

**WINNEBAGO COUNTY BOARD MEETING
TUESDAY, NOVEMBER 9, 2010**

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 Lennon.

The following Supervisors were present: Konetzke, Barker, Englebert, Eisen, Ramos, Miller, Roh, Smith, Widener, Albrecht, Gabert, Swanson, Thompson, Lennon, Reynolds, Hall, Wingren, Jacobson, Norton, Warnke, Robl, Neubauer, Kline, Locke, Hegg, Finch, Sievert, Farrey, Diakoff, Brennand, Egan, Ellis, Rengstorf and Reinert.

Excused: Hamblin and Eichman.

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

PUBLIC HEARING

Joe Yana, 5740 Main Street, Butte des Morts, spoke in support of Ordinance No. 127-112010, "Create Section 9.31 of the General Code of Winnebago County (Provision of Alcohol to Underage Persons)." Mr. Yana explained that he is representing an organization called "re: Think" which is the former Drug Free Communities Coalition of Winnebago County. They work to have ordinances and laws passed that will promote, "a safe and healthy environment particularly with respect to drug and alcohol abuse issues."

Barry Busby, Winnebago County Coroner, and John Matz, Sheriff-elect, also expressed their support of Ordinance No. 127-112010, "Create Section 9.31 of the General Code of Winnebago County (Provision of Alcohol to Underage Persons)."

COMMUNICATIONS, PETITIONS, ETC.

Notice of Claim from AT & T for damage to an AT & T pedestal and utility pole by a county lawnmower was referred to the Personnel & Finance Committee.

Petition for Zoning Amendment from Christopher DuPrey, Town of Algoma, for a zoning change for tax parcel no. 002-0216-01 from A-2 to B-3 for Lot 1 and R-1 for Lot 2 for highway commercial and residential purposes was referred to the Planning & Zoning Committee

Petition for Zoning Amendment from Don Shaw, Town of Clayton, for zoning change for tax parcel no. 006-0031 from A-2 to R-1 for residential home construction was referred to the Planning & Zoning Committee.

COMMITTEE REPORTS

Supervisor Barker reported on her attendance at a Glacierland Resources Development meeting and their discussion of the Emerald Ash Borer infestation that is affecting areas in Wisconsin. The Emerald Ash Borer has not been found in Winnebago County yet. Supervisor Barker explained that they are making plans on how to dispose of these trees when they are found in Winnebago County. They are also making plans to plant new trees to replace those that may have to be destroyed.

Supervisor Kline reported that the Legislative Committee will be meeting on Monday, November 22. The agenda has been put on the members' desks.

Supervisor Widener reported on the county's scholarship program and explained how it functions. Financially, the county has spent \$95,000 to fund the scholarship program, approximately \$80,000 of that is the scholarships themselves. There is \$23,700 in the scholarship program fund, of which \$7,000 is donations. Supervisor Widener explained that only the interest generated on the \$7,000 in donations can be used.

Supervisor Jacobson shared pictures from Student Government Day with the Board.

Motion by Supervisor Robl and seconded to approve the proceedings from the October 19 and October 25 & 26 meetings. Supervisor Swanson asked that Amendment No. 7 on Page 106 be corrected by removing his name as one of the supervisors who submitted the amendment. Supervisor Konetzke stated that his name should be listed as one of the supervisors who did submit the amendment. Supervisor Eisen asked that board proceedings indicate that videos of County Board meetings are available from the County Clerk's Office and that the meetings can also be viewed on OCAT's website at www.oshkoshcommunitymedia.org. CARRIED BY VOICE VOTE.

COUNTY EXECUTIVE'S REPORT

Executive Harris explained that during the budget session, someone requested a report breaking out the intergovernmental expenses. That report is now available from Chuck Orenstein, Finance Director.

Executive Harris reported that two milestones have been reached with the new administration building (former Oshkosh B'Gosh site):

- Second Chance will be moving into their new facility on November 11 and 12.
- Demolition designation has been received for Pleasant Acres, which means the heat and sprinkler system can be turned off. Access to the building will now be strictly limited.

COUNTY EXECUTIVE'S APPOINTMENT

Veterans Services Commission

Executive Harris asked for the Board's approval of his appointment of Robert Wipf and Joseph Maehl to the Veterans Services Commission. Mr. Wipf will complete the unexpired term of Roger Jaeger that runs until December 31, 2012. Mr. Maehl is being reappointed and his term will expire on December 31, 2013.

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

COUNTY BOARD CHAIRMAN'S REPORT

Chairman Albrecht reported that Supervisors Eichman and Hamblin are excused from tonight's meeting.

UPDATE ON COUNTY ZONING ORDINANCE RE-WRITE PROJECT & FARMLAND PRESERVATION PROGRAM PROJECT

Jerry Bougie, Winnebago County Planner, presented information to the Board on the progress of the re-write of the county's zoning ordinance and the farmland preservation program.

Mr. Bougie explained that they are completely re-writing the county's zoning ordinance. This re-write will allow towns to opt out of county zoning. Mr. Bougie stated that farmland preservation is, "intertwined" with the ordinance re-write project.

Mr. Bougie presented the following information to the Board:

- 2008 – began the process of rewriting the zoning ordinance.
 - Consultant was hired
 - Steering committee was formed
 - Interviews and meetings were held
- February 2009 – April 2010 –
 - Steering committee held 14 meetings to work on the text of the ordinance
- July 2009 – state passes legislation that mandates all counties redo their farmland preservation plan. This must be completed by December 2011.
 - Revisions to the farmland preservation plan will impact the new zoning ordinance process.
 - The completion date of the zoning ordinance has been pushed back to accommodate the revisions to the farmland preservation plan.

Mr. Bougie explained that there will a lot of meetings in 2011 to work on both of these projects. He stated that once the State of Wisconsin certifies the new zoning ordinance and the zoning map, landowners can receive tax credits under the farmland preservation program.

Mr. Bougie stated that the new zoning ordinance would be implemented in January 2012. He explained that at that point, towns will have up to one year to decide if they are going to be in county zoning or if they are going to administer their own zoning. During this one year period, the county will be administering both the old and new ordinances.

Mr. Bougie then took questions from the Board.

UPDATE ON HEALTH DEPARTMENT RELOCATION AND REQUEST FOR PROPOSAL (RFP) PROCESS FOR POSSIBLE CONSOLIDATION OF CITY/COUNTY HEALTH DEPARTMENTS - DOUG GIERYN, COUNTY HEALTH DEPARTMENT DIRECTOR

Doug Gieryn, Winnebago County Health Department Director, updated the Board on the possible consolidation of the county's health department with city health departments. He explained that following the retirement of the City of Oshkosh's public health director in 2009, the county and city began meeting in January 2010 to discuss a possible consolidation of services. In the summer of 2010, the county health department presented a consolidation proposal to the City of Oshkosh.

Mr. Gieryn explained that also during this time, his department has been in the process of relocating to the county's new administration building (former Oshkosh B'Gosh building). He has been working with Mike Elder, Facilities Director, to take into consideration this possible consolidation when designing the Health Department's space needs at the new building.

Mr. Gieryn stated that during discussions with the City of Oshkosh this past spring, the City of Neenah's Public Health Director retired. At that point, the Cities of Menasha and Neenah joined the discussion. The three cities then expressed a desire to hire a consultant to do a study and make recommendations on possible consolidation of

departments. Mr. Gieryn stated that the study would look at various ways to best consolidate the different departments. He explained the study would look at all four departments and determine what would be the best combination.

Mr. Gieryn explained that in the fall, the county drafted a Request for Proposal (RFP) to hire a consultant and sent it to the City of Oshkosh for their approval. In October, when the City of Oshkosh didn't take action on the proposal, the county went ahead and put out the RFP. Those bids are due on Thursday.

Mr. Gieryn explained that the RFP takes into consideration all four public health departments. It will look at the "scopes of services" offered by each of them and then determine if it's advantageous to combine those services.

At last month's Oshkosh Board of Health meeting, they voted to recommend to the Oshkosh City Council, "a negotiated consolidation with the county health department." This has not been acted on by the Oshkosh City Council at this point.

Mr. Gieryn stated that he wanted the Board to be aware of this issue, as they will be considering whether this consolidation would be a benefit to the citizens of Winnebago County.

Mr. Gieryn then took questions from the Board.

ZONING REPORTS & ORDINANCES

REPORT NO. 001. A report from the Planning & Zoning Committee regarding a requested text amendment to amend Chapter 22, "Winnebago County Comprehensive Plan" of the Winnebago County General Code. Motion by Supervisor Brennand and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 11-01-10. A requested text amendment to the Winnebago County Town/County Zoning Ordinance to amend Chapter 22 "Winnebago County Comprehensive Plan" as follows:

22.01 Definitions:

- (1) Pursuant to s. 66.1001(1)(a), Wis. Stats., Comprehensive Plan means:
 - (a) For a County, a development plan that is prepared or amended under s. 59.69(2) or (3).
 - (b) For a city or a village, or for a town that exercises village powers under s. 60.22(3), a master plan that is adopted or amended under s. 62.23(2) or (3).
- (2) For the purposes of this ordinance, "Winnebago County Comprehensive Plan" shall also be referred to as "WCCP", "plan", or "county development plan".
- (3) For the purposes of this ordinance, "local" shall mean town, city or village.
- (4) For the purposes of this ordinance, "Committee" shall mean the "Winnebago County Planning and Zoning Committee".

22.02 Authority: Pursuant to sections 59.69(2) & (3) and s. 66.1001, Wis. Stats, Winnebago County is authorized and mandated to prepare and adopt a comprehensive plan which allows the county to **enact or amend** in the following **ordinances** as enumerated in s. 66.1001(3), Wis. Stats., including but not limited to: local subdivision regulation under s. 236.45 or 236.46, Wis. Stats; County zoning ordinance enacted or amended under s. 59.69, Wis. Stats.; zoning of shorelands or wetlands in shorelands under s. 59.692, Wis. Stats.; and town zoning ordinances that are approved by the County Board and enacted and amended under s. 60.61 or 60.62, Wis. Stats.

22.03 Applicability: Pursuant to s. 59.69(3)(a), Wis. Stats., this ordinance shall be applicable to all lands within Winnebago County which are in unincorporated areas and in those areas within incorporated areas whose governing bodies by resolution agree to having their areas included in the county development plan.

22.04 Interpretation in Relationship to Other Laws: This ordinance shall apply and take precedence in all situations where it is more restrictive than another ordinance. The provisions of this ordinance shall be interpreted as minimum requirements and shall be liberally construed in favor of this ordinance. This ordinance shall not be deemed to limit or repeal any other powers granted to Winnebago County by the Wisconsin Statutes or the Wisconsin Administrative Code. Winnebago County acknowledges those intergovernmental agreements relating to the location of boundaries which exist at the time of the adoption of this Ordinance. Both prior to and subsequent to January 1, 2010, it is the intent of Winnebago County to recognize said agreements to the extent that said Agreements are not contrary to nor in violation of the General Code of Winnebago County, the Wisconsin Administrative Code or Wisconsin or Federal statutes. Nothing contained within this Ordinance shall be construed so as to require Winnebago County to enforce any such intergovernmental agreement.

22.05 Severability and Nonliability: If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

22.06 Plan-Ordinance Consistency: Commencing January 1, 2010, all of the following **enacted or amended ordinances and related plans** and procedures shall be consistent with the WCCP, including the future land uses identified in the plan:

- (1) Pursuant to s. 66.1001(3), Wis. Stats., the Winnebago **Zoning** County Ordinance (~~Chapter 17~~ of the County General Code), including shoreland and wetland requirements detailed therein;

- (2) Pursuant to s. 66.1001(3), Wis. Stats., **major land divisions as defined in** the Winnebago County Subdivision Ordinance (Chapter 18 of the County General Code);
- (3) Pursuant to s. 66.1001(3), Wis. Stats., all Town zoning ordinances and amendments thereto that are required to be approved by the County Board.
- ~~(4) County Private Sanitary Ordinance (Chapter 16, County General Code).~~
- ~~(5) County Access Control Ordinance (Chapter 17 of the County General Code).~~
- (6) Farmland Preservation Plan prepared and adopted in accordance with Chapter 91, Wis. Stats.
- ~~(7) Applications for development activity, including but not limited to, permits for principal uses, public hearing items, certified survey maps, and subdivision plats that fall under the authority and jurisdiction of County ordinances as enumerated in this section. Permits for additions to principal uses and accessory structures are exempt. Where the application for development activity is in conflict with the adopted future land uses in the WCCP and/or the adopted ordinances enumerated in this section, the applicant may pursue the remedy as identified in this ordinance or the adopted WCCP for changes to the plan, and/or those ordinances cited in sections 6.1 to 6.6 above for changes to the affected ordinance(s).~~
- (8) Where the adopted WCCP and those adopted ordinances enumerated in this section are in conflict, the remedy shall be as identified in this ordinance, the adopted WCCP for changes to the plan, or those ordinances cited in sections 6.1 to 6.6 above for changes to the affected ordinance(s). This includes the future land use map in the WCCP and the adopted zoning map of the County Zoning Ordinance.
- ~~(9) Lots of record existing at the time of implementation of this ordinance shall be exempt from lot size parameters that may be identified in the WCCP, however the proposed use shall be in compliance with the uses shown on the WCCP future land use map.~~
- (10) Petitions for amendment to the text and/or future land use map of the WCCP shall be in accordance with those procedures detailed in the Section VII (Intergovernmental Cooperation) of the WCCP and Exhibit 1, attached hereto.

22.07 Amendments, Revisions, Updates to County Plan: ~~Between January 1, 2007 and January 1, 2010, any newly adopted local plans or any amendments, revisions or updates to local existing plans may be submitted to the County for inclusion into the WCCP by appropriate governmental authorities. Said revisions, amendments and updates shall be approved or denied in their entirety by the Winnebago County Board of Supervisors. The Board of Supervisors shall adopt sufficient findings of fact in relationship to its adoption or denial of any plan, amendment, revision or update during this time period. A presumption of legislative regularity shall attach to any plan, amendment, revision or update submitted by a governmental authority during said time period.~~

Commencing January 1, 2010, Winnebago County shall review proposed local plans, amendments, revisions or updates to existing local plans in relationship to their compliance with the policies identified in the WCCP as a basis for approval or denial. Both prior to and after January 1, 2010, all amendments, revisions, and updates to existing plans or adoption of new plans shall be in accordance with s. 66.1001(4), Wis. Stats., and the procedures detailed in Exhibits 1 and 2, attached hereto.

22.08 Fees for filing a petition for amendment to the WCCP shall be as established by the Winnebago County Board of Supervisors.

22.09 Inclusion and Adherence to City and Village Plans: Pursuant to s. 59.69(3)(b), Wis. Stats., the county development plan shall include the master plan of any city or village that was adopted under s. 62.23(2) or (3), Wis. Stats. and the official map of such city or village that was adopted under s. 62.23(6), Wis. Stats. in the county, without change to said plan. In addition, pursuant s. 59.69(3)(e), Wis. Stats, master plans for cities and villages adopted under s. 62.23(2) and (3) and an official map that is established under s. 62.23(6) shall control in the unincorporated territory of the county, whether or not such action occurs before the adoption of a county development plan. The future land use map for the City of Oshkosh shall only apply in the extraterritorial jurisdictional area of the City. As such, when the City of Oshkosh expands the extraterritorial jurisdiction via annexation or boundary agreement, the County's future land use map will change accordingly to reflect the change in extraterritorial jurisdictional area, without need for a formal plan amendment. Property outside of the extraterritorial jurisdiction of the City of Oshkosh shall be regulated by the County's future land use map, until such time as this boundary changes due to an annexation and/or attachment of town property through a boundary agreement between the City of Oshkosh and respective town. Application for development activity pursuant to 22.06 shall require a written statement of plan compliance from the applicable city or village. **Only proposed zoning changes and major land divisions shall be required to be in compliance with the plan in these areas.**

22.10 Implementation Actions:

Motion by Supervisor Brennand and seconded to adopt. Motion by Supervisor Farrey and seconded to amend the last sentence in Sec. 22.09 by deleting "zoning changes and". Ayes: 9 – Eisen, Gabert, Neubauer, Hegg, Finch, Sievert, Farrey, Rengstorf and Reinert. Nays: 23. Abstain: 2 – Ramos and Roh. Excused: 2 – Hamblin and Eichman. LOST.

Vote on Amendatory Ordinance as presented: Ayes: 25. Nays: 8 – Eisen, Roh, Gabert, Hegg, Finch, Farrey, Rengstorf and Reinert. Abstained: 1 – Ramos. Excused: 2 – Hamblin and Eichman. CARRIED. (Effective date – November 18, 2010)

REPORT NO. 002. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant, Gary Zahringer of Martenson & Eisele; and property owner, Harrison Sturgis, Jr.; Town of Neenah, for a zoning change to R-2/A-2 for tax parcel nos. 010-0202-04(p) and 010-0202-05(p). Motion by Supervisor Brennand and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 11-02-10. A requested zoning change from R-2/A-2 (Single-Family subdivided/General Ag) to R-2/A-2 (Single-Family subdivided/General Ag). Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – November 18, 2010)

RESOLUTIONS AND ORDINANCES

RESOLUTION NO. 117-102010: Amend the Table of Organization for Winnebago County District Attorney's Office

WHEREAS, the current Table of Organization for the Winnebago County District Attorney's Office identifies five (5) full-time Legal Secretary positions, one (1) of which is currently vacant; and

WHEREAS, the District Attorney desires to eliminate one (1) full-time Legal Secretary position and add one (1) full-time Paralegal position (H-5) to improve operating efficiencies within the office by allowing greater legal assistance to the Attorneys.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes that the Table of Organization for the Winnebago County District Attorney's Office is amended to eliminate one (1) full-time Legal Secretary position and add one (1) full-time Paralegal position (H-5).

Submitted by:
JUDICIARY & PUBLIC SAFETY COMMITTEE

Motion by Supervisor Rengstorf and seconded to adopt. Ayes: 29. Nays: 5 – Ramos, Gabert, Swanson, Hall and Reinert. Excused: 2 – Hamblin and Eichman. CARRIED.

RESOLUTION NO. 124-112010: Approve Submittal of Department of Natural Resources Brownfield Site Assessment Grant Application For Breezewood Trail Property

WHEREAS, the Winnebago County Parks Department is responsible for administering the abandoned property located at 4495 Breezewood Lane; and

WHEREAS, an evaluation of the property reveals that the site is in a dilapidated condition with numerous underlying issues ranging from a buried petrol tank to a ruined building which may harbor hazardous materials; and

WHEREAS, the one acre site abuts the WIOUWASH State Recreation Trail at a location where it would be advantageous to have an increased capacity of safe and accessible parking space made available for trail users; and

WHEREAS, there is an opportunity to draw upon state funds that could help off-set up to 80% of the estimated \$43,000 cost required to engage in curative measures as well as Wisconsin Administrative Code Chapter NR 716 site investigation activities aimed at improving the condition of the property, short of parking lot construction.

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors that the County Executive be and he hereby is authorized to submit a WDNR Brownfield Grant Application on behalf of Winnebago County for the purpose of rectifying environmental issues associated with the property located at 4495 Breezewood Lane.

Submitted by,
PARKS AND RECREATION COMMITTEE

Motion by Supervisor Finch and seconded to adopt. Ayes: 34. Nays: 0. Excused: 2 – Hamblin and Eichman. CARRIED.

RESOLUTION NO. 125-112010: Approval of Wisconsin Power & Light Request for a Permanent Easement for Installation and Maintenance of an Electrical Distribution Line Running Under and Across the Mascoutin Valley State Recreation Trail

WHEREAS, Wisconsin Power & Light Company is engaged in a project in the southwest section of Winnebago County in which repairs and upgrades are being made to power lines serviced by the company; and

WHEREAS, for the public benefit, Wisconsin Power & Light Company is taking advantage of an opportunity to improve the aesthetic quality of the surrounding area by rerouting the existing above ground lines into underground conduits; and

WHEREAS, Wisconsin Power & Light Company is requesting consideration in the granting of a permanent easement that will facilitate the installation and long term maintenance of an electrical distribution line under and across a section of the Mascoutin Valley State Recreation Trail; and

WHEREAS, in conjunction with the relocation of the existing electrical distribution lines Wisconsin Power & Light Company shall assume responsibility for ensuring that all the affected property along the Mascoutin Valley Trail is restored and maintained in an acceptable manner as determined by the Winnebago County Parks Department; and

WHEREAS, your undersigned Committee believes that it would be in the best interest of Winnebago County to proceed with approving the aforementioned permanent easement in order to accommodate the Wisconsin Power & Light Company electrical distribution line upgrades and improve the aesthetic quality of areas associated with the Mascoutin Valley State Recreation Trail corridor.

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors that it hereby authorizes the County Executive to proceed with granting a permanent easement to the Wisconsin Power & Light Company in order to install and maintain an electrical distribution line under and across the Mascoutin Valley State Recreation Trail in accordance with the attached Easement document.

Submitted by,
PARKS AND RECREATION COMMITTEE

Motion by Supervisor Finch and seconded to adopt. Ayes: 34. Nays: 0. Excused: 2 – Hamblin and Eichman. CARRIED.

AMENDED

RESOLUTION NO. 126-112010:

Transfer \$13,119 from Fairview Tower Project to Radio/Data System Upgrade Project to Pay Costs of Retaining a Consultant to Prepare a Grant Application to Help Fund the Radio System Project

WHEREAS, a change in laws related to the frequencies used by emergency response departments now requires the County to upgrade its radio/data system to free up certain radio frequencies; and

WHEREAS, the radio system upgrade is a mandate and the County has no choice but to upgrade the radio system, and support for the Data/MDC system isn't available.

WHEREAS, the Winnebago County Board supports the upgrade to the Sheriff Radio/Data System, and

WHEREAS, Winnebago County participates in FOXCOMM along with Outagamie and Calumet Counties, and

WHEREAS, FOXCOMM was eligible along with 20 other government agencies for a grant of between 15 and 30 million dollars, and

WHEREAS, notification of the grant deadline was less than five (5) days away, and

WHEREAS, due to the complexity of the public safety grant application it was necessary to hire a consultant to prepare the documents, and

WHEREAS, Winnebago County representatives agreed to hire a consultant and agreed to share the cost of the grant application using the FOXCOMM formula, and

WHEREAS, there are sufficient funds available in the Fairview Tower Capital Project fund to transfer funds to cover the costs.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$13,119 from the Fairview Tower project to the Radio/Data System Upgrade project to pay the costs of hiring a consultant to prepare a public safety grant application.

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

Motion by Supervisor Rengstorf and seconded to adopt. Ayes: 33. Nays: 1 – Reinert. Excused: 2 – Hamblin and Eichman. CARRIED.

ORDINANCE NO. 127-112010: Create Section 9.32 of the General Code of Winnebago County (Provision of Alcohol to Underage Persons)

NOW, THEREFORE, the County Board of Supervisors of the County of Winnebago does ordain as follows:
Create Section 9.32 of the General Code of Winnebago County (Provision of Alcohol to Underage Persons)

9.32 AUTHORITY. (1) This Authority is adopted pursuant to that authority provided by Section 125.10, Wisconsin Statutes.

(2) SECTION 125.07(1) INCORPORATED BY REFERENCE. Section 125.07(1), Wisconsin Statutes, to the extent such statutory section requires any act to be performed or prohibits any act, is hereby adopted and by reference made a part of this Section of the Code as fully set forth herein. Any act required to be performed or prohibited by Section 125.07(1), is required or prohibited by this Section of the Code.

(3) DEFINITIONS. That pursuant to that authority provided to municipalities under Section 125.10, Stats., the definition of "premises" as contained in Section 125.02(14)(m), Stats., shall be amended for the purpose of this ordinance so as to include all public or private property, regardless of whether said property is described in a license or permit.

(4) PENALTY. Any person who violates any provision of this Section of the Code shall be subject to those forfeitures as specified in Section 125.07(1)(b), Wisconsin Statutes, which is incorporated herein by reference.

(5) APPLICABILITY. The provisions of this Ordinance shall apply in all unincorporated areas in Winnebago County.

(6) EFFECTIVE DATE. This Ordinance shall become effective as of December 1, 2010.

Submitted by:
JUDICIARY & PUBLIC SAFETY COMMITTEE

Motion by Supervisor Rengstorf and seconded to adopt. Ayes: 33. Nays: 1 – Reinert. Excused: 2 – Hamblin and Eichman. CARRIED.

Motion by Supervisor Robl and seconded to adjourn until Tuesday, December 21, 2010 at 6:00 p.m. CARRIED BY VOICE VOTE.

The meeting was adjourned at 7:30 p.m.

Respectfully submitted,
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 9, 2010.

Susan T. Ertmer
Winnebago County Clerk