

**WINNEBAGO COUNTY BOARD MEETING
TUESDAY, NOVEMBER 15, 2011**

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 Locke.

The following Supervisors were present: Konezke, Barker, Englebert, Eisen, Miller, Roh, Smith, Widener, Albrecht, Grabner, Thompson, Reynolds, Wingren, Jacobson, Norton, Warnke, Robl, Singstock, Neubauer, Kline, Locke, Hegg, Finch, Sievert, Farrey, Diakoff, Brennand, Egan, Ellis and Kriescher.

Excused: Ramos, Hamblin, Gabert, Lennon and Hall.

Motion by Supervisor Robl and seconded to adopt the agenda. CARRIED BY VOICE VOTE.

PUBLIC HEARING

No one addressed the Board.

COMMUNICATIONS, PETITIONS, ETC.

A note from the family of Harvey Rengstorf was read thanking the Board for the flowers they sent for his funeral.

Notice of Claim from Ron Feggestad for damage to his mail box by a county snow plow on November 9, 2011 was referred to the Personnel & Finance Committee.

Notice of Claim from Rodney, Daryl and Howard Christianson for negligence for their mother, Sarah Christianson while she was a resident at Park View Health Center was referred to the Personnel & Finance Committee.

Notice of Claim from Peter J. Long for compensatory damages for actions taken by the Winnebago County Sheriff's Office was referred to the Personnel & Finance Committee.

A letter from Governor Scott Walker was read thanking the Board for sending him a copy of Resolution No. 288-92011: Support an Amendment to the State Constitution to Make Certain County Elections Non-Partisan.

Petition for Zoning Amendment from Wesley A. Radloff; Town of Utica, for a zoning change for tax parcel nos. 024-0221, 024-0222, 024-0223 and 024-0224 from A-1 to A-2 for farmland was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Allen C. Lembcke, Town of Menasha, for a zoning change for tax parcel no. 008-0342-02 from R-1 to B-3 for an auto parts store was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Maribeth Monday, Town of Rushford, for a zoning change for tax parcel nos. 022-0559 and 022-0558 from A-2 to R-1 for single family residential and was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Katherine Treu, revocable trust, Town of Nekimi, for a zoning change for tax parcel no. 012-0602(part) from A-1 to A-2 for farmland was referred to the Planning & Zoning Committee.

REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS

Supervisor Norton reported Aging and Disabilities Resource Center, the Oshkosh Senior Center and Walgreen's are sponsoring a medication review event on Thursday, November 17 from 9:00 a.m. until noon at the Oshkosh Senior Center.

Supervisor Kline reported that the Legislative Committee will meet on Monday, November 28.

Supervisor Hegg stated that he has received calls from some of his constituents regarding the Outagamie County Airport Overlay project. He has spoken to the Winnebago County Planning & Zoning Committee about getting this issue on their agenda for discussion.

Motion by Supervisor Kline and seconded to approve the proceedings from the October 18, 2011 County Board meeting. CARRIED BY VOICE VOTE.

Supervisor Widener thanked the Board for the plant they sent him while he was recovering from his surgery. He also appreciated all the visits, calls and cards that he received.

Supervisor Widener reported that the UW-Fox Valley Engineering Department facility should be ready for occupancy in early 2012. The current engineering department area will then be converted into classrooms.

COUNTY BOARD CHAIRMAN'S APPOINTMENTS

Supervisor District No. 13

Chairman Albrecht asked for approval of his appointment of Ronald Grabner, 2719 Shorewood Drive, Oshkosh to Supervisor District No. 13. Mr. Grabner will complete the term of Travis Swanson who has resigned from the Board. Motion by Supervisor Finch and seconded. CARRIED BY VOICE VOTE.

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

Judiciary & Public Safety Committee

Chairman Albrecht asked for approval of his appointment of Supervisor Larry Smith to the Judiciary & Public Safety Committee. Supervisor Smith will complete the term of Harvey Rengstorf who passed away. Motion by Supervisor Finch and seconded. CARRIED BY VOICE VOTE.

COUNTY BOARD CHAIRMAN'S REPORT

Chairman Albrecht reported that Supervisors Lennon, Gabert, Hamblin, Ramos and Hall are excused from tonight's meeting.

FARMLAND PRESERVATION PLAN PUBLIC HEARING

Chairman Albrecht reported that the Farmland Preservation Plan Public Hearing on tonight's agenda has been postponed until the December 20, 2011 meeting. It is being postponed because the State of Wisconsin has not completed their process with the plan.

Chairman Albrecht and the County Clerk were notified of this over the weekend and on Monday, respectively, so there was not time to publish the postponement. He apologized for any inconvenience this may have caused.

ZONING REPORTS & ORDINANCES

REPORT NO. 001—a report from the Planning & Zoning Committee regarding a Land Use Plan amendment to include a Farmland Preservation Plan—and AMENDATORY ORDINANCE # 11/01/11. Motion by Supervisor Brennand and seconded to postpone until the December 20, 2011 meeting. CARRIED BY VOICE VOTE.

RESOLUTIONS AND ORDINANCES

RESOLUTION NO. 300-112011: Commendation for Pam Lisbeth

WHEREAS, Pam Lisbeth has been employed with the Winnebago County Clerk of Courts Department for the past thirty-five (35) years, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Pam Lisbeth 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 is hereby extended to Pam Lisbeth for the fine services she has rendered to Winnebago County.

BE IT FURTHER RESOLVED that the Winnebago County Clerk send a copy of this Resolution to Pam Lisbeth.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 301-112011: Disallow Claim of AT&T (Incident Date: 8/25/2011)

WHEREAS, your Personnel and Finance Committee has had the claim of AT&T (Incident Date: 8/25/2011) 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 AT&T, dated September 22, 2011, 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. 302-112011: Disallow Claim of Peter J. Long

WHEREAS, your Personnel and Finance Committee has had the claim of Peter J. Long 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 Peter J. Long, dated October 12, 2011, 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. 303-112011: Disallow Claim of Wesley Potratz

WHEREAS, your Personnel and Finance Committee has had the claim of Wesley Potratz 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 Wesley Potratz, dated October 17, 2011, 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.

Supervisor Eisen made a motion that County Board rules be suspended to allow those members of the public present to speak on the farmland preservation plan. Corporation Counsel Bodnar explained that it's state statute that doesn't allow for comments on the farmland preservation plan tonight, not a County Board rule. No action was taken on Supervisor Eisen's motion.

RESOLUTION NO. 304-112011: Authorize the Sheriff's Department to Accept a \$31,500 Wisconsin Office of Justice Assistance Grant and Appropriate to the Purchase of Law Enforcement Specialty Team Equipment

WHEREAS, the Winnebago County Sheriff's Department has applied for and been awarded a \$31,500 Wisconsin Office of Justice Assistance Grant; and

WHEREAS, the purpose of the grant is to supply the Sheriff's Department's Law Enforcement Specialty Team with equipment to carry out operations in a manner that is as safe as possible and to minimize the risk of injury to the member officers; and

WHEREAS, it would be in Winnebago County's best interests to accept the grant funds and utilize the funds to purchase equipment that will enable the Law Enforcement Specialty Team to carry out their objectives in a manner that is as safe as possible.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Sheriff's Department to accept a \$31,500 grant from the Wisconsin Office of Justice Assistance and appropriate the funds to equipment purchases that will assist the Law Enforcement Specialty Team to carry out its mission in a safe manner.

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

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

RESOLUTION NO. 305-112011: Authorize the Transfer of \$100,000 from the General Contingency Fund to the Highway Department's "Road Maintenance" Account of the County Road Maintenance Cost Center to Cover Any Additional Snow Plowing Costs Through the End of 2011

WHEREAS, the Other Operating Expense Account in the Highway Department's County Road Maintenance Cost Center is projected to have a potential shortfall through the end of 2011 of \$100,000 based on a review of the snow plowing history for November and December for the past four (4) years; and

WHEREAS, in an effort to avoid going over budget in advance of incurring the plowing costs, it is requested that \$100,000 be transferred from the General Contingency Fund of the 2011 budget into the Snow Plowing Expense Account of the Highway Department's County Road Maintenance Fund of the 2011 budget to give reasonable assurance that there will be sufficient funds to cover snow plowing costs through the end of 2011.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$100,000 from the General Contingency Fund to the Snow Plowing Expense Account in the County Road Maintenance Cost Center to cover additional anticipated snow plowing costs through the end of 2011.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that any of this additional appropriation that is not needed will close out to the General Contingency Fund Balance at the end of 2011.

Submitted by:
HIGHWAY COMMITTEE
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Robl and seconded to adopt. Ayes: 30. Nays: 0. Excused: 5 – Ramos, Hamblin, Gabert, Lennon and Hall. CARRIED.

RESOLUTION NO. 306-112011: Oppose Assembly Bill 303 (AB303) and Senate Bill 225 (SB225)

WHEREAS, Assembly Bill 303 (AB303) and Senate Bill 225 (SB225) propose significant changes to the State Comprehensive Planning Law; and

WHEREAS, said law would allow local governments to repeal previously adopted comprehensive plans, and allowing local communities to do so would cause fragmentation in regional plans and potentially devalue planning in nearby communities that desire to continue with their local plans as well as devalue the planning mandate process; and

WHEREAS, this legislation eliminates the necessity to address basic foundational elements that are currently required for comprehensive plans, such as housing, land use, transportation, environmental resources, economic activities, inter-governmental coordination, and agricultural resources; and

WHEREAS, said legislation would eliminate funding for future updating of comprehensive plans.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby expresses its opposition to AB303 and SB225.

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

Submitted by:
LEGISLATIVE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 28. Nays: 0. Abstain: 2 – Hegg and Farrey. Excused: 5 - Ramos, Hamblin, Gabert, Lennon and Hall. CARRIED.

RESOLUTION NO. 307-112011: Support Resolution 21-2011 of Forest County, Wisconsin, Regarding Management of the Chequamegon-Nicolet National Forest

WHEREAS, the Forest County Board of Supervisors recently passed Resolution 21-2011 indicating its concern with the unwillingness or inability of the United States Forest Service to properly manage the resources of the Chequamegon-Nicolet National Forest, and asking that management of that forest revert back to counties within the State of Wisconsin wherein said forest lands are located, by virtue of a breach of promise by the Federal Government to comply with the Clark-McNary Act; and

WHEREAS, the Chequamegon-Nicolet National Forest creates substantial employment opportunities within the timber and paper industries in the State of Wisconsin, including Winnebago County; and

WHEREAS, a copy of Forest County Board of Supervisors Resolution 21-2011 is attached hereto and incorporated herein by reference as part of this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby indicates its support for Forest County Board of Supervisors Resolution Number 21-2011.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby directs the Winnebago County Clerk to forward a copy of this Resolution to Congressman Thomas Petri; to Senators Herb Kohl and Ronald Johnson; to Governor Scott Walker; to Thomas Tidwell, Chief of the United States Forest Service; to Secretary Tom Vilsack of the US Department of Agriculture; and to President Barack Obama.

Submitted by:
LEGISLATIVE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 29. Nays: 0. Abstain: 1 – Hegg. Excused: 5 - Ramos, Hamblin, Gabert, Lennon and Hall. CARRIED.

RESOLUTION NO. 308-112011: Amend Section 12.7 of the Rules of the Winnebago County Board of Supervisors

WHEREAS, Section 12.7 of the Rules of the Winnebago County Board of Supervisors presently reads as follows: "When a motion or question has once been determined, any member with the prevailing side if he or she was present and voted may move for reconsideration of the vote, but such motion shall be made and acted upon at the same or next succeeding adjourned (business) meeting and shall not thereafter be made except by unanimous consent"; and

WHEREAS, your undersigned is of the opinion that in reviewing *Robert's Rules of Order*, "general or unanimous consent" is not necessarily synonymous with the term, "unanimous vote"; and

WHEREAS, your undersigned supervisor believes that it is the true intent of the Winnebago County Board of Supervisors that motions for reconsideration of votes should not be considered at meetings subsequent to the next adjourned business meeting except by unanimous vote of the County Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that Section 12.7 of the Rules of the Winnebago County Board of Supervisors is amended to read as follows: "When a motion or question has once been determined, any member with the prevailing side if he or she was present and voted may move for reconsideration of the vote, but such motion shall be made and acted upon at the same or next succeeding adjourned (business) meeting and shall not thereafter be made except by unanimous ~~consent~~ vote."

Submitted by:
PAUL EISEN, DISTRICT NO. 4

Motion by Supervisor Eisen and seconded to adopt. Ayes: 20. Nays: 8 – Barker, Albrecht, Thompson, Norton, Warnke, Robl, Diakoff and Ellis. Abstain: 1 – Roh. Excused: 6 - Ramos, Hamblin, Gabert, Lennon, Hall and Brennand. CARRIED.

ORDINANCE NO. 309-112011: Adopt Winnebago County Farmland Preservation Plan: 2012-2026

WHEREAS, under 2009 Wisconsin Act 28, found in Chapter 91, Wis. Stats., the Working Lands Initiative was adopted to encourage changes to farmland preservation planning, which includes modernizing county-wide farmland preservation plans to meet current land use challenges; and

WHEREAS, the current farmland preservation plan for Winnebago County was adopted in 1981 and must be amended pursuant to § 91.10(1), Wis. Stats., by January 1, 2012; and

WHEREAS, Winnebago County is authorized to prepare and adopt a comprehensive plan and farmland preservation plan; and

WHEREAS, the farmland preservation plan must be a part of the adopted comprehensive plan; and

WHEREAS, a county must use the same procedures to adopt a farmland preservation plan that are used to adopt a comprehensive plan; and

WHEREAS, the Winnebago County Board of Supervisors has adopted written procedures designed to foster public participation in every stage of the preparation of a farmland preservation plan as required by § 66.100(4)(a), Wis. Stats; and

WHEREAS, Winnebago County established an advisory committee that has been actively involved in the preparation, review, and adoption of a farmland preservation plan; and

WHEREAS, the advisory committee prepared a proposed farmland preservation plan with the assistance of Winnebago County staff and a consultant, and submitted the same to the Winnebago County Planning and Zoning Committee for its review and action; and

WHEREAS, the Winnebago County Planning and Zoning Committee conducted a public hearing on September 27, 2011, to solicit public input.

NOW, THEREFORE, BE IT ORDAINED by the Winnebago County Board of Supervisors that it hereby adopts the plan entitled, "Winnebago County Farmland Preservation Plan: 2012-2026" as an amendment to the Winnebago County Comprehensive Plan. Said plan is incorporated by reference herein and may be obtained upon request to the Office of the Winnebago County Planning and Zoning Department or upon the internet at internet site: <http://fyi.uwex.edu/winncofarming/draft-plan> and is entitled "Draft 2, Farmland Preservation Plan, September 1, 2011," therein.

BE IT FURTHER ORDAINED by the Winnebago County Board of Supervisors that pursuant to § 66.1001(4)(b), Wis. Stats., the Winnebago County Planning Department is directed to send a copy of the Farmland Preservation Plan: 2012-2026, either electronically or otherwise, to each of the following along with an explanatory cover letter:

- 1) Carter Memorial Library (Omro)
- 2) Menasha Public Library
- 3) Neenah Public Library
- 4) Oshkosh Public Library
- 5) Winneconne Public Library
- 6) Town Clerk for each town in Winnebago County
- 7) City of Menasha City Clerk
- 8) City of Neenah City Clerk
- 9) City of Oshkosh City Clerk
- 10) City of Omro City Clerk
- 11) Village Clerk for each village in Winnebago County
- 12) Calumet County Clerk
- 13) Fond du Lac County Clerk
- 14) Green Lake County Clerk
- 15) Outagamie County Clerk
- 16) Waupaca County Clerk
- 17) Waushara County Clerk
- 18) East Central Wisconsin Regional Planning Commission
- 19) Wisconsin Department of Administration

Submitted by:
PLANNING AND ZONING COMMITTEE

Motion by Supervisor Brennand and seconded to adopt. Motion by Supervisor Brennand and seconded to POSTPONE until the December 20, 2011 County Board meeting. CARRIED BY VOICE VOTE.

RESOLUTION NO. 310-112011: Establish Salaries for Upcoming Term of the Winnebago County Board of Supervisors

WHEREAS, salaries for the Supervisors for the next term of the Winnebago County Board of Supervisors must be established on or before December 1, 2011; and

WHEREAS, no request has been made to the Judiciary and Public Safety Committee recommending either an increase or a decrease in the salaries of Winnebago County Board Supervisors.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby establishes the following *per diem* rate for Winnebago County Board Supervisors for the term commencing on April 17, 2012:

<u>Full Day of Attendance</u>	<u>One-Half Day or Less of Attendance</u>
\$66	\$44

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the salary for the Board Chairperson shall remain at \$5,000 per year, plus *per diem*, and the salary of the Board Vice-Chairperson shall remain at \$1,500 per year, plus *per diem*, as set forth in Section 5.5 of the Rules of the Winnebago County Board of Supervisors.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the procedure for receiving reimbursement for attendance at County Board Meetings, mileage, and expenses for the upcoming term of the County Board shall remain as set forth in Section 20 of the Rules of the Winnebago County Board of Supervisors.

Submitted by:
DAVID ALBRECHT, DISTRICT NO. 11

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

Motion by Supervisor Robl and seconded to adjourn until Tuesday, December 20, 2011. CARRIED BY VOICE
VOTE.

The meeting was adjourned at 6:45 p.m.

Respectfully submitted by,
Susan T. Ertmer
Winnebago County Clerk

State of Wisconsin)
County of Winnebago) ss

I, Susan T. Ertmer, do hereby certify that the foregoing is a true and correct copy of the Journal of the
Winnebago County Board of Supervisors for their regular meeting held November 15, 2011.

Susan T. Ertmer
Winnebago County Clerk