

**ADJOURNED SESSION
COUNTY BOARD MEETING**

TUESDAY, JANUARY 20, 1998

Chairman Joseph N. Maehl called the meeting to order at 6:00 P.M. in the Supervisors' Room, Fourth Floor, Courthouse, Oshkosh, Wisconsin.

The meeting was opened with the Pledge of Allegiance and an Invocation by Supervisor Wagner.

Roll Call: All present except Supervisors Widener and O'Brien.

Supervisor Lauson moved and it was seconded to accept the minutes of December 16, 1997. CARRIED BY VOICE VOTE.

Supervisor Planalp moved and it was seconded to adopt the agenda with the change of order of the resolutions so that Resolution No. 354-198 follows Resolution No. 348-198. CARRIED BY VOICE VOTE.

COMMUNICATIONS, PETITIONS, ETC.

Petition for Zoning Amendment from Carol Lynn Doemel for change from A-1 to A-2 for construction of a single family residence was referred to the Planning & Zoning Committee. Petition for Zoning Amendment from Roger C. Mathwig for change from R-3 to R-1 to create a larger single family lot within one zoning district was referred to the Planning & Zoning Committee. Petition for Zoning Amendment from Andrew J. Welsch for change from "Commercial" to "Residential" for the sale of a small parcel of B-2 property to be added to an existing residential lot was referred to the Planning & Zoning Committee. Petition for Zoning Amendment from Ivan Werner for change from R-1 to R-2 for a single family subdivision was referred to the Planning & Zoning Committee.

A note was received from Mrs. Robert Putzer thanking the Board for the plant and the plaque in memory of Bob's years of service on the County Board.

A note was received from Mrs. Frank Luedeke and family thanking the Board for the floral arrangement they sent in memorial to Frank.

A notice of claim from Jason D. Kipp regarding damage to tires due to a Winnebago County Highway Department snowplow was referred to the Personnel & Finance Committee.

Notice of a mini-conference entitled, "Preserving and Conserving Land" was read and placed on file. The conference will be held at the Pioneer Inn, Oshkosh, on January 30, 1998. It is being offered by the East Central Wisconsin Regional Planning Commission and UW-Extension offices in the East Central Region. There is no advance registration or a charge to attend.

Mrs. Wolfe told the Board she has finally received a copy of the book 1996 Model County Programs which included the Winnebago County's voting system that received a NACo award. A copy of that page was in their packets. The book is on file in the County Clerk's Office and is available to anyone who would like to see it. An invitation to attend Trempealeau County's Government Center open house was read. It will be held on February 8, 1998, from 1:00 to 4:00 p.m. in Whitehall.

COMMITTEE REPORTS

Supervisor Rankin reported that the Town of Omro is going to build a new town hall. Their current building doesn't have indoor plumbing, so this will be a great improvement for them.

Supervisor Lauson asked the members of the Legislative Committee to look over the information packet on their desks for their January 26 meeting. He said that Senate Bill 32 and the "not fairness" act will also be discussed at that meeting.

Supervisor Pech commended City of Oshkosh residents for their "participation within the system" in regards to a recent vote that involved the whole city. He also reminded them that there is a primary election on February 17 and urged them to vote.

Supervisor Robl reported that Winnebago County will receive \$1,595,698 in transportation aids for the county's highway system.

This is a 15% increase over last year's transportation aids. There is also a 3.5% increase in funding to Winnebago County for our maintenance of state roads in 1998. He also reported that the Highway Committee has been meeting over the past six weeks with area legislators and prioritizing several state highway projects.

They stressed having the Highways 110/116 overpass completed when they do the Highway 110 project in 2001. Other large projects they are discussing with legislators are the Highways 441/41/10 interchange and improvements on the Highway 41 bridge over Lake Butte des Morts. The widening of County Road A to four lanes from Oshkosh to County Road Y will be done in 1999. Work on County Road Y will come later with some funds coming from the Town of Oshkosh. He also reported that they are trying to have lights installed on the Highway 441 bridge.

PUBLIC HEARING

Victor Gilbert, 1958 Oakridge Road, Neenah, brought in a petition with 82 signatures opposing zoning Amendatory Ordinance No. 01-04-98, for the Thomas Rathsack property. He also expressed his opposition to this amendatory ordinance.

Lana Bayer, 1931 Oakridge Road, Neenah, spoke in opposition to Amendatory Ordinance No. 01-04-98.

Thomas Rathsack, 1861 Oakridge Road, Neenah, presented his Declaration of Restrictions for the property described in Amendatory Ordinance No. 01-04-98. He spoke in support of this amendatory ordinance.

Paul Neff, owner of the property at 1931 Oakridge Road, Neenah, spoke in opposition to Amendatory Ordinance No. 01-04-98.

COUNTY EXECUTIVE'S APPOINTMENT

AFFIRMATIVE ACTION COMMISSION

Executive Van De Hey asked for the Board's approval of her appointment of David Kollath to the Affirmative Action Commission.

His term would begin immediately and expire on December 31, 2001.

Motion by Supervisor Hue and seconded to accept. CARRIED BY UNANIMOUS VOICE VOTE.

VETERANS' SERVICE COMMISSION

Executive Van De Hey asked for the Board's approval of her re-appointment of Richard E. Langan to the Veterans' Services Commission. His term would begin immediately and expire on December 31, 2001.

Motion by Supervisor Lauson and seconded to accept. CARRIED

BY UNANIMOUS VOICE VOTE.

WINNEFOX LIBRARY SYSTEM

Executive Van De Hey asked for the Board's approval of the correction to the appointments of Dorothy Nimmer and Ken Ochalla to the Winnefox Library System. Their appointments should have been for three years, expiring December 31, 2000, not four years expiring, December 31, 2001. Also, Mr. Ochalla's address should have been 624 South Webster Avenue, Omro, WI 54963.

Motion by Supervisor Lauson and seconded to accept. CARRIED BY VOICE VOTE.

RETIREMENT AWARDS

Executive Van De Hey reported that a plaque was given to Jan Kolodzik upon her retirement from Winnebago County. Ms. Kolodzik had worked for Winnebago County for over twenty-four years and was presented with her plaque at a retirement party earlier this month.

Executive Van De Hey presented a plaque to Det. Alan Kilian upon his retirement from the Winnebago County Sheriff's Department. Det. Kilian has been employed in the Sheriff's Department for over twenty-four years.

Executive Van De Hey presented a plaque to Det. Charles Penzenstadler upon his retirement from the Winnebago County Sheriff's Department. Det. Penzenstadler has been employed in the Sheriff's Department for over thirty years.

Executive Van De Hey commended Corliss Ehlenberger for her twenty-four plus years of service to Winnebago County in the Social Services Department. Ms. Ehlenberger was not present to receive her plaque, but it will be forwarded to her.

COUNTY EXECUTIVE'S REPORT

Executive Van De Hey spoke in support of Resolution No. 354-198, "Approve Construction of 400 Bed Jail and Appropriate \$30 Million for its Planning and Construction". She stated that many committees and people have been involved this project and it is the result of a lot of study and planning. She also stated that it has been "scrutinized" by many people and is prepared for the Board's vote.

Executive Van De Hey explained that there is "nothing luxurious" about this facility and that the \$30 Million is a cap on the cost of the facility. They are working to keep the costs down.

RIDGEWAY 4H CLUB - VOLUNTEER OF THE YEAR AWARD

Chairman Maehl introduced Carol Kaufmann of the University Extension Office. She explained that the Ridgeway 4H Club was receiving this award because they had met the challenge she had given to the 4H clubs throughout the county. The challenge she presented to the, was to "fill a need" in their community. The Ridgeway 4H Club did that by purchasing the food and preparing and serving a meal at a community table in Neenah.

Ms. Kaufmann presented the plaque to members of the Ridgeway 4H Club.

COUNTY BOARD CHAIRMAN'S REPORT

Chairman Maehl reported that Winnebago County's tax levy is in the lower third of the 72 counties in Wisconsin.

Chairman Maehl asked the Supervisors to consider possible County Board rule changes and to submit them to Supervisor Rengstorf prior to the organizational meeting in April.

Chairman Maehl extended "happy birthday" greetings to Supervisors Rankin and Diakoff and Chris Kniep, University Extension Office Chair.

Chairman Maehl read a letter he received from Timothy B. Egan, son of Supervisor Egan, announcing his acceptance to officer training in the U.S. Marine Corp. Mr. Egan had been present at a county board meeting in 1997 and led the Board in the Pledge of Allegiance

ZONING REPORTS & ORDINANCES

REPORT NO. 001. A report from Planning & Zoning Committee re: rezoning to B-3 (General Business) for a utility trailer assembly and retail sales. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY UNANIMOUS VOICE VOTE.

AMENDATORY ORDINANCE NO. 01-01-98. A request from Dennis Beyersdorf for change from M-1 (Light Industrial & Office District) to B-3 (General Business District). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

REPORT NO. 002. A report from Planning & Zoning Committee re: rezoning to A-2 (General Farming) to add onto an existing lot and have the entire parcel within one zoning district. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY UNANIMOUS VOICE VOTE.

AMENDATORY ORDINANCE NO. 01-02-98. A request from John Krom for change from A-1 (Agri-Business District) to A-2 (General Farming District). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

REPORT NO. 003. A report from Planning & Zoning Committee re: rezoning to R-1 (Single Family) to place an entire parcel within one zoning district. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY UNANIMOUS VOICE VOTE.

AMENDATORY ORDINANCE NO. 01-03-98. A request from Scott Ernst for change from A-2 (General Farming District) to R-1 (Rural Residential District, Single-Family, Non-Subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

REPORT NO. 004. A report from Planning & Zoning Committee re: rezoning to M-1 (Light Industrial & Office) for construction of a storage building. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 01-04-98. A request from Thomas Rathsack for change from A-1 (Agri-Business District) to M-1 (Light Industrial & Office District). Motion by Supervisor Schaidler and seconded to adopt. Ayes: 27. Nays: 9 - Maehl, Albrecht, Pech, Lawson, Kramer, Finch, Hue, Diakoff and Rankin. Excused: 2 - O'Brien and Widener. CARRIED.

PRESENTATION ON PROPOSED 400 BED COUNTY JAIL

County Planner David Schmidt, introduced Jim Vanden Heiden, an architect from Hammel, Green and Abrahamson in Milwaukee. He then introduced Dennis Kimme from Kimme & Associates, who is the "criminal justice planner" of this project.

Mr. Vanden Heiden and Mr. Kimme distributed a report on Phase 2 of the project, "Facility Needs, Options and Cost Assessment." Their objective in this project was to determine the jail and Sheriff's Department's needs for at least the next 20 years. They also included expansion plans for the next 50 years, or in case needs would change drastically.

The two sites studied were the Greenfield Site (County Road Y and Highway 45) and a site near the courthouse. The results of the earlier study to add on to the current safety building, showed that the site is inadequate to meet the needs for space, security and parking for the next 20 to 50 years. Because of the eventual need for expansion, the county-owned Greenfield Site is the best location.

They are proposing a 400 bed jail, with a 400 bed expansion capability. The jail would be designed with "pod-like cellblocks" that would hold fifty inmates each. All inmates would be under constant surveillance by staff. Food services would be provided by Park View Health Center. Laundry services would be done on the premises.

The initial projected cost estimate was \$32,975,000. To reduce costs, the committee decided to convert two single cell pods (100 beds) to double cell pods and to have a centralized visiting area instead of visiting areas in each pod. Additional cost savings were realized when they decided to have the Patrol Division rejoin the other divisions at the new facility, and to remove a dental operatory, a shooting range and a vehicle/evidence garage from the proposal. The projected cost estimate was adjusted again by reducing equipment and furniture costs by re-using some existing furniture, reducing site development costs and replacing a full-service kitchen with a receiving/re-heating/distribution kitchen. At this point, the projected cost estimate was \$28,422,345. A 5% contingency is then added to cover any unforeseen costs that may arise, for a total of \$29,843,463 or rounded to \$30,000,000.

After much discussion and questions, the Board thanked Mr. Vanden Heiden and Mr. Kimme for their report.

1998-2001 FINANCING PLAN

John Mehan, Senior Vice President of Robert W. Baird & Co., Inc., presented his "proposed financing plan/capital improvement and jail borrowings," report, which points out potential debt structuring. Mr. Mehan presented two options, both of which show separately and combined the borrowing costs for the jail and for other projected capital improvements. In both options the borrowed amount is the same, but in the 10 year plan, the interest rate is 5% and the 15 year plan has an interest rate of 5.5%. Mr. Mehan also included the yearly mill rate that is need to support these projects. Also included in his report is a projection of the annual tax rate as it would be affected by either the 10 or 15 year financing plan.

REPORTS, RESOLUTIONS & ORDINANCES

RESOLUTION NO. 334-1297: Designate Official Newspaper and Newspapers for Election Notices

WHEREAS, Wisconsin Statutes 10.04(2)(a) provides that County Clerks shall publish election notices in all newspapers published within the county that qualify under Ch. 985 unless the County

Board provides otherwise by resolution; and

WHEREAS, Wisconsin Statute 10.04(2)(b) provides that the governing body of a municipality may authorize by resolution the publication of election notices in more than one newspaper and the resolution may name the newspapers in which all election notices shall appear.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the Oshkosh Northwestern be the official newspaper for Winnebago County for all notices and publications; and

BE IT FURTHER RESOLVED that the Oshkosh Northwestern and Appleton Post-Crescent be the newspapers in which all election notices shall be published.

Submitted by:

JUDICIARY AND PUBLIC SAFETY

COMMITTEE

Motion by Supervisor Rengstorf and seconded to adopt. Ayes: 31. Nays: 3 - Barker, Maehl and Lauson. Excused: 4 - O'Brien, Widener, Brown and Crowley. CARRIED.

RESOLUTION NO. 345-198: Commendation for Corliss Ehlenberger

WHEREAS, Corliss Ehlenberger has been employed with the Winnebago County Department of Social Services for the past twenty-four years and three months, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Corliss Ehlenberger has now retired from those duties, and it is appropriate for the Winnebago County Board of Supervisors to acknowledge her years of service.

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that sincere appreciation and commendation be and it hereby is extended to Corliss Ehlenberger for the fine services she has rendered to Winnebago County.

BE IT FURTHER RESOLVED, that the County Clerk send a copy of this Resolution to Corliss Ehlenberger.

Submitted by:

PERSONNEL & FINANCE COMMITTEE

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

RESOLUTION NO. 346-198: Commendation for Alan S. Kilian

WHEREAS, Alan s. Kilian has been employed with the Winnebago County Sheriff's Department for the past twenty-five years and four months, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Alan S. Kilian has now retired from those duties, and it is appropriate for the Winnebago County Board of Supervisors to acknowledge his years of service.

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that sincere appreciation and commendation be and it hereby is extended to Alan S. Kilian for the fine services he has rendered to Winnebago County.

BE IT FURTHER RESOLVED, that the County Clerk send a copy of this Resolution to Alan S. Kilian.

Submitted by:
PERSONNEL & FINANCED COMMITTEE

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

RESOLUTION NO. 347-198: Commendation to Janet E. Kolodzik

WHEREAS, Janet Kolodzik has been employed with Winnebago County for the past twenty-four years and eight months with her years of service being in Family Court, District Attorney's Office, and in Circuit Court Branch IV. During that time Janet Kolodzik has been a most conscientious and devoted County employee; and

WHEREAS, Janet Kolodzik has now retired from those duties, and it is appropriate for the Winnebago County Board of Supervisors to acknowledge her years of service.

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that sincere appreciation and commendation be and it hereby is extended to Janet Kolodzik for the fine services she has rendered to Winnebago County.

BE IT FURTHER RESOLVED, that the County Clerk send a copy of this Resolution to Janet Kolodzik.

Submitted by:
PERSONNEL & FINANCED COMMITTEE

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

RESOLUTION NO. 348-198: Commendation for Charles Penzenstadler

WHEREAS, Charles Penzenstadler has been employed with the Winnebago County Sheriff's Department for the past thirty years and seven months, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Charles Penzenstadler has now retired from those duties, and it is appropriate for the Winnebago County Board of Supervisors to acknowledge his years of service.

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that sincere appreciation and commendation be and it hereby is extended to Charles Penzenstadler for the fine services he has rendered to Winnebago County.

BE IT FURTHER RESOLVED, that the County Clerk send a copy of this Resolution to Charles Penzenstadler.

Submitted by:
PERSONNEL & FINANCED COMMITTEE

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

RESOLUTION NO. 349-198: Disallow Claim of Terry M. Mueller

WHEREAS, your Personnel and Finance Committee has had the claim of Terry M. Mueller 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 Terry M. Mueller dated November 18, 1997, 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 & FINANCE COMMITTEE

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

RESOLUTION NO. 350-198: Appropriate a Sum of \$65,000 from Property Taxes Collected in 1997 to the West Wing Terminal Building of Wittman Airport for the Purpose of Interior Remodeling

WHEREAS, the management of Wittman Airport has found a party who is interested in renting the West Wing terminal facility, and

WHEREAS, the potential tenant has requested that the County remodel the interior of the facility; and

WHEREAS, the cost of the remodeling will be recovered by the airport through rental revenue collected on the facility; and

WHEREAS, the airport capital project to build a new fuel island has come in \$65,000 under budget and such excess funds will be transferred to the debt service fund for debt repayment, and

WHEREAS, the County had included funds in the 1997 to make debt service payments and will no longer need those funds for that purpose.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby transfers an amount not to exceed \$65,000 from general property tax revenue collected in 1997 to the capital project fund of Wittman Regional Airport for the purpose of remodeling the West Wing Terminal Building.

BE IT FURTHER RESOLVED, that an amount equal to or greater than the amount used must be transferred from the Fuel Island capital project fund of Wittman Regional Airport to the debt service fund for the purpose of paying principal and interest on funds borrowed for the fuel island project.

Submitted by:
AVIATION COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. Ayes: 33. Nays: 1 - Schaidler. Excused: 4 - O'Brien, Savas, Widener and Brown. CARRIED.

RESOLUTION NO. 351-198: Replace One Full-Time Position of Maintenance Worker With One Full-Time Position of Custodian II: Maintenance Department

WHEREAS, in conjunction with the opening of the James P. Coughlin Center, the 1998 County budget provided for the creation of one additional position of Maintenance Worker in the Maintenance Department; and

WHEREAS, a more appropriate position for the provision of custodial services to that building would be that of Custodian II.

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that the full-time position of Maintenance Worker, which was recently created within the Maintenance Department as part of the 1998 County Budget be replaced with a position of Custodian II.

BE IT FURTHER RESOLVED, that no additional funds be appropriated as a result of this action.

Submitted by:
PROPERTY MANAGEMENT & MAINTENANCE
COMMITTEE
AND
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Wagner and seconded to adopt. Ayes:
34. Nays: 0. Excused: 4 - O'Brien, Savas, Widener and Brown.
CARRIED.

ORDINANCE NO. 352-198: Create Section 11.11 of the General Code of Winnebago County - Licensure and Regulation of Retail Food Establishments, Taverns, Hotels, Restaurants, Tourist Rooming Houses and Other Establishments by Winnebago County Health Department

WHEREAS, within the 1998 Winnebago County General Budget, the Winnebago County Board of Supervisors appropriated money for the licensure and regulation of retail food establishments, taverns, hotels, restaurants, tourist rooming houses and other establishments by the Winnebago County Health Department and appropriated money for the creation of the position of Sanitarian for that purpose; and

WHEREAS, your undersigned Board is of the opinion that the adoption of an ordinance to license and regulate retail food establishments, etc. would be in the best interest of Winnebago County.

NOW, THEREFORE, the County Board of Supervisors of the County of Winnebago does ordain as follows:

The creation of Section 11.11 of the General Code of Winnebago County - Licensure and Regulation of Retail Food Establishments, Taverns, Hotels, Restaurants, Tourist Rooming Houses and Other Establishments by Winnebago County Health Department. A copy of said ordinance is herewith attached and incorporated.

Submitted by:
BOARD OF HEALTH

Motion by Supervisor Rankin and seconded to adopt. Ayes:
30. Nays: 5 - Klitzke, Montgomery, Footit, Arne and Metzsig.
Excused: 3 - O'Brien, Savas and Brown. CARRIED.

ORDINANCE
11.11 LICENSURE AND REGULATION OF RETAIL FOOD ESTABLISHMENTS, TAVERNS, HOTELS, RESTAURANTS, TOURIST ROOMING HOUSES AND OTHER ESTABLISHMENTS BY WINNEBAGO COUNTY HEALTH DEPARTMENT

(1) AUTHORITY AND PURPOSE. (A) This ordinance is adopted pursuant to that authority provided by Section 97.41, Wisconsin Statutes, Section 125.68(5), Wisconsin Statutes, Section 251.04(3), Wisconsin Statutes Section 254.47, Wisconsin Statutes, and Section 254.69(2), Wisconsin Statutes; and by Wisconsin Administrative Chapters ADM 65, ATCP 74 and 75, HFS 172, 175, 178, 192, 195, 196, 197 and 198, and ILHR 90. The purpose of this ordinance is to protect and improve the public health and to

authorize the Winnebago County Health Department to become the designated agent of the State Department of Health and Family Services for the purpose of establishing permit fees; issuing permits; and making investigations or inspections of hotels, motels, tourist rooming houses, restaurants, bed and breakfast establishments, campgrounds and camping resorts, recreational and educational camps, public swimming pools and establishments possessing Class B and Class C alcoholic beverage licenses, and in making investigations and inspections of food vending machines, their operators and vending machine commissaries; and authorizing the Winnebago County Health Department to become the designated agent of the State Department of Agriculture for the purpose of establishing permit fees; issuing permits and making investigations or inspections of retail food establishments; and for the purpose of enacting local regulations governing these establishments which may be more strict than state law.

(2) APPLICABILITY. (A) The provisions of this ordinance shall apply to the owner and operator of any retail food establishment, hotel, motel, tourist rooming house, restaurant, bed and breakfast establishment, campground and camping resort, recreational and educational camp, public swimming pool, establishments possessing Class B or Class C alcoholic beverage licenses, vending machine commissary or vending machine in all unincorporated areas of Winnebago County and the City of Omro and Village of Winneconne.

(3) DEFINITIONS. (A) All definitions as set forth in Chapters 97, 125, 251 and 254, Wisconsin Statutes and Wisconsin Administrative Code Chapters ADM 65, ATCP 74 and 75, HFS 172, 175, 178, 192, 195, 196, 197 and 198, and ILHR 90 are incorporated in this ordinance by reference and they shall be construed, read and interpreted as fully set forth herein until amended and then shall apply as amended.

(B) "Duplicate Permit Fee" shall mean a fee for the replacement of an original permit.

(C) "Health Department" shall mean the Winnebago County Health Department.

(D) "Inspection Fee" shall mean a fee for on-site visits, limited to two (2) , to determine that establishments identified in the ordinance are compliant with the statutes and administrative codes that govern their operation.

(E) "Late Fee" shall mean a fee for failure to pay established fees in a timely manner.

(F) "Limited Food Service" shall mean the serving of food which is prepared and packaged off the premises with preparation on the premises limited to heating and serving with single-service articles, i.e. hermetically wrapped sandwiches or frozen pizza.

(G) "Mobile Restaurant" shall mean a restaurant operating from a movable vehicle, pushcart, trailer or boat which periodically or continuously changes location and wherein meals or lunches are prepared or served or sold to the general public, excepting those vehicles used in delivery of pre-ordered meals or lunches prepared in a licensed restaurant.

(H) "Operator" shall mean the owner or person responsible to the owner for the operations of the hotel, motel, bed and breakfast establishment, food service establishment or beverage establishment, vending machine commissary and/or vending machine, campground, camping resort, recreational/educational camps, or public swimming pools.

(I) "Potentially Hazardous Food" shall mean any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

(J) "Pre-Inspection Fee" shall mean a fee for consultative services offered within a six (6) - month period from the date of permit application to persons intending to operate a new hotel, tourist rooming house, bed and breakfast establishment, restaurant, vending machine commissary or retail food establishment, or to a person intending to be the new operator of an existing hotel, tourist rooming house, bed and breakfast establishment, restaurant, vending machine commissary or retail food establishment.

(K) "Re-Inspection Fee" shall mean a fee for the third (3rd) and subsequent inspections needed to address compliance issues with the statutes and administrative codes that govern their operation.

(L) "Restaurant" shall mean any building, room or place where meals are prepared, served or sold to transients or the general public, and all places used in connection with the building, room or place and includes any public or private school lunchroom for which food service is provided by contract. "Restaurant" does not include

(a) Taverns that serve free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish or bread and butter;

(b) Churches, religious, fraternal, youth or patriotic organization, service clubs and civic organizations which occasionally prepare, serve or sell meals to the general public;

(c) Any public or private school lunchroom for which food service is directly provided by the school;

(d) Any food service provided solely for needy persons;

(e) Bed and breakfast establishments; or

(f) A private individual selling food from a movable or temporary stand at a public farm sale.

(M) "Temporary Restaurant" shall mean a restaurant that operates at a fixed location in conjunction with a single event such as a fair, carnival, circus, public exhibition, anniversary

sale or occasional sales promotion.

(N) "Vending Machine" shall mean any self-service device offered for public use which, upon insertion of a coin or token, or by other means, dispenses unit servings of food or beverage either in bulk or in package, without the necessity of replenishing the device between each vending operation. "Vending machine" does not include a device which dispenses only bottled, prepackaged or canned soft drinks, a one cent vending device, a vending machine dispensing only candy, gum, nuts, nut meats, cookies or crackers, or a vending machine dispensing only prepackaged grade A pasteurized milk or milk products.

(O) "Vending Machine Commissary" shall mean any building, room or place in the state at which foods, containers, transport equipment or supplies for vending machines are kept, handled, prepared or stored by a vending machine operator, except a place at which the operator is licensed to manufacture, distribute or sell food products under Ch. 97, Stats.

(4) ENFORCEMENT. (A) The provisions of this ordinance shall be administered by or under the direction of the Health Officer of the Health Department, who in person or by duly authorized representatives shall have the right to enter, at reasonable hours, upon premises affected by this regulation to inspect the premises, secure samples or specimens, examine and copy relevant documents and records or obtain photographic or other evidence needed to enforce this ordinance.

(5) LICENSE AND PERMIT. (A) No person shall operate a retail food establishment, bed and breakfast establishment, hotel, motel, tourist rooming house, restaurant, campground and camping resort, recreational and educational camp, public swimming pool, or a Class B or Class C alcoholic beverage licensure establishment without first obtaining a non-prorated permit from the Health Department. Such permits shall expire on June 30 of each year following their issuance except that permits initially issued during the period beginning on April 1 and ending June 30 shall expire June 30 of the following year. The issuance of a permit may be conditioned upon the Permittee correcting a violation of this ordinance within a specified period of time. If the condition is not met within the specified period of time, the permit shall be voided. The permit shall not be transferable to a location other than the one for which it was issued, nor shall a permit be transferred from one operator to another subject to the express exception of: (1) As to location, temporary permits may be transferred; (2) As to operator, a permit may be transferred to an individual who is an immediate family member of the operator if the operator is transferring operation of the establishment or vending machine to that immediate family member. A parent, child, step-child, grandchild, sibling or step-sibling shall be considered an immediate family member for purposes of this ordinance.

(B) Operators or permittees of temporary restaurants whom the Health Department has found to be uncooperative or habitual violators of this Ordinance may be denied a permit to operate. Temporary permits may be transferred to a premises other than that for which it was issued, provided that the approval of the new

premises is secured from the Health Department prior to operating at the new premises.

(C) No permits shall be granted to any person under this Ordinance without a pre-inspection by the Health Department of the premises for which the permit shall be granted.

(D) No permit shall be issued until all application fees have been paid.

(6) APPLICATION. (A) Application for permits shall be made in writing to the Health Department on forms developed and provided by the Health Department, stating the name and address of the proposed applicant and operator, and the address and location of the proposed establishment, together with any such other information as may be required. The Health Department shall either approve the application or deny the permit within thirty (30) days after receipt of a complete application.

(7) FEES. (A) Fees for the issuance of permits, the making of investigations, inspections, providing education, training and technical assistance to all establishments covered pursuant to this Ordinance, plus the costs required to be paid to the state for each permit issued, are herewith established pursuant to this Ordinance and may be amended from time to time upon the approval of the Winnebago County Board of Supervisors and the Winnebago County Executive. In addition, separate pre-inspection fees are hereby established with regard to new establishments or existing establishments which have been transferred to a new operator. Said fee schedule is also set forth in Exhibit "A" and may be amended from time to time by the Winnebago County Board of Supervisors upon the approval of the Winnebago County Executive.

	WCHD	STATE	
	FEE	FEE	TOTAL
FOOD SERVICE:			
Limited Food Service Restaurant	\$ 74.50	\$ 5.50	\$ 80.00
Full Service Restaurant	\$162.50	\$ 12.50	\$175.00
Temporary Restaurant	\$ 82.00	\$ 8.00	\$ 90.00
Mobile Restaurant	\$162.50	\$ 12.50	\$175.00
LODGING:			
Tourist Rooming House (1-4 rooms)	\$ 65.00	\$ 5.00	\$ 70.00
Bed & Breakfast (8 rooms or less)	\$116.00	\$ 9.00	\$125.00
Hotel/Motel (5-30 rooms)	\$139.50	\$ 10.50	\$150.00
Hotel/Motel (31-99 rooms)	\$181.00	\$ 14.00	\$195.00
Hotel/Motel (100 or more rooms)	\$237.00	\$ 18.00	\$255.00
CAMPGROUNDS:			
Campground (1-25 sites)	\$116.00	\$ 9.00	\$125.00
Campground (26-50 sites)	\$144.00	\$ 11.00	\$155.00
Campground (51-100 sites)	\$167.00	\$ 13.00	\$180.00
Campground (101 or more sites)	\$185.50	\$ 14.50	\$200.00
OTHER:			
Recreational/Educational Camp	\$ 82.00	\$ 8.00	\$90.00
Swimming Pool	\$144.00	\$ 11.00	\$155.00
RETAIL FOOD SERVICE:			
Sales > \$25,000 < \$1,000,000 and processes potentially hazardous food	\$140.00	\$ 35.00	\$175.00
Sales > \$1,000,000 and processes potentially hazardous food	\$360.00	\$ 90.00	\$450.00
Sales \$25,000 but does not process potentially hazardous food	\$100.00	\$ 25.00	\$125.00

Sales < \$25,000 and engaged in food processing	\$ 48.00	\$ 12.00	\$ 60.00
Not engaged in food processing	\$ 24.00	\$ 6.00	\$ 30.00

MISCELLANEOUS FEES:

Pre-Inspection	\$175.00	\$ --	\$175.00
Re-Inspection	\$ 50.00	\$ --	\$ 50.00
Late Fee	\$ 75.00	\$ --	\$ 75.00
Duplicate Permit	\$ 15.00	\$ --	\$ 15.00

(8) PERMIT PUBLIC DISPLAY. (A) Every establishment required to obtain a permit pursuant to this Ordinance shall display said permit, at all times, in a conspicuous public place.

(9) PERMIT SUSPENSION AND REVOCATION. (A) Any permit issued by the Health Department pursuant to this Ordinance may be temporarily suspended for a violation of any provision of this Ordinance or rules adopted by reference by this Ordinance, if the department determines that an immediate danger to health exists. Such permits may be permanently revoked after repeated violations.

(10) REGULATIONS, RULES AND LAWS ADOPTED BY REFERENCE. (A) The applicable laws, rules and regulations as set forth in Chapters 97, 125, 251, 254, Statutes, Wisconsin Administrative Code Chapters ADM 65, ATCP 74 and 75, and HFS 172, 175, 178, 192, 195, 196, 197 and 198, and ILHR 90 are incorporated in this regulation by reference and they shall be construed, read and interpreted as fully set forth herein until amended and then shall apply as amended. The expressed provisions of this Ordinance shall control where more restrictive.

(11) VIOLATION-PENALTIES. (A) Any person who violates or refuses to comply with any provisions of this ordinance shall be subject to a forfeiture of \$250.00 for each offense and/or revocation or amendment of their applicable permit. Each day a violation exists or continues shall be considered a separate offense. Where appropriate, injunctive relief may be sought by the Health Department against continuing violations. In the alternative, the Health Department may pursue enforcement of such section of these regulations as are prosecutable.

(12) EFFECTIVE DATE. (A) This Ordinance shall be effective as of March 1, 1998.

ORDINANCE NO. 353-198: Amend Section 7.02(12) General Code of Winnebago County (Speed Limit - County Highway O)

WHEREAS, Wisconsin Department of Transportation has issued a traffic study recommending that a 35 m.p.h. speed limit is warranted on County Highway O from its intersection with Green Bay Road to its intersection with State Highway 150; and

WHEREAS, your undersigned Committee believes that the institution of said speed limit would be in the best interest of persons utilizing that highway.

NOW, THEREFORE, the County Board of Supervisors of the County of Winnebago does ordain as follows:

That Section 7.02(12) of the General Code of Winnebago County

be amended to read as follows:

(12) COUNTY TRUNK HIGHWAY "O". (a) Towns of Neenah and Menasha. (1) 35 miles per hour for all vehicles from its intersection with Green Bay Road westerly to its intersection with State Trunk Highway 150.

BE IT FURTHER RESOLVED that this ordinance shall be effective as of March 1, 1998.

Submitted by:
HIGHWAY COMMITTEE

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

RESOLUTION NO. 354-198: Approve Construction of 400 Bed Jail and Appropriate \$30 Million for its Planning and Construction

WHEREAS, the present jail located in the city/county Safety Building was occupied in 1980 with an 86 bed capacity and a lifecycle to the year 2000; and

WHEREAS, Winnebago County has been boarding juveniles and adult prisoners in other county facilities since 1992; and

WHEREAS, recent studies have indicated that based on present trends the county will need 400 adult beds by the year 2020; and

WHEREAS, a special adhoc committee reviewed the jail need projections and future trends in the federal and state criminal justice systems as they may impact future needs of the county; and

WHEREAS, said committee recommended that the county build a new jail and that the new jail be located on county property that will meet county needs for fifty years; and

WHEREAS, the County Board authorized hiring a consultant to assist the Judiciary & Public Safety and Property Management and Maintenance Committees to determine the cost, size, number of beds and location of a new jail; and

WHEREAS, the joint committees recommend the following:

1. A new jail be built with a cost not to exceed 30 million dollars.
2. That the jail have a bed capacity of 400 to meet county needs to the year 2020.
3. That the jail be located on county property at the intersection of County Road Y and U.S. Highway 45.
4. That the site be large enough and the building designed for 50 year expansion.

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors that it does approve the construction of a 400 bed jail at a price not to exceed 30 million dollars on County property near the intersection of County Highway Y and U.S. Highway 45.

BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors that funds for this project shall be appropriated from the Winnebago County General Fund with reimbursements to be made from such fund to be made from a subsequent bond issued by Winnebago County.

BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors that the Winnebago County Executive is authorized to retain the services of a construction manager and architect.

Submitted by,
HARVEY RENGSTORF, DIST. 37
JOHN PLANALP, DIST. 18
JACQUELYN WAGNER, DIST. 19
DONALD GRIESBACH, DIST. 3
PATRICK O'BRIEN, DIST. 4
JAMES KOZICZKOWSKI, DIST. 7
BERNARD EGAN, DIST. 35
PATRICK BRENNAND, DIST. 34
JOSEPH MAEHL, DIST. 6

Motion by Supervisor Rengstorf and seconded to suspend County Board Rule 8.10.

Motion by Supervisor Rengstorf and seconded to change the title to, "Approve the Concept of a 400 Bed Jail and Sheriff's Facility;" and, to delete Lines 33 through 41.

Motion by Supervisor Troxell and seconded to postpone this resolution until the March 10, 1998, special orders meeting. Supervisor Schaidler suggested that the presentation on the proposed jail be made this evening, but that action on the resolution be postponed until the February county board meeting.

Supervisor Rengstorf withdrew his motion.

Vote on motion to postpone until the March 10, 1998, special orders meeting - Ayes: 23 - Savas, Koziczowski, Klitzke, Pech, Schwartz, Brown, Warnke, Footit, Troxell, Robl, Payne, Lawson, Crowley, Kramer, Schaidler, Finch, Hue, Sievert, Arne, Diakoff, Brennand, Rengstorf and Metzsig. Nays: 13 - Kollath, Barker, Griesbach, Maehl, Lauson, Albrecht, Schulz, Montgomery, Sundquist, Planalp, Wagner, Egan and Rankin. Excused: 2 - O'Brien and Widener. CARRIED.

Motion by Supervisor Finch and seconded to reconsider motion to postpone to March 10, 1998. CARRIED BY VOICE VOTE.

Motion by Supervisor Finch and seconded to postpone action on this Resolution until the February 24, 1998, county board meeting.

Ayes: 24. Nays: 11 - Savas, Planalp, Warnke, Troxell, Robl, Crowley, Schaidler, Sievert, Arne, Diakoff and Metzsig. Excused: 3 - O'Brien, Widener and Brown. CARRIED.

At approximately 10:00 p.m., a motion was made by Supervisor Diakoff and seconded to convene in closed session, pursuant to Sec. 19.85(1)(g), Wis. Stats., for the purpose of conferring with legal counsel for the Board who shall be rendering oral advice concerning strategy to be adopted by the body with respect to litigation with which it is involved. Ayes: 33 - Kollath, Barker, Griesbach, Savas, Maehl, Koziczowski, Klitzke, Albrecht, Pech, Schulz, Schwartz, Montgomery, Sundquist, Planalp, Wagner, Warnke, Footit, Troxell, Robl, Payne, Crowley, Kramer, Schaidler, Finch, Hue, Sievert, Arne, Diakoff, Brennand, Egan, Rankin, Rengstorf and Metzsig. Nays: 0. Excused: O'Brien, Widener, Lauson, Brown and Lawson. CARRIED.

At approximately 10:25 p.m., a motion was made by Supervisor Diakoff and seconded to reconvene in open session for the purpose of acting on the following resolution. Ayes: 33 - Kollath, Barker, Griesbach, Maehl, Koziczowski, Klitzke, Lauson, Albrecht, Pech, Schulz, Schwartz, Montgomery, Sundquist, Planalp, Wagner, Warnke, Footit, Troxell, Robl, Payne, Crowley, Kramer, Schaidler, Finch, Hue, Sievert, Arne, Diakoff, Brennand, Egan, Rankin, Rengstorf and Metzsig. Nays: 0. Excused: 5 - O'Brien, Savas, Widener, Brown and Lawson. CARRIED.

**RESOLUTION NO. 355-198: Appropriate \$65,000 from Salary
 Contingency Fund of 1998 Winnebago
 County General Budget**

BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates the sum of \$65,000 from the Salary Contingency Fund of the 1998 Winnebago County Budget for the purpose of settling all present and future claims of Patricia Felker against Winnebago County in relationship to her employment

with Winnebago County.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Diakoff and seconded to adopt. Ayes:
32. Nays: 0. Excused: 6 - O'Brien, Widener, Brown, Lawson,
Kramer and Arne. CARRIED.

Supervisor Schwartz moved and it was seconded to adjourn to
February 24, 1998, at 6:00 P.M. CARRIED BY VOICE VOTE. Meeting
adjourned at 10:30 P.M.

Respectfully submitted,
Susan T. Ertmer
Deputy Winnebago County Clerk

State of Wisconsin)
County of Winnebago)ss

I, Susan T. Ertmer, Deputy Winnebago County Clerk, do hereby
certify that the foregoing is a true and correct copy of the
Journal of the Winnebago County Board of Supervisors for their
adjourned meeting held January 20, 1998.

Susan T. Ertmer
Deputy Winnebago County Clerk