

**WINNEBAGO COUNTY BOARD OF SUPERVISORS
SPECIAL ORDERS MEETING
MARCH 10, 1998**

Chairman 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 Hue, Brown and Sundquist.

Supervisor Planalp moved and it was seconded to adopt the agenda. CARRIED BY UNANIMOUS VOICE VOTE.

COMMUNICATIONS, PETITIONS, ETC.

A Notice of Claim from Karen M. Krake regarding damage to her car due to a hole in the roadway was referred to the Personnel & Finance Committee.

Information about a one-day, WCA Educational Seminar entitled, "County Jails: Liability, Lawsuits and Logistics" was received. Supervisors interested in attending should contact the County Clerk's Office prior to March 20. The seminar is scheduled for 9:30 a.m., March 30, at the Wausau Inn, Wausau, Wisconsin.

COMMITTEE REPORTS

Supervisor Wagner reported on the Kurdish family that moved into the county-owned house on Northwestern Street in Oshkosh. All of the adults are working and the children are doing very well in school. They are in good health and are learning the English language. They have also been reimbursing St. Raphael's Catholic Church, who sponsored them and rented the house from the county.

Supervisor Lauson stated that at the next meeting of the Legislative Committee, "takings" legislation will be discussed. He thanked Supervisor Montgomery for bringing the issue to the Board's attention.

PUBLIC HEARING

Michael Dixon, 210 Lincoln Avenue, Omro, Wisconsin, spoke in support of a race track at the County Fairgrounds.

Jeff Lemiesz, Oshkosh, Wisconsin, is a member of the race track committee and expressed his strong support for a race track at the County Fairgrounds.

COUNTY EXECUTIVE'S REPORT

Executive Van De Hey reported on the NACo Convention in Washington, D.C. She explained that there are a number of issues at the state and federal level that we need to be aware of. The "takings" issue is of great concern and could cause major zoning problems for the municipal and county zoning commissions. She attended a meeting with Senators Feingold and Kohl to discuss this issue. She explained that the "takings" legislation is "a real assault" on the idea of giving more responsibility back to the communities. She encouraged the Supervisors to let our legislators know that we are against this legislation.

Executive Van De Hey also reported that she had met with Congressman Petri and discussed the census issue. There is

concern about the methods that will be used to conduct the census and whether there will be accurate results. She explained that if it is not accurate, there's a good chance that Wisconsin's number of representatives would decrease.

Executive Van De Hey explained that there is legislation pending regarding the funding for our Work Force Development program. The funds we receive for our Work Force Development program come from the Federal Government through the Job Training and Partnership Act (JTPA). Winnebago County is combining with Fond du Lac, Calumet, Outagamie and Brown Counties to form a larger region or a Private Industry Council. The head of this region is Cheryl Welch, who worked in Work Force Development through the Governor's office in Ohio. Executive Van De Hey asked that the Supervisors contact her for more information or to express their support for this bill.

Executive Van De Hey spoke about the issue of converting our computer systems over to the year 2000, or "Y2K" as it is called.

She explained that if we are not completely converted by December 31, 1999, we will be unable to interface with state or federal programs. This would affect federal benefits, Social Security, state programs, etc. She explained that the County is in the process of installing the PeopleSoft program, which will convert the County for the year 2000. It is a very complex system and should be completely installed by September, 1999.

Executive Van De Hey told the Board that Tom Bartz has been selected as the new Information Systems Director and that his appointment is on tonight's agenda. Mr. Bartz has an engineering background and has implemented large applications, such as PeopleSoft. He is very knowledgeable and will be an asset to the County.

She told the Board that Jay Schaefer, who had left the County's Information Systems Department last summer, has agreed to come back. He will be an important addition to the IS Department's staff.

Executive Van De Hey said that they are in the process of finding a replacement for Arthur Druke, who recently retired as the Maintenance Manager. She thanked Supervisor Wagner for all her efforts in arranging Mr. Druke's retirement party and selecting his gift.

Executive Van De Hey expressed her support of the construction of a covered horse arena at the fairgrounds. She explained that the uncovered horse ring that we now have poses a great potential for injury to riders and horses if there is bad weather. She further explained that the cover for the horse arena has been in the budget for five years and that its cost is less than was projected. She also explained that a covered horse arena would draw in more and larger horse shows, raising revenue for the County. More importantly, it will increase safety at the facility. She urged the Board to support this issue.

Executive Van De Hey commended Supervisor Payne for his efforts and hard work on the race track issue. She feels it is well researched and deserves the Board's consideration.

Executive Van De Hey presented her appointment of Thomas C. Bartz as the Director of Information Systems.

APPOINTMENT OF INFORMATION SYSTEMS DIRECTOR

Executive Van De Hey asked for the Board's approval of her appointment of Thomas C. Bartz as the Information Systems Director.

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

COUNTY BOARD CHAIRMAN'S REPORT

Chairman Maehl addressed the Board regarding the appointment of a replacement for the retiring County Clerk, Linda Wolfe. He explained that state statutes allows for the appointment of the deputy to complete the term and that he wanted the Committee on Committees to be involved in the decision. That committee voted unanimously to appoint Susan Ertmer, Deputy County Clerk, as County Clerk.

APPOINTMENT OF COUNTY CLERK

Chairman Maehl asked for the Board's acceptance of the Committee on Committees appointment of Susan Ertmer as County Clerk. She will complete the term of office of Linda Wolfe, who is retiring, effective April 1, 1998.

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

ORDINANCE NO. 379-398: Create Section 7.02(20) General Code of Winnebago County (Speed Limit - County Highway "W")

WHEREAS, the State of Wisconsin is in the process of installing traffic lights at the intersection of County Highway "W" at its intersection with State Highways 150 and 110; and

WHEREAS, as a result of the installation of said traffic lights, it is imperative that the speed limit on County Highway "W" be lowered at said intersection as soon as is possible; and

WHEREAS, the State of Wisconsin Department of Transportation has approved the lowering of the speed limit on County Highway "W" pursuant to this ordinance.

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

The creation of Section 7.02(20) of the General Code of Winnebago County which shall read as follows:

7.02 SPEED LIMIT REGULATIONS

A traffic and engineering investigation having been made on the following described highways, the maximum permissible speed at which vehicles may be operated on such highways, which speed is herewith established as reasonable and safe pursuant to Section 349.11, Wisconsin Statutes, shall be as set forth herein, subject to approval of the Department of Transportation and upon the erection of standard signs giving notice thereof...

(20) COUNTY TRUNK HIGHWAY "W". (a) Town of Winchester.

(1) Forty-five (45) miles per hour from its intersection with State Highway 110 and State Highway 150 northerly 420 feet.

Submitted by:
HIGHWAY COMMITTEE

Motion by Supervisor Robl and seconded to adopt. Ayes: 35.
Nays: 0. Excused: 3 - Brown, Sundquist and Hue. CARRIED.

RESOLUTION NO. 380-398

Authorize Execution of Cellular Telephone Service Agreement with Cellular One

WHEREAS, the Winnebago County Information Systems Department has determined, after receiving competitive proposals, that it is in the best interest of Winnebago County to purchase cellular telephone services from Cellular One of Appleton, Wisconsin; and

WHEREAS, Cellular One has offered to enter into a three (3) year services agreement with Winnebago County to provide cellular telephone services at a rate of \$4.75 per year per mobile phone and at a rate of \$.14 per minute for each minute that airtime is used by said phone with said price guaranteed for a three (3) year term; and

WHEREAS, Winnebago County desires to enter into a three (3) year contract with Cellular One for said cellular telephone services.

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Executive and Winnebago County Clerk to execute a contract for the purchase of cellular telephone services with Cellular One of Appleton for a term of three (3) years at a rate of \$4.75 per cellular phone per year and at a rate of \$.14 per minute for airtime utilized.

BE IT FURTHER RESOLVED that execution of said contract shall be subject to approval of the final draft of said contract by the Winnebago County Corporation Counsel.

Submitted by:
INFORMATION SYSTEMS COMMITTEE

Motion by Supervisor Brennand and seconded to adopt. Supervisor Brennand asked the Board to correct Lines 12 and 21 by changing the word "year" to "month". Ayes: 35. Nays: 0. Excused: 3 - Brown, Sundquist and Hue. CARRIED.

SESQUICENTENNIAL VIDEO

Supervisor Albrecht introduced a video provided by the State of Wisconsin's Board of Directors of the Sesquicentennial. The video highlights planned events celebrating the State's 150th birthday across the state.

After the video, Supervisor Albrecht stated that at the next County Board meeting the County's Sesquicentennial Committee will be giving a report on their activities. They will detail the events and projects that are being worked on for the Sesquicentennial. He explained that there is a possibility that the State will be offering additional grant money. At that time, Winnebago County would make application for this money to help with various projects, particularly the publishing of the history book.

COVERED HORSE ARENA

Rob Way, Parks Director, explained that a covered horse arena has been a capital improvements project for sometime. The Parks

and Recreation Committee and Executive Van De Hey are in agreement "that this is a project whose time has come."

Mr. Way explained that bad weather during, and more notably prior to an event, affects gate fees by reducing attendance. He told the Board that two of the six major horse events have expressed concern about this situation and are considering moving their events to other facilities. Mr. Way emphasized that a covered horse arena is needed so these events can take place. It would also increase the quality of the events.

A work group was formed to study this project. The people in the work group are involved with horses and have traveled across the country to various facilities. Mr. Way stated that they are very aware of what a facility of this type should include. He complimented them for doing an excellent job on the study.

Mr. Way went over the revenue projections with the Board. Currently, there are approximately six major and three lesser horse shows annually at the fairgrounds that generate approximately \$16,200.00 in revenue. If a covered horse arena is built, projections show approximately twelve major and five lesser horse shows annually, with revenues of \$45,080.00.

Mr. Way then presented the Concept Design Report from HGM Architecture, Inc. The design calls for a 56,000 sq. ft. covered area, of which 150' X 320' is the horse arena and 80' X 150' is a holding corral or warm up area. In addition, there would be movable bleachers that hold 600 spectators, a movable announcing/judging area, a small concession stand, restroom facilities and a sixty-stall parking lot.

Mr. Way presented a breakdown of costs for the project. General construction estimates are \$614,221; plumbing, \$18,000; electrical, \$185,920; sound and PA systems, \$27,500; gravel surfaced parking lot with lights, \$21,000; contingency, fees and permits, \$115,500; for a total of \$982,141. Supervisor Pech questioned the increase in costs since the project was first proposed.

Ron Hansche, HGM Architecture, Inc., explained that the projected costs for the facility is higher because the arena is larger than anticipated due to the seating area, restroom facilities and concession area. The type of fill that is needed in the arena is also quite expensive and brought the cost up.

Ellen Matejowec, Larsen, Wisconsin, explained to the Board that when the preliminary estimates were made, they couldn't anticipate what the plumbing and electrical costs would be. The other estimates all came in quite close to the final proposals.

She also stated that this facility would be unique to all the others in the state and could draw some of the larger horse shows from the Madison and Milwaukee areas. She said that the fee schedule would also be adjusted to reflect the quality of the facility.

Mr. Way explained that a covered arena would also allow them to extend the season. They would be able to conduct shows from late April through October, instead of May through September.

Supervisor Wagner stated that she was glad to see this proposal. She explained that this covered horse arena was part of the original plans when it was first decided to relocate the fairgrounds to the Town of Oshkosh. She also stated that this facility can be used for other activities.

RACE TRACK PROPOSAL

Supervisor Payne introduced Ron Wolf and Paul Hemauer from

McMahon Associates, who was hired to do the concept design and cost estimates for the proposed race track project. Mr. Wolf took the Board through the proposal and explained the design of the facility.

Mr. Hemauer went through the plans for the three structures that would be built. Those structures would include a combination ticket/concession building; an announcers booth (ADA compliant); and a pit area pole building, which would serve primarily as a storage building, but would also have a small office and meeting room. He explained that they are all "modest, functional structures."

Mr. Wolf went over the design of the track. It will be a 1/3 mile, banked, clay-surface oval track. It is situated 45-50' in front of the grandstands, with an approximate 2/3-mile concrete barrier wall and debris fence for the safety of the spectators.

There is an additional 10 acres north of the track that would be the pit area and would be used by the racers to park their vehicles and work on the race cars.

The infield of the track is a grass area of approximately 4 acres. Presently, there are no plans for structures in this area, however it does require a drainage system and will house the lighting system.

The use of these 14 acres for concerts, RV parking, camping and support facilities, is anticipated. Mr. Wolf explained that at this time they are unusable because of drainage problems. But once the area is drained, graded and seeded, it would be very usable.

Mr. Wolf described the other parts of the plan, which include: 1/2 mile perimeter screening and noise fence; an extensive storm sewer system; 2,000 feet of recreational trail; and an extensive lighting and sound system.

He also told the Board that the trail is designed to be used for a variety of events, such as: stock car racing, harness racing, demolition derbies, snowmobile racing, concerts, tractor pulls, etc.

Supervisor Sievert commented on the \$1.5 Million cost of the proposed project and the issue of bonding. She was under the impression that this project wasn't going to cost Winnebago County taxpayers anything. Supervisor Payne explained that it will be bonded for, but that all user fees or ticket surcharges will go to the County and reimburse them for all expenses related to the track and its financing. He hopes to completely reimburse the County in ten years and feels there are numerous ways of calculating fees and surcharges so that can be accomplished. People attending the fair and "Country USA" would be exempt from this surcharge.

Supervisor Pech asked what the anticipated costs for yearly maintenance and upkeep on the facility will be and who will be responsible for these costs. He suggested leasing the facility to a private concern and having them responsible for those costs. Supervisor Payne has researched that idea by studying leasing contracts and has learned that counties in those situations are usually only responsible for "cutting the grass." Track and facility maintenance would be the responsibility of the lessee.

Dave Panske, Oshkosh, Wisconsin, spoke to the Board about anticipated attendance at the race track. He runs the Seymour race track and is interested in running Winnebago County's facility. He told the Board that in Seymour at a Sunday night race, they average 2,500 people. Attendance depends on a number of factors, such as the night of the week and the competition in

the race.

Supervisor Lauson commented that a race track would also increase the attendance at the County fair.

Chuck Orenstein, Finance Director, stated that the cost to the taxpayer would be approximately \$1.10 on a \$100,000 house.

PERSONNEL DEPARTMENT ANNUAL REPORT

William Wagner, Personnel Director, presented his department's annual report. He said that we are in a tight labor market, which is reflected by a lower number of applicants for some key positions.

Mr. Wagner stated that there had been a lot of restructuring in his department, as well as, in other County departments. Four positions from the Park View Health Center Personnel Department and the Safety/Insurance Coordinator have been absorbed by his department.

Mr. Wagner told the Board that a safety program and loss control is being actively pursued by Paula Peterson, the Safety/Insurance Coordinator. She is utilizing existing resources and getting departments to work together on safety training.

He reported that over 600 employees were trained on sexual harassment and on how to file complaints. He also said that new employee orientation has been re-instated.

The new PeopleSoft computer system that is being installed will affect all of the payroll systems. His staff is currently being trained on this system.

Other items Mr. Wagner discussed were:

--consolidation of some services provided by Community Programs and Social Services Department

--four labor contracts are expired and under negotiations and will most likely go to arbitration

--evaluating all cleaning and maintenance services for County buildings; trying to better utilize the resources and talent we have in the existing Maintenance Department; this allows us to rely less on outside, contracted personnel

--continuing work in the Information Systems Department; staff is stabilizing a lot of the outstanding projects; a consultant has given us recommendations on how to avoid these problems again, ie, cross-training and documentation

--hopes to update the County's video; include new facilities; could be used for the new County Board's orientation

"TAKINGS" AND LAND USE MANAGEMENT

Supervisor Montgomery presented information to the Board on the "takings" issue. He explained that land "taking" is the transfer of private land to the government. He explained that Americans are protected from "takings" under Article V of the Fifth Amendment which states, "nor shall private property be taken for public use without just compensation." Eminent domain is addressed under this amendment, in that just compensation must be paid to the property owner.

Supervisor Montgomery explained that problems arise when property owners want to re-zone their properties. In Wisconsin, people go through their required zoning board(s) (municipal, or municipal and county) to request the zoning change. If they are denied, they can go back to their zoning board(s) and try again.

In this way, it is kept at a local level and rarely goes beyond the County Board of Supervisors. The takings legislation would allow the intervention of federal courts in local zoning matters.

Problems arise when wealthy developers request zoning changes and are denied. They can then go to federal court to fight the denial. Most municipalities do not have the resources to afford a court battle at the federal level, so they would give up on the court case.

Supervisor Montgomery told the Board that NACo is opposed to the "takings" legislation and asked that counties oppose Senate Bill 1204. This issue will be on the March 23 Legislative Committee's agenda. He asked the Board to pass a resolution opposing this legislation and to forward it on to WCA and our area legislators.

Motion by Supervisor Schwartz and seconded to adjourn until Tuesday, March 17, 1998. CARRIED BY UNANIMOUS VOICE VOTE.

The meeting was adjourned at 9:07 p.m

Respectfully submitted,

Susan T. Ertmer, Deputy
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 Its Special Orders of Business Meeting held March 10, 1998.

Susan T. Ertmer, Deputy
Winnebago County Clerk