

**WINNEBAGO COUNTY BOARD MEETING
TUESDAY, SEPTEMBER 20, 2016**

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: Konetzke, Barker, Harpt, Eisen, Ramos, Blank, Roh, Smith, Long, Scherck, Albrecht, Gabert, Binder, Thompson, Olson, Wojciechowski, Gordon, Wingren, Lautenschlager, Norton, Warnke, Robl, Singstock, Brooks, Locke, Hegg, Finch, Youngquist, Farrey, Rasmussen, Keller, Egan, Ellis, Snider and Kriescher. Excused: Powers

Motion by Supervisor Robl and seconded by Supervisor Finch to adopt the agenda with one exception, presentation of the 4-H Key Awards will be after adoption of the agenda. CARRIED BY VOICE VOTE.

PRESENTATION OF 2016 WISCONSIN KEY AWARD

Kayla Oberstadt, 4-H Youth Development Educator, explained the Wisconsin Key Award and reported that this year's recipients are:

- o Stephany Beck
- o T. J. Beck
- o Julia Behm
- o Casey Buehler

Ms. Oberstadt explained that this is the highest award that a 4-H member can achieve. Stephany Beck was the only one present to accept her certificate. Ms. Oberstadt read statements from the other three recipients. The Key Award is sponsored by Wisconsin Farm Bureau and Rural Mutual Insurance.

Chairman Albrecht called for a motion to suspend County Board Rule 6.5 to allow the public to speak on the CTH CB and Oakridge Road Project Presentation.

John Bodnar, Corporation Counsel, explained that this motion was out of order because the motion to suspend Rule 6.5 was is not on tonight's agenda.

PUBLIC HEARING

John Doemel, 455 Zaring Avenue, Oshkosh; spoke in support of the Oshkosh Speedzone Raceway.

The following people spoke about the CTH CB and Oakridge Road presentation:

- Harriet Martin, 918 Leeward Court, Oshkosh
- Chris Mack, 1000 Grand Street, Oshkosh

Chairman Albrecht announced that the Board could not entertain any more comments from the public on the CTH CB and Oakridge Road project because, according to Sec. 6.5 of the Winnebago County Board's rules, the public can only comment on resolutions and ordinances that appear on the agenda. This project is on the agenda, but only as a presentation—not as a resolution or ordinance.

Numerous members of the public who had wanted to speak on this issue expressed their disappointment and frustration about this rule.

The following persons spoke in support of the Oshkosh Speedzone Raceway:

- Jeff Lemiesz, 2230 Plymouth Street, Oshkosh
- Patricia Diener, 1316 Broad Street, Oshkosh

COMMUNICATIONS AND PETITIONS

The following correspondence was presented to the Board by Sue Ertmer, County Clerk:

- Communications, petitions, etc.
 - o Notice of Claim:
 - Notice of Claim from Karen Hottinger for damage to her car caused by a buckle in the road on Highway 45 was referred to the Personnel and Finance Committee.
 - Notice of Claim from Patrick Hansen for tar removal from his vehicle caused by a road construction project on Highway 45 was referred to the Personnel and Finance Committee.
 - Notice of Claim from David G. Madell, Jr. for damage to his car's windshield caused by a Winnebago County dump truck was referred to the Personnel and Finance Committee.
 - Notice of Claim from Brian Hooey for damage to his car's windshield caused by loose blacktop on Highway 45 was referred to the Personnel and Finance Committee.
 - Notice of Claim from Mark Kaufmann requesting reimbursement for a vehicle rental charge due to an accident with a Land and Water vehicle was referred to the Personnel and Finance Committee.

- Zoning Petitions:
 - No. 001 – A zoning request from Oshkosh Realty Corp, Town of Nekimi; tax parcel no. 012-0319-03(p); to rezone from A-2 to R1 for a single family residence was referred to the Planning and Zoning Committee.
 - No. 002 – A zoning request from Michael S. Yingling, Town of Wolf River; tax parcel no. 032-0730-19; to rezone from R-1 with wetlands to R-1 without wetlands for an off-site residential garage was referred to the Planning and Zoning Committee.
- Resolutions from other counties:
 - Richland County – Resolution No. 16-114 – regarding their opposition to the UW-Cooperative Extension Reorganization Plan was referred to the Legislative Committee.

REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS

Supervisor Farrey reported that the Land Conservation Committee will be holding a public hearing on the proposed amendments to Chapter 13--Livestock Waste Management of the county's General Code on September 26, 2016 at 7:00 p.m. at the Vinland Town Hall.

Supervisor Egan reported that there will not be a Legislative Committee meeting in September because of a lack of agenda items.

Motion by Supervisor Finch and seconded by Supervisor Norton to approve the August 16, 2016 proceedings. CARRIED BY VOICE VOTE.

COUNTY EXECUTIVE'S REPORT

Executive Mark Harris expressed his support of "Resolution No. 050-92016: Appropriate \$4,200,000 to a Capital Project to Reconstruct CTH A from Indian Point Road North to CTH GG in the Town of Vinland". He explained that the State of Wisconsin has awarded Winnebago County a \$3.3 Million grant for this project. This is a significant contribution from the state and he hopes that this will encourage the Board to approve this project.

Executive Harris expressed his concerns about "Resolution No. 054-92016: Request the Winnebago County Executive to Offer the Original 2016 Contract Renewal to Impact Motorsports, LLC" and asked that the Board not pass this resolution as written. Executive Harris explained that because of on-going negotiations with the LifeFest organization and the possibility of the county offering Impact Motorsports, LLC, a one-year contract, he recommends that the Board not pass this resolution.

Executive Harris then took questions from the board.

COUNTY EXECUTIVE'S APPOINTMENTS

Mississippi Valley Health Services Commission and The Marsh County Health Alliance

Executive Harris asked for approval of his appointment of Supervisor Mike Norton, 1029B S. Main Street, Oshkosh; to the Mississippi Valley Health Services Commission and the Marsh County Health Alliance. These are two-year terms which will expire on June 30, 2018.

Motion by Supervisor Finch and seconded by Supervisor Konetzke to approve. CARRIED BY VOICE VOTE.

Aging and Disability Resource Center Committee

Executive Harris asked for approval of his re-appointments of Deb Hogue, 4390 Lakeland Drive, Oshkosh; Donna Lohry, 511 W. Bent Street, Oshkosh; Supervisor Harold Singstock, 229 N. Meadow Street, Oshkosh; and Claire Steger, 237 Stevens Street, Neenah; to the Aging and Disability Resource Center Committee. These are three-year terms which will expire on August 31, 2019.

Motion by Supervisor Ramos and seconded by Supervisor Konetzke to approve. CARRIED BY VOICE VOTE.

EXPLANATION OF COMMITTEE QUORUMS

John Bodnar, Corporation Counsel, spoke to the Board about the problem of committees forming quorums at another committee's noticed and posted meeting. He explained that this situation has been an issue in the past. In an effort to remedy these situations, the County Clerk was instructed to list the names of all the county's standing committees, boards and commissions on all meeting agendas and add the following "boiler plate" language: "Should a quorum of any of the listed committees or boards occur at the above-noticed meeting, this notice of meeting and the agenda shall also serve as a notice of meeting and agenda for any committee or board for which a quorum is present."

Atty. Bodnar explained that he also requested an opinion from the Wisconsin Attorney General's Office on this problem and on the use of boiler plate language on agendas. In a letter dated July 26, 2016, Atty. Paul M. Ferguson, Assistant Attorney General, explained that the "boiler plate" language being used on our agendas, "is not sufficient notice" and does not comply with Wisconsin's open meetings law.

Atty. Bodnar stated that the Attorney General's opinion, although not definitive, should be accepted and followed. He further explained that this means whenever there is a potential of another committee forming a quorum at another committee's meeting, notice of that committee must be posted at least 24-hours in advance. And, if members of one committee also form a quorum of a second committee, a meeting agenda/notice must be posted for both those committees. It is permissible to use one meeting agenda/notice for both committees.

Atty. Bodnar also advised that if a committee inadvertently forms a quorum that wasn't posted at another committee's meeting, someone needs to leave that meeting or risk being in violation of Wisconsin's open meetings law.

Atty. Bodnar then took questions from the Board.

CTH CB AND OAKRIDGE ROAD PROJECT PRESENTATION

Ernie Winters, Winnebago County Highway Commissioner; and Mike Scarman, of KL Engineering of Fitchburg, Wisconsin; explained the results of the Intersection Control Evaluation (ICE) of the CTH CB and Oakridge Road project.

Mr. Winters stated that because of the history of accidents and fatalities at this intersection, the county has done two traffic warrant analyses over the years, the last one was completed in 2012. He explained that both analyses showed that traffic signals were not warranted at this intersection. However, Mr. Winters stated that these weren't "hard warrants" that had any legal ramifications, but were used as guidelines when considering what to do at this intersection.

Because accidents have continued to occur at this location, the county requested that an "Intersection Control Evaluation" (ICE) be done. Mr. Winters explained that this is a more detailed analysis that looks at the complex geometrics of the intersection, such as the slight rise in the road to the south of the intersection. With more details, the county can make smarter decisions on short-term and long-term improvements to the intersection. Also, a more detailed analysis increases the county's chances of being awarded funds from the Wisconsin Department of Transportation's (DOT) Highway Safety Improvement Program. Mr. Winters stated that the timing of the ICE and funds from the DOT worked out very well for the county.

Mr. Winters then explained that based on the results of the ICE, the recommendations from the consultant and Mr. Winters' opinion, a round-about is the best and safest remedy for this intersection. He said that he has submitted an application for funds from the DOT's Highway Safety Improvement Program for this project. The cost for a round-about is estimated to be between \$1.7 and \$1.8 Million.

Mr. Winters explained that signals at this intersection, along with significant changes to the configuration of the lanes, would be the second best option at a cost of approximately \$1.2 Million. Adjusting the rise in CTH CB south of this intersection would not be addressed in either of these two projects.

Mr. Winters then reported that just today, he learned that the state has approved the county's application for funds and will provide the county with approximately \$1.6 Million. This amount is based on 90-10 cost share—the state will cover 90% of the cost and the county will be responsible for 10% of the cost. He further explained that if the county decides to install signals at this intersection instead of a round-about, the county will have to submit a new application for DOT funds.

Mr. Winters then introduced Mike Scarman who gave more technical and specific details of the ICE process and the outcome of the evaluation. Mr. Scarman explained that they began the evaluation in May and completed it in August. In the first phase of the evaluation they look at the current design and geometrics of the intersection, the topography of the area and the intersection's crash history. In the second phase, they make their recommendation after looking at improvement options, estimating costs and determining the impact of the changes on surrounding properties.

Mr. Scarman then presented the Board with more specifics of the study and explained why a round-about is the best long-term option for this intersection. A copy of this report is on file in the County Clerk's Office with the minutes of this meeting.

Mr. Winters and Mr. Scarman took questions from the Board following their presentation.

ZONING REPORTS & ORDINANCES

Report No. 001 – A report from the Planning and Zoning Committee regarding a requested zoning change from Peter G. & Cindy Weyenberg, Town of Neenah to change from A-2 General Agriculture to R-1 Rural Residential for parcel no. 010-0088-04(p). Motion by Supervisor Farrey and seconded by Supervisor Hegg to accept. CARRIED BY VOICE VOTE.

Amendatory Ordinance No. 09/01/16– A requested zoning change from A-2 to R-1 for tax parcel no. 010-0088-04(p). Motion by Supervisor Farrey and seconded by Supervisor Finch to adopt. CARRIED BY VOICE VOTE.

Report No. 002 – A report from the Planning and Zoning Committee regarding a requested zoning change from Craig L. & Pamela J. Kuepper, Town of Wolf River to change from R-1 Rural Residential to R-1 Rural Residential without wetlands for parcel no. 032-0730-16. Motion by Supervisor Kriescher and seconded by Supervisor Gabert to accept. CARRIED BY VOICE VOTE.

Amendatory Ordinance No. 09/02/16 – A requested zoning change from R-1 to R-1 without wetlands for tax parcel

no. 032-0730-16. Motion by Supervisor Kriescher and seconded by Supervisor Ellis to adopt. CARRIED BY VOICE VOTE.

Report No. 003 – A report from the Planning and Zoning Committee regarding a requested zoning change from William Heberer, Town of Wolf River to change from B-2 Community Business to I-1 Light Industrial for parcel no. 032-0100-05. Motion by Supervisor Kriescher and seconded by Supervisor Gabert to accept. CARRIED BY VOICE VOTE.

Amendatory Ordinance No. 09/03/16 – A requested zoning change from B-2 to I-1 for tax parcel no. 032-0100-05. Motion by Supervisor Kriescher and seconded by Supervisor Gabert to adopt. CARRIED BY VOICE VOTE.

RESOLUTIONS AND ORDINANCES

RESOLUTION NO. 049-92016: Authorize Two-Year Contract with US Cellular (Wireless Service)

WHEREAS, Winnebago County wishes to renew its contract with US Cellular for wireless services pursuant to the same pricing, which is charged to the State of Wisconsin; and

WHEREAS, your undersigned Committee has reviewed said contract and recommends its approval.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the two-year service contract with US Cellular for Wireless Services as is indicated in the contract, herewith attached to this Resolution.

Submitted by:
INFORMATION SYSTEMS COMMITTEE
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 050-92016: Appropriate \$4,200,000 to a Capital Project to Reconstruct CTH A from Indian Point Road North to CTH GG in the Town of Vinland

WHEREAS, CTH A from Indian Point Road to CTH GG is showing signs of deterioration, is classified as a major collector, and is traveled upon by approximately 8,000 cars per day; and

WHEREAS, CTH A was originally built as a concrete roadway and the original concrete is still underneath the asphalt pavement. The existence of this original concrete tends to contribute to the poor condition of the roadway, causing defects to migrate upwards to the road surface; and

WHEREAS, this project has been identified in the Highway Capital Improvement Plan for a number of years. In 2008, a design project was completed to include the entire alignment from Indian Point Road to CTH GG, and to apply for project funding when it became available; and

WHEREAS, before reconstruction can begin, Winnebago County will need to determine how to treat the bicycle/pedestrian pathway which currently stops at Indian Point Road. Winnebago County will need to decide whether to continue the current pathway by constructing a separate pathway adjacent to the roadway, to widen and build bike/pedestrian friendly shoulders on the roadway, or to not extend the path beyond Indian Point Road; and

WHEREAS, in Spring 2016 Winnebago County was awarded \$3.3 Million by the State of Wisconsin Department of Transportation for the project to reconstruct CTH A from Indian Point to CTH GG, with Winnebago County's out-of-pocket costs to design and construct this segment, including any bicycle/pedestrian pathway, being approximately \$900,000.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the appropriation of \$4.2 Million for the reconstruction of CTH A from Indian Point Road to CTH GG, with the State of Wisconsin Department of Transportation to fund \$3.3 million and Winnebago County to fund the remaining \$900,000.

BE IT FURTHER RESOLVED that Winnebago County will advance its \$900,000 share from the General Fund Balance with that Balance being reimbursed with a subsequent bond issue.

Submitted by:
HIGHWAY COMMITTEE
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 051-92016: Authorize the Office of Corporation Counsel for Winnebago County to Represent the City of Neenah Police Commission in Reciprocity for the City Attorney for the City of Neenah Representing Winnebago County's Grievance Review Board

WHEREAS, for many years, the City Attorney for the City of Neenah has represented the Winnebago County Grievance Review Board in matters involving employee grievances filed with that Board; and

WHEREAS, in reciprocity, Winnebago County's Corporation Counsel has represented the City of Neenah's Police Commission regarding grievances and other matters filed with that Commission; and

WHEREAS, upon inquiry, Winnebago County's insurer has advised the Corporation Counsel that it is necessary for the Winnebago County Board of Supervisors to formally authorize the Corporation Counsel to provide mutual assistance to the City of Neenah's Police Commission in order for the County's Corporation Counsel to be fully insured by the County's insurer in matters involving said representation; and

WHEREAS, in the past this Agreement has allowed both municipalities to avoid considerable legal expenses.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Office of Corporation Counsel for Winnebago County to represent the City of Neenah Police Commission regarding grievances and other matters in reciprocity for the City Attorney for the City of Neenah representing the Winnebago County Grievance Review Board regarding employee grievances filed with that Board.

Submitted by:

JUDICIARY AND PUBLIC SAFETY COMMITTEE

Motion by Supervisor Wingren and seconded by Supervisor Scherck to adopt. Ayes: 17 – Konetzke, Barker, Ramos, Blank, Smith, Long, Scherck, Albrecht, Binder, Thompson, Brooks, Locke, Finch, Rasmussen, Keller, Ellis and Snider. Nays: 17 – Harpt, Eisen, Roh, Gabert, Wojciechowski, Olson, Gordon, Wingren, Lautenschlager, Norton, Wanke, Singstock, Hegg, Youngquist, Farrey, Egan and Kriescher. Excused: Robl and Powers. LOST.

RESOLUTION NO. 052-92016: Support Increased Funding in the Children and Family Aids Allocation

WHEREAS, the State of Wisconsin Department of Children and Families provides funding to counties through the Children and Family Aids allocation for the provision of child abuse and neglect services, including prevention, investigation, treatment, and out-of-home placement costs; and

WHEREAS, base funding for child welfare services has not increased since 2009 when the Department of Children and Families was created; and

WHEREAS, over the past few years, the child welfare workload has increased in all counties across the State of Wisconsin; and

WHEREAS, since 2007, the number of child protective services (CPS) referrals has increased by 30%: from 55,895 in 2007 to 72,698 in 2014; and

WHEREAS, the number of children in out-of-home care has increased from 7,653 in 2011 to 8,258 in 2015; and

WHEREAS, the number of screened-in CPS reports has increased from 18,706 in 2011 to 20,384 in 2015; and

WHEREAS, between 2008 and 2015 the number of Children in Need of Protection or Services (CHIPS) petitions filed with the court has increased 12.5%; and

WHEREAS, counties are struggling to recruit and retain child welfare workers; and

WHEREAS, the stress of increasing caseloads is taking its toll on CPS workers causing many experienced child welfare workers to leave the profession; and

WHEREAS, the leading cause of these increases is the use of heroin, opiates, and methamphetamines; and

WHEREAS, it is critical that counties have the resources necessary to ensure the safety of children in every corner of the state; and

WHEREAS, counties are struggling to identify resources to increase child welfare staff, especially given the significant overmatch counties already put in the human services system.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby requests that the State of Wisconsin, in its 2017-2019 State Biennial Budget, increase funding to counties in the Children and Family Aids Allocation to assist counties in serving the increasing number of children and families in the child welfare system.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that a copy of this resolution be forwarded to Governor Scott Walker, Department of Children and Families Secretary Eloise Anderson, Department of Administration Secretary Scott Neitzel, area legislators, and the Wisconsin Counties Association.

Submitted by:

HUMAN SERVICES BOARD

Motion by Supervisor Lautenschlager and seconded by Supervisor Norton to adopt.

Supervisor Eisen called for a point of order to ask Corporation Counsel Bodnar if this resolution requires a 3/4 vote of membership for passage based on Winnebago County Board Rule 7.7 which states, "Any resolution that is presented for the purpose of expressing support or opposition regarding any pending or proposed State or Federal legislation shall require a Three-Quarter vote of the membership of the Board of passage." Corporation Counsel Bodnar stated that this Resolution would require a Three-Quarter vote of the membership for passage. Chairman Albrecht called for the vote. Ayes: 27. Nays: 3 – Barker, Albrecht and Olson. Abstain: 5 – Ramos, Gabert, Hegg, Farrey and Rasmussen. Excused: 1 – Powers. CARRIED.

RESOLUTION NO. 053-92016: Direct Chancellor Sandeen and the UW Extension Administration to Re-Examine the Proposed nEXT Generation Model and the Multi-County Unit that Includes Winnebago County to Determine its Impact on Programming and Outreach

WHEREAS, Winnebago County highly values the work of the Winnebago County UW-Extension faculty and staff in supporting individuals, families, businesses, communities, and government; and

WHEREAS, the Winnebago County UW-Extension Department provides a direct link to university research and resources that are used on a daily basis; and

WHEREAS, Winnebago County has provided strong support for UW Extension programming for over ninety (90) years, providing financial support for faculty positions, educator positions, facilities, and operations; and

WHEREAS, Winnebago County is committed to maintaining funding for the UW Extension office in 2017; and

WHEREAS, Winnebago County is concerned with the proposed nEXT Generation Model with its multi-county units due to the population, geographic area, and diverse settings of the four counties, and what impact this Model will have on local programming; and

WHEREAS, Winnebago County desires greater involvement in the final decisions regarding the multi-county unit, staffing, and programming; and

WHEREAS, Winnebago County UW Extension faculty and staff already successfully work across county lines on programs that are more regional in nature, and the Winnebago County Extension Committee supports exploring a shared model that is equitable and meets local and regional needs.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby directs Chancellor Sandeen and the UW Extension Administration to re-examine and determine what impact the proposed nEXT Generation Model and its multi-county unit that includes Winnebago County will have on programming and outreach.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the Winnebago County Extension Committee is opposed to a four-county model due to the potential impact on existing UW Extension faculty and staff.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that fiscal and programmatic changes of the reorganization be examined for long-term impact to UW Extension programs and services.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that Chancellor Sandeen and UW Extension Administration work with Winnebago County to determine the most advantageous county configuration to meet local needs.

Submitted by:
UW EDUCATION, EXTENSION & AGRICULTURE COMMITTEE

Motion by Supervisor Snider and seconded by Supervisor Gordon to adopt. CARRIED BY VOICE VOTE. (Supervisor Hegg abstained from voting on this Resolution.)

RESOLUTION NO. 054-92016: Request the Winnebago County Executive to Offer the Original 2016 Contract Renewal to Impact Motorsports LLC

WHEREAS, the Winnebago County Board of Supervisors desires automobile racing to continue at the Winnebago County Expo and Fair Grounds.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby requests that the Winnebago County Executive re-offer the original 2016 contract renewal proposal to Impact Motorsports LLC, and provide 10 business days of Impact Motorsports LLC to accept and sign the proposed contract.

Submitted by:
Paul Eisen, District 4

Motion by Supervisor Eisen and seconded by Supervisor Gabert to adopt.

Motion by Supervisor Lautenschlager and seconded by Supervisor Norton to amend Lines 11 and 12 of this Resolution to read: "...Winnebago County Executive grant a one-year single race season lease to Impact Motorsports LLC based on the March 2016 lease offer and to include whatever changes that are necessary to reflect that single race season which is to terminate on September 30, 2017." Ayes: 24. Nays: 10 – Eisen, Smith, Albrecht, Wojciechowski, Wingren, Brooks, Locke, Farrey, Keller and Snider. Abstain: 1 – Egan. Excused: 1 – Powers. CARRIED.

Motion by Supervisor Wingren and seconded by Supervisor Norton to table this Resolution. Ayes: 21. Nays: 12 – Ramos, Roh, Long, Scherck, Albrecht, Gabert, Olson, Lautenschlager, Warnke, Brooks, Farrey and Snider. Abstain: 1 – Egan. Absent: 1 – Eisen. Excused: 1 – Powers. CARRIED. (Supervisor Eisen opted not to vote on this Resolution, so he had to be listed as absent.)

ORDINANCE NO. 55-92016: Repeal and Recreate Chapter 27 of the General Code of Winnebago County Entitled "Shoreland Zoning Code"

WHEREAS, Winnebago County has adopted rules and regulations as required by the State of Wisconsin relating to shoreland areas adjacent to navigable waterways; and

WHEREAS, such rules and regulations are currently contained in Chapter 27 of the General Code of Winnebago County; and

WHEREAS, NR 15.06 requires a county to amend its shoreland and subdivision ordinance to meet the minimum standards in this chapter within two (2) years after October 1, 2014; and

WHEREAS, the Planning and Zoning Committee of the Winnebago County Board of Supervisors has determined that it is desirable to amend such rules and regulations; and

WHEREAS, a public notice was published on August 16, 2016, and on August 23, 2016, in the *Oshkosh Northwestern* relating to the public hearing; and

WHEREAS, the Planning and Zoning Committee conducted a public hearing on August 30, 2016, at the Winnebago County Courthouse to accept public input regarding the proposed ordinance; and

WHEREAS, after such public hearing, the Planning and Zoning Committee made revisions to the proposed ordinance which it considered appropriate; and

WHEREAS, the Winnebago County Board of Supervisors considered the ordinance as recommended by the Planning and Zoning Committee at its September 20, 2016, meeting.

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

That Chapter 27 of the General Code of Winnebago County is hereby repealed and recreated to read as outlined in Exhibit A, attached to this Ordinance and made a part of this Ordinance as if fully set forth at length.

BE IT FURTHER ORDAINED by the Winnebago County Board of Supervisors that any ongoing enforcement action relating to Chapter 27 of the General Code of Winnebago County shall continue under the enforcement provisions outlined within said Chapter.

BE IT FURTHER ORDAINED by the Winnebago County Board of Supervisors that any sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of other provisions, sections, or portions of the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other Ordinances whose terms conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

Note: This Ordinance shall be in full force and effect upon publication of this Ordinance as of the date following its date of publication.

Submitted by:
PLANNING AND ZONING COMMITTEE

This resolution was WITDRAWN from tonight's agenda.

ORDINANCE NO. 56-92016: Amend Section 5.05 of General Code of Winnebago County: Fees of Sheriff (Fees for Civil Process and Travel-Related Costs)

WHEREAS, § 814.705(1)(a), Wis Stats, authorizes the Winnebago County Board of Supervisors to establish fees higher than that level set by State Statute for various services performed by the Winnebago County Sheriff's Department; and

WHEREAS, § 814.70, Wis Stats, authorizes the Winnebago County Sheriff's Department to collect necessary expenses incurred with respect to Writ of Restitution/Eviction proceedings; and

WHEREAS, Section 5.05(2) of the General Code of Winnebago County, which establishes fees related to service of process and evictions, was last amended in December 2005; and

WHEREAS, at this time it is appropriate to establish a new fee schedule for service of process by the Sheriff's Department and for expenses related to the time a deputy sheriff spends in removal of a tenant pursuant to Writ of Restitution in an eviction proceeding that more closely reflects the actual cost of providing that service.

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

That Section 5.05(2) of the General Code of Winnebago County is hereby amended to read as follows:

5.05 FEES OF SHERIFF

(1) Authority: This Ordinance is enacted pursuant to the authority provided in § 814.70 and 814.705, Wis Stats.

(2) Fees For Civil Process And Travel Related Costs: For the service of any summons, writ, or other process, except criminal warrants and for travel related costs related to said process service, the following fees shall be charged by the Winnebago County Sheriff's Department:

(a) Service of civil process:

Each First three (3) attempts of service of process	
(including mileage).....	\$45.00 \$75.00
Actual Service	\$45.00

~~Plus mileage at the rate established pursuant to~~

~~Section 3.05(4)(a)(1) of this Code.~~

(b) Service of civil process on each additional person defendant at the same address (up to three (3) attempts) (including mileage).....	\$25.00 \$30.00
(c) Additional service attempts in excess of the three (3) initial attempts	\$30.00
(d) (d) Service of civil process accomplished at the Winnebago County Sheriff's Department	\$45.00
(e) Writs of Assistance/Evictions (includes all parties at one address. In the case of evictions, the fee shall include one hour of officer standby time for removal if necessary. Additional officer time would be at an officer hourly rate to include wages and benefits)	\$100.00
(f) Writs of Replevin (includes all attempts necessary to accomplish Writ)	\$100.00
(g) (g) Sheriff's Foreclosure Sale:	
1. Posting of Notice	\$75.00
2. Holding of Sale	\$75.00
(h) (h) Notice of Sheriff's Sale:	
1. Posting of Notice	\$75.00
2. Occurrence of Sale.....	\$75.00
(i) (i) Executions—Tax Warrants:	
10% of 1 st \$300	
5% of 2 nd \$300	
3% of remaining balance, with a maximum charge of \$60.00	
(g) Presence of Sheriff's Deputy during execution Of Writ.....	\$31.00/per Hour
(h) Post Office Address Requests.....	Actual Labor Costs
(i) Copy Fee (Photocopies or telephone Facsimiles).....	\$ 1.00 per Page
(j) Presence of Contracted Deputy during Execution of Writ.....	Actual Labor Costs

BE IT FURTHER ORDAINED by the Winnebago County Board of Supervisors that this Ordinance shall take effect of January 1, 2017.

Submitted by:
JUDICIARY AND PUBLIC SAFETY COMMITTEE

Motion by Supervisor Wingren and seconded to adopt. CARRIED BY VOICE VOTE. (Supervisor Farrey abstained.)

Motion by Supervisor Robl and seconded to adjourn until the October 18, 2016 meeting at 6:00 p.m. The meeting was adjourned at 9:35 p.m.

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 September 20, 2016.

Susan T. Ertmer
Winnebago County Clerk