

**ADJOURNED SESSION
WINNEBAGO COUNTY BOARD OF SUPERVISORS
TUESDAY, OCTOBER 15, 2002**

Chairman Maehl called the meeting to order at 6:00 P.M. in the Supervisors' Room, Fourth Floor, Courthouse, Oshkosh, Wisconsin.

The meeting was opened with the Pledge of Allegiance and an Invocation by Supervisor Rankin.

Present: Sevenich, Barker, Griesbach, Hotynski, Scoville, Maehl, Klitzke, Widener, Lauson, Albrecht, Pech, Thompson, Steineke, Madison, Radewan, Sundquist, Wingren, Jacobson, Norton, Hert, Nielsen, Robl, Eichman, Kline, Tierney, Kramer, Schaidler, Finch, Farrey, Arne, Diakoff, Brennand, Egan, Rankin and O'Brien. Absent: 3 – Koziczkowski, Rengstorf and Sievert.

Motion by Supervisor Robl and seconded to adopt the agenda with the following change: the presentation for Comprehensive Land Use Plan will follow the approval of the September 17, 2002 proceedings. CARRIED BY VOICE VOTE.

COMMUNICATIONS, PETITIONS, ETC.

An invitation was received from East Central Wisconsin Regional Planning Commission & UW-Extension to attend their mini-conference entitled, "Groundwater: Regional Resources & Issues". It will be held from 8:30 a.m. to noon on Friday, October 25 at the La Sure's Banquet Hall, Oshkosh. There is no charge or registration for this conference.

The following resolutions were received and forwarded to the appropriate committees:

- Columbia County - "Support Federal Legislation to Subject Certain Imported Casein and Milk Protein Concentrates to Tariff Rate Quotas Comparable to Those of Other Imported Dairy Products"
- Columbia County - "Support Agriculture Enterprise Zone Designation"
- Waushara County – Resolution 24-10-02, "Encouraging the State Legislature to Allow Additional Court Costs to be Used to Establish Court Security Funds Statewide"

Petition for Zoning Amendment from Leo R. & Agnes N. Potratz, Town of Nekimi, for change from A-1 to R-1 for an addition to an existing residential lot was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Jeffrey D. Ogden, Town of Neenah, for change from A-2 to M-1 for light industrial distribution was referred to the Planning & Zoning Committee.

Sue Ertmer, County Clerk, announced that, if anyone is interested in reviewing it, a copy of the Town of Vinland's zoning ordinance is on file in her office.

COMMITTEE REPORTS

Supervisor Barker reported that the Legislative Committee meeting scheduled for October 28 has been cancelled. Their next meeting will be held at 9:00 a.m. on Monday, November 25.

Motion by Supervisor Lauson and seconded to adopt the September 17, 2002, proceedings. CARRIED BY VOICE VOTE.

COMPREHENSIVE LAND USE PLAN – ERIC JOHNSON, VILLAGE OF WINNECONNE

Supervisor Schaidler began the presentation by explaining that approximately 18 months ago this Board passed a resolution that deferred action on the comprehensive land use plan that was being proposed at that time. Because of this deferment, the committee that was working on the comprehensive land use plan was recreated to include representation from all areas of the county. Supervisor Schaidler introduced Eric Johnson, Village of Winneconne Administrator/Economic Development Coordinator, who reported to the Board on the progress of this committee.

Mr. Johnson explained that after unsuccessful attempts by the county and various townships to develop comprehensive land use plans, this new comprehensive land use plan committee was developed. One of the reasons the attempt by the townships failed was because the Village of Winneconne and the Cities of Menasha, Neenah, Omro and Oshkosh had not been included. Now, the whole county is participating in the process to have the plan completed by the mandatory 2010 deadline.

Mr. Johnson explained that the committee has been meeting at least monthly for the last year and have come to some conclusions about the concept for Winnebago County's comprehensive land use plan. Once the plan has been finalized by the committee, it will go to the municipalities for approval and then to the Winnebago County Planning & Zoning Committee. Once the Planning & Zoning Committee adopts the plan, they will present it to the County Board of Supervisors for their approval.

Mr. Johnson wanted to make the County Board aware of the committee's progress and invite them to their

future meetings. Their next meeting will be at 7:00 p.m. on October 24 at the Vinland Town Hall. Mr. Johnson stated that because of a grant written by Jerry Bougie of the Winnebago County Planning Department, the committee was able to hire two consultants to assist them in not only writing an affective comprehensive land use plan, but one that can be agreed upon by everyone. These consultants will be at the October 24 meeting.

On November 12, the committee will meet again to compare and discuss the various municipalities' comprehensive land use plans. He encouraged everyone to attend that meeting as well.

The committee hopes to present the plan to the Winnebago County Board in approximately one year.

Mr. Johnson and Supervisor Schaidler stressed the importance of people getting involved in this process now. Board members are encouraged to attend all the committee's meetings and inform their constituents about this issue as well.

Supervisor O'Brien asked that the County Clerk send a copy of the November 12 agenda to the whole County Board.

COUNTY EXECUTIVE'S REPORT

County Executive Van De Hey told the Board that there is statewide concern regarding out-of-home placements for youths—foster homes, juvenile correctional facilities, etc. Executive Van De Hey also reported that there has been a significant increase in the rate of youth suicides in our area. One of the ways we are addressing these two issues is to recruit additional foster parents. Winnebago County has lost 25 foster parents in the last two years.

Executive Van De Hey explained that a group called the "Yellow Ribbon Group" is working in the City of Oshkosh to reduce the youth suicide rate, which has reached alarming proportions. Winnebago County is now getting involved in this program to raise public awareness of this problem. There will be additional information on the Yellow Ribbon Group in upcoming county newsletters and on the county's website under "interesting links."

Executive Van De Hey reminded the Board that Student Government Day will be held on Tuesday, October 29 and encouraged the Board to plan on attending the luncheon that will be held at the American Legion in Oshkosh.

COUNTY BOARD CHAIRMAN'S REPORT

Chairman Maehl explained that this is Winnebago County's 26th annual Student Government Day and he encouraged the Board to plan on attending the luncheon at the American Legion.

Chairman Maehl thanked Supervisors Hotynski and Egan for their donations to the scholarship fund. He also extended happy birthday wishes to Supervisors Hotynski, Egan, Rengstorf and Pech.

Chairman Maehl commended Sheriff Brooks and Corporation Counsel Bodnar on their 30th and 21st anniversaries, respectively, with Winnebago County.

Chairman Maehl reminded the Board that the budget meetings will begin on October 28 and that the small calculators placed on their desks will come in handy at that time.

PUBLIC HEARING

No one addressed the Board.

ZONING REPORTS & ORDINANCES

REPORT NO. 001. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant, William Christianson and property owner, Edna Christianson, Town of Winchester, for zoning change to R-1/R-2 (Single family non-subdivided/Single family subdivided), which the Winnebago County Planning and Zoning Committee amended to a zoning change to A-2 (General Farming). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 10-01-02. A request for zoning change from A-1 (Exclusive Agriculture) to A-2 (General Farming). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – October 24, 2002)

REPORT NO. 002. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Winnebago County Planning & Zoning Committee for text amendments to several portions of Section 17 of the Winnebago County Town/County Zoning Ordinance. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 10-02-02. A request for text amendments to the Winnebago County Town/County Zoning Ordinance, to amend various sections of Chapter 17. Amendments are as follows:
17.02(3)(f), Zoning Permit, to renumber and recreate (f); 17.02(5), Site Restrictions, to delete (a), (b), and

renumber remainder; 17.02(7)(c) Accessory Use Location to add (2); 17.03(f) Boathouses, to add (3); 17.03(5)(b) Business Conditional Use, to add (5); 17.03(9)(b) Agricultural Conditional Use to add (8); 17.03(12)(b) Industrial Conditional Use to add (3); 17.04(4)(c)(4) R-1 Conditional Use, to add language at end; 17.18(5)(c)(1) Industrial Conditional Use to add word for clarity; 17.19 Mineral Extraction to delete reclamation language; 17.22(2)(b) Wetland, to amend last sentence; 17.25(2)(b)(3)(a) and (b) Conditional Uses to amend second sentence and second paragraph of (3)(b); 17.25(3) Conditional Use to add (d); 17.25 Conditional Use, to add (5); 17.28(3)(d) Signs Excepted, to add (5); 17.28(4)(d)(3) Business Sign Standards, to add language; 17.28(7) Parking Signs, to modify first sentence; 17.28(7) Signs, to add (a)(2); 17.31 Performance Standards, to delete and reserve for future amendment; 17.32(4) Board of Adjustment, to add (j); 7.32(5) Board of Adjustment, to amend language; 17.32(5)(a) Board of Adjustment, to delete and recreate; 17.33(3) Zoning Changes, to add (f); 17.37 Definitions to add definitions.

Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – October 24, 2002)

REPORT NO. 003. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner, Richard Pataska, Town of Menasha, for zoning change to B-2 (Community Business). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 10-03-02. A request for zoning change from B-3 (General Business) to B-2 (Community Business). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – October 24, 2002).

REPORT NO. 004. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant, Davel Engineering, Inc. and property owner, Dave Schwartzbauer, Town of Menasha, for zoning change to R-2 (Single Family subdivided). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 10-04-02. A request for zoning change from A-2 (General Farming) to R-2 (Single Family subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – October 24, 2002)

REPORT NO. 005. A report from the Planning & Zoning Committee regarding a zoning change from applicants and property owners Rick and June Rubbert, Town of Clayton, for zoning change to R-1/A-2 (Single Family non-subdivided/General Farming). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 10-05-02. A request for zoning change from A-1 (Exclusive Agriculture) to R-1/A-2 (Single Family non-subdivided/General Farming). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – October 24, 2002)

REPORT NO. 006. A report from the Planning & Zoning Committee regarding a zoning change from applicant, Leslie Billman and property owner, L. Billman et al, Town of Vinland, for zoning change to R-1 (Single family non-subdivided). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 10-06-02. A request for zoning change from A-2 (General Farming) to R-1 (Single family non-subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – October 24, 2002).

REPORT NO. 007. A report from the Planning & Zoning Committee regarding a zoning change from applicant and property owner Wisconsin Tubing Inc., Town of Omro, for zoning change to M-2 (Heavy Industrial). Motion by Supervisor Schaidler and seconded to accept. Supervisor Brennand recused himself from voting on this issue. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 10-07-02. A request for zoning change from A-2/R-1 (General Farming/Single family non-subdivided) to M-2 (Heavy Industrial). Motion by Supervisor Schaidler and seconded to adopt. Supervisor Brennand recused himself from voting on this issue. CARRIED BY VOICE VOTE. (Effective date – October 24, 2002)

REPORT NO. 008. A report from the Planning & Zoning Committee regarding a zoning change from applicant, Meerdink & Associates and property owner R. Jacobson, et al, Town of Oshkosh for zoning change to B-3(HB) (General Business - Highway Business overlay). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 10-08-02. A request for zoning change from R-1 (Single family non-subdivided) to B-3 (HB) (General Business-Highway Business overlay). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – October 24, 2002)

Amendatory Ordinance No. 9. A request from the Town of Black Wolf on behalf of Anne Marie Luker for zoning change from A-2 to R-1. Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – October 24, 2002)

Amendatory Ordinance No. 10. A request from the Town of Black Wolf on behalf of Charles Nevitt for zoning change from A-2 to R-1. Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – October 24, 2002)

Amendatory Ordinance No. 11. A request from the Town of Vinland for revisions and recodification of their zoning ordinance. Motion by Supervisor Farrey and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – October 24, 2002)

RESOLUTIONS & ORDINANCES

RESOLUTION NO. 84-102002: Commendation for William Corcoran

WHEREAS, William Corcoran has been employed with the Winnebago County Department of Facilities & Property Management, for the past twenty-four years, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, William Corcoran has now retired from those duties, and it is appropriate for the Winnebago County Board of Supervisors to acknowledge his years of service.

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that sincere appreciation and commendation be and it hereby is extended to William Corcoran for the fine services he has rendered to Winnebago County.

BE IT FURTHER RESOLVED, that the County Clerk send a copy of this Resolution to William Corcoran.

Submitted by,
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 85-102002: Create Four Full-Time Positions of Corrections Officer: Sheriff's Department

WHEREAS, because of the amount of time needed to recruit and train the number of Corrections Officers needed to staff the new jail, it is necessary to advance the date for hiring four full-time Corrections Officers from January 1, 2003 to approximately November 1, 2002, and

WHEREAS, the labor budget of the Sheriff's Department has sufficient funds available to cover the cost of this action without the need for any budget transfers.

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that four full-time positions of Corrections Officer be created within the Table of Organization of the Winnebago County Sheriff's Department effective November 1, 2002.

BE IT FURTHER RESOLVED, that funds necessary to cover the cost of this action be applied from within the budget of the Sheriff's Department.

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

Motion by Supervisor Albrecht and seconded to adopt. Ayes: 32. Nays: 3 - Pech, Madison and Norton. Absent: 3 Koziczowski, Rengstorf and Sievert. CARRIED.

RESOLUTION NO. 86-102002: Authorize the Preparation of the 2003 Application and the County's matching Share Regarding Specialized Transportation Services to the Elderly and Disabled

WHEREAS, Section 85.21 of Wisconsin Statutes authorizes the Wisconsin Department of Transportation to make grants to the counties of Wisconsin for the purpose of assisting them in providing specialized transportation services to the elderly and the disabled; and

WHEREAS, such grant must be matched with a local share of not less than 20% of the amount of grant; and

WHEREAS, this body considers that the provision of specialized transportation services would improve and promote the maintenance or human dignity and self-sufficiency of the elderly and the disabled.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Department of Human Services to prepare and submit to the Wisconsin Department of Transportation an application for assistance anticipated to be \$210,831 during 2003 under Section

85.21 of the Wisconsin Statutes, in conformance with the requirements issued by that Department and also authorizes the obligation of county funds in the amount of \$42,166 in order to provide the required local match.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes that funds budgeted for this purpose are included in the 2003 Budget, be and the same are hereby made available to cover Winnebago County's share of this project.

BE IT FURTHER RESOLVED that the Winnebago County Board of Supervisors authorizes the Department of Human Services to execute a state aid contract with the Wisconsin Department of Transportation under Section 85.21 of the Wisconsin Statutes on behalf of Winnebago County.

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Submitted by:
HUMAN SERVICES BOARD

Motion by Supervisor Pech and seconded to adopt. Ayes: 35. Nays: 0. Absent: 3 - Koziczowski, Rengstorf and Sievert. CARRIED.

RESOLUTION NO. 87-102002: Authorize Jurisdictional Transfer of 9.8 Miles of U.S. Highway 45 to the Wisconsin Department of Transportation

WHEREAS, Section 84.02(m), Wisconsin Statutes, enables Winnebago County and the Wisconsin Department of Transportation, from time to time, to transfer jurisdiction of various portions of highway from the jurisdiction of one governmental authority to the other; and

WHEREAS, the Wisconsin Department of Transportation has agreed to accept jurisdictional authority over a 9.8 mile portion of U.S. Highway 45 beginning at the north Winnebago County line and extending southerly to its intersection with U.S. Highway 41; and

WHEREAS, your undersigned Highway Committee recommends that the attached Jurisdictional Transfer Agreement with regard to the above-described portion of U.S. Highway 45 be approved.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves the Jurisdictional Transfer Agreement between the Wisconsin Department of Transportation and Winnebago County which is herewith attached and incorporated by reference, pursuant to which, the jurisdictional and maintenance responsibility for that portion of U.S. Highway 45 extending from the north Winnebago County line to its intersection with U.S. Highway 41, the length of which is approximately 9.8 miles, be transferred from Winnebago County to the Wisconsin Department of Transportation.

Submitted by:
HIGHWAY COMMITTEE

Motion by Supervisor Robl and seconded to adopt. Ayes: 31. Nays: 4 - Klitzke, Eichman, Kramer and Brennand. Absent: 3 - Koziczowski, Rengstorf and Sievert. CARRIED.

RESOLUTION NO. 88-102002: Authorize Execution of Jurisdictional Transfer Agreement Between Wisconsin Department of Transportation and Winnebago County (Portion of State Highway 110)

WHEREAS, pursuant to Section 84.02(8), Wisconsin Statutes, Winnebago County and the Wisconsin Department of Transportation, from time to time, execute Jurisdictional Transfer Agreements with regard to existing sections of roadway for various reasons; and

WHEREAS, your undersigned Highway Committee, pursuant to this Resolution is recommending that Winnebago County accept jurisdiction of an existing portion of State Highway 110 beginning at the intersection of State Highway 110 and 150 and proceeding northwesterly from that point approximately 9.72 miles to the Winnebago County Line; and

WHEREAS, in return for accepting jurisdiction of the above-described section of State Highway 110, the State of Wisconsin has agreed to realign the horizontal curve at County Trunk Highway "M"; update beam guards on State Highway 110 from State Highway 150 to the north County line including, replacing existing black and white shoulder markers with beam guard just east of the Rat River; replace culverts immediately to the west of Town Line Road, approximately 1 1/2 miles west of North Road, and approximately 3800' west of North Road; remove the cattle pass along State Highway 110 roughly 2200' east of the Waupaca County Line; and pay the County \$1.8 million dollars for work listed within the Jurisdictional Transfer Agreement which is made a part of this Resolution by reference.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby

approves the Jurisdictional Transfer Agreement which is attached hereto and incorporated by reference between the Wisconsin Department of Transportation and Winnebago County whereby Winnebago County would accept jurisdiction of the existing portion of State Highway 110 beginning at the intersection of State Highway 110 and 150 and proceeding northwesterly for 9.72 miles to the Winnebago County-Waupaca County border for that consideration provided within said Agreement.

Submitted by:
HIGHWAY COMMITTEE

Motion by Supervisor Robl and seconded to adopt. Ayes: 32. Nays: 3 - Eichman Finch and Brennand. Absent: 3 - Koziczkowski, Rengstorf and Sievert. CARRIED.

RESOLUTION NO. 89-102002: Authorize Execution of Jurisdictional Transfer Agreement Between Wisconsin Department of Transportation and Winnebago County (Accept Jurisdiction of State Highway 175)

WHEREAS, pursuant to Section 84.02(8), Wisconsin Statutes, the Wisconsin Department of Transportation and Winnebago County occasionally agreed to transfer jurisdiction of various segments of roadway for the purpose of facilitating alterations in or maintenance to said highways; and

WHEREAS, in return for consideration relating to other highways, your undersigned Highway Committee has recommended that Winnebago County accept jurisdiction of that portion of State Highway 175 beginning at U.S. Highway 45 and then proceeding southerly 4.31 miles to the Winnebago-Fond du Lac County line.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes Winnebago County to accept jurisdiction for maintenance purposes of that portion of State Highway 175 beginning at its juncture with U.S. Highway 45 and proceeding southerly approximately 4.31 miles to the Winnebago-Fond du Lac County line.

Submitted by:
HIGHWAY COMMITTEE

Motion by Supervisor Robl and seconded to adopt. Ayes: 29. Nays: 6 - Widener, Eichman, Kramer, Finch, Diakoff and Brennand. Absent: 3 - Koziczkowski, Rengstorf and Sievert. CARRIED.

RESOLUTION NO. 90-102002: Authorize Amendment to Jurisdictional Transfer Agreement #77

WHEREAS, Winnebago County previously agreed to accept jurisdiction of that portion of U.S. Highway 150 between State Highway 110 and U.S. Highway 45; and

WHEREAS, after review of this Jurisdictional Transfer, the State has agreed to pay the County \$1,025,000 in 2004 to resurface State Highway 150 from State Highway 110 to U.S. Highway 45.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves the attached Amendment to Jurisdictional Transfer Agreement #77 whereby pursuant to said amendment, the State Department of Transportation will pay Winnebago County \$1,025,000 in 2004 to resurface State Highway 150 from State Highway 110 to U.S. Highway 45.

Submitted by:
HIGHWAY COMMITTEE

Motion by Supervisor Robl and seconded to adopt. Ayes: 33. Nays: 2 - Eichman and Brennand. Absent: 3 - Koziczkowski, Rengstorf and Sievert. CARRIED.

ORDINANCE NO. 91-102002: Amend Chapter 16 of the General Code of Winnebago County: County Private Sewage System Code

WHEREAS, the Planning and Zoning Committee recommends that the following amendments be made to Chapter 16 of the General Code of Winnebago County: COUNTY PRIVATE SEWAGE SYSTEM CODE for the following reasons:

- A. To maintain eligibility for Wisconsin Fund Grant Programs;
- B. To update the Code in relationship to State Administrative Code changes; and
- C. To clarify existing Code language.

NOW, THEREFORE, the County Board of Supervisors of the County of Winnebago does ordain as follows:

That Chapter 16 of the General Code of Winnebago County: County Private Sewage System Code be amended to read as follows:

A. That Section 16.01(1)(e) be created to read as follows:

16.01 INTRODUCTION

(1) AUTHORITY...

(e) This chapter of the Code incorporates the rules established in Chapter COMM 91, Wisconsin Administrative Code which shall apply until amended and then shall apply as amended.

B. That Section 16.01(1)(7) be created to read as follows:

(7) TITLE. This Ordinance shall be known as, referred to or cited as the "Winnebago County Sanitary Ordinance" or "Sanitary Ordinance".

C. That Section 16.01(8)(a) be created to read as follows:

(8) BASIC PRINCIPLES.

(a) Every building intended for human habitation or occupancy shall be provided with a properly functioning private on-site waste water treatment system (hereinafter referred to as POWTS), or where there is no plumbing in the structure, a privy that complies with COMM 91. Travel trailers and RV's with self contained units are excluded from this section.

D. Amend Section 16.02(2)(b) to read as follows:

16.02 ADMINISTRATION AND ENFORCEMENT.

(2) INSPECTION.

(b) (1) Soil Tests. If after review a soil test appears to be inaccurate based on information provided by the soil survey of Winnebago County, the tested site shall be verified in the field.

(2) Field verifications shall be done only on sunny days in order to make accurate interpretations. The licensed staff member shall determine if sunny conditions are suitable for field verifications. Where inclement weather conditions delay field verifications, requests will be rescheduled as soon as sunny conditions prevail.

(3) A licensed staff member will perform field verifications during winter soil testing hours (10:00 A.M. to 2:00 P.M. from November 15th to March 15th) for replacement systems only.

(4) All field verifications for soil tests shall be done by evaluating a soil profile. The soil profile shall be exposed by excavating an area large enough for a person to stand in for the purpose of evaluating the soil profile. The excavation may be done by hand or with a backhoe. The depth of the excavation shall be at least one foot below the elevation of the estimated high ground water as indicated by the Report On Soil Borings And Percolation Tests. Excavations that exceed a depth of two feet shall be provided with a step or ladder for ingress and egress.

(5) Excavations may be left open until a licensed staff member can verify the tested site. It shall be the property owner's responsibility to cover and/or fence off the excavation to prevent any person from falling into the excavation and becoming injured. Winnebago County shall not be held liable for any such injuries. The Zoning Office shall be notified in accordance with Sec. 16.02(2)(c) of this ordinance if excavations are to be left open for county verification.

Amend Section 16.03(1)(a) to read as follows:

16.03 SANITARY PERMITS.

(1) PERMIT REQUIRED

(a) No person shall install or perform work on a private sewage system unless that person is a licensed plumber, and the owner of the property on which the system is located holds a valid County Sanitary Permit. This includes the following:

1. Installation of new POWTS;
2. Reconnection of a structure to an existing POWTS;
3. Repair of an existing POWTS.

E. That Section 16.03(1)(c) shall be amended to read as follows:

Where required by Wisconsin Administrative Code Chapter COMM 83, the County shall forward a copy of each Sanitary Permit issued along with the appropriate fee to the Department of Commerce within ninety (90) days after the permit is issued.

F. That Section 16.03(1)(d) shall be amended to read as follows:

A County Sanitary Permit shall be valid for two (2) years from the original date of issuance.

H. Create Section 16.03(5) to read as follows:

(5) Violation.

Should a permit be issued subsequent to the issuance of a violation notice or a citation by the County, the County may include within the permit time limitations for construction as well as other conditions relating to the violation which must be met prior to final system approval.

I. Create Section 16.06(4) to read as follows:

16.06 PUBLIC SEWER

(4)(a) Where property is located within an Urban Service Area and Sanitary District, no county permit for a POWTS shall be issued unless one of the conditions specified in (b) or (c) of this section are applicable. All other development within these areas shall be by public sewer only.

(b) Where property is within a sanitary district and the district is physically unable to provide public sewer to the property, a county permit for a POWTS may be issued provided that the property owner, in conjunction with the Sanitary District, prepares and records with the Register of Deeds, an agreement to connect to the Sanitary District when so determined by the District.

(c) The provisions of (a) and (b) above shall be in effect until December 31, 2003, whereby consideration shall be made by the Planning and Zoning Committee on whether to amend, rescind, or continue this policy. Action by the Committee in regard to this policy shall be based upon the provisions of an adopted County Comprehensive Plan or other pertinent documentation, studies and/or findings that may become available.

J. Create Section 16.07(3)(b) to read as follows:

16.06 PRIVIES....

(3) Privies Prohibited. Existing privies located on properties that already have a principle structure with plumbing are prohibited...

(b) Portable Restrooms are prohibited except for parks and campgrounds as described in Section 16.07(2) and temporary uses for public events not to exceed ten (10) days in duration.

K. Create Section 16.07(5) to read as follows:

(5) Minimum Standards: All privies shall conform to the minimum standards established in Wisconsin Administrative Code Chapter COMM 91.

L. Delete from the Ordinance Section 16.10(1)(e) which presently reads:

Failure to obtain a Sanitary Permit where required – standard permit fee shall be doubled.

M. Amend Section 16.11(2)(n) to read as follows:

Section 16.11 DEFINITIONS

(2) Specific Definitions

(n) Private On-Site WasteWater Treatment System (POWTS) – Means a sewage treatment or disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. The term also means an alternative sewage system approved by the Department including a substitute for the septic tank or absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. A private onsite wastewater treatment system may be owned by the property owner or by a special purpose district.

N. Create Section 16.12(a) and (b) which shall read as follows:

16.12 FEES

(a) Fees for permits, applications, or reviews shall be as established from time to time by the Winnebago County Board of Supervisors. Upon adoption by the County Board, the current fee shall be noted in the appropriate section of the ordinance and shall also be maintained on a current fee schedule in the Zoning Office.

(b) Fees for all after-the-fact permits, applications, or reviews shall be doubled.

O. Renumber Sections 16.13 EFFECTIVE DATE as Section 16.14

P. Create Section 16.13 which shall read as follows:

16.13 APPEALS

In lieu of the procedures specified in Chapter 68, Wisconsin Statutes, and in accordance with Section 68.16, Wisconsin Statutes, appeals relating to the terms and provisions of this Chapter and appeals concerning applications for the Wisconsin Fund shall be to the Winnebago County Board of Adjustment in accordance with provisions and procedures established in Section 17.32 of the General Code of Winnebago County (Winnebago County Town/Zoning Ordinance).

BE IT FURTHER ORDAINED by the County Board of Supervisors of the County of Winnebago that the above amendments to this Ordinance shall take effect as of the date following the date of publication.

Submitted by:
PLANNING & ZONING COMMITTEE

Motion by Supervisor Schaidler and seconded to adopt. Ayes: 35. Nays: 0. Absent: 3 - Kozickowski, Rengstorf and Sievert. CARRIED.

RESOLUTION NO. 92-102002: Authorize Sale of Highway Remnant Property to Robert H. Hernke and Wendy Hernke, Husband and Wife

WHEREAS, Winnebago County presently owns a small triangle of property of approximately .25 acres in size adjacent to the farm of Robert H. Hernke and Wendy Hernke which is located at 6915 County Highway M in the Town of Winneconne; and

WHEREAS, said property is highway remnant property and is no longer needed by Winnebago County for the operation or maintenance of County Trunk Highway M; and

WHEREAS, it would be in the best interest of Winnebago County that said property be deeded to the adjacent landowners, Robert H. Hernke and Wendy Hernke for the sum of One (\$1.00) Dollar.

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 transfer ownership of the following described piece of property by Quit Claim Deed to Robert H. Hernke and Wendy Hernke, Husband and Wife upon payment of the sum of One Dollar (\$1.00):

All of that part of the following described property lying southwesterly of the right-of-way of County Road M: That part of the SW ¼ of the SE ¼ of the SE ¼ of Section 3, T19N, R15E, in the Town of Winneconne.

Submitted by:
HIGHWAY COMMITTEE

Motion by Supervisor Robl and seconded to adopt. Ayes: 35. Nays: 0. Absent: 3 - Kozickowski, Rengstorf and Sievert. CARRIED.

RESOLUTION NO. 93-102002: Authorize Transfer of \$13,169 from Winnebago County Contingency Fund to Capital Outlay Fund of Emergency Management Department (Replace Electronic Siren)

WHEREAS, an electronic warning siren which is located in the area of Gay and Tullar Drive in the City of Neenah, which provides siren coverage to Neenah High School and Memorial Park is no longer completely operational; and

WHEREAS, the cost of replacement of said siren, site preparation and installation, power hook-up and mounting is presently estimated to cost \$13,169; and

WHEREAS, your undersigned Committees believe that it is in the best interest of Winnebago County and the safety of those persons living in the above-described area within the City of Neenah to replace said siren as soon as possible.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the budget transfer of \$13,169 from the Winnebago County General Contingency Fund to the Capital Outlay Fund of the Emergency Management Department for the purpose of replacing an electronic warning siren in the City of Neenah in the area of Gay and Tullar Drive.

Submitted by:
EMERGENCY MANAGEMENT COMMITTEE
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Griesbach and seconded to adopt. Ayes: 25. Nays: 10 - Widener, Pech, Madison, Radewan, Wingren, Norton, Hert, Nielsen, Eichman and Brennand. Absent: 3 - Kozickowski, Rengstorf and Sievert. DEFEATED. A two-thirds of membership vote is required for passage.

RESOLUTION NO. 94-102002: Disallow Claim of American Family Insurance Company for Stephen Lindo

WHEREAS, your Personnel and Finance Committee has had the claim of American Family Insurance Company for Stephen Lindo 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 American Family Insurance Company for Stephen Lindo dated September 11, 2002, 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 Albrecht and seconded to adopt. CARRIED BY VOICE VOTE.

RESOLUTION NO. 95-102002: Authorize Transfer of \$25,000 to Capital Outlay Account: University of Wisconsin Extension (Purchase of New Van)

WHEREAS, the University of Wisconsin Extension Office presently possesses a 1993 Ford Aerostar Van; and

WHEREAS, said van presently has over 110,000 miles on it and has developed an oil leak that cannot be repaired without an engine overhaul which would cost approximately \$2,000-\$2,500; and

WHEREAS, the University of Wisconsin Extension Office puts approximately 12,000 miles per year on the van; and

WHEREAS, use of the van significantly reduces mileage costs for the University of Wisconsin Extension for program activities; and

WHEREAS, unexpended funds are presently available in other line items within the University of Wisconsin Extension Budget to partially pay for the purchase of a new van; and

WHEREAS, an additional \$16,150 is available in the County's General Contingency Fund to be applied toward the purchase of a new van; and

WHEREAS, your undersigned Committees believe that it would be economically feasible to purchase a new van at the present time.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$25,000 from various funds as is shown on the attached Budget Transfer Sheet, which is made a part of this Resolution by reference, to the Capital Outlay Fund of the University of Wisconsin Extension Budget for the purchase of a new passenger van.

Submitted by:
UNIVERSITY OF WISCONSIN EDUCATION, EXTENSION &
AGRICULTURE COMMITTEE AND
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Barker and seconded to adopt. Ayes: 30. Nays: 5 - Pech, Madison, Wingren, Jacobson and Hert. Absent: 3 - Koziczkowski, Rengstorf and Sievert. CARRIED.

Motion by Supervisor Robl and seconded to adjourn until Tuesday, October 28, 2002. CARRIED BY VOICE VOTE. The meeting was adjourned at 7:41 p.m.

Respectfully submitted,
Susan T. Ertmer
Winnebago County Clerk

State of Wisconsin)
County of Winnebago)ss

I, Susan T. Ertmer, Winnebago County 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 adjourned session meeting held October 15, 2002.

Susan T. Ertmer
Winnebago County Clerk