u>Amount</u>	<u>Increase</u>	<u>Percent</u>
1998	Actual	49,700		
1999	Proposed	51,200	1,500	3.02%
2000	Proposed	53,200	2,000	3.91%
2001	Proposed	55,200	2,000	3.76%

WHEREAS, said percentage increases in the audit contract are reasonable in light of the cost to audit firms in maintaining qualified staff, and

WHEREAS, your undersigned Committee and the Winnebago County Finance Director recommend that the Winnebago County Board of Supervisors accept Virchow Krause's proposal and extend its contract with Winnebago County to perform external audit services for 1999-2001 at the above quoted prices.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves the extension of a contract to retain Virchow Krause of Madison, Wisconsin as Winnebago County's external audit firm for the calendar years 1999-2001 at the prices stated above.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. Ayes: 36. Nays: 0. Excused: 2 – Barker and Koziczowski. CARRIED.

RESOLUTION NO. 210-499: Authorize Child Support acceptance of State grant funds of \$38,000 for computer equipment upgrade.

WHEREAS, The Winnebago County Child Support computer equipment is not fully year 2000 compliant, and

WHEREAS, The State of Wisconsin is making funding available to the Winnebago County Child Support Agency in the amount of \$38,000 for the purpose of making the agency's equipment Y2K compliant.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Child Support agency to accept the grant funding of \$38,000 for the purpose of making the agencies equipment year 2000 compliant.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

RESOLUTION NO. 211-499: Authorize Execution of Airport Hangar Lease Between Wittman Regional Airport and Robert Mann

WHEREAS, Robert Mann desires to rent approximately 2500 square feet of aircraft storage building space at Wittman Regional Airport for the purpose of constructing and maintaining an airport hangar upon said space; and

WHEREAS, your undersigned Aviation Committee recommends that a lease for such space with Robert Mann be approved.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Clerk and the Winnebago County Executive to execute a lease for a period of three (3) years, for the time period between April 1, 1999 and March 31, 2002 with Robert Mann for the purpose of building and maintaining an airport hangar upon approximately 2500 square feet of space at Wittman Regional Airport at the following rental rate:

Year #1	\$ 405/Month
Year #2	\$ 425.25/Month
Year #3	\$ 446.51/Month

A copy of the proposed lease agreement may be obtained from the Office of Corporation Counsel or from the Office of the Airport Director.

Submitted by:
AVIATION COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

RESOLUTION NO. 212-499: Authorize Miscellaneous Budget Transfers - Park View Health Center

WHEREAS, a decrease of ten (10) beds has occurred at Park View Health Center's Rehabilitation Pavilion; and

WHEREAS, this reduction in beds has also resulted in a reduction of positions on the Table of Organization so that 12 positions are presently left vacant upon said Table of Organization; and

WHEREAS, said decreases in the number of positions has necessitated miscellaneous budget transfers at Park View Health Center so as to adjust for those changes.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes budget transfers in the amount of \$361,609 as are shown on the attached budget transfer sheet which is attached hereto and made a part of this resolution by reference..

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the following vacant positions be removed from the Table of Organization at Park View Health Center:

- A. 10 FTE Certified Nursing Assistants
- B. 1 FTE Registered Nurse
- C. 1 FTE Food Service Worker

Submitted by:

PARK VIEW HEALTH CENTER COMMITTEE
AND
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Montgomery and seconded to adopt. Ayes: 36. Nays: 0. Excused: 2 – Baker and Koziczowski. CARRIED.

RESOLUTION NO. 213-499: Authorize Acceptance of \$6,566 Grant from Oshkosh Area United Way and Appropriation of Grant Money for Assorted Nursing Equipment - Park View Health Center

WHEREAS, the Health Fund Allocations Committee of the Oshkosh Area United Way has offered a grant to Park View Health Center in the amount of \$6,566 for the purchase of the following equipment:

- A. 1 – ATO walker
- B. 2 - Tilt-in-space walker
- C. 20 bed/wheelchair sensors
- D. 2 – 18” reclining wheelchairs
- E. 2 - 20” reclining wheelchairs
- F. 2 - shower chairs with belt

; and

WHEREAS, your undersigned Committee recommends that said funds be accepted and appropriated to the Small Equipment Fund at Park View Health Center in order to allow for the purchase of said equipment.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes Park View Health Center to accept the amount of \$6,566 from the Oshkosh Area United Way and that said grant be appropriated to the Small Equipment Fund at Park View Health Center for the purchase of that equipment listed above..

Submitted by:
PARK VIEW HEALTH CENTER COMMITTEE
AND
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Montgomery and seconded to adopt. Ayes: 36. Nays: 0. Excused: 2 – Barker & Koziczowski. CARRIED.

RESOLUTION NO. 214-499: Authorize Transfer of \$19,500 to Capital Outlay Fund - Winnebago County Planning Department (Computer Hardware Purchase)

WHEREAS, a need presently exists to buy new computer hardware to correct Y2K problems with regard to computers for the GIS System in the Winnebago County Planning Department; and

WHEREAS, reductions can be made in the amount appropriated for Hewlett-Packard hardware support and GIS software maintenance support to pay for said hardware.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$9,100 from the Winnebago County Planning Department Equipment Repair Fund and \$10,400 from the Winnebago County Planning Department's Data Processing Fund with all said monies to be transferred to the Winnebago County Planning Department's Capital Outlay Fund for the purpose of purchasing new computer hardware to correct Y2K problems in Planning Department computers related to the GIS System..

Submitted by:
PLANNING & ZONING COMMITTEE
AND
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Schaidler and seconded to adopt. Ayes: 35. Nays: 0. Excused: 3 – Barker, Koziczowski and Footit. CARRIED.

RESOLUTION NO. 215-499: Authorize Transfer of \$3485 From Local Assistance Grant Interest Fund to Other Equipment Fund: Land and Water Conservation Department (Purchase New Vehicle)

WHEREAS, a total of \$24,000 was budgeted in the 1999 Land and Water Conservation Department Capital Outlay Account for the purpose of purchasing a new vehicle to replace a 1990 Bronco; and

WHEREAS, when the purchase of said vehicle was bid out, a low bid of \$28,293 was received. A subsequent rebid for the same vehicle resulted in a low bid of \$27,485 from Les Stumpf Ford; and

WHEREAS, funds presently exist in the Priority Watershed Project Interest Account to cover the additional \$3,485 which would be needed to meet the low bid of \$27,485 for the purchase of a new four-wheel drive utility vehicle.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$3,485.00 from the Priority Watershed Project Interest Fund of the Winnebago County Land and Water Conservation Department to the Other Equipment Fund of said department for the purpose of purchasing a new four-wheel drive utility vehicle.

Submitted by:
LAND & WATER CONSERVATION COMMITTEE
AND
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Hue and seconded to adopt. Ayes: 34. Nays: 1 – Payne. Excused: 3 – Barker, Koziczowski and Footit. CARRIED.

RESOLUTION NO. 216-499: Authorize Transfer of \$58,308 From Grant Revenue Fund to Purchase Services Fund - Winnebago County Department of Social Services (Start-up Expenses - Workforce Development Center)

WHEREAS, the Winnebago County Department of Social Services recently received a grant from the State of Wisconsin in the amount of \$58,308 for start-up costs related to the development of a child care center at the new Oshkosh Area Workforce Development Center; and

WHEREAS, it is necessary that the receipt of said grant be appropriated by the Winnebago County Board of Supervisors in order that the necessary services and equipment in relationship to said center may be purchased.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$58,308 from the Grant Revenue Fund to the Purchase Services Fund of the Winnebago County Department of Social Services 1999 Budget for the purpose of purchasing services and any necessary equipment in relationship to the start-up a child care center at the new Oshkosh Area Workforce Development Center..

Submitted by:
SOCIAL SERVICES BOARD
AND
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Montgomery and seconded to adopt. Ayes: 34. Nays: 1 – Rengstorf. Excused: 3 – Barker, Koziczowski and Footit. CARRIED.

RESOLUTION NO. 217-499: Authorize Transfer of \$209,368 to Budget Fund Balance - Winnebago County Department of Social Services 1998 Budget

WHEREAS, the Winnebago County Department of Social Services ran a deficit in the child care fund area in its 1998 budget of \$1,323,244.00 as a result of unexpected expenditures in those areas; and

WHEREAS, the Department of Social Services was able to offset that deficit in the amount of \$1,113,876.00 as a result of under-spent program expenses, under budgeted grant revenues and new funding sources in other fund areas ; and

WHEREAS, a net deficit exists within the 1998 Winnebago County Department of Social Services 1998 Budget in the amount of \$209,368.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$209,368 to the 1998 Winnebago County Department of Social Services Budget Fund Balance from the Winnebago County General Fund for the purpose of funding a deficit resulting from under-budgeted child care expenses during that budget year.

Submitted by:
SOCIAL SERVICES BOARD
AND
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Montgomery and seconded to adopt. Ayes: 35. Nays: 0. Excused: 3 – Barker, Koziczowski and Footit. CARRIED.

RESOLUTION NO. 218-499: Support Creation of a Seventh Circuit Court in Winnebago County

WHEREAS, the Judiciary & Public Safety Committee has been advised of the need for an additional circuit court in Winnebago County; and

WHEREAS, that Committee has reviewed the analysis of the Director of State Courts with regard to judicial need in Winnebago County, that analysis being based upon the weighted caseload system developed by the National Center for State Courts; and

WHEREAS, this information discloses a substantial increase in judicial needs since Branch 6 was created; and

WHEREAS, the analysis of the Director of State Courts indicates a need for 8.26 judges in Winnebago County based on the 1998 judicial case load; and

WHEREAS, it is reasonable to assume that the judicial case load in Winnebago County will continue to increase in the future based upon legislative changes, economic expansion and population growth; and

WHEREAS, it is likely that it will take 2 years to accomplish all that is necessary for the creation, establishment and staffing of a new court, including:

- a. Action by the Wisconsin Legislature to create a new circuit court;
- b. Action by the Winnebago County Board of Supervisors to locate, finance, construct and staff a new circuit court;
- c. And the election of a new Circuit Court Judge; and

WHEREAS, now is the appropriate time to request the Wisconsin Legislature to create a seventh Circuit Court for Winnebago County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby does hereby support the creation of an additional circuit court for Winnebago County and authorizes appropriate County officials to request the State of Wisconsin to take action, legislative and otherwise, to create a seventh branch of the Winnebago County Circuit Court..

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisorsthat any Winnebago County Departments or other entitles studying or planning the space needs of Winnebago County take into consideration the need for facilities for a new circuit court in the course of their work..

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors the Winnebago County Clerk transmit a copy of this resolution to all legislators representing constituents within Winnebago County; to the office of Governor Tommy Thompson and to the Director of State Courts.

Submitted by:
JUDICIARY & PUBLIC SAFETY COMMITTEE
AND
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Rengstorf and seconded to adopt. Ayes: 32. Nays: 3 – Klitzke, Payne and Brennard. Excused: 3 – Barker, Koziczkowski and Footit. CARRIED.

RESOLUTION NO. 219-499: Authorize Budget Transfer: Purchase of Old Neenah Weather Radar Station

WHEREAS, the Federal Government has offered to sell the old Neenah Radar Station, to Winnebago County, by Quit Claim Deed, for the price of \$65,000; and

WHEREAS, the Winnebago County Sheriff's Department desires the purchase of said building by Winnebago County in that it is located upon the highest geographical point in Winnebago County and in that the County has a need to place a radio tower in the northern part of Winnebago County and that the property upon which the old radar weather station sits is the perfect site for said location because of its elevation.; and

WHEREAS, in addition to the building in which the radar station was located, an additional approximately one acre of property surrounding the building is a part of the subject parcel; and;

WHEREAS, the building upon which the radar station was located could be used as a satellite office by the Winnebago County Sheriff's Department or for the purpose of housing other units of Winnebago County departments; and

WHEREAS, approximately \$25,000 would be needed to repair the building to bring it up to habitable standards, due to the fact that there has been some water damage to the building which will require the removal of ceiling and floor tiles within the building; and

WHEREAS, your undersigned Committees believe that the purchase price of the building and parcel set by the Federal Government is a fair and equitable one and that the purchase of the building would be in the County's best interest.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Clerk and the Winnebago County Executive to purchase title from the United States Government of a building and property located at the following location by Quit Claim Deed:

That part of the Northwest ¼ of the North East ¼ of Section Fourteen (14), Township Twenty (20) North, of range Sixteen (16) East, described as follows:

Commencing at a point on the North line of said Section located 4108.08 feet east of the North Quarter corner of said Section, thence continuing east, 208 feet and 8 inches to the Northeast corner of said North West ¼ of the North East ¼, thence southerly, 313 feet, along the East line of said North West ¼ of the North East ¼, thence West, 208 feet and 8 inches, parallel with the North line of said Section, thence northerly 313 feet, to the point of beginning, except right-of-way for highway purposes across the North 33 feet thereof.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes transfer of \$25,000 from the Equipment Repairs Fund – E911 of the Winnebago County Sheriff's Department Budget and the transfer of \$70,000 from the General Fund Undesignated Fund Balance to the following accounts in the following amounts for the purchase and repair of said building:

Capital Outlay Fund – Sheriff's Dept. – Dispatch	\$ 65,000
Building repairs Contracted – Maintenance Dept.	\$30,000

Submitted by:
JUDICIARY & PUBLIC COMMITTEE
AND
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Rengstorf and seconded to adopt. Motion by Supervisor Rengstorf and seconded to correct Line 31 by changing "\$25,000" to "\$30,000." Vote on Resolution as corrected - Ayes: 33. Nays: 3 - Pech, Bertrand and Wingren. Excused: 2 - Barker and Koziczowski. CARRIED.

RESOLUTION NO. 220-499: Determination As to Postal Service Delay or Error: Real Estate Property Taxes Upon Property Owned by the Azco Group Limited

WHEREAS, on March 22, 1999, a letter from Jenny R. Morrow, General Counsel for the Azco Group Limited was mailed to Winnebago County Treasurer Burton Schmidt requesting a determination pursuant to Section 74.69 of the Wisconsin Statutes regarding timely payment of property taxes with regard to the following parcels of real property located in Winnebago County.;

Tax Parcel Nos.	008-0134-03-01
	008-0134-03-02
	008-0134-03-03
	008-0134-03-04
	008-0134-04
	008-0134-02-01
	008-0133-05

A copy of said letter is herewith attached and made a part of this resolution; and

WHEREAS, Section 74.69(3), Wisconsin Statutes states that a County Board shall find a late (property tax) payment timely if the late payment was due to an administrative error or delay on the part of the U.S. Postal Service.

WHEREAS, the Azco Group Limited has requested the Winnebago County Board of Supervisors to make a finding that the late payment of real estate taxes due on those parcels described above was timely because of delay or administrative error by the U.S. Postal Service pursuant to Section 74.69(3), Statutes; and

WHEREAS, your undersigned Committee believes that the burden of proof lies upon the Azco Group Limited in support of such a claim; and

WHEREAS, payments from the Azco Group Limited were received by the Town of Menasha on February 8, 1999, more than 8 days after the payment was due; and

WHEREAS, according to Myra R. Piergrossi, Principal Accounts Manager of the Town of Menasha, the envelope in which the payments made by Azco were contained was thrown away. A copy of the statement of Ms. Piergrossi is attached and made a part of this resolution by reference; and

WHEREAS, no evidence, other than a copy of the check for the taxes upon the above parcels, dated January 29, 1999 has been presented to the County Treasurer; and

WHEREAS, no other documentation, such as a statement from the Postmaster or any other postal source has been presented to the Winnebago County Treasurer at this time indicating that the delivery of the letter containing the check for the taxes on the above parcels was due to postal negligence; and

WHEREAS, your undersigned Committee believes that Azco Group Limited, has not sustained its burden of proof with regard to this matter so as to have all penalties and interest with regard to payment of taxes on the above-described parcels removed.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that pursuant to Section 74.69, Wisconsin Statutes, it does hereby find that the tax payment paid by Azco Group Limited upon Winnebago County Tax Parcel Nos. 008-0134-03-01; 008-0134-03-02; 008-0134-03-03; 008-0134-03-04; 008-0134-04; 008-0134-02-01 and 008-0133-05 and received on February 8, 1999 was untimely and that Azco Group Limited has not satisfactorily proven that such delay in the receipt of the taxes was due to a delay or administrative error by the United States Postal Service.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. Motion by Supervisor Schaidler and seconded to refer back to Committee. Vote to refer – Ayes: 28. Nays: 7 – Lawson, Albrecht, Schwartz, Troxell, Crowley, Arne and Diakoff. Excused: 3 – Barker, Koziczowski and Footit. CARRIED.

Motion by Supervisor Schwartz and seconded to adjourn until 6:00 p.m. on Wednesday, May 19, 1999. Chairman Maehl reminded the Board that they are invited to the opening ceremonies of the Sunnyview Speed Zone Raceway on Monday, May 17. The meeting was adjourned at 10:05 p.m.

Respectfully submitted,
Susan T. Ertmer
Winnebago County Clerk