

**ADJOURNED SESSION
COUNTY BOARD MEETING
TUESDAY, NOVEMBER 16, 2004**

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

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

The following Supervisors were present: Weber, Barker, Griesbach, Hotynski, Scoville, Maehl, Koziczkowski, Klitzke, Widener, Lauson, Albrecht, Steineke, Lennon, Machotka, Sundquist, Wingren, Jacobson, Norton, Warnke, Nielsen, Robl, Kline, Lorenz, Kramer, Schaidler, Finch, Sievert, Diakoff, Brennand, Egan, Rankin, Rengstorf, O'Brien, Farrey, Arne, Thompson and Harris. Excused: Pech.

Motion by Supervisor Robl and seconded to approve the agenda with a correction of moving Resolution No. 115-112004 before Resolution No. 106-112004. CARRIED BY VOICE VOTE.

COMMUNICATIONS, PETITIONS, ETC.

The following resolutions were received and forwarded to various committees:

- Resolution No. 90-2004 – from Oconto County “urges Wisconsin counties, the Wisconsin Counties Association and the Wisconsin County Highway Association to work in developing legislative language prohibiting the State of Wisconsin from using any state highway funds.....for any purpose other than highway activities” was forwarded to the Highway Committee.
- Resolution No. 32-11-04 - from Waushara County "Resolution Regarding ICF-MR Downsizing (Intermediate Care Facility for the Mentally Retarded)" was referred to the Human Services Board.

A notice of date change was received from WCA regarding the strategic communications seminar "The Local Side of the Story". The date has been changed from Tuesday, November 9th to Tuesday, November 30th at the Madison Concourse Hotel. Anyone interested in attending should contact the County Clerk's Office.

Petition for zoning amendment from Jerry H. Doemel, Town of Algoma, for zoning change from Agriculture to R-5 and R-2 for residential single family and condominiums was referred to the Planning & Zoning Committee.

Petition for zoning amendment from Ken Tritt, Town of Omro, for zoning change from A-2/B-2 to B-3 for Lot 1 and A-2 for Lot 2 for a marina was referred to the Planning & Zoning Committee.

Petition for zoning amendment from Kim E. Losse, Town of Omro, for zoning change from A-2/R-1 to R-1 for single family lots was referred to the Planning & Zoning Committee.

Petition for zoning amendment from Thomas Barr, Town of Nekimi, for zoning change from A-1 to M-2 for self-storage and distribution facility was referred to the Planning & Zoning Committee.

Petition for zoning amendment from Robert J. Pennau, Town of Nekimi, for zoning change from A-1 to A-2 for new homes was referred to the Planning & Zoning Committee.

Petition for zoning amendment from Eugene A. Radloff, Town of Clayton, for zoning change from A-1 to A-2 for agriculture use was referred to the Planning & Zoning Committee.

REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS

Supervisor Barker reported there will be a Legislative Committee meeting Monday, November 29th, 9:00 a.m. at the James P. Coughlin Center. Agendas will be mailed.

Supervisor Egan reported the Board had approved \$110,000 for duress buttons in the Courthouse last year. Within the last 30 days, it was discovered that through the Telephone Company and the Information Systems Department, duress buttons can be placed on each Winnebago County employee's telephone for a cost of approximately \$20,000.

Supervisor Nielsen announced the Aviation Committee will be meeting Wednesday, December 8, 5:00 p.m. to review the Airport Master Plan. He invited all supervisors to attend.

Motion by Supervisor Kramer and seconded to approve the October 19 and 25-27, 2004 proceedings. CARRIED BY VOICE VOTE.

COUNTY EXECUTIVE'S REPORT

Executive Van De Hey introduced Barbara Galica. Barbara and her husband Leo have been foster parents for Winnebago County for many years. She also introduced Lance Hayes, who breeds and raises horses, and Sammy Jo Galica, adopted daughter of Leo and Barbara Galica. Sammy Jo is a 9th grader at Lourdes High School

who has been taking riding lessons for the past 6 years. This past August Mr. Hayes asked her to ride one of his horses at a competition in Louisville, Kentucky. She was unanimously awarded World Champion American Saddle Bred for her age group. She is the only person to achieve such an award in the Fox Valley.

COUNTY EXECUTIVE'S APPOINTMENT

Motion by Supervisor Lauson and seconded to approve the appointment of Supervisor Rengstorf to the Tax Incremental District No. 6, Village of Winneconne. CARRIED BY VOICE VOTE.

PUBLIC HEARING

The following citizens spoke against the "County Executive's Line Item Veto of Amendment #1 to Winnebago County Budget Resolution #105-102004 Adding \$33,038 to the Salary and Fringe Benefits Account of the University of Wisconsin Education, Extension and Agriculture Budget Account and Creation of Horticulturist Position": John Procknow, 1511 Westhaven Circle, Oshkosh; Audrey Ruedinger, 1537 W. 6th Avenue, Oshkosh; Royann Goldin, 1413 Silverwood Lane, Neenah; Robin Knispel, 2937 Omro Road, Oshkosh; Marge Bolding, 1138 Evans Street, Oshkosh; James Ping, 1213 Witzel Avenue, Oshkosh; and Sandy Giessen, 912 Elm Street, Winneconne.

The following citizens spoke against the "County Executive's Line Item Veto of Addition of \$600,000 to Winnebago County Human Services Budget Pursuant to Amendment #21 to Winnebago County Budget Resolution #105-102004": Lea Kitz, 1317 Washington Avenue, Oshkosh; Jim Englund, 861 Park Ridge Avenue, Oshkosh; Diane Van Denzen, Oshkosh; Jordan Kuczwar, 208 Omaha Avenue, Neenah; Jim Blankenship, 800 W. 4th Avenue, Oshkosh; Karen Fenrich, 807 E. Nevada Avenue, Oshkosh; Thomas Downing, 1119 E. Parkway Avenue, Oshkosh; Kathleen Connelly, 208 Omaha Avenue, Neenah; Amanda Allen, 520 Algoma Boulevard, Oshkosh; Lou Tomler, 855 Vine Avenue, Oshkosh; Justin Mitchell, 202A W. Parkway Avenue, Oshkosh; Ashley Hesse, Oshkosh; Kaley Hansen, 1191 High Avenue, Oshkosh; and Bob Poeschl, 202A W. Parkway Avenue, Oshkosh.

Bill Wright, Town of Winneconne/Poygan Fire Chief, 6490 Breeze Street, Winneconne spoke in favor of Resolution No. 115-112004: "Authorize Transfer of \$92,000 from General Fund Balance to Sheriff's Department: Capital Outlay for the Purchase of a Huskey Air Boat".

ZONING REPORTS & ORDINANCES

REPORT NO. 001. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Warren Utecht-Martenson & Eisele and property owner Bruce Anunson, Town of Menasha, for zoning change to R-2. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 11-01-04. A request for zoning change from A-2 (General Farming) to R-2 (Single family subdivided). Motion by Supervisor Schaidler and seconded to approve. CARRIED BY VOICE VOTE. (Effective date – November 29, 2004)

REPORT NO. 002. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant David Schmalz-McMahon Associates and property owners Thomas Rusch and Richard Gabert, Town of Nekimi, for zoning change to P-1 (south)/B-3 (north). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 11-02-04. A request for zoning change from A-1/B-3 (Exclusive Agriculture/General Business) to P-1 (south)/B-3 (north) (Institutional & Recreational Park District/General Business). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – November 29, 2004)

AMENDATORY ORDINANCE NO. 3. A request from the Town of Utica on behalf of John & Carol Rausch for zoning change from A-3 to I. Motion by Supervisor Egan and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – November 29, 2004)

AMENDATORY ORDINANCE NO. 4. A request from the Town of Vinland on behalf of Donald Bartlett for zoning change from A-1 to R-1. Motion by Supervisor Farrey and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – November 29, 2004)

RESOLUTIONS & ORDINANCES

MOTION TO RECONSIDER COUNTY EXECUTIVE'S VETO LINE ITEM OF AMENDMENT #1 TO WINNEBAGO COUNTY BUDGET RESOLUTION #105-102004 ADDING \$33,038 TO THE SALARY AND FRINGE BENEFITS ACCOUNT OF THE UNIVERSITY OF WISCONSIN EDUCATION, EXTENSION AND AGRICULTURE BUDGET ACCOUNT AND CREATION OF HORTICULTURIST POSITION

**LINE ITEM VETO OF 2004 ANNUAL BUDGET
(RESOLUTION #105-102004, AMENDMENT #1)**

Please be advised that I am hereby vetoing a line item which pursuant to Amendment #1 of Resolution #105-102004 added \$33,038 to the Salaries and Fringe Benefits Account of the University of Wisconsin Extension and Agriculture Budget as indicated on Page 360 of the Winnebago County Budget as well as adding a position to the County's Table of Organization.

I am vetoing this Amendment and line item and returning it to the Winnebago County Board of Supervisors for reconsideration for the following reasons:

The 2005 Budget, which I submitted to the Winnebago County Board of Supervisors proposed a reduction of \$500,000 to the Winnebago County tax levy because of the elimination and/or consolidation of positions within the Winnebago County Table of Organization. I believe that such elimination of positions or consolidation of positions when possible is important to relieving the taxpayers of a portion of their property tax burden. I have vetoed this line item to restore the County horticulturist position in the budget based upon a balancing of the cost of the position versus the service provided to the taxpayers as a result of the position. Presently, the Master Gardener Program in Winnebago County is an excellent program. I am committed to continuing that excellence. As County Executive, I have personally observed the talent of the County horticulturist in creating a wonderful community garden at the Resource Center along with many other projects.

I am confident, however, that the Agriculture Agent position which was recently vacated by the retirement of Jeff Key, can be combined with the horticulturist position and that one professional can be hired who will have the ability to perform both positions at a substantial savings of funds to the taxpayers. I believe that the present Department Head, Chris Kniep, has the ability to establish and manage those services provided in the past by both the agriculture agent and horticulturist so that there will be no decline in service to the public as a result of the combination of these positions. It is my intent, during the 2005 budget year, to continue to monitor the status of these services and to keep the Board of Supervisors informed as to these programs.

Respectfully submitted,
Jane Van De Hey
County Executive

Motion by Supervisor Wingren and seconded to bring the motion back from being tabled at the November 10th Special Orders of Business meeting. Ayes: 36. Nays: 1 - Brennand. Excused: 1 - Pech. CARRIED. Vote on motion to override veto: Ayes 22. Nays: 15 - Hotynski, Koziczkowski, Lauson, Albrecht, Thompson, Lennon, Sundquist, Norton, Nielsen, Lorenz, Schaidler, Sievert, Diakoff, Brennand and O'Brien. Excused: 1 - Pech. LOST. Veto was upheld.

MOTION TO RECONSIDER COUNTY EXECUTIVE'S LINE ITEM VETO OF ADDITION OF \$600,000 TO WINNEBAGO COUNTY HUMAN SERVICES BUDGET PURSUANT TO AMENDMENT #21 TO WINNEBAGO COUNTY BUDGET RESOLUTION #105-102004

**LINE ITEM VETO OF 2004 ANNUAL BUDGET
(RESOLUTION #105-102004, AMENDMENT #21)**

Please be advised that I am hereby vetoing a line item adding \$600,000 to the Winnebago County Human Services Budget pursuant to Amendment #21 of Resolution #105-102004. I am vetoing this amendment for the following reasons:

Winnebago County has a long history of being very committed to caring for the elderly and disabled and providing long-term care for persons in those categories. Over the past four years additional funds have been added to the Human Services Budget to help reduce or eliminate a waiting list for community-based residential placement. Unfortunately, in that medical assistance and other federal and state programs do not provide sufficient resources to pay for the cost of long-term care to all persons in need of such care who are not placed in nursing home facilities, the ability to provide long-term community-based care to such persons is beyond the property tax resources of any county government. The provision of community-based residential care to those persons who are indigent is an issue that necessitates review by both the state and federal government. It is my intent as County Executive to actively pursue this issue at those levels.

Additionally, it should be noted that the 2005 amended budget contains an appropriation of \$279,296 to the Reserve Fund of the Human Services Department. This appropriation provides a safety net for those in need of community-based residential services should additional monies be required during the course of 2005.

Respectfully submitted,
Jane Van De Hey
County Executive

Motion by Supervisor Kline and seconded to bring the motion back from being tabled at the November 10th Special Orders of Business meeting. Ayes: 37. Nays: 0. Excused: 1 - Pech. CARRIED. Vote on motion to override veto. Ayes: 28. Nays: 9 - Barker, Scoville, Albrecht, Sundquist, Nielsen, Schaidler, Sievert, Diakoff and Brennand. Excused: 1 - Pech. CARRIED. Veto was overturned.

At approximately 7:30 p.m. the Board took a 15-minute recess. At approximately 7:45 p.m. Chairman Albrecht reconvened the Board.

RESOLUTION NO. 115-112004: Authorize Transfer of \$92,000 from General Fund Balance to Sheriff's Department: Capital Outlay for the Purchase of a Huskey Air Boat

WHEREAS, the Winneconne-Poygan Fire District has used a privately-owned air boat for years for the purpose of performing ice and water rescue mission upon Lake Poygan and other area lakes; and

WHEREAS, due to the age and condition of said boat, it is no longer a safe and reliable vehicle for future ice and water rescue missions; and

WHEREAS, the Winneconne-Poygan Fire District has space in its new fire house to store a new air boat vehicle; and

WHEREAS, the Winneconne-Poygan Fire District has stated their willingness to operate an ice and water rescue air boat at no cost to Winnebago County; and

WHEREAS, monies received from the sale of the two hovercrafts now owned by the Sheriff's Department could be utilized to cover a portion of the purchase price of such a vehicle.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$92,000 from the Undesignated Fund Balance of the General Fund of Winnebago County to the Capital Outlay Account of the Winnebago County Sheriff's Department for the purpose of purchasing a Huskey Air Boat which would be housed at the Winneconne-Poygan Fire District Fire House and would be used for ice and water rescue missions in that area by the Winneconne-Poygan Fire District.

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

Motion by Supervisor Rengstorf and seconded to adopt. Motion by Supervisor Harris and seconded to amend the title and line 27 to read "\$87,000" in place of "\$92,000". Supervisor Harris withdrew his amendment. Vote on resolution - Ayes: 33. Nays: 3 - Weber, Scoville and Rankin. Excused: 2 - Finch and Pech. CARRIED.

RESOLUTION NO. 106-112004: Authorize County Aid for Emergency Culvert Replacement (Town of Wolf River)

WHEREAS, Section 81.38, Wisconsin Statutes, allows a town to petition the County for funds to offset the costs of constructing or repairing culverts or bridges within the town; and

WHEREAS, pursuant to Section 81.38(2), Statutes, the County shall pay the cost of such repair or construction in excess of \$750 up to \$1500 and the town and county shall each pay 1/2 of the cost of construction or repair above \$1500; and

WHEREAS, the Town of Wolf River has petitioned the Winnebago County Highway Committee for emergency replacement of culverts or bridges pursuant to Section 81.38, Wisconsin Statutes.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes County aid to the following Town for the following projects the total amount of said projects not to exceed that amount listed with the amount contributed by the County to be controlled pursuant to Section 81.38(2), Statutes:

<u>TOWN</u>	<u>LOCATION</u>	<u>TOTAL AMOUNT OF PROJECT</u>
Town of Wolf River	Moede Court	\$2,600.00

Submitted by:
HIGHWAY COMMITTEE

Motion by Supervisor Robl and seconded to adopt. Ayes: 36. Nays: 0. Excused: 2 - Finch and Pech.
CARRIED.

RESOLUTION NO. 107-112004: Disallow Claim of Debra Daubert

WHEREAS, your Personnel and Finance Committee has had the claim of Debra Daubert 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 Debra Daubert dated September 20, 2004, 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 Kline and seconded to adopt. CARRIED BY VOICE VOTE.

RESOLUTION NO. 108-112004: Commendation for Sheryl Siegl

WHEREAS, Sheryl Siegl has been employed with the Winnebago County Department of Human Services, for the past twenty-eight years, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Sheryl Siegl has now retired from those duties, and it is appropriate for the Winnebago County Board of Supervisors to acknowledge her 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 Sheryl Siegl for the fine services she has rendered to Winnebago County.

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

Submitted by,
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 109-112004: Establish Process for Choosing Supervisor to Provide Invocation at Winnebago County Board of Supervisors' Meetings

WHEREAS, your undersigned Supervisor has accepted the responsibility of providing invocations at the Winnebago County Board of Supervisors' meetings for the past several years; and

WHEREAS, your undersigned Supervisor believes that there is uncapped talent upon the membership of the Winnebago County Board of Supervisors in relationship to the task of providing the Board with an invocation at its meetings; and

WHEREAS, your undersigned believes that the responsibility of providing such an invocation should be shared.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the invocation for any given session of the Winnebago County Board of Supervisors be provided by the oldest Supervisor present among those celebrating birthdays in that month.

Submitted by:
STEPHEN RANKIN, DIST. #36
COUNTY BOARD SUPERVISOR

Motion by Supervisor Rankin and seconded to adopt. Motion by Supervisor O'Brien to amend lines 21 through 23 to read: "NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that until further notice, the invocation for any given session of the Winnebago County Board of Supervisors be provided by Supervisor Stephen Rankin". CARRIED BY VOICE VOTE.

ORDINANCE NO. 110-112004: Amend Section 5.04(2)(a) of the General Code of Winnebago County (Increase Cremation Permit Fee)

WHEREAS, the Winnebago County Coroner has requested the Judiciary and Public Safety Committee to recommend to the Winnebago County Board of Supervisors that the cremation fee charged by the Winnebago County Coroner be increased from \$75.00 to \$100.00 so as to help defray expenses within the Winnebago County Coroner's Office; and

WHEREAS, the Judiciary and Public Safety Committee recommends the increase in said fee; and

WHEREAS, the 2005 Winnebago County Budget for the Winnebago County Coroner is premised upon the increase in said fee.

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

That Section 5.04(2)(a) of the General Code of Winnebago County be amended to read as follows:

5.04 Coroner's Fees

(2) Cremation Permit Fee.

- (a) A fee of \$100.00 is hereby established for the viewing of a body by the Coroner and the issuance of a permit as a precedence to cremation, pursuant to the procedure outlined by Section 979.10, Wisconsin Statutes. The estate of the deceased shall be liable for payment of said fee, unless another party agrees in advance, in writing, to be responsible for the payment of said fee.

BE IT FURTHER ORDAINED by the County Board of Supervisors of the County of Winnebago that said amendment shall be effective as of January 1, 2005.

Submitted by:
JUDICIARY & PUBLIC SAFETY COMMITTEE

Motion by Supervisor Rengstorf and seconded to adopt. Ayes: 33. Nays: 3 - Schaidler, Farrey and Brennand. Excused: 2 - Finch and Pech. CARRIED.

RESOLUTION NO. 111-112004: Establish Compensation Plan For County Executive to be Elected in Spring, 2005

WHEREAS, the compensation for the position of County Executive must be set by the County Board prior to the first date for the circulation of nomination papers for election to fill the position for the upcoming term; and

WHEREAS, the first date for the circulation of nomination papers for election to the position of County Executive for the term of office commencing in April of 2005 is December 1, 2004.

NOW THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that the salary established for the position of County Executive for the term commencing the third Tuesday in April, 2005 shall be as follows:

<u>ANNUAL</u>	
First Full Year of Term (4/05 – 4/06).....	\$73,152
Second Full Year of Term (4/06 – 4/07).....	\$76,078
Third Full Year of Term (4/07 – 4/08).....	\$79,121
Fourth Full Year of Term (4/08 – 4/09).....	\$82,286

BE IT FURTHER RESOLVED, that insurance and fringe benefits be provided to the position in accordance with County policy for Winnebago County Department Heads.

Submitted by,
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Motion by Supervisor Nielsen and seconded to change the wages to \$78,029 (4/05-4/06), \$81,930 (4/06-4/07), \$86,026 (4/07-4/08) and \$90,327 (4/08-4/09). Ayes 11 -

Maehl, Koziczowski, Widener, Lauson, Albrecht, Lennon, Nielsen, Lorenz, Brennand, Rankin and O'Brien. Nays: 24. Abstain: 1 - Harris. Excused: 2 - Finch and Pech. DEFEATED. Vote on original resolution: Ayes: 24. Nays: 11 - Weber, Maehl, Klitzke, Thompson, Steineke, Wingren, Jacobson, Norton, Nielsen, Kramer and Rengstorf. Abstain: 1 - Harris. Excused: 2 - Finch and Pech. CARRIED.

RESOLUTION NO. 112-112004: Transfer \$12,000 from General Fund Balance to County Clerk’s 2004 Budget to Cover Projected Budget Overruns, and Transfer Between Accounts.

WHEREAS, the County Clerk’s office is projecting an anticipated need of an additional \$32,000 in its printing and duplicating account to cover expenses through the end of 2004; and

WHEREAS, ballot printing expenses are anticipated to be higher than as indicated in the 2004 budget; and

WHEREAS, there was an error in the ballot style which required the reprinting of some ballots resulting in additional costs; and

WHEREAS, the large number of ballots needed exceed the budgeted amount; and

WHEREAS, there are surplus funds projected in the following accounts that can be transferred to cover the projected shortfall as follows:

Fees and cost revenue will exceed budget by...	\$ 7000
Publish legal notices will be under budget by...	\$ 5000
Data processing expense will be under budget by....	\$ 8000

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of the foregoing amounts from the above accounts of the Winnebago County Clerk’s 2004 budget to the printing and duplicating account of that office.

BE IT FURTHER RESOLVED that the remainder of \$12,000 needed to cover the overage in the Winnebago County Clerk’s budget’s Printing and Duplicating Account be transferred from the General Fund Undesignated Fund Balance account.

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

Motion by Supervisor Rengstorf and seconded to adopt. Ayes: 36. Nays: 0. Excused: 2 - Finch and Pech. CARRIED.

RESOLUTION NO. 113-112004: Accept \$25,594 “Weapons of Mass Destruction Funding Grant” and Apply to Professional Services Account of the Emergency Management Department.

WHEREAS, Grant funds in the amount of \$25,594 were made available to Winnebago County for the purpose of conducting Weapons of Mass Destruction training and an exercise in 2004; and

WHEREAS, the funds can be applied to Emergency Management Department Professional Services account for the purpose of hiring a consultant to conduct the training exercise.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes accepting Federal and State grant funds in the amount of \$25,594 and applying those funds to the Professional Services account in the Emergency Management Department for 2004 for that purpose as described above.

Submitted by,
EMERGENCY MANAGEMENT COMMITTEE
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Griesbach and seconded to adopt. Ayes: 35. Nays: 1 - Jacobson. Excused: 2 - Finch and Pech. CARRIED.

RESOLUTION NO. 114-112004: Accept \$7,978 Flood Response Grant and Appropriate to Accounts of the Emergency Management Department.

WHEREAS, State and Federal Grant funds in the amount of \$7,978 were made available to Winnebago County as a result of the severe spring flooding incurred this year within Winnebago County; and

WHEREAS, the funds can be applied to Emergency Management Department costs of Overtime, Professional Services and Small Equipment to help offset additional costs incurred by the County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes accepting Federal and State grant funds in the amount of \$7,978 and applying the funds to the above mentioned accounts in the Emergency Management Department for 2004.

Submitted by,
EMERGENCY MANAGEMENT COMMITTEE
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Griesbach and seconded to adopt. Ayes: 36. Nays: 0. Excused: 2 - Finch and Pech.
CARRIED.

RESOLUTION NO. 116-112004: Authorize Transfer of \$40,000 to the Land Fund of the Winnebago County Treasurer's Department (Raze Building Acquired for Delinquent Taxes at 204 Railroad Street, City of Menasha)

WHEREAS, Winnebago County has acquired the former American Quality Fibers site at 204 Railroad Street in the City of Menasha as a consequence of taxes being delinquent upon said property; and

WHEREAS, the building upon said property contains a roof which is ready to collapse; and

WHEREAS, it is necessary and in the best interests and safety of Winnebago County and City of Menasha residents that said property be razed; and

WHEREAS, the land around said property is contaminated and needs to be remediated before said property could be used for any purpose; and

WHEREAS, it will cost approximately \$70,000 to raze and dispose of the building upon said property; and

WHEREAS, Winnebago County has only acquired \$30,000 through the Department of Natural Resources Grants for said purpose; and

WHEREAS, Winnebago County will subsequently apply for a grant in the next grant cycle for remediation of said property, but said grant, if received, may not be used until the next grant cycle; and

WHEREAS, the Winnebago County Treasurer and the Winnebago County Highway Commissioner believe that the safest and most efficient way of razing said property would be to raze and remove all material at the same time; and

WHEREAS, the Winnebago County Treasurer fears that the roof upon said property may collapse during the coming winter if not razed.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$40,000 from the Undesignated Fund Balance and Reimbursement Costs Account of the 2004 Winnebago County Budget to the Land Account of the Winnebago County Treasurer's Budget for the purpose of demolishing said building at 204 Railroad Street, City of Menasha, contingent upon the City of Menasha contributing \$20,000 for the demolition and removal of said building.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Supervisor Kline withdrew this resolution.

At 8:40 p.m. Supervisor Pech arrived.

RESOLUTION NO. 117-112004: Create a Position of Mechanic/Parts Foreman in the Solid Waste Department

WHEREAS, maintenance work on Winnebago County Landfill equipment is becoming more and more critical with the anticipated increase in tonnage due to the Brown, Outagamie and Winnebago Counties' Solid Waste Consolidation Program and;

WHEREAS, Winnebago County's landfill will become the active facility beginning in 2005 for receiving all three Counties' waste and;

WHEREAS, there is currently not a full-time Mechanic/Parts Foreman employed by Winnebago County at the Landfill.

NOW THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that a position of Mechanic/Parts Foreman be added to the Solid Waste Department's Table of Organization.

Submitted by,
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 32. Nays: 5 - Maehl, Albrecht, Nielsen, Farrey and Arne. Excused: 1 - Finch. CARRIED.

RESOLUTION NO. 118-112004: Approve County Industrial Development Project - Provide Loan to City of Menasha

WHEREAS, the City of Menasha has made a loan request to the Winnebago County Industrial Development Board for the purpose of construction of a new manufacturing facility with their community; and

WHEREAS, Winnebago County and its Industrial Development Board are empowered to make such loans pursuant to the authority vested by Section 59.57(2)(f), Wisconsin Statutes; and

WHEREAS, the Winnebago County Solid Waste Management Board has made funds available to the Winnebago County Industrial Development Board to make such a loan; and

WHEREAS, the City of Menasha projects that assisting such project would generate new jobs and create additional new tax base within that community and Winnebago County; and

WHEREAS, your Industrial Development Board has approved said loan request and is requesting that the County Board of Supervisors of the County of Winnebago approve the project for funding at this time.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the aforementioned Winnebago County Industrial Development project is hereby approved.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that funds in the amount of \$1.3 Million Dollars shall be made available to loan to the City of Menasha from the Winnebago County Solid Waste Management Board Fund through the Winnebago County Industrial Development Board, with such loan agreement to be for a period of five (5) years at an interest rate of ½ of the prime rate on the date that the loan is made, with interest due yearly on said loan and the principal of said loan to be due to the Winnebago County Industrial Development Board on the fifth year anniversary date of said loan.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the Winnebago County Industrial Development Board and any necessary Winnebago County Officers are authorized to execute an agreement between Winnebago County's Industrial Development Board and the City of Menasha for the project and for said loan.

Submitted by:
INDUSTRIAL DEVELOPMENT BOARD
SOLID WASTE MANAGEMENT BOARD

Motion by Supervisor Sundquist and seconded to adopt. Ayes: 37. Nays: 0. Excused: 1 - Finch. CARRIED.

RESOLUTION NO. 119-112004: Amend Zoning Office Fee Schedule

WHEREAS, it is the practice of the Winnebago County Zoning Department to annually amend the fee schedule of the Winnebago County Zoning Office to reflect the actual costs of matters undertaken by the Winnebago County Zoning Department.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that effective January 1, 2005, the following items on the Winnebago County Zoning Office fee schedule shall be amended to reflect the following charges:

- | | | |
|-----------------------|---|---|
| Public Hearing Items | - | \$655 (previously \$580) (equals 75% of actual cost) |
| Zoning Permit | - | \$120 (previously \$110) (equals 90% of actual cost) |
| Sanitary Permit | - | \$375 (previously \$330 for holding tanks
and \$345 for all other systems) (equals 90% of actual cost) |
| Certified Survey Maps | - | \$155 (previously \$110) (equals 90% of actual cost) |

Submitted by:
PLANNING & ZONING COMMITTEE

Motion by Supervisor Schaidler and seconded to adopt. Motion by Supervisor Widener and seconded to bring fees to 100%. Motion by Supervisor Widener to amend his amendment by having a Public Hearing at \$700 and the other three items at 100%. John Bodnar, Corporation Counsel, stated the changes must be in actual dollars to correspond with the amounts in the resolution, rather than just percentages. Motion by Supervisor Weber and seconded to table resolution so correct dollar amounts could be calculated. Motion by Supervisor Pech to bring back from being tabled. Ayes: 37. Nays: 0. Excused: 1 - Finch. CARRIED. Motion by Supervisor Widener and seconded to make the following changes:

- Public Hearing Items - \$700 (previously \$580) (equals 80% of actual cost)
- Zoning Permit - \$140 (previously \$110) (equals 100% of actual cost)
- Sanitary Permit - \$410 (previously \$330 for holding tanks and \$345 for all other systems) (equals 100% of actual cost)
- Certified Survey Maps - \$170 (previously \$110) (equals 100% of actual cost).

Vote on amendment - Ayes: 29. Nays: 8 - Albrecht, Lennon, Lorenz, Schaidler, Farrey, Arne, Diakoff and Rengstorf. Excused: 1 - Finch. CARRIED. Vote on resolution as amended. Ayes: 32. Nays: 5 - Lennon, Lorenz, Farrey, Arne and Rengstorf. Excused: 1 - Finch. CARRIED.

RESOLUTION NO. 120-112004: Authorize Increase in Storm Water and/or Erosion Control Permit

WHEREAS, it is the intent of the Winnebago County Planning and Zoning Committee and the Winnebago County Land Conservation Committee that storm water and/or erosion control permits be issued at a cost which recovers 100% of the cost of issuing the permit and inspection and enforcement of the permit.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that effective January 1, 2005, the permit fee for Winnebago County storm water and/or erosion control shall be as follows:

\$140 for new one and two family residential units plus a \$60.00 inspection fee;

\$250 for commercial/industrial/public projects plus inspection fee (varies pursuant to County contract with outside vendor by project);

\$140 for all other storm water/erosion permits.

Submitted by:
 PLANNING & ZONING COMMITTEE
 LAND CONSERVATION COMMITTEE

Motion by Supervisor Schaidler and seconded to adopt. Ayes: 34. Nays: 3 - Schaidler, Arne and Rengstorf. Excused: 1 - Finch. CARRIED.

RESOLUTION NO. 121-112004: Authorize Execution of Debt Repayment Agreement with Clarity Care Incorporated

WHEREAS, Clarity Care Incorporated, formerly Residential Care for the Developmentally Disabled, presently owes Winnebago County in excess of \$600,000 in relationship to the County's contractual agreement with Clarity Care Incorporated to provide care to the developmentally disabled, mentally ill and elderly within Winnebago County; and

WHEREAS, such debt is presently unsecured; and

WHEREAS, any effort to recoup said debt at the present time will likely result in Clarity Care Incorporated filing for bankruptcy; and

WHEREAS, if Clarity Care Incorporated files for bankruptcy at the present time, it is unlikely that Winnebago County will recoup any of the funds presently owed to Winnebago County by Clarity Care Incorporated; and

WHEREAS, Clarity Care Incorporated is the largest provider of residential services to persons suffering from developmental disabilities within Winnebago County; and

WHEREAS, the bankruptcy of Clarity Care Incorporated could be temporarily problematic to those persons within Winnebago County who receive residential care from that corporation; and

WHEREAS, the Winnebago County Personnel and Finance Committee and the Winnebago County Human Services Board believe it to be in the best interest of Winnebago County and its citizens to enter into the debt repayment agreement which was previously provided to members of the Winnebago County Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Executive and the Winnebago County Clerk to enter into a debt repayment agreement with Clarity Care Incorporated as is evidenced in a document which was previously distributed to the Winnebago County Board of Supervisors and which shall be made available upon request by the Winnebago County Clerk to any party requesting a copy of said agreement. Said agreement is made a part of this resolution by reference.

Submitted by:
PERSONNEL & FINANCE COMMITTEE
HUMAN SERVICES BOARD

Motion by Supervisor Kline and seconded to adopt. Ayes: 36. Nays: 1 - Wingren. Excused: 1 - Finch.
CARRIED.

Motion by Supervisor Robl and seconded to adjourn until 6:00 p.m. on Tuesday, December 7, 2004.
CARRIED BY VOICE VOTE.

The meeting was adjourned at 9:10 p.m.

Respectfully submitted,
Patricia Rabe, Deputy
Winnebago County Clerk

State of Wisconsin)
County of Winnebago) ss

I, Patricia Rabe, do hereby certify that the foregoing is a true and correct copy of the Journal of the Winnebago County Board of Supervisors for their regular meeting held November 16, 2004.

Patricia Rabe, Deputy
Winnebago County Clerk