

**SPECIAL ORDERS SESSION
WINNEBAGO COUNTY BOARD OF SUPERVISORS
TUESDAY, MAY 2, 2023
6:00 P.M.
Winnebago County Courthouse – County Board Room
415 Jackson Street, Oshkosh, Wisconsin**

To join this video meeting via Zoom, use this link:

<https://us02web.zoom.us/j/89132211126?pwd=WE1ETEhxa3kvQ0FDbTR0eWwvd0pkdz09>

Passcode (if needed) – W1NNE

To join this meeting by telephone, dial (312) 626-6799. Enter the Meeting ID: 891 3221 1126

Passcode (if needed) – 449807

- A. Roll Call**
- B. Pledge of Allegiance**
- C. Invocation**
- D. Adopt agenda**
- E. Public Comments**

Time will be allowed for persons present to express their opinion on any resolution or ordinance that appears on the agenda, as well as, any matter over which this body has jurisdiction.

Pursuant to Rules 6.4, 8.1 and 10.1 of the 2022-2024 Rules of the Winnebago County Board of Supervisors, the County Board Chairman shall limit all public comments to two (2) minutes.

- F. Reports from Committees, Commissions & Boards**
- G. County Board Chairman's Report**
- H. Zoning Reports & Ordinances**

- 1. Report No. 001 – Divine Journey Home Buyers, LLC; Town of Winneconne
- 2. Amendatory Ordinance No. 03/001/23 – Rezoning from R-1 Rural Residential to R-2
Suburban Low Density Residential

I. Presentations

- 1. Winter Storm Brooklyn Emergency Order Recap - Ethan Hollenberger, County Executive
Assistant; Bill Topel, Director of Human Services; and
Eric Rasmussen, Emergency Management Director
- 2. Neighborhood Improvement Fund Sub-Grant Recipient Updates
 - a. Solutions Recovery – Trevor Feinrich, Executive Director
 - b. Day by Day Warming Shelter – Gretchen Withers, President of the Board
- 3. Self-Organized County Board Proposal - Jim Wise, Chairman Ad-Hoc Task Force on Per Diems
and Mary Anne Mueller, Corporation Counsel
- 4. Introduction to Priority Based Budgeting – Ethan Hollenberger, County Executive Assistant

Respectfully submitted,
Julie A. Barthels
Winnebago County Clerk
(920) 232-3431

Upon request, provisions will be made for people with disabilities.

(Times provided are estimates. Any item on the agenda may be taken up by the Board after 6:00 P.M.)

TO THE WINNEBAGO COUNTY BOARD SUPERVISORS

Your Planning and Zoning Committee begs leave to report:

WHEREAS, it has reviewed the Petition for Zoning Map Amendment 2023-ZC-6270 filed with the County Clerk by:

DIVINE JOURNEY HOME BUYERS LLC, Town of WINNECONNE and referred to the Planning and Zoning Committee on February 28, 2023 and

WHEREAS, a Public Hearing was held on March 01, 2023, pursuant to mailed and published notice as provided by law on the following:

PROPERTY INFORMATION:

Owner(s) of Property: DIVINE JOURNEY HOME BUYERS LLC

Agent(s): NONE

Location of Premises Affected: 7174 LABELLE SHORE RD

Legal Description: Being part of NW 1/4 of the NW 1/4 of Section 18, Township 19 North, Range 15 East, Town of Winneconne, Winnebago County, Wisconsin.

Tax Parcel No.: 030-0239-06(p)

Sewer: Existing; Private System

Overlay: Shoreland, floodplain

WHEREAS, Applicant is requesting a rezoning to R-2 Suburban Low Density Residential and

WHEREAS, we have received notification from the Town of WINNECONNE recommending APPROVAL and

WHEREAS, your Planning and Zoning Committee, being fully informed of the facts, and after full consideration of the matter, make the following findings:

The Town findings were for approval.

There were no objections

Proposed use is compatible with adjacent lands.

Findings were made in consideration of Section 23.7-5(b)(1),(2),&(3)

NOW THEREFORE BE IT RESOLVED, that this committee hereby reports our findings for your consideration and is hereby recommending APPROVAL by a vote of 3-0.

AND BE IT FURTHER RESOLVED, after petition was referred back to the committee for reconsideration, the committee hereby refers the petition back to County Board for approval by a vote of 5-0.

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed ordinance is hereby: ☐ ADOPTED ☐ DENIED

For the Planning and Zoning Committee

AMENDATORY ORDINANCE # 05/001/23

The Winnebago County Board of Supervisors do ordain Zoning Amendment # 2023-ZC-6270 as follows:

Being part of NW 1/4 of the NW 1/4 of Section 18, Township 19 North, Range 15 East, Town of Winneconne, Winnebago County, Wisconsin.

FROM: R-1 Rural Residential

TO: R-2 Suburban Low Density Residential

Adopted / Denied this _____ day of _____, 20 ____

Thomas Egan, Chairperson

ATTEST:

Susan T. Ertmer, Clerk

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____ 20 ____.

JON DOEMEL, COUNTY EXECUTIVE

County Board Supervisory district: 35 - NELSON

ZONING MAP AMENDMENT
POST STAFF REPORT

Applicable Ordinance

- ☒ Chapter 23: "The following finds have been made in accordance with section 23.7-114"
☐ Chapter 27: "The following findings have been made in accordance with section 27.6-7(c)"

1. The Town of WINNECONNE has: APPROVED

- ☒ Town action is advisory due to shoreland jurisdiction.
☐ Town has right of denial per terms of zoning ordinance.
☐ Town may approve, approve with conditions, or deny in non-shoreland area.

2. Town findings were as follows:

- ☒ Town has an adopted land use plan
☒ Action agrees with Town adopted Town plan
Town has adopted land use plan.
☒ Action agrees with Town adopted Town plan.

3. There were no objections.

4. Proposed use is compatible with adjacent lands

RECOMMENDATION:

- ☐ Approval
☐ Denial
☒ Approval with an effective date to be upon the recording of the CSM, but in no case later than 6 month(s) after the date of approval of the zoning map amendment by the Winnebago County Board of Supervisors

FINAL VOTE: 3-0-2


Staff Initials

REFERRED BACK TO COMMITTEE

Report No: 001

March 21, 2023

TO THE WINNEBAGO COUNTY BOARD SUPERVISORS

Your Planning and Zoning Committee begs leave to report:

WHEREAS, it has reviewed the Petition for Zoning Map Amendment 2023-ZC-6270 filed with the County Clerk by:

DIVINE JOURNEY HOME BUYERS LLC, Town of WINNECONNE and referred to the Planning and Zoning Committee on March 10, 2023 and

WHEREAS, a Public Hearing was held on March 01, 2023, pursuant to mailed and published notice as provided by law on the following:

PROPERTY INFORMATION:

Owner(s) of Property: DIVINE JOURNEY HOME BUYERS LLC

Agent(s): NONE

Location of Premises Affected: 7174 LABELLE SHORE RD

Legal Description: Being part of NW 1/4 of the NW 1/4 of Section 18, Township 19 North, Range 15 East, Town of Winneconne, Winnebago County, Wisconsin.

Tax Parcel No.: 030-0239-06(p)

Sewer: Existing; Private System

Overlay: Shoreland, floodplain

WHEREAS, Applicant is requesting a rezoning to R-2 Suburban Low Density Residential and

WHEREAS, we have received notification from the Town of WINNECONNE recommending APPROVAL and

WHEREAS, your Planning and Zoning Committee, being fully informed of the facts, and after full consideration of the matter, make the following findings:

The Town findings were for approval.

There were no objections

Proposed use is compatible with adjacent lands.

Findings were made in consideration of Section 23.7-5(b)(1),(2),&(3)

NOW THEREFORE BE IT RESOLVED, that this committee hereby reports our findings for your consideration and is hereby recommending APPROVAL by a vote of 3-0.

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed ordinance is hereby: ☐ ADOPTED ☐ DENIED

For the Planning and Zoning Committee

REFERRED BACK TO COMMITTEE

AMENDATORY ORDINANCE # 03/001/23

The Winnebago County Board of Supervisors do ordain Zoning Amendment # 2023-ZC-6270 as follows:

Being part of NW 1/4 of the NW 1/4 of Section 18, Township 19 North, Range 15 East, Town of Winneconne, Winnebago County, Wisconsin.

FROM: R-1 Rural Residential

TO: R-2 Suburban Low Density Residential

Adopted / Denied this _____ day of _____, 20 _____

Thomas Egan, Chairperson

ATTEST:

Susan T. Ertmer, Clerk

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF

_____, 20 ____.

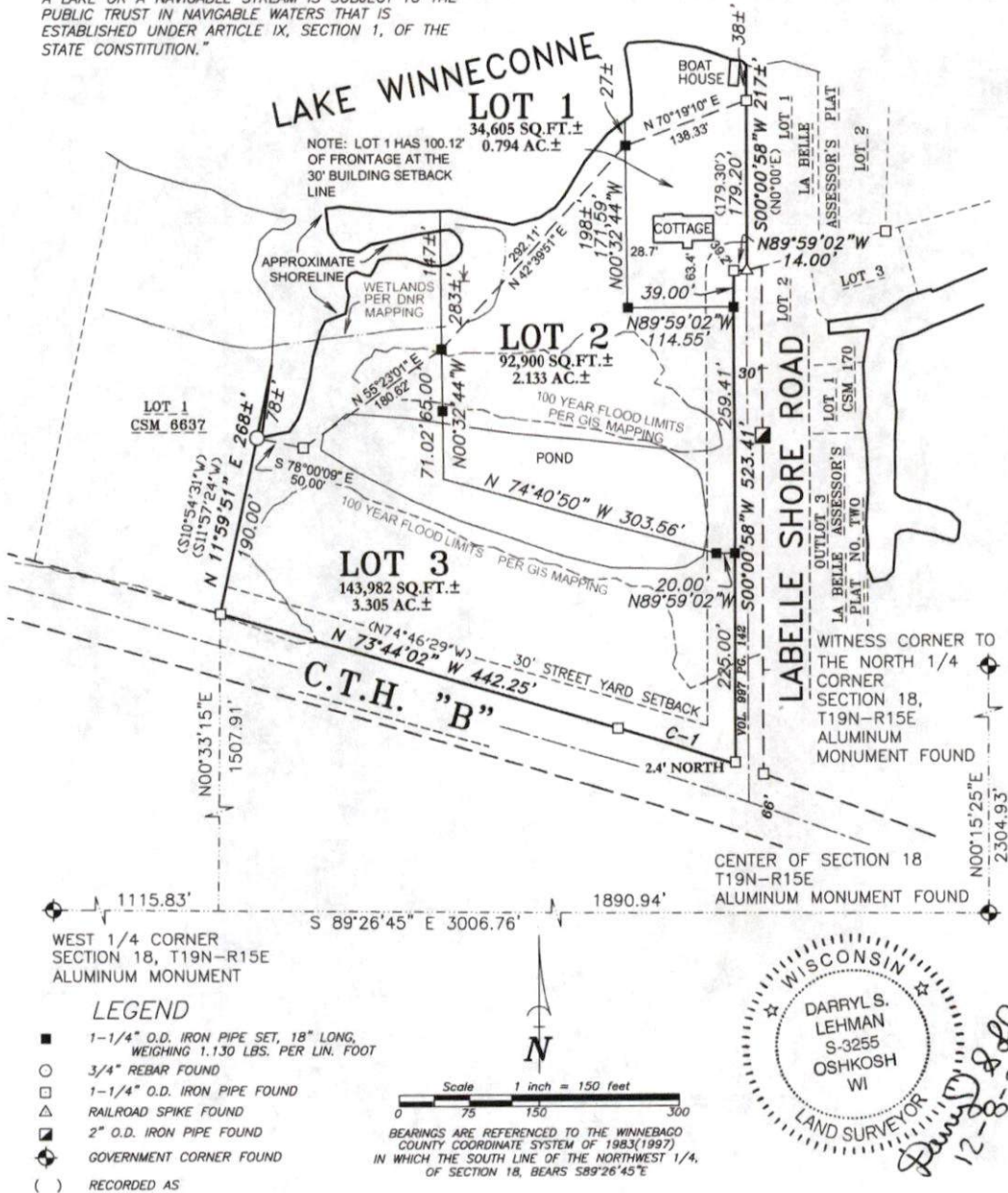
JON DOEMEL, COUNTY EXECUTIVE

County Board Supervisory district: 35 - NELSON

CERTIFIED SURVEY MAP NO. _____
PART OF THE NORTHWEST 1/4 OF THE NORTHWEST
1/4 OF SECTION 18, TOWNSHIP 19 NORTH, RANGE
15 EAST, TOWN OF WINNECONNE, WINNEBAGO
COUNTY, WISCONSIN.

SURVEY FOR:
 DIVINE JOURNEY HOME BUYERS, LLC.
 P.O. BOX 193
 WINNECONNE, WI 54986
 RENAE STOPAR

NOTE:
 "ANY LAND BELOW THE ORDINARY HIGH WATER MARK OF
 A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE
 PUBLIC TRUST IN NAVIGABLE WATERS THAT IS
 ESTABLISHED UNDER ARTICLE IX, SECTION 1, OF THE
 STATE CONSTITUTION."



Curve	Radius	Delta	Length	Chord Bearing	Chord	Tangent In	Tangent Out
1	3852.71'	001°58'12"	132.47'	N72°44'56.0"W	132.46'	N 71°45'50" W	N 73°44'02" W

Martenson & Eisele, Inc.



101 West Main Street
 Omro, WI 54983
 www.martenson-eisele.com
 P 920.685.6240 F 920.685.6340

Planning
 Environmental
 Surveying
 Engineering
 Architecture

PROJECT NO. 0-2768-001
 FILE 2768001CSM SHEET 1 OF 3
 This instrument was drafted by: DSL

Application #23-ZC-6270

Date of Hearing:
March 1, 2023

Owner(s):
DIVINE JOURNEY HOME
BUYERS LLC

Subject Parcel(s):
030023906(P)



Winnebago County
WINGS Project

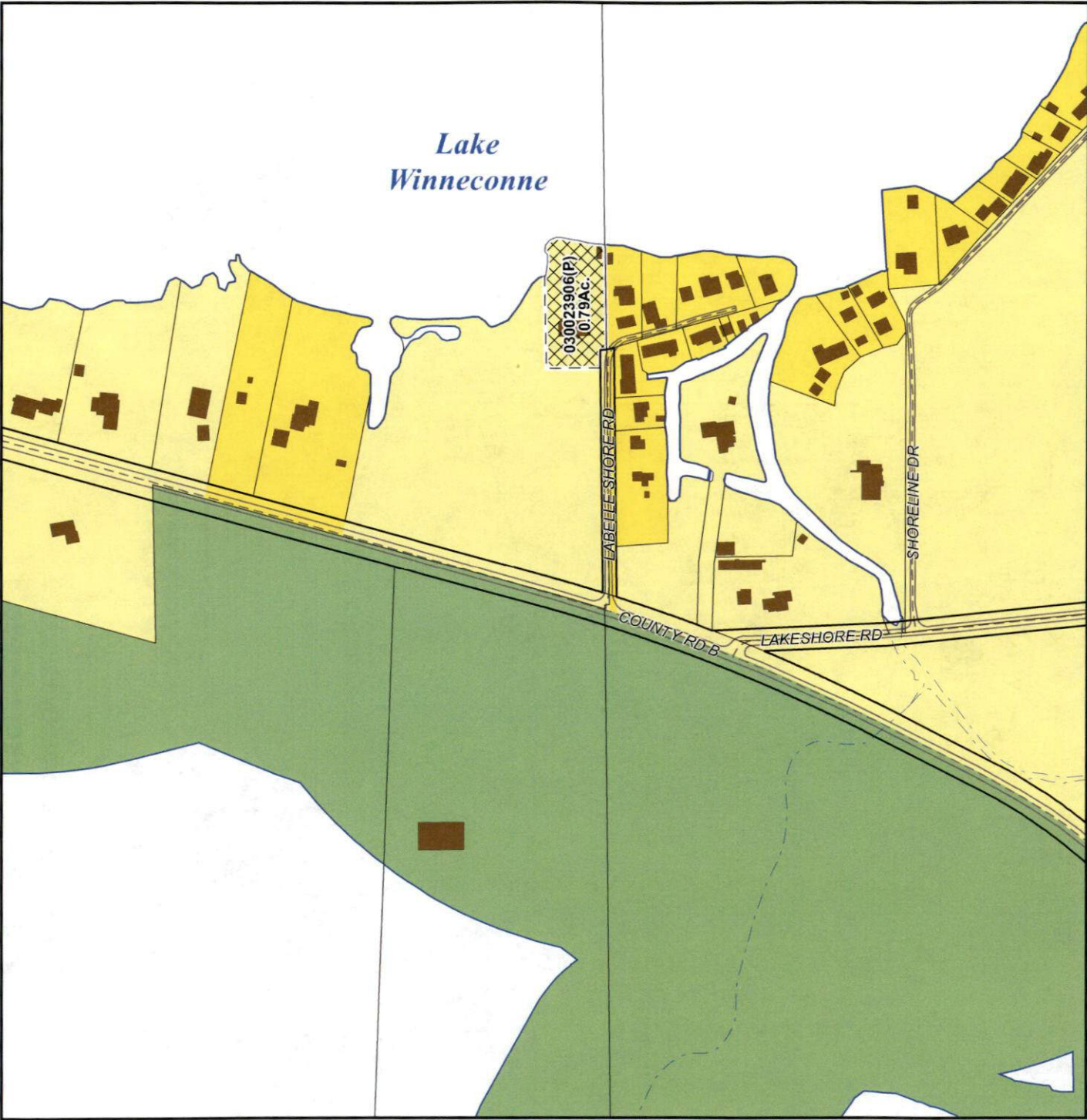
Scale
1 inch : 300 feet

County Zoning Districts

R-1	PDD	B-1
R-2	A-1	B-2
R-3	A-2	B-3
R-4	I-1	M-1
R-8	I-2	Town Zoning

City of Oshkosh Extraterritorial
Zoning Jurisdiction

Incorporated Area



○ = SITE



1 inch : 2,000 feet

Application #23-ZC-6270

Date of Hearing:

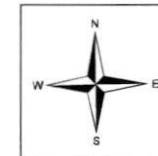
March 1, 2023

Owner(s):

DIVINE JOURNEY HOME
BUYERS LLC

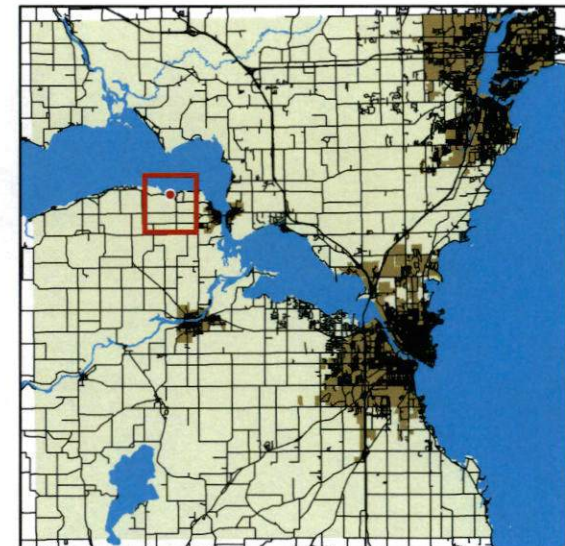
Subject Parcel(s):

030023906(P)



*Winnebago County
WINGS Project*

● = SITE



WINNEBAGO COUNTY

Self-Organized Counties

Fact Sheet No. 8

Local Government Education Program

February 1997

What self-organizing is:

Self-organization is a process used by county boards that provides the board with alternatives to some of the specific procedures otherwise mandated in Chapter 59, Wisconsin Statutes. A county that has undertaken self-organization has given itself somewhat more flexibility in the manner in which its board of supervisors may operate.

This narrow power to control several elements of county board functioning is found in §59.10(1). It was given to counties during the 1970s, when the legislature decided that counties needed some flexibility in these matters. Later, the legislature also provided a little elbow room for county boards in the area of organizing their administrative departments. This latter authority is called administrative home rule. It is found primarily in §§59.03 and 59.04.

Counties are completely subject to state law; they have no constitutional home rule authority as do cities and villages. The statutes have historically dictated almost all elements of substance, policy, and procedure for counties. Chapter 59, the basic law under which counties operate, contains more than 150 optional powers which counties may invoke by action of the county board. These grants are necessary because of the lack of home rule.

What it does for a county:

A county which has undergone self-organization may adopt its own policies regarding:

- Use of staggered terms for the supervisors, electing half of them each year rather than electing them all each even-numbered year. [§59.10(1)(b)] Without self-organization, all supervisors are to be elected on the first Tuesday in April in even-numbered years and take office of the third Tuesday in April of that year (except in 1996, when the desire for an early presidential preference primary led the legislature to move the spring general election to mid-March). Self-organization allows the use of staggered terms. [§59.10(3)(d)]
- Compensation of supervisors for attendance at board meetings and paying mileage. [§59.10(1)(c)] Non-self-organized boards already have several options. Self-organization would allow the board to be as creative as it wished, except that compensation would have to be set by the statutorily required date and the board could not give a mid-term compensation increase for itself. For the statutes that control board compensation in the absence of self-organization,

see Note below.

- Filling vacancies in the office of county supervisor. [§59.10(1)(d)] A county may adopt its own procedures. Without self-organization, vacancies are filled by the board chairperson for the unexpired term, with the approval of the board. [§59.10(3)(e)]

How self-organization is accomplished:

This is a very simple procedure.

- A majority of the whole board adopts an ordinance invoking the authority of the authorizing statute, §59.10(1). A certified copy of the adopted ordinance is filed by the county clerk with the Wisconsin Secretary of State.
- The county board adopts the policies it desires regarding possible staggered terms, compensation for board members, and the method for filling vacancies on the county board.

How self-organization relates to administrative home rule:

Sections 59.03 and 59.04 of Chapter 59 provide for administrative home rule. This legislation grants counties flexibility in administrative and organizational matters — such as grouping functions into departments and establishing committees to supervise those departments.

The statutory language in the administrative home rule sections is more general than it is in the self-organization section, but administrative home rule has a broad and not clearly defined limit attached to it. Administrative home rule does not apply in areas where the legislature has enacted a statute of “statewide concern.” This is the same language that has been interpreted by the courts and attorney general to restrict municipal home rule considerably. Statewide concern has been interpreted several times similarly to restrict the latitude of counties in administrative home rule.

Summary

County boards are granted clear authority to change the way they do business in very specific areas of board functioning if they undertake self-organization. In contrast, county boards are given broadly stated, but vague, authority in administrative and organizational matters in §§59.03 and 59.04. This last authority, however, is subject to challenge in the event that the legislature might have enacted another statute considered to be of “statewide concern” in an area where a county board wanted to exercise administrative home rule.

Note: In the *absence* of self-organization, the controlling statutes regarding compensation of county board members are these as quoted:

§59.10(3)(f) **Compensation.** Each supervisor shall be paid a per diem by the county for each day he or she attends a meeting of the board. Any board may, at its annual meeting, by a two-thirds vote of all the members, fix the compensation of the board members to be next elected. Any board may also provide additional compensation for the chairperson.

§59.10(3)(g) **Mileage.** Each supervisor shall, for each day that he or she attends a meeting of the board, receive mileage for each mile traveled in going to and returning from the meetings by the most usual traveled route at the rate established by the board pursuant to §59.22 as the standard mileage allowance for all county employees and officers.

§59.10(3)(h) **Limitation on compensation.** Except for services as a member of a committee as provided in §59.13, no supervisor shall be paid for more days' attendance on the board in any year than is set out in this schedule: In counties having a population of less than 25,000, 20 days; at least 25,000 but less than 100,000, 25 days; at least 100,000 but less than 500,000, 30 days.

§59.10(3)(i) **Alternative compensation.** As an alternative method of compensation, in counties having a population of less than 500,000, including those containing only one town, the board may at its annual meeting, by a two-thirds vote of the members entitled to a seat, fix the compensation of the supervisors to be next elected at an annual salary for all services for the county including all committee services, except the per diem allowance for services in acquiring rights of way set forth in §84.09(4). The board may, in like manner, allow additional salary for the members of the highway committee and for the chairperson of the board. In addition to the salary, the supervisors shall receive mileage as provided in par.(g) for each day's attendance at board meetings or for attendance at not to exceed 2 committee meetings in any one day.

§59.10(3)(j) **Supplementary compensation.** The board, in establishing an annual salary, may enact an ordinance for a per diem for all committee meetings attended in excess of 40 committee and board meetings.