

**WINNEBAGO COUNTY BOARD MEETING
TUESDAY, SEPTEMBER 17, 2019**

Chairman Shiloh Ramos 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: 34 - Konetzke, Brunn, Borchart, Eisen, Ramos, Defferding, Lenz, Smith, Nussbaum, Spellman, Albrecht, Binder, Konrad, Schorse, Wojciechowski, Gordon, Wingren, Lautenschlager, Norton, Warnke, Singstock, Buck, Powers, Locke, Wise, Finch, Youngquist, Farrey, Rasmussen, Keller, Egan, Ellis, Snider and Joas. Excused: 2 – Gabert and Robl.

Motion by Supervisor Albrecht and seconded by Supervisor Brunn to adopt the agenda for tonight's meeting. CARRIED BY VOICE VOTE.

PUBLIC HEARING

The following person spoke in opposition of Amended Ordinance No. 179-072019: Create Section 7.16 of the General Code of Winnebago County: All Terrain Vehicle/Utility Terrain Vehicle Routes and Regulations:

- Bob Schmiechel, 215 Mandella Court, Neenah

The following persons spoke in support of Amendatory Ordinance No. 09/03/2019: Requesting a text and map amendment to the Floodplain Zoning Code, Chapter 26 of the Winnebago County General Code:

- Steve Gohde, City of Oshkosh Assistant Director of Public Works
- Michelle Staff, Wisconsin Department of Natural Resources Water Reg/Zoning Specialist
- Allen Davis, City of Oshkosh Community Development Director

The following persons spoke in support of Amended Ordinance No. 179-072019: Create Section 7.16 of the General Code of Winnebago County: All Terrain Vehicle/Utility Terrain Vehicle Routes and Regulations:

- Steve Wulgaert, 7425 Richter Lane, Larsen, WI
- Eric McMullen, Team Winnebagoland Motor Sports
- Jim Bennington, 102 S. 2nd Avenue, Winneconne

The following person spoke in support of Resolution No. 212-092019: Authorize a Capital Project for Wittman Regional Airport to Construct a New Aviation Business Park Taxiway at a Cost of \$450,000, Funded with an Advance from the General Fund to be Reimbursed with a Subsequent Bond Issue

- Allen Davis, City of Oshkosh Community Development Director

COMMUNICATIONS AND PETITIONS

The following correspondence was presented to the board by Susan Ertmer, County Clerk:

- Zoning Petitions:
 - No. 001 – Petition for zoning change from Kevin J. Hoppe; Town of Clayton; for tax parcel no. 006-0849-01; rezone from A-2 General Agriculture District to R-2 Suburban Residential District. The Town of Clayton approved changing the R-2 to R-1 Rural Residential District due to other similar properties in the township with R-1 zoning. This petition was referred to the Planning and Zoning Committee.
 - No. 002 – Petition for zoning change from Dennis Lang, Town of Winneconne, for tax parcel no. 030-0064; rezone from A-2 General Agriculture District to R-2 Suburban Residential District. This petition was referred to the Planning and Zoning Committee.
- Notice of Claim:
 - Claim from Wisconsin Public Service (WPS) - \$361.30 for damage to their equipment on Ripple Avenue was referred to the Personnel and Finance Committee.
 - Claim from Gary Retzlaff – for damage to his vehicle caused by wet road paint was referred to the Personnel and Finance Committee.
- Resolution from Waupaca County – Resolution Number 12 (2019-2020): SUBJECT: Court Fees and Costs in Probate and Juvenile Cases was referred to the Legislative Committee.

REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS

Supervisor Snider reported that he was asked by Mark O'Connell to introduce Mary Kolar, Secretary-designee of the Wisconsin Department of Veterans Affairs at the Wisconsin Counties Association Annual Conference.

Motion by Supervisor Konetzke and seconded by Supervisor Albrecht to approve the proceedings from the August 20, 2019 county board meeting. CARRIED BY VOICE VOTE.

COUNTY EXECUTIVE'S REPORT

Executive Mark Harris spoke in support of the following resolutions:

- Resolution No. 201-092019: Authorize Abolishing the Office of Coroner for Winnebago County and Implementing a Medical Examiner System in Winnebago County

- Resolution No. 208-092019: Authorize Borrowing an Amount Not to Exceed \$9,575,000, and Authorize the Issuance and Sale of General Obligation Promissory Notes Therefor
- Resolution No. 212-092019: Authorize a Capital Project for Wittman Regional Airport to Construct a New Aviation Business Park Taxiway at a Cost of \$450,000, Funded with an Advance from the General Fund to be Reimbursed with a Subsequent Bond Issue

COUNTY BOARD CHAIRMAN'S REPORT

Chairman Ramos reported that Supervisors Gabert and Robl are excused from this meeting.

Chairman Ramos reminded all Supervisors that Budget hearings will be October 28, 2019 at 6:00 p.m., October 29, 2019 at 8:30 a.m. and Wednesday, October 30, 2019 at 8:30 a.m.

ZONING REPORTS & ORDINANCES

- Report No. 001 – A report from the Planning and Zoning Committee regarding a requested zoning change from April A. Hicks (Becker); Town of Winneconne, for tax parcel no. 030-0222-02. Motion by Supervisor Snider and seconded by Supervisor Egan to accept. CARRIED BY VOICE VOTE.
 - Amendatory Ordinance No. 09/01/19 – A requested zoning change from I-2 Heavy Industrial to R-2 Suburban Low Density Residential for tax parcel no. 030-0222-02. Motion by Supervisor Snider and seconded by Supervisor Egan to adopt. CARRIED BY VOICE VOTE. (Effective Date: September 20, 2019)
- Report No. 002 – A report from the Planning and Zoning Committee regarding a Land Use Plan amendment to include a revised Farmland Preservation Plan and Map. Motion by Supervisor Egan and seconded by Supervisor Defferding to accept. CARRIED BY VOICE VOTE.
 - Amendatory Ordinance No. 09/02/2019 – A requested zoning change from the Winnebago County Planning & Zoning Committee to change a Land Use Plan Amendment to include a revised Farmland Preservation Plan and Map. Motion by Supervisor Egan and seconded by Supervisor Ellis to adopt. CARRIED BY VOICE VOTE. (Effective Date: September 20, 2019)
- Report No. 003 – A report from the Planning and Zoning Committee regarding a requested Text and Map Amendment to the Floodplain Zoning Code from the Winnebago County Zoning Department. Motion by Supervisor Egan and seconded by Supervisor Ellis to accept. CARRIED BY VOICE VOTE.
 - Amendatory Ordinance No. 09/03/2019 – A request from the Winnebago County Zoning Department for a text and map amendment to the Floodplain Zoning Code, Chapter 26 of the Winnebago County General Code. Motion by Supervisor Egan and seconded by Supervisor Ellis to adopt. Motion by Supervisor Eisen and seconded by Supervisor Nussbaum to postpone until the October 15, 2019 County Board Meeting to notify property owners and allow them to speak in regard to this item. Supervisor Farrey requested a recorded vote. VOTE ON POSTPONEMENT: AYES: 18; NAYES: 16 – Borchart, Spellman, Albrecht, Konrad, Schorse, Gordon, Wingren, Lautenschlager, Warnke, Buck, Powers, Locke, Youngquist, Rasmussen, Keller and Joas; ABSTAIN: 0; ABSENT: 2 – Gabert and Robl. CARRIED. This item was postponed until the October 15, 2019 meeting.

RESOLUTIONS & ORDINANCES

AMENDED ORDINANCE NO. 179-072019: Create Section 7.16 of the General Code of Winnebago County: All-Terrain Vehicle/Utility Terrain Vehicle Routes and Regulations

WHEREAS, the Winnebago County Highway Committee has determined that the public interest is best served by allowing All-Terrain Vehicles/Utility Terrain Vehicles, hereinafter referred to as "ATV/UTV," to utilize certain roadways of the County Highway system in an orderly controlled fashion; and

WHEREAS, the Winnebago County Board supports recreational opportunities in Winnebago County; and

WHEREAS, §23.33, Wis Stats, authorizes Winnebago County to adopt an ordinance allowing ATV/UTV use on the county highway system.

NOW, THEREFORE, THE WINNEBAGO COUNTY BOARD OF SUPERVISORES DOES ORDAIN AS FOLLOWS: Section 7.16 of the General Code of Winnebago County is hereby adopted and shall read as follows:

7.16 ALL-TERRAIN VEHICLE/UTILITY TERRAIN VEHICLE ROUTES AND REGULATIONS

(1) The Winnebago County Board of Supervisors adopts the following All-Terrain Vehicle/Utility Terrain Vehicle ("ATV/UTV") Routes and Regulations Ordinance for the operation of ATVs/UTVs upon certain Winnebago County roadways, subject to the conditions listed in Section 4, below.

(2) PURPOSE & INTENT: Following due consideration of the recreational value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved and traffic density, these routes have been created.

(3) AUTHORITY: The provisions of this Ordinance are adopted by the Winnebago County Board of Supervisors pursuant to the authority granted in §23.33(8)(b), Wis Stats. Operators shall follow all of the applicable provisions of §23.33, Wis Stats, regulating ATV/UTV operations.

- (4) CONDITIONS: As a condition for the use of certain roadways, the following conditions shall apply to all operators (and passengers where applicable):
- (a) ATV/UTV operators shall observe all posted speed limits and shall not exceed 35 miles per hour. Violators shall be subject to enforcement.
 - (b) Routes must be signed in accordance with NR 64.12 and NR 64.12(7)c, Wisconsin Administrative Code.
 - (c) Limit routes to county roadways with an Average Daily Traffic (ADT) count of 1,000 or less and a low accident history.
 - (d) Potential county highway routes must connect existing routes / trails only.
 - (e) Municipalities with an ATV/UTV ordinance sponsor county routes.
 - (f) Municipalities request routes by sending a letter describing the roadway(s) and the limits to the Highway Commissioner for conformance with the county ordinance. Highway Committee will approve / deny requests.
 - (g) Sponsoring municipalities pay for sign installation and maintenance.
 - (h) Municipalities shall maintain a map of routes within their jurisdiction and provide copies to the Highway Commissioner and Sheriff.
 - (i) Highway Department shall install signs to ensure proper placement according to MUTCD (Manual for Uniform Traffic Control Devices) and DNR (Department of Natural Resources) standards.
 - (j) ATV/UTV operators must possess a valid motor vehicle driver's license.
 - (k) Routes shall remain open during daylight hours only.
 - (l) Routes may be closed or suspended by the Highway Commissioner after review with the Highway Committee for reasons such as repeated complaints from residents, damage caused by ATV/UTVs, an increase in ADT, or roadway accidents.
 - (m) Routes may be temporarily closed by either the Highway Commissioner or Sheriff for reasons such as roadway construction, emergencies, parades, or events.
- (5) ENFORCEMENT: This Ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

(6) PENALTIES: All-Terrain Vehicle / Utility Terrain Vehicle penalties for the State of Wisconsin, as found in §23.33(13)(a), Wis Stats, are adopted and incorporated herein by reference. Additionally, any person who violates any provision of Section 7.16(4) Conditions, above, shall be subject to a forfeiture of \$50.00 plus any statutory surcharges imposed by the State Legislature.

(7) SEVERABILITY: The provision of this Ordinance shall be deemed severable and it is expressly declared that Winnebago County would have passed the other provisions of this Ordinance regardless of whether or not one or more provisions may be declared invalid. If any provision of this Ordinance or the application to any individual or circumstance is held invalid, the remainder of the Ordinance and the application of such provisions to other individual circumstances shall not be deemed affected.

(8) EFFECTIVE DATE: This Ordinance becomes effective as of the date following the date of its publication.

NOW, THEREFORE, THE WINNEBAGO COUNTY BOARD OF SUPERVISORES DOES ORDAIN AS FOLLOWS: This Ordinance shall be reviewed by the Highway Committee one year from the date of its adoption.

Submitted by:
HIGHWAY COMMITTEE

Motion by Supervisor Albrecht and seconded by Supervisor Konetzke to adopt. Motion by Supervisor Farrey and seconded by Supervisor Snider to amend this resolution by adding on Line 52: "(n) ATV/UTV operators shall possess State of Wisconsin motor vehicle insurance coverage per Sec. 344.33, Wis. Stats." Vote on Amendment: CARRIED BY VOICE VOTE. NAYES: 2

Vote on Ordinance as amended - AYES: 29; NAYES: 5 – Brunn, Smith, Nussbaum, Spellman and Snider; ABSTAIN: 0; ABSENT: 2 – Gabert and Robl. CARRIED.

Passage of Ordinance No. 179-072019 creates Sec. 6,16 of the General Code of Winnebago County and establishes routes and regulations for operators of ATVs and UTVs.

A copy of Ordinance No. 179-072019 is available from the Winnebago County Clerk's Office, 112 Otter Avenue, Oshkosh, Wisconsin. This information is also available in the General Code section of Winnebago County's website at: <http://www.co.winnebago.wi.us/GeneralCode>

RESOLUTION NO. 199-092019: Disallow Claim of Eric Torbeck

WHEREAS, your Personnel and Finance Committee has had the claim of Eric Torbeck 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 Eric Torbeck, filed with the County Clerk on July 28, 2019, 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 Rasmussen and seconded by Supervisor Ellis to adopt. CARRIED BY VOICE VOTE.

RESOLUTION NO. 200-092019: Disallow Claim of WE Energies (06/18/2019)

WHEREAS, your Personnel and Finance Committee has had the claim of WE Energies (06/18/2019) 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 WE Energies (06/18/2019), filed with the County Clerk on July 11, 2019, 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 Rasmussen and seconded by Supervisor Ellis to adopt. CARRIED BY VOICE VOTE.

RESOLUTION NO. 201-092019: Authorize Abolishing the Office of Coroner for Winnebago County and Implementing a Medical Examiner System in Winnebago County

WHEREAS, §59.20, Wis Stats, creates a four-year term for the elected office of coroner, and the current term of the Winnebago county coroner ends on December 31, 2022; and

WHEREAS, pursuant to §17.01(13), Wis Stats, Winnebago County Coroner Barry Busby submitted his resignation in writing to the Winnebago County Sheriff, stating his last day of serving as Winnebago County Coroner will be October 31, 2019; and

WHEREAS, §17.21(1), Wis Stats, provides vacancies in the office of coroner shall be filled by appointment of the governor for the residue of the unexpired term; and

WHEREAS, §§59.34 and 59.38, Wis Stats, provide that a county board can abolish the office of elected coroner and implement a medical examiner system in which a medical examiner performs the same duties as a coroner; and

WHEREAS, a county board can establish minimum qualifications for the individual filling a medical examiner position and ensure that the position is filled by a competent individual; and

WHEREAS, details for a medical examiner system can be established in due course in accordance with §59.38, Wis Stats.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes Winnebago County to abolish the Office of Elected Coroner at the end of the incumbent's term or sooner by the sitting coroner appointed by the governor.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that pursuant to §59.17(2)(br), Wis Stats, the medical examiner shall be a Department Head appointed by the Winnebago County Executive and confirmed by the Winnebago County Board of Supervisors.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the Judiciary and Public Safety Committee will set policy for the position of medical examiner.

Submitted by:
JUDICIARY AND PUBLIC SAFETY COMMITTEE

Motion by Supervisor Wingren and seconded by Supervisor Nussbaum to adopt. VOTE ON RESOLUTION: AYES: 33; NAYES: 1 – Locke; ABSTAIN: 0; ABSENT: 2 – Gabert and Robl. CARRIED.

RESOLUTION NO. 202-092019: Authorize Electric Underground Easement Between Winnebago County and Wisconsin Public Service Corporation

WHEREAS, the Wisconsin Public Service Corporation has requested that Winnebago County grant it an easement to construct, install, operate, maintain, repair, replace, and extend underground electrical wires on Winnebago County-owned property described within the attached Electric Underground Easement Agreement; and

WHEREAS, the undersigned Facilities and Property Management Committee believes that granting said easement is appropriate and necessary to provide electrical service to the Winnebago County Community-Based Residential Facility.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes execution of the Electric Underground Easement Agreement between Winnebago County and the

Wisconsin Public Service Corporation on that property described within the Agreement for the purpose of providing electrical service to the Winnebago County Community-Based Residential Facility.

Submitted by:
FACILITIES AND PROPERTY MANAGEMENT COMMITTEE

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

ORDINANCE NO. 203-092019: Create Section 9.42 of the General Code of Winnebago County: Abandoned Personal Property

WHEREAS, §66.0139, Wis Stats, provides counties with the authority to enact ordinances governing the disposal of abandoned or unclaimed personal property held by the Winnebago County Sheriff's Department; and

WHEREAS, there is abandoned or unclaimed property held by the Winnebago County Sheriff's Department within Winnebago County; and

WHEREAS, it would be in the best interests of Winnebago County that an ordinance adopting the contents of §66.0139, Wis Stats, be enacted so as to streamline the disposal of abandoned or unclaimed property.

NOW, THEREFORE, THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WINNEBAGO DOES ORDAIN AS FOLLOWS: that it hereby creates Section 9.42 of the General Code of Winnebago County to read as follows:

9.42 ABANDONED PERSONAL PROPERTY.

(1) AUTHORITY: This Ordinance is created pursuant to the authority provided in §66.0139, Wis Stats.

(2) JURISDICTION: This Ordinance shall be applicable to any abandoned or unclaimed personal property held by the Winnebago County Sheriff's Department.

(3) DISPOSAL OF PERSONAL PROPERTY: Personal property, other than cash, which has been abandoned or which remains unclaimed for a minimum period of thirty (30) days after the property is not needed for evidence, shall be disposed of by any means including, but not limited to, public auction, conversion to public use, donation to charity, junking, salvage, as determined by the Sheriff or designee and as determined to be in the best interests of Winnebago County. If the disposal is in the form of a sale, all receipts from the sale, after deducting the necessary expenses of keeping the property and conducting the sale, shall be paid to the County Treasury. The recovering deputy shall attempt to return to the rightful owner such items of personal property which have substantial value, if the owner can be reasonably determined.

(4) RECORDS TO BE KEPT: If abandoned or unclaimed personal property is not disposed of in a sale open to the public, the Sheriff or designee shall maintain an inventory of the property, a record of the date and method of disposal including the consideration received for the property, if any, and the name and address of the person/entity taking possession of the property. The inventory shall be kept as a public record for a period not less than two (2) years from the date of the disposal of the property.

(5) DISPOSING OF ABANDONED OR UNCLAIMED PROPERTY: Section 66.0139(1) through (5), Wis Stats, are incorporated herein by reference and made a part of this Ordinance.

(6) EXCEPTIONS: This Ordinance shall not apply to cash.

(7) EFFECTIVE DATE: This Ordinance shall be effective as of November 1, 2019.

Submitted by:
JUDICIARY AND PUBLIC SAFETY COMMITTEE

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

Passage of Ordinance No. 203-092019 amends the General Code of Winnebago County by creating Sec. 9.42, which establishes the guidelines for disposing of abandoned or unclaimed property that is held by the Winnebago County Sheriff's Department.

A copy of Ordinance No. 203-092019 is available from the Winnebago County Clerk's Office, 112 Otter Avenue, Oshkosh, Wisconsin. This information is also available in the General Code section of Winnebago County's website at: <http://www.co.winnebago.wi.us/GeneralCode>

RESOLUTION NO. 204-092019: Authorize a System Upgrade Agreement with Motorola to Provide Hardware, Software, and Professional Services and Maintenance of the Winnebago County Sheriff Department's ASTRO 25 System

WHEREAS, the Winnebago County Sheriff Department wishes to upgrade its ASTRO 25 System; and
WHEREAS, pursuant to the SUA II and Maintenance Purchase Agreement, this upgrade will include the necessary hardware, software, and professional service and maintenance of the system upgrade; and

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

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the upgrade to the Winnebago County Sheriff Department's ASTRO 25 system.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that a copy of this Agreement can be requested by contacting the Winnebago County Sheriff Department or the Winnebago County Office of Corporation Counsel.

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

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

RESOLUTION NO. 205-092019: Authorize a Three-Year Service Agreement with Stanley Convergent Security Solutions Inc to Continue to Provide Maintenance and Repair Services to the Winnebago County Sheriff Department’s Security System

WHEREAS, the Winnebago County Sheriff’s Department wishes to renew its contract with Stanley Convergent Security Solutions Inc for three years; and

WHEREAS, the terms of this three-year extension are described in the attached Service Agreement, which is made a part of this Resolution herein by reference; and

WHEREAS, your undersigned Committee has reviewed the Service Agreement and recommends its approval.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the service agreement with Stanley Convergent Security Solutions Inc for three years.

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

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

RESOLUTION NO. 206-092019: Authorize Acceptance of Multi-Discharger Variance Program Funds from the City of Fond du Lac Regional Wastewater Treatment Facility

WHEREAS, the State of Wisconsin enacted §283.16, Wis Stats, “Statewide Variance for Phosphorus” to provide alternative methods for Municipal Wastewater Treatment Facilities and other point source entities to help reduce phosphorus loading into surface water without experiencing exorbitant expansion costs that would be borne by their constituents; and

WHEREAS, the State of Wisconsin has created the “Multi-Discharger Variance Program” (MDV) to allocate funds from participating point source entities to “county land and water conservation departments to install Best Management Practices (BMP) that will bring Ag-Producers into compliance with the Agriculture Performance Standards and reduce phosphorus loading; and

WHEREAS, the Winnebago County Land Conservation Committee has approved the Winnebago County Land and Water Conservation Department’s participation in the MDV program for 2019 to be eligible for available funds; and

WHEREAS, in accordance with the MDV program procedures, the City of Fond du Lac Regional Wastewater Treatment Facility will distribute \$53,857 to the Winnebago County Land and Water Conservation Department to be used for cost-sharing Best Management Practices (\$35,257) and project support (\$18,000).

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Land and Water Conservation Department to accept MDV funds totaling \$53,857.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the funds be allocated to the Winnebago County Land and Water Conservation Department’s 2019 Budget revenue and expenditure accounts.

Submitted by:
LAND CONSERVATION COMMITTEE
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 207-092019: Support a Request to Wisconsin Governor Tony Evers to Submit an Application to the Centers for Medicare and Medicaid Services for a Waiver of the Federal Rule Excluding Individuals Ages 22-64 Who Suffer from Serious and Persistent Mental Illness from Receiving Medicaid Coverage for Treatment and Short-Term Acute Care

WHEREAS, Federal Rules exclude patients ages 22-64 with mental illness, who require short-term placement in an Institution for Mental Disease (IMD), from Medicaid coverage resulting in high costs to Wisconsin counties; and

WHEREAS, the IMD rule fails to provide necessary health care treatment and a path to recovery for young and middle-aged adults with brain disorders; and

WHEREAS, the Centers for Medicare Services (CMS) have issued an invitation to states to apply for a waiver of this exclusion, allowing states to receive federal reimbursement for the cost of treatment in an IMD for young and middle-aged adults with brain disorders.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby supports requesting Governor Tony Evers and the Wisconsin State Legislature to submit an application to CMS for a waiver of the Medicaid IMD exclusion to allow Federal reimbursement of short-term acute care and transition planning for individuals with serious and persistent mental illness.

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 the Office of Governor Tony Evers, the Wisconsin Counties Association, and all state senators and assembly members representing Winnebago County constituents.

Submitted by:
HUMAN SERVICES BOARD
LEGISLATIVE COMMITTEE

Motion by Supervisor Norton and seconded by Supervisor Lautenschlager to adopt. CARRIED BY VOICE VOTE. NAYES: 2 – Brunn and Nussbaum.

RESOLUTION NO. 208-092019: Authorize Borrowing an Amount Not to Exceed \$9,575,000, and Authorize the Issuance and Sale of General Obligation Promissory Notes Therefor

WHEREAS, the Winnebago County Board of Supervisors hereby finds and determines that it is necessary, desirable and in the best interest of Winnebago County to raise funds for the purpose of paying the cost of constructing, remodeling and improving roads, highways, bridges, buildings and sites, including projects at the University of Wisconsin - Fox Valley Campus, and acquiring and installing furnishings, fixtures and equipment (the "Project"), and there are insufficient funds on hand to pay said costs; and

WHEREAS, the Winnebago County Board of Supervisors finds and determines that the Project is within the County's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b) of the Wisconsin Statutes; and

WHEREAS, counties are authorized by the provisions of Section 67.12(12) of the Wisconsin Statutes to borrow money and to issue general obligation promissory notes for such public purposes; and

WHEREAS, the Winnebago County Board of Supervisors of the County hereby finds and determines that general obligation promissory notes in the aggregate amount of not to exceed \$9,575,000 should be issued, and it is now necessary and desirable to authorize their issuance and sale.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that;

Section 1. Authorization of the Notes. For the purpose of paying costs of the Project, there shall be borrowed pursuant to Section 67.12(12) of the Wisconsin Statutes, a principal sum not to exceed NINE MILLION FIVE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$9,575,000).

Section 2. Sale of the Notes. To evidence such indebtedness, the Chairperson and County Clerk are hereby authorized, empowered and directed to make, execute, issue, and sell, on behalf of and in the name of Winnebago County, general obligation promissory notes aggregating a principal amount not to exceed NINE MILLION FIVE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$9,575,000) (the "Notes"). The sale of the Notes shall be negotiated with Robert W. Baird & Co. Incorporated ("Baird"), and the terms of the Notes, including the dating, interest rates, maturity schedule, and other details with respect to the Notes, shall be subject to approval by subsequent resolution of the Winnebago County Board of Supervisors. There is hereby levied on all the taxable property in Winnebago County a direct, annual tax in such years and in such amounts as is sufficient to pay when due the principal and interest on the Notes.

Section 3. Official Statement. The Winnebago County Clerk shall cause an Official Statement concerning this issue to be prepared by Baird. The appropriate Winnebago County officials shall determine when the Official Statement is final for purposes of Securities and Exchange Commission Rule 15c2-12 and shall certify said Statement, such certification to constitute full authorization of such Statement under this resolution.

Section 4. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules, or other actions of the Winnebago County Board of Supervisors or any parts thereof in conflict with the provisions shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted and recorded this 17th day of September, 2019.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Rasmussen and seconded by Supervisor Ellis to adopt. Supervisor Eisen called for a recorded vote. Supervisor Keller offered a friendly amendment to correct Line 10 to read as "University of Wisconsin – Oshkosh, Fox Cities Campus". VOTE ON RESOLUTION: AYES: 33; NAYES: 1 - Defferding; ABSTAIN: 0; ABSENT: 2 – Gabert and Robl. CARRIED.

RESOLUTION NO. 209-092019: Authorize the Transfer of \$25,000 from the Winnebago County Human Services Data Processing Account to the Winnebago County Human Services Capital Outlay – Technology Equipment Account to Purchase a Portal for the Department’s Luna System

WHEREAS, the Winnebago County Department of Human Services was required to purchase a portal for its Luna system to comply with Electronic Health Record (EHR) certification; and

WHEREAS, to secure what is needed to meet these standards, two items must be purchased: 1) a Patient Portal product to replace the HealthJump Patient Portal since HealthJump is no longer in the EHR business; and, 2) the Fast Healthcare Interoperability Resources (FHIR) API product, which will be integrated with Luna to help meet certification standards.; and

WHEREAS, this transfer is being made to accurately account in the Capital Outlay category for this software purchase due to its value being greater than \$5,000 and its useful life greater than one year.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$25,000 from the Winnebago County Department of Human Services Data Processing Account to the Winnebago County Department of Human Services Capital Outlay – Technology Equipment Account to purchase a portal for the Department’s Luna system

Submitted by:
HUMAN SERVICES BOARD
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 210-092019: Authorize the Transfer of \$40,000 from the Winnebago County Department of Human Services’ Other Operating Expense Category to the Winnebago County Department of Human Services’ Training/Travel Category to Cover Increased Registration Fees and Lodging for Required Training

WHEREAS, the Winnebago County Department of Human Services has been experiencing a greater than anticipated rate of staff turnover resulting in the hiring of staff with less experience and training; and

WHEREAS, new staff must attend required training; and

WHEREAS, the Department has a continuing responsibility to ensure that certified and licensed staff receive continuing education; and

WHEREAS, registration fees have become increasingly more expensive; and

WHEREAS, few trainings are held in the Fox Valley, requiring travel and lodging around the state; and

WHEREAS, new and continuing staff must attend required training; and

WHEREAS, this transfer is being made to accommodate additional training registrations and lodging expenses, and will be offset by savings in the Juvenile Correctional Expense Account which is currently under budget.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$40,000 from the Winnebago County Department of Human Services’ Other Operating Expense category to the Winnebago County Department of Human Services’ Training/Travel category to cover increased registration fees and lodging.

Submitted by:
HUMAN SERVICES BOARD
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 211-092019: Authorize the Winnebago County UW-Extension Department to Accept Additional Funding from the Sources of Strength Program in the Amount of \$20,417, and Appropriate the Funds to the Related Program Expenses

WHEREAS, the Winnebago County UW-Extension has a Source of Strength program that trains adult and peer leaders within area schools in evidence-based suicide prevention methods; and

WHEREAS, this program has expanded in 2019 to include 17 schools (9 more than budgeted for); and

WHEREAS, this expansion will result in receiving additional revenue of \$20,417.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County UW-Extension Department to accept additional funding from the Sources of Strength program in the amount of \$20,417, and appropriate the funds to support the related program expenses.

Submitted by:
UNIVERSITY OF WISCONSIN
EDUCATION, EXTENSION, AND AGRICULTURE COMMITTEE
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 212-092019: Authorize a Capital Project for Wittman Regional Airport to Construct a New Aviation Business Park Taxiway at a Cost of \$450,000, Funded with an Advance from the General Fund to be Reimbursed with a Subsequent Bond Issue

WHEREAS, in 2013 Winnebago County and the City of Oshkosh, in a joint venture, purchased 80 acres of land on the southeast side of Wittman Regional Airport for the purpose of developing an Aviation Business Park. Winnebago County owns approximately 50 acres and the City of Oshkosh owns approximately 30 acres of the purchased property; and

WHEREAS, since the initial land purchase, the City of Oshkosh, through grant and Tax Incremental Finance (TIF) funding by city borrowing, has constructed improvements to the business park, valued at approximately \$3 million; and

WHEREAS, infrastructure improvements include Aerolnnovate Way, an approximately half mile long concrete access road, which bisects the parcels owned by Winnebago County and the City of Oshkosh. Other infrastructure improvements include the installation of storm sewer, electrical, roadway lighting, sanitary sewer, water service, regional storm water drainage, and retention improvements; and

WHEREAS, by late 2016, the majority of these improvements in the Business Park were completed. In 2018, the final work on the water line loop to the site was completed; and

WHEREAS, to date, the Aviation Business Park is not yet physically connected to the remainder of the Airport. Joining the Business Park and the Airport will make the Business Park fully developable for entities constructing facilities on either side of Aerolnnovate Way; and

WHEREAS, the goal of the Aviation Business Park Taxiway Project is to construct a new 370 foot long by 50 foot wide concrete taxiway to connect existing Taxiway A to the Business Park property; and

WHEREAS, this project has been included in Winnebago County's 5-Year Capital Improvements Plan and is scheduled for construction in 2020; and

WHEREAS, initial funding for this project will be borne solely by Winnebago County until a tenant has located into the Business Park. The Wisconsin Department of Transportation Bureau of Aeronautics (WI DOT BOA) has executed a letter of understanding outlining its intent to reimburse all project costs up to 95% for a federal (FAA) project and up to 80% for a state aid project (non-FAA).

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves and authorizes a capital project for Wittman Regional Airport to construct a new Aviation Business Park Taxiway at a cost of \$450,000, to be funded with bond proceeds.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the funds to pay for these capital improvement projects will be advanced from the General Fund Balance and will be reimbursed from a subsequent bond issue.

Submitted by:
AVIATION COMMITTEE
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Singstock and seconded by Supervisor Konetzke to adopt. Supervisor Eisen requested a recorded vote. VOTE ON RESOLUTION: AYES: 34; NAYES: 0; ABSTAIN: 0; ABSENT: 2 – Gabert and Robl. CARRIED.

RESOLUTION NO. 213-092019: Authorize the Transfer of \$20,219 from the Winnebago County Airport Undesignated Fund to the Winnebago County Airport Maintenance Grounds Account to Repair the Airport Perimeter Road

WHEREAS, In March 2019 Wittman Regional Airport experienced extensive flooding as a result of snowmelt; and

WHEREAS, several sections of the Airport's perimeter road were severely damaged due to this snowmelt; and

WHEREAS, repair work was performed by the Winnebago County Highway Department; and

WHEREAS, the actual costs of the repairs were higher than original estimates, causing the airport to exceed its budget in this category.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Transfer of \$20,219 from the Winnebago County Airport Undesignated Fund to the Winnebago County Airport Maintenance Grounds Account to repair the Airport perimeter road.

Submitted by:
AVIATION COMMITTEE
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 214-092019: Execute Utility Easement Agreement between Winnebago County and Wisconsin Bell Inc., d/b/a AT&T Wisconsin

WHEREAS, Wisconsin Bell Inc. desires an easement across and beneath Wittman Regional Airport property for the purpose of constructing, installing, and maintaining a fiber optic line and associated appurtenances; and
WHEREAS, the cost of installation, operation, repair, and maintenance of the fiber optic improvements will be borne solely by Wisconsin Bell; and

WHEREAS, the Aviation Committee has reviewed the attached easement agreement and believes that its execution would be in the best interests of the citizens of Winnebago County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Executive and the Winnebago County Clerk to execute the attached easement agreement between Winnebago County and Wisconsin Bell Inc., d/b/a AT&T Wisconsin, for the purpose of providing ingress and egress to install, repair, and maintain a fiber optic line beneath Wittman Regional Airport property.

Submitted by:
AVIATION COMMITTEE

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

RESOLUTION NO. 215-092019: Support Local Control for Livestock Siting

WHEREAS, the number of Concentrated Livestock Feeding Operations (CAFOs) in Wisconsin is increasing; and

WHEREAS, between 2005 and 2016, the number of CAFOs nearly doubled, from 146 to 295; and

WHEREAS, State law preempts local governments from regulating CAFOs more stringently than required by the Livestock Facility Siting Law (ATCP 51); and

WHEREAS, opportunity for stronger local siting standards based on “reasonable and scientifically defensible findings of fact” that “clearly show that the standards are needed to protect the public health or safety” remain very limited; and

WHEREAS, the Department of Natural Resources (DNR) issues water pollution discharge permits to CAFOs and more stringent local regulation of issues related to water quality may also prove difficult; and

WHEREAS, the unique geographic features throughout Wisconsin make it necessary to assess the environmental impacts of CAFOs on a county-by-county basis; and

WHEREAS, the Department of Revenue adjusted downward a Kewaunee County landowner’s property taxes because of the property’s proximity to a large CAFO, and in 2016 the Department of Revenue did the same for a property in Green County; and

WHEREAS, in addition to affecting landowners, this also impacts local governments, which are seeing a deterioration of their property tax base because existing state siting standards are insufficient to protect neighboring properties; and

WHEREAS, pursuant to §93.90(2), Wis Stats, the Department of Agriculture, Trade, and Consumer Protection (DATCP) shall appoint a Technical Committee to review ATCP 51 and make recommendations at least every four years; and

WHEREAS, DATCP convened the first Technical Committees in 2010, 2014, and 2018 but has made no changes to ATCP 51 despite the Committee’s work or summary reports; and

WHEREAS, §93.90, Wis Stats, fails to provide guidance for implementation of the Technical Committee’s recommendations.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby recognizes the authority of ATCP 51 to set statewide minimum standards and procedures for CAFOs but supports lifting the preemption of local control in ATCP 51 and allowing local governments to pass more stringent standards and procedures that are based on reasonable and scientifically defensible findings of fact that clearly show that the standards are needed to protect ground and surface water and air quality and public health or safety without seeking DATCP or DNR approval.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby urges the Legislature to amend the Statute to require that the findings of the Technical Committee must be presented in writing to the Department of Agriculture, Trade, and Consumer Protection (DATCP), and that the Wisconsin DATCP Board must

present a scope statement to the Wisconsin Secretary of Agriculture within 90 days, and if DATCP fails to take action on the scope statement within six (6) months, the scope statement must be sent to the Joint Committee for Review of Administrative Rules and scheduled for a public hearing.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby directs the Winnebago County Clerk to send a copy of this Resolution to the Office of Governor Tony Evers, the Wisconsin Counties Association, and all state senators and assembly members representing Winnebago County constituents.

Submitted by:
LEGISLATIVE COMMITTEE

Motion by Supervisor Egan and seconded by Supervisor Snider to adopt. CARRIED BY VOICE VOTE.
ABSTAIN: 6 – Farrey, Brunn, Lenz, Nussbaum, Schorse and Smith.

RESOLUTION NO. 216-092019: Support Take Back the Night Rally

WHEREAS, Reach Counseling provides services to primary and secondary sexual assault victims in Winnebago County; and

WHEREAS, Christine Ann Domestic Abuse Services provides services to individuals affected by domestic violence in Winnebago County; and

WHEREAS, according to the Wisconsin Coalition Against Sexual Assault, 1 in 7 Wisconsin women will be raped in their lifetime; and

WHEREAS, according to End Abuse Wisconsin, 62 people lost their lives to domestic violence in 2017; and

WHEREAS, Take Back the Night is an international event started in the 1970s held to raise awareness on sexual assault and domestic violence.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby acknowledges and encourages all citizens of Winnebago County to attend the "Take Back the Night Rally" on Wednesday, October 2, 2019, to be held at Becketts located at 2 Jackson Street in Oshkosh, Wisconsin.

Submitted by:
MICHAEL NORTON, District 20
JULIE GORDON, District 17
STEPHANIE SPELLMAN, District 10
LARRY LAUTENSCHLAGER, District 19
AARON WOJCIECHOWSKI, District 16
BRIAN DEFFERDING, District 6

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

Motion by Supervisor Albrecht and seconded by Supervisor Finch to adjourn until the October 15, 2019 meeting at 6:00 p.m. The meeting was adjourned at 7:54 p.m.

Submitted by:
Julie A. Barthels
Winnebago County Deputy Clerk

State of Wisconsin)
County of Winnebago) ss

I, Julie A. Barthels, 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 17, 2019.

Julie A. Barthels
Winnebago County Deputy Clerk