

**WINNEBAGO COUNTY BOARD MEETING
TUESDAY, MAY 19, 2009**

Chairman David Albrecht called the meeting to order at 6:00 p.m. in the County Board Room, Fourth Floor, Courthouse, 415 Jackson Street, Oshkosh, Wisconsin.

The meeting was opened with the Pledge of Allegiance and an invocation by Supervisor Locke.

The following Supervisors were present: Konetzke, Barker, Griesbach, Eisen, Ramos, Roh, Koziczkowski, Smith, Widener, Hamblin, Albrecht, Gabert, Riste, Thompson, Gearhart, Hall, Wingren, Lennon, Jacobson, Norton, Warnke, Robl, Eichman, Kline, Locke, Nelson, Finch, Farrey, Diakoff, Brennand, Egan, Ellis, Rengstorf and Reinert. Excused: Schmuhl and Sievert.

Motion by Supervisor Robl and seconded to adopt tonight's agenda with the change of order of the Resolutions so that No. 220-52009 is acted on before No. 202-52009. CARRIED BY VOICE VOTE.

PUBLIC HEARING

The following people spoke against Resolution No. 207-52009: Support Wisconsin Alliance of Cities Resolution Relating to prevailing Wage Rates:

- Owen Jones, 1126 Powers Street, Oshkosh; Lynn Jones, 5192 Highway 175, Oshkosh

COMMUNICATION, PETITIONS, ETC.

Notice of Claim from Charles Kasuboski for damage to his farm field caused by the county's Highway Department while they were removing snow fences was referred to the Personnel & Finance Committee.

Notice of Claim from Kurt Kofnetka for damages resulting from actions of the Winnebago County Clerk of Courts Office was referred to the Personnel & Finance Committee.

Notice of Claim from Karen Kieper for damage to her vehicle caused by a county snow plow forcing her into the median was referred to the Personnel & Finance Committee.

Notice of Claim from Paul Robinson for damage to his mail box caused by a county snow plow was referred to the Personnel & Finance Committee.

It was noted for the record that a letter was received from the Town of Nekimi expressing their opposition to the proposed Westside arterial south of Highway 91. Each supervisor received a copy of the letter.

The following resolutions were received and forwarded to committees as noted:

- From the City of Berlin - "A Resolution of the Common Council of the City of Berlin, WI to Winnebago County in Support of the Eureka Bridge Replacement to be Engineered for a Minimum 10' Center Span Vertical Height at Normal Water Levels to Enhance Recreational Boating Traffic and Tourism on the Fox River from Oshkosh to Berlin" – referred to the Highway Committee
- From the counties of Door, Forest and Jackson - "Resolution Opposing the Governor's Proposed Changes to Insurance Laws and 2009 Senate Bill 20" – referred to the Legislative Committee
- From the counties of Jackson, Oconto and Washburn – "Opposition to S.149 'Weekend Voting Act' and '2009 Assembly Joint Resolution 2'" – referred to the Legislative Committee
- From Dodge County – a resolution expressing their opposition to U.S. Senate S.149 regarding weekend voting – referred to the Legislative Committee
- From Calumet County – "Resolution to Support Restoring Grant Funding for the Wisconsin Hazardous Waste Clean Sweep Program" – referred to the Solid Waste Management Board
- From Chippewa County – "Requesting that the State of Wisconsin Department of Corrections Increase Reimbursement Payments for State Probation and Parole Prisoners Held in the Chippewa County Jail" – referred to the Judiciary & Public Safety Committee
- From Door County – supporting the "Standard Enforcement of Seatbelt Law" – referred to the Judiciary & Public Safety Committee
- From Lincoln County – "Supporting a Change in State Legislation Permitting Register of Deeds Recording Fees to be Changed from "Per Page" Fees to "Flat" Fees – referred to the Judiciary & Public Safety Committee
- From Ozaukee County – "Opposing Proposed Changes to Prevailing Wage Law" – referred to the Legislative Committee

Petition for Zoning Amendment from Charles Prellwitz, President, Al-N-Rae Farms Inc., Town of Nepeuskun for zoning change for tax parcel nos. 014-0655, 014-0656 and 014-0655-01 from A-2 to R-1 for residential purposes was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Lawrence C. Kriescher, Town of Poygan for zoning change for tax parcel nos. 020-0098-02 and 020-0098-03. Tax parcel no. 020-0098-02 south of CTH B from B-2 to A-2; north of CTH B will remain R-1. Tax parcel no. 020-0098-03 from B-2 to R-1. Zoning changes will allow for residential and general agriculture. Petition was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Thomas H. Teckam and Cynthia Webb, Town of Algoma for zoning change for tax parcel no. 0020-015 from A-2 to R-1 for a single-family residence was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Brian Chappa, Town of Omro for zoning change for tax parcel nos. 016-0527-02 and 016-0521(p) from A-2 to R-1 for residential use was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Anthony D. Voulgaris, Town of Black Wolf for zoning change for tax parcel no. 004-0497-04 from A-2 to R-1 for residential use was referred to the Planning & Zoning Committee.

REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS

Supervisor Barker thanked Chairman Albrecht for organizing yesterday's county board tour. She felt that it was one of the most informative tours that they have had in some time.

Supervisor Kline reported that there will not be a Legislative Committee meeting in May because of the Memorial Day holiday. Their next meeting will be June 22.

Supervisor Finch also thanked Chairman Albrecht for yesterday's county board tour. He also reminded the Board about the May 23 rummage sale at the Expo Center.

Supervisor Widener reported on the following:

- Public forum on long-term family care on May 28 from 6:00 p.m. to 7:30 p.m. at the Menasha public library.
- He has spoken to other Wisconsin counties about their long-term family care programs and found that some also have 9-member boards; one group of eleven counties appoints a member from each county for an eleven member board; a cut in funds for long-term family care is not expected because most of the funds are coming from the federal government.
- Outagamie County has approved the elevator project for UW-Fox Valley, so hopefully that project will be started again soon. It will not be completed by the fall semester however.
- The Winnebago County Board has been very supportive of Head Start and those people participating in the program. Statistics show that children in pre-kindergarten from low income areas have a vocabulary of approximately 800 words. Children in pre-kindergarten from more affluent areas have a vocabulary of 10,000 words.

Supervisor Rengstorf reported that two people graduated from Drug Court last Friday, bringing the total number of graduates to eleven. Nationwide, the recidivism rate in drug court programs is 17%. In Winnebago County the recidivism rate is 0%.

Motion by Supervisor Robl and seconded to approve the proceedings from the April 21, 2009 County Board meeting. Supervisor Finch asked that he be listed as excused rather than absent. Supervisor Ramos asked that his vote on Resolution No. 196-42009 be listed as "no". Approval of proceedings as corrected - CARRIED BY VOICE VOTE.

COUNTY EXECUTIVE'S REPORT

Executive Harris asked the Board to review the Executive's Capital Improvements Projects for 2009-2013 report that was placed on their desks. If anyone has questions on this report they can either call Chuck Orenstein or Mr. Harris.

Mr. Harris discussed the county's budgetary situation and how it is being affected by the State of Wisconsin and the federal government's budgets. He explained that after meeting with Chuck Orenstein, Winnebago County Finance Director, and going over the budget numbers for January thru April, 2009, it shows that Winnebago County is on track for its 2009 budget.

Mr. Harris stated that he feels that 2010 will be a difficult year because of proposals in the state's budget. However, he does feel that 2010 will be manageable "within the levy limits that we're provided." The state's proposed 1% cut of revenue sharing will cost the county approximately \$40,000. However, other cuts will have a greater impact. Those include:

- 10% cut in administrative money for the income support area
- Increasing county costs for juvenile placements
- County will be responsible for some of the mental health charges for people under 22 and over 65. These charges use to be covered by Medicare and the state, but now part of those costs will be the county's responsibility.
- Community aids are also being reduced.
- Major changes in the way the state shares federal funding with counties for nursing home losses. This proposed change by the state would have a dramatic affect on counties and could force some counties to close their nursing homes.

Mr. Harris stated that the above changes will have an approximate \$1.6 million affect on Winnebago County in 2010, and may require the county to take the full available amount of the levy freeze. Mr. Harris stated that if "fair labor contracts" are negotiated for 2010, the \$1.6 million impact should be manageable.

Mr. Harris is concerned that because the state's sales and income tax revenues are much lower than they anticipated, the state is looking at additional cuts of \$1.6 billion. Where these cuts are coming from has not been determined, but they would occur in the second year (2011) of the state's biennium budget. Mr. Harris stated that this would make 2011 very difficult for Winnebago County and "innovative solutions" would be needed.

Mr. Harris explained that our reserves are up from four years ago and our debt levels are consistent with four years ago, so we are "in good financial shape". However, Mr. Harris stated we must be aware that fiscal problems at the state and federal level are bound to affect Winnebago County at some point.

Mr. Harris answered questions from the Board.

COUNTY EXECUTIVE'S APPOINTMENT

Lakeland Long Term Care District

Executive Harris asked for the Board's approval of his appointments of Leah Kitz, Supervisor Koziczowski and Mark Harris to the Lakeland Long Term Care District Board. Normal terms would be three years, but the initial startup will have staggered terms. Mr. Harris' term will expire April 30, 2010, Ms. Kitz's term will expire April 30, 2011 and Supervisor Koziczowski's term will expire April 30, 2012. Motion by Supervisor Robl and seconded to approve. CARRIED BY VOICE VOTE.

Local Emergency Planning Commission

Executive Harris asked for the Board's approval of his re-appointment of Supervisor Smith to the Local Emergency Planning Commission. As a County Board Supervisor, Mr. Smith's term will end April 20, 2010. Motion by Supervisor Brennand and seconded to approve. CARRIED BY VOICE VOTE.

Winnefox Library System Board of Trustees

Executive Harris asked for the Board's approval of his appointments of Kathy Bermingham and Kristy Bradish to the Winnefox Library System Board of Trustees. Both will be filling vacancies. Ms. Bermingham's term will expire December 31, 2010 and Ms. Bradish's term will expire December 31, 2011. Motion by Supervisor Finch and seconded to approve. CARRIED BY VOICE VOTE.

Long Term Support Advisory Committee

Executive Harris asked for the Board's approval of his appointment of Ann Jungwirth and re-appointments of Supervisors Koziczowski and Widener and Judy Thomas to the Long Term Support Advisory Committee. These are three-year terms that will expire April 17, 2012. Motion by Supervisor Finch and seconded to approve. CARRIED BY VOICE VOTE.

CHAIRMAN'S REPORT

Chairman Albrecht reported that Supervisor's Sievert and Schmuhl are excused from tonight's meeting. Supervisor Sievert is home following knee surgery and she is doing well.

RICK MOORE, AIA, ACHA, PRINCIPAL, HORTY ELVING PRESENTATION OF DESIGN 2009 CITATION OF MERIT AWARD FOR PARK VIEW HEALTH CENTER

Rick Moore, AIA, ACHA, Principal of Horty Elving presented the Design 2009 Citation of Merit Award to Margie Rankin, Park View Health Center Administrator and Mike Elder, Director of Facilities and Property Management.

Mr. Moore stated that this award is presented on behalf of Horty Elving, the SAGE Group and the Vendome Publishing Group. He explained that it is a real honor to receive an award from the SAGE Group, because they are very particular. Mr. Moore said this award was received because Park View Health Center's design makes for a very home-like environment and it has an abundance of natural light and gathering spaces. Mr. Moore also stated that because the service level is in the basement and they have their own elevators and service hallways, laundry and food carts are rarely seen which retains the home-like setting.

The Board recognized the presentation of this award with a round of applause.

ZONING REPORTS & ORDINANCES

REPORT NO. 001. A report from the Planning & Zoning Committee regarding a requested zoning change from applicants and property owners John & Cathy Davel, Town of Menasha, for zoning change to B-3 for tax parcel no. 008-0055-04(p). Motion by Supervisor Brennand and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 05-01-09. A requested zoning change from B-2 (Community Business) to B-3 (General Business). Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – May 27, 2009)

REPORT NO. 002. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant, Ronald Otto; and property owner, Carl Otto, Town of Rushford, for a zoning change to R-1 for tax parcel no. 022-0800-02. Motion by Supervisor Brennand and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 05-02-09. A requested zoning change from A-2 (General Farming) to R-1 (Single Family Non-subdivided). Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – May 27, 2009)

RESOLUTIONS AND ORDINANCES

RESOLUTION NO. 220-52009: Authorize Park View Health Center to Accept a \$3,600 Donation from the Ladies Benevolent Society for the Purchase of a Bariatric Bed to Meet Resident Needs.

WHEREAS, the Ladies Benevolent Society advocates for older adults; and

WHEREAS, Park View Health Center would benefit from the purchase of a bariatric bed to better enable it to meet the growing demand of caring for individuals with unique needs related to their weight and diagnosis; and

WHEREAS, Park View Health Center will be able to offer a well-rounded service of safety, comfort, dignity, and peace of mind to bariatric residents; and

WHEREAS, the Ladies Benevolent Society has offered to donate \$3,600 to Park View Health Center for the purchase of a bariatric bed for a resident; and

WHEREAS, it would be beneficial for Park View to accept this donation and purchase a bariatric bed.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes Park View Health Center to accept a \$3,600 donation from the Ladies Benevolent Society and appropriates the funds for the purchase of a bariatric bed for an older resident of Park View Health Center.

Submitted by:
PARK VIEW HEALTH CENTER COMMITTEE
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Wingren and seconded to adopt. Ayes: 33. Nays: 1 – Reinert. Excused: 2 – Schmuhl and Sievert. CARRIED.

RESOLUTION NO. 202-52009: Authorize Funding Needed to Begin the Roadway Design for the CTH I Project from CTH N to the City of Oshkosh

WHEREAS, the Winnebago County Board of Supervisors supports the design and reconstruction of CTH I from CTH N to the the City of Oshkosh; and

WHEREAS, the project will begin at the intersection of CTH I and CTH N and continue north to the City of Oshkosh limits, a distance of approximately 1.50 miles; and

WHEREAS, the project has been in the Winnebago County Five-Year Capital Improvement Plan since 1998; and

WHEREAS, the design project will include a four-lane urban section of roadway with curb and gutter, storm sewer, and the possibility of constructing a roundabout at the intersection of CTH N; and

WHEREAS, the completed design will allow the Winnebago County Highway Commission time to plan, apply for and secure funding from state and federal sources for the eventual reconstruction of CTH I; and

WHEREAS, the project design needs to begin at this time in order to meet the timeline associated with the possibility of securing federal funds for construction of the project in 2011; and

WHEREAS, the estimated cost of the design contract is \$180,000; and

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates the sum of \$180,000 from the General Fund of Winnebago County for the purpose of paying said costs.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the General Fund will be reimbursed from a subsequent bond issue.

Submitted by:
HIGHWAY COMMITTEE
PERSONNEL & FINANCE COMMITTEE

WITHDRAWN by Supervisor Robl.

RESOLUTION NO. 203-52009: Support Restoration of Funding for Vital Human Services Programs

WHEREAS, Wisconsin Counties are responsible for providing a safety net for basic human services to Wisconsin citizens in numerous areas; and

WHEREAS, the demand for these services has grown and continues to grow significantly due to the recent economic downturn; and

WHEREAS, the Governor's proposed state budget for 2009-2011 eliminates more than \$59 Million in state money to counties for programs that directly fund county human services, specifically by:

- A. Cutting \$20.1 million from the Children and Families Basic County Allocation, which provides funding for child abuse and neglect prevention services, child welfare investigations, out-of-home placements for children at risk, child welfare services to families, and services to children at risk of becoming delinquent;
- B. Shifting \$13.7 million dollars in the next two years in state obligations to the counties by having the counties pay for the state's portion providing institutional mental health care for children under the age of 22 and for elderly mental health patients over the age of 65 ;
- C. Cutting \$11.8 million in the next two years from state Youth Aids payments to counties while increasing the cost to counties of placing juveniles in state corrections facilities by an additional \$2 million dollars; and
- D. Cutting \$11 million dollars in the next two years from state funding for county income maintenance contracts that pay for staff that determine eligibility for FoodShare, Medical Assistance, and child care, and BadgerCare funding; and

WHEREAS, the proposed reductions would result in a projected loss of at least \$1,333,000.00 in state funds to Winnebago County and would result in significant reduction of services and benefits to as many as 1,000 residents in Winnebago County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby urges the Wisconsin Legislature and Governor James Doyle to fully restore funding for those vital programs described above as part of the 2009-2011 state budget.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that a copy of this resolution be transmitted by the Winnebago County Clerk to the Office of Governor James Doyle; to all Legislators representing constituents from Winnebago County in the state legislature; and to the Wisconsin Counties Association.

Submitted by:
LEGISLATIVE COMMITTEE

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

RESOLUTION NO. 204-52009: Oppose Elimination of Spring Elections for Nonpartisan Offices

WHEREAS, a proposed constitutional amendment has been submitted to the Wisconsin Legislature to eliminate the spring election for nonpartisan offices so that all regularly scheduled elections will be held in November; and

WHEREAS, the proposed constitutional amendment further prescribes special shortened terms for nonpartisan officers who are elected after the effective date of the amendment; and

WHEREAS, the Legislative Committee of the Winnebago County Board is opposed to the passage of said constitutional amendment.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby opposes a proposed constitutional amendment to eliminate spring elections for nonpartisan offices and to shorten the terms for nonpartisan officers who are elected after the effective date of said amendment, should it be passed.

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 James Doyle; to all legislators representing Winnebago County constituents within the Wisconsin Legislature; and to the Wisconsin Counties Association.

Submitted by:
LEGISLATIVE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Motion by Supervisor Widener and seconded to layover until the next meeting (June 16, 2009). CARRIED BY VOICE VOTE.

RESOLUTION NO. 205-52009: Oppose Revisions to the Farmland Preservation Program as Contained Within the 2009-2011 State Budget

WHEREAS, the 2009-2011 State Budget submitted to the Wisconsin Legislature contains various amendments to the Farmland Preservation Program; and

WHEREAS, the Legislative Committee to the Winnebago County Board believes that revisions to said program need to involve local stakeholders and administrators that understand the practical issues related to farmland protection; and

WHEREAS, the State Budget Bill is too large a piece of legislation so as to seriously consider specific issues related to farmland preservation; and

WHEREAS, it is the recommendation of your Legislative Committee that all references to amendments to the Farmland Preservation Program be removed from the State Budget Bill and be resubmitted in the form of separate legislation.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby expresses its opposition to any amendments to the Farmland Preservation Program as presently contained in the 2009-2011 proposed State Budget Bill.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it recommends that a separate piece of legislation containing amendments to Farmland Preservation Program be submitted to the Wisconsin Legislature, if so desired, by Governor James Doyle.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it directs the Winnebago County Clerk to submit a copy of this resolution to the Office of Governor James Doyle; to all Legislators representing constituents within Winnebago County in the Wisconsin Legislature; and to the Wisconsin Counties Association.

Submitted by:
LEGISLATIVE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 33. Nays: 0. Abstain: 1 – Ramos. Excused: 2 – Schmuhl and Sievert. CARRIED.

RESOLUTION NO. 206-52009: Support Standard Statewide Enforcement of Seatbelt Laws

WHEREAS, the State of Wisconsin has adopted a law requiring the use of seatbelts in certain motor vehicles; and

WHEREAS, the current statute prohibits a law enforcement officer from stopping and inspecting a motor vehicle solely for the purpose of determining whether that vehicle is complying with seatbelt use requirements; and

WHEREAS, the federal government has offered a monetary incentive to the State of Wisconsin to enact legislation for primary enforcement of seatbelt laws; and

WHEREAS, a one-time payment of \$15.2 million dollars with bonuses up to \$2.1 million dollars would be made to the State of Wisconsin to be used for federal aid eligible projects, including highway construction if laws are enacted by the state allowing for the primary enforcement of seatbelt use on or before July, 2009; and

WHEREAS, if primary enforcement had been acted in 2007 by the State of Wisconsin estimates made by the National Highway Traffic Safety Administration indicate that seatbelt use would have increased by 85% thus resulting in an estimated 44 fewer fatalities and 650 fewer serious injuries within the State of Wisconsin, thus reducing economic loss from such accidents in Wisconsin by \$147 million dollars; and

WHEREAS, the seatbelt use greatly increases the chances of surviving an automobile crash.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby indicates its support for the adoption of legislation by the State of Wisconsin allowing for primary enforcement of state seatbelt laws by law enforcement officers.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that a copy of this resolution be transmitted by the Winnebago County Clerk to the Office of Governor James Doyle; to the Office of those Legislators representing constituents from Winnebago County in the Wisconsin Legislature; and to the Wisconsin Counties Association.

Submitted by:
LEGISLATIVE COMMITTEE

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

RESOLUTION NO. 207-52009: Support Wisconsin Alliance of Cities Resolution Relating to Prevailing Wage Rates

WHEREAS, the Wisconsin Alliance of Cities, on March 25, 2009, adopted a resolution in opposition to proposed amendments contained in Governor Doyle's proposed biennial state budget relating to prevailing wage rate laws in connection with municipal building projects; and

WHEREAS, a copy of said resolution is herewith attached and made a part of this resolution by reference.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby indicates its support of the resolution adopted on March 25, 2009 by the Wisconsin Alliance of Cities, a copy of which is herewith attached and made a part of this resolution by reference.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that a copy of this resolution be transmitted by the Winnebago County Clerk to the Office of Governor James Doyle; to all Legislators representing Winnebago County constituents within the Wisconsin Legislature; and to the Wisconsin Counties Association.

Submitted by:
LEGISLATIVE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 17 – Barker, Griesbach, Eisen, Koziczkowski, Smith, Hamblin, Albrecht, Gabert, Riste, Lennon, Robl, Kline, Nelson, Finch, Farrey, Diakoff and Rengstorf. Nays: 17 – Konezke, Ramos, Roh, Widener, Thompson, Gearhart, Hall, Wingren, Jacobson, Norton, Warnke, Eichman, Locke, Brennand, Egan, Ellis and Reinert. Excused: 2 – Schmuhl and Sievert. LOST.

RESOLUTION NO. 208-52009: Support Resolution by Alliance of Cities Regarding the American Recovery and Reinvestment Act

WHEREAS, the Board of Directors of the Alliance of Cities recently passed a resolution requesting that the criteria for use of monies received from the American Recovery and Reinvestment Act be loosened so as to allow local governments to use those monies for paving and resurfacing needs, among other things; and

WHEREAS, the Legislative Committee of the Winnebago County Board of Supervisors is in support of said resolution.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby indicates its support for the resolution passed by the Board of Directors of the Alliance of Cities on March 25, 2009 requesting that the American Recovery and Reinvestment Act be amended so as to allow a broader spectrum of uses for said funds. A copy of said resolution of the Alliance of Cities is attached hereto and made a part of this resolution by reference.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that a copy of this resolution be transmitted by the Winnebago County Clerk to the Office of Governor James Doyle, to all Legislators representing Winnebago County constituents within the Wisconsin Legislature; and to the Wisconsin Counties Association.

Submitted by:
LEGISLATIVE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Motion by Supervisor Finch and seconded to amend the resolution by eliminating the first page entirely and changing the second page as follows:

- Remove heading, "An Alliance of Cities Resolution"
- Third paragraph – change "cities" to "communities"

Supervisor Widener called for a point of order stating that Supervisor Finch can not amend a resolution that was passed by the Alliance of Cities.

Chairman Albrecht asked Mary Anne Mueller, Assistant Corporation Counsel, for an opinion on the basis of Supervisor Widener's point of order.

Chairman Albrecht then allowed Supervisor Finch to continue with his amendment to the Resolution:

- In the "NOW THEREFORE BE IT RESOLVED" paragraph, change "Wisconsin Alliance of Cities" to "Winnebago County Board of Supervisors"
- In the "FURTHER BE IT RESOLVED" paragraph, change "Wisconsin Alliance of Cities" to "Winnebago County Board of Supervisors"
- Eliminate "Approved by the Alliance Board of Directors, March 25, 2009", "Timothy Hanna President".

Motion by Supervisor Brennand and seconded to refer back to the Legislative Committee. Supervisor Finch withdrew his motion to amend. Vote on motion to refer – CARRIED BY VOICE VOTE.

RESOLUTION NO. 210-52009: Authorize the Sale of Property to the Wisconsin Department of Transportation

WHEREAS, the Wisconsin Department of Transportation desires to purchase approximately 1.246 acres of property from Winnebago County, which is adjacent to the Sunnyview Landfill, for the price of \$7,500.00 in connection with the tentative expansion of U.S. Highway 41; and

WHEREAS, the appraisal of said property has been performed by the Wisconsin Department of Transportation; and

WHEREAS, the Winnebago County Solid Waste Management Board has reviewed the proposal of the Wisconsin Department of Transportation and recommends that it be accepted by the Winnebago County Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Clerk and Winnebago County Executive to execute a Warranty Deed to the Wisconsin Department of Transportation for the sale of property which is adjacent to the Sunnyview Landfill, for the price of \$7,500.00, which is described as follows:

Parcel 7 of Transportation Project Plat 1120-09-21-4.05, recorded as Document No. 1484352 and filed in File 1 of TPP Page 63, in the office of the Register of Deeds, Winnebago County, Wisconsin.

Property interest and rights of said Parcel 7 consist of:

Fee simple.

Also, Parcel 7 of Transportation Project Plat 1120-09-21-4.06, recorded as Document No. 1484353 and filed in File 1 of TPP Page 64, in the office of the Register of Deeds, Winnebago County, Wisconsin.

Property interests and rights of said Parcel 7 consist of:

Fee simple.

Any interests or rights not listed above for said parcel but shown as required on said transportation Project Plats are hereby incorporated herein by reference.

(Tax Parcel Number 91268510000)

Submitted by:
SOLID WASTE MANAGEMENT BOARD

Motion by Supervisor Robl and seconded to adopt. Ayes: 31. Nays: 3 – Ramos, Diakoff and Reinert. Excused: 2 – Schmuhl and Sievert. CARRIED.

RESOLUTION NO. 211-52009: Support 2010 Census Efforts

WHEREAS, the United States Constitution requires a census of the population of the United States every ten years; and

WHEREAS, census information is used to determine the number of members each state is entitled to in the U.S. House of Representatives and it is also used to determine voting districts with regard to state legislative and local governmental bodies; and

WHEREAS, an accurate and complete census count is important to Winnebago County in determining federal and state aids and grants, economic development, housing assistance, transportation improvement aids and for many other purposes; and

WHEREAS, every resident in Winnebago County counts and deserves to be counted in the census.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it recognizes the importance of the 2010 census.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Executive to form an administrative Complete Count Committee and to appoint persons thereto for the purpose of promoting the census and assuring that all residents of Winnebago County are counted.

Submitted by:
STAN KLINE, DIST. #25
COUNTY BOARD SUPERVISOR

Motion by Supervisor Kline and seconded to adopt. Motion by Supervisor Eisen and seconded to delete Lines 24 thru 27 which read, "BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Executive to form an administrative Complete Count Committee and to appoint persons thereto for the purpose of promoting the census and assuring that all residents of Winnebago County are counted." LOST.

Vote on Resolution as presented: CARRIED BY VOICE VOTE.

RESOLUTION NO. 212-52009: Authorize Ground Lease Between Winnebago County and Experimental Aircraft Association, Inc.

WHEREAS, the Experimental Aircraft Association, Inc. desires to lease approximately 43,443 square feet of property at Wittman Regional Airport for a term of twenty (20) years with an option to the Lessee to extend the term of the lease for up to four (4) additional extended terms of five (5) years each at an initial rate of \$.13 per square foot per year, with the rent being adjusted on each third anniversary date thereafter; and

WHEREAS, the initial rent for said property would be \$5,647.59 per year; and

WHEREAS, the primary use of the premises shall be for aircraft storage within a hangar building; and

WHEREAS, the Aviation Committee of the Winnebago County Board of Supervisors has reviewed and approved said proposed lease.

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 above-described lease with the Experimental Aircraft Association, Inc. Said proposed lease is made a part of this resolution by reference. (A complete copy of said lease may be obtained upon request to the office of the Airport Director or Corporation Counsel.)

Submitted by:
AVIATION COMMITTEE

Motion by Supervisor Lennon and seconded to adopt. Ayes: 34. Nays: 0. Excused: 2 – Schmuhl and Sievert. CARRIED.

RESOLUTION NO. 213-52009: Approve Lease Between Federal Aviation Administration and Winnebago County (Air Traffic Control Tower)

WHEREAS, the Federal Aviation Administration desires to enter into a lease agreement for the Air Traffic Control Tower at Wittman Regional Airport, which consists of approximately 3,796 gross square feet of space; and

WHEREAS, the government shall not pay Winnebago County any monetary consideration for the rental of said building, but does agree to pay for snow removal and ground maintenance in an amount of up to \$5,000 per year, payable in quarterly installments; and

WHEREAS, said Tower was constructed with federal monies for the specific purpose of allowing for the housing of air traffic control at Wittman Regional Airport; and

WHEREAS, the Aviation Committee of the Winnebago County Board of Supervisors recommends approval of said lease agreement.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves the lease between Winnebago County and the Federal Aviation Administration for the Air Traffic Control Tower at Wittman Regional Airport pursuant to those terms described above. The proposed lease is incorporated as part of this resolution by reference. (A copy of said lease may be obtained from the office of the Airport Director.)

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that said lease shall be for the term from July 15, 2008 through September 30, 2018.

Submitted by:
AVIATION COMMITTEE

Motion by Supervisor Lennon and seconded to adopt. Ayes: 34. Nays: 0. Excused: 2 – Schmuhl and Sievert. CARRIED.

RESOLUTION NO. 214-52009: Disallow Claim of Jennifer A. Ziemer

WHEREAS, your Personnel and Finance Committee has had the claim of Jennifer A. Ziemer 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 Jennifer A. Ziemer dated April 7, 2009, be and the same is hereby disallowed for the reason that there is no basis for liability on the part of Winnebago County.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 215-52009: Disallow Claim of American Family Insurance and/or Claude Tollard

WHEREAS, your Personnel and Finance Committee has had the claim of American Family Insurance and/or Claude Tollard 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 American Family Insurance and/or Claude Tollard dated March 13, 2009, be and the same is hereby disallowed for the reason that there is no basis for liability on the part of Winnebago County.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 216-52009: Disallow Claim of Robert Kelly

WHEREAS, your Personnel and Finance Committee has had the claim of Robert Kelly 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 Robert Kelly dated March 23, 2009, be and the same is hereby disallowed for the reason that there is no basis for liability on the part of Winnebago County.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 217-52009: Amend the Table of Organization for Winnebago County Airport

WHEREAS, the current Table of Organization for the Winnebago County Airport identifies two (2) part-time Custodian I positions; and

WHEREAS, the Director desires to eliminate one (1) part-time Custodian I position (20 hours per week), which is currently vacant due to a retirement and add one (1) part-time Custodian/Groundskeeper position (20 hours per week) to increase the operational efficiency of the Department and better meet the Airport's current custodial and maintenance needs; and

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that the Table of Organization for the Winnebago County Airport is amended to eliminate one (1) part-time Custodian I position and add one (1) part-time Custodian/Groundskeeper position. The position description for the part-time Custodian/Groundskeeper position (20 hours per week) is attached hereto and is made a part of this resolution by reference.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Lennon and seconded to adopt. Ayes: 34. Nays: 0. Excused: 2 – Schmuhl and Sievert. CARRIED.

RESOLUTION NO. 218-52009: Approve Filling of Intensive In-Home Case Manager Position In the Human Services Department Which was Approved in the 2009 Budget But Was Not Filled Within Ninety (90) Days of January 1, 2009

BE IT RESOLVED, by the Winnebago County Board of Supervisors, that an Intensive In-Home Case Manager position was added to the table of organization for the Human Services Department in the 2009 budget process and the associated costs for this position were included in the approved departmental budget.

BE IT FURTHER RESOLVED, that even though more than ninety (90) days have passed since January 1, 2009 when this position was created; it can be filled at this time.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 32. Nays: 2 – Eisen and Brennand. Excused: 2 – Schmuhl and Sievert. CARRIED.

RESOLUTION NO. 219-52009: Amend Vehicle Use Policy Related to Sheriff Administrators Use of County Vehicles

WHEREAS, the Vehicle Use Policy was recently re-written and the revised policy adopted by the Winnebago County Board; and

WHEREAS, it was later discovered that a provision (which was a past practice) relating to Sheriff Office administrators' use of vehicles was not properly included; and

WHEREAS, the policy needs to be revised to accommodate this additional provision; and

WHEREAS, the provision that is to be amended is related to Article 3.5 which states that "Family members may not be transported in County vehicles etc..."; and

WHEREAS, past policy has allowed for Sheriff Office Administrators to have family members in their vehicles because it was necessary for the administrators to always have their County vehicles because of radio and other equipment needed to monitor activity regardless of whether or not they are on duty.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby amends the Vehicle Use Policy to add this additional section as follows:

Section 22.3 Sheriff Office administrative personnel shall be authorized to use a County owned vehicle for personal use. Any personal use shall be subject to the remaining sections of this policy with the exception of Sec 3.5 relating to passengers. They are exempt from that provision.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 33. Nays: 1 – Reinert. Excused: 2 – Schmuhl and Sievert. CARRIED.

RESOLUTION NO. 221-52009: Authorize the Parks Department to Replace the Boat Dock at the Osh-O-Nee Boat Landing at a Cost of \$15,000, Using \$13,680 from the Boat Launch Fee Program Fund Balance and a Grant of \$1,320 from the DNR to Cover the Cost

WHEREAS, an "ice shove" has damaged the dock at the Osh-O-Nee boat landing to the extent that it is no longer useable; and

WHEREAS, the dock had to be demolished because it was left in an unsafe condition; and

WHEREAS, a temporary portable dock has been put there in its place until approval could be obtained to replace it on a permanent basis; and

WHEREAS, the boat landing gets considerable use and it would be beneficial to replace the dock; and

WHEREAS, there are sufficient funds available in the boat launch fee program fund balance to cover the costs; and

WHEREAS, a DNR grant of \$1,320 will help offset the cost.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Parks Department to replace the boat dock at the Osh-O-Nee boat landing and appropriates \$13,680 from the Boat Launch Fee Program fund balance and accepts and appropriates \$1,320 of DNR grant funding to pay for the balance of the project.

Submitted by:
PARKS AND RECREATION COMMITTEE
PERSONNEL & FINANCE COMMITTEE

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

RESOLUTION NO. 222-52009: Authorize Intergovernmental Cooperative Agreement Between Neenah Joint School District and Winnebago County, Wisconsin

WHEREAS, several years ago Winnebago County installed a fiber optic network for its own use and allowed the school districts and other governmental units to extend that network for their own purposes, provided that they pay any costs related to their specific use of the network; and

WHEREAS, the Neenah Joint School District is requesting that it be allowed to partner with Winnebago County with regard to the use of said network; and

WHEREAS, the Neenah School District shall install its own fiber optic wires and pay for any costs related to their use of the network; and

WHEREAS, your undersigned Committee has reviewed the Agreement, which is herewith attached and has approved it and recommends its approval by the Winnebago County Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves the Intergovernmental Cooperation Agreement between the Neenah Joint School District and Winnebago County related to the attachment of fiber optic network to WE Energies poles for the benefit of the Neenah Joint School District. A copy of said Agreement is herewith attached and made a part of this Resolution by reference.

Submitted by:
INFORMATION SYSTEMS COMMITTEE

WITHDRAWN by Supervisor Hall.

RESOLUTION NO. 223-52009 Authorize the Land and Water Conservation Department to Accept a USDA Grant of \$3,300 and Appropriate Funds to Natural Resource Conservation Service Program Expenditures

WHEREAS, the County Board authorized the Department to participate in the National Resource Conservation Service Program and accept grant funds in December 2008 by Resolution #110-122008; and

WHEREAS, this grant is for the purchase of monitoring equipment to monitor water runoff and camera equipment for photographing and reporting to the DNR; and

WHEREAS, these funds will also be used for software to evaluate and analyze amounts of runoff based on varied land conditions and reporting results to DNR; and

WHEREAS, the amount of the grant is now known to be \$3,300; and

WHEREAS, it is in the best interest of Winnebago County to accept these grant funds and appropriate them as described above.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Land and Water Conservation Department to accept a DNR grant of \$3,300 and appropriates the funds to the purchase of equipment and software to fulfill the program objectives.

Submitted by:
LAND & WATER CONSERVATION COMMITTEE
PERSONNEL & FINANCE COMMITTEE

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

Motion by Supervisor Robl and seconded to adjourn until 6:00 p.m. on Tuesday, June 16, 2009. CARRIED BY VOICE VOTE.

The meeting was adjourned at 8:10 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 May 19, 2009.

Susan T. Ertmer
Winnebago County Clerk