

**ADJOURNED SESSION  
COUNTY BOARD MEETING  
TUESDAY, NOVEMBER 19, 2002**

Chairman Joseph Maehl 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 Rankin.

The following Supervisors were present: Sevenich, Barker, Griesbach, Hotynski, Scoville, Maehl, Koziczkowski, Klitzke, Widener, Lauson, Albrecht, Pech, Thompson, Steineke, Madison, Radewan, Sundquist, Wingren, Jacobson, Norton, Hert, Robl, Eichman, Kline, Tierney, Kramer, Schaidler, Farrey, Sievert, Arne, Diakoff, Brennand, Egan, Rankin, Rengstorf and O'Brien. Excused: Nielsen and Finch.

Motion by Supervisor Robl and seconded to adopt the amended agenda with the change of order of resolutions, so that No. 106-112002 and No. 111-112002 are acted on before No. 97-112002. CARRIED BY VOICE VOTE.

Supervisor Barker asked the Board to read the "Glacierland RC & D Project Update Fact Sheet" that was placed on their desks. She explained that Glacierland is an offshoot of the U.S. Department of Agriculture and is made up of nine Wisconsin counties and the Oneida Tribe. In Winnebago County Glacierland RC & D are studying the changing water levels at Heckrodt Preserve, conducting workshops on fish farming and chainsaw safety, and working on the Rush Lake cleanup.

Supervisor Barker also announced that the Legislative Committee will be meeting on Monday, November 25 at 9:00 a.m.

**COMMUNICATIONS, PETITIONS, ETC.**

Notice of Claim received from Habush, Habush & Rottier for Scott M. Day for injuries he sustained while performing his duties as an officer with the Winnebago County Sheriff's Department was referred to the Personnel & Finance Committee.

Notice of Claim received from Erie Insurance Group for Karen Holdorf for damage done to Ms. Holdorf's vehicle by a tree branch that fell off the back of a Winnebago County Park's Department truck was referred to the Personnel & Finance Committee.

The following resolutions were received and forwarded to the Legislative Committee and other pertinent committees:

- Bayfield County – No. 2002-050: "Request Wisconsin Counties Association Leadership in Health Insurance Portability and Accountability Act (HIPPA) Compliance"
- Dodge County – "Support Federal Legislation to Subject Certain Imported Casein and Milk Protein Concentrates to Tariff Rate Quotas Comparable to Those of Other Imported Dairy Products"
- Jackson County – "Support for State and Federal Funding for Teen Court Programs"
- Jefferson County – "...hereby urges the Wisconsin Legislature and Governor to take action as soon as possible to enact a measure allowing and directing Wisconsin's safety belt law to be enforced on a standard basis."
- Waupaca County – "Support Increase in Recording Fee"

A letter was read from Margie Rankin, Park View Health Center Administrator, and Karen Tittman, Director of Activity/Volunteer Services that was sent to Supervisor Klitzke thanking him for his donation of non-alcoholic beer for Park View Health Center's Annual Fall Festival.

Petition for Zoning Amendment from Joy J. Vanevenhoven, Town of Clayton, for zoning change from A-1 to A-2 for a future home and placement in Forest Management was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Harrison Sturgis, Jr., Town of Neenah, for zoning change from A-2 to M-1 & R-3 for one and two family residences and industrial land use was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Joyce A. & David L. O'Connell, Town of Poygan, for zoning change from A-2 to single-family residential for the addition of a detached garage was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Town of Menasha for amendment to the Winnebago County Town/County Zoning Ordinance, specifically Sec. 17.08, was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Patrick Gambsky, Fieldcrest Developers, Inc., Town of Menasha, for zoning change from R-1 to R-2 for single family residential lots was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Karen L. Bowen, Oshkosh Area School District, Town of Algoma, for zoning change from R-1 to P-1 for school and park purposes was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Donald & Barbara Kienast and Douglas & Vickie Kienast, Town of Omro, for zoning change from A-2/B-2 to B-3 for an existing contractor's business was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Michael L. Blechl, Town of Clayton, for zoning change from A-2 to R-1 for a single family residence was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from William & Lois Oostra, Town of Winchester, for zoning change from A-1 to residential for single family housing was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Jammy Powers, Town of Omro, for zoning change from R-1/A-2 to A-2 for general agriculture and a single family residence was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Leon H. and Orva E. Derber Trust, Orva E. Durber, Trustee, Town of Omro, for zoning change from A-2/B-2 to R-1 for residential lots was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Ronald L. Jones, Town of Omro, for zoning change from R-1 to R-2 for subdivision development was referred to the Planning & Zoning Committee.

Motion by Supervisor Lauson and seconded to approve the proceedings from the October 8, 15, 28, 29 and 30, 2002 meetings. Supervisor Pech asked that the October 28 proceedings be corrected to show that he was excused from the meeting, not absent. Supervisor Wingren asked that the vote for Amendment 11 on Page 104 be changed from "CARRIED" to "LOST". Vote on proceedings as corrected - CARRIED BY VOICE VOTE.

## **COUNTY EXECUTIVE'S REPORT**

Executive Van De Hey reported that a committee has been formed to study combining the various local health departments. Supervisor Koziczowski will be chairing this ad hoc committee, and Supervisor Barker will be representing the City of Menasha. Other people on this committee will be the mayors from the Cities of Neenah and Menasha, City of Oshkosh Manager, a representative from the Wisconsin Department of Health and a representative from the Wisconsin university system.

Executive Van De Hey commended UW-Fox Valley on the grand opening of the outstanding Weis Earth Science Museum--it is a wonderful donor-funded facility.

Executive Van De Hey explained that the county's Information Systems Committee is working on policies and procedures for retaining business-related e-mail messages as public records.

Executive Van De Hey announced that at 11:00 a.m. on Friday, January 3, a swearing in ceremony will be held for the county's constitutional officers, with Supreme Court Justice Diane Sykes presiding over the ceremonies. Executive Van De Hey asked the Board to attend.

Executive Van De Hey thanked the Board for all their efforts during the 2003 budgeting process.

## **PUBLIC HEARING**

No one addressed the Board.

## **COMMITTEE REPORTS**

Supervisor Schaidler reported that there was a great turn out for the meeting on the Comprehensive Land Use Plan. There will be another meeting at 5:00 p.m. on Thursday, November 21, at the Vinland Town Hall where they will continue discussing and crafting the Comprehensive Land Use Plan. Supervisor Schaidler encouraged everyone to attend.

## **CHAIRMAN'S REPORT**

Chairman Maehl extended "happy birthday" wishes to Supervisors Finch and Klitzke and Chuck Orenstein, Finance Director.

Chairman Maehl congratulated Supervisor Sevenich on his receipt of the 2002 Mike McKinnon Memorial "Unsung Hero" Award. This award is presented by the Cities of Menasha and Neenah, Youth Go, Doty Island Development Council and the Mike McKinnon family.

Chairman Maehl thanked the Board for their efforts in working through the 2003 budget.

Chairman Maehl shared with the Board that he and Patty had the privilege of spending Veterans' Day at Pearl Harbor, Hawaii. He stated that the ceremony and seeing the USS Missouri was very moving. Chairman Maehl also reported that he presented the commander and caretakers of the USS Missouri with a Winnebago County flag, and it is now flying with the State of Wisconsin flag at the entrance to this memorial.

## **WISCONSIN COUNTY MUTUAL INSURANCE CORPORATION – ROBERT WURTZ**

Bob Wurtz, of AEGIS Corporation and acting General Administrator of Wisconsin County Mutual Insurance Corporation, updated the Board on the effect September 11, 2001 had on Wisconsin County Mutual and the insurance industry as a whole. He explained that nation wide, the insurance pools and operations that handle public entity liability have been in a "downward spiral" in the availability of re-insurance and a "upward spiral" in the cost of that re-insurance. However, because of their surplus, Wisconsin County Mutual Insurance Corporation is able to take more risk and get through these harder times.

Mr. Wurtz then gave a brief history on the Wisconsin County Mutual Insurance Corporation and announced that on June 1, 2002 they formed the Community Insurance Corporation. Community Insurance Corporation will now be available to provide liability coverage to towns, cities, villages and school districts in Wisconsin. In the past, Wisconsin County Mutual Insurance Corporation was providing coverage to some of these entities. In an effort to keep the "governance and control" of Wisconsin County Mutual Insurance Corporation under its Board of Directors and the counties who appoint them, it was felt this separation was warranted.

Wisconsin County Mutual Insurance Corporation has approximately \$50 Million in assets, \$20 Million of which is surplus. Liability losses are down by approximately 30% since 1988. However, because of Federal judicial decisions, settlements involving jails have gone up. And, in spite of other areas improving, these large jail claim settlements are having a substantial impact on the surplus.

Mr. Wurtz then presented Winnebago County with a dividend check in the amount of \$86,482.

## **PLANS FOR THE VACATED CITY/COUNTY SAFETY BUILDING**

Supervisor Rengstorf and Mike Elder presented information on moving the District Attorney's Office back to the city/county safety building after it has been vacated by the Sheriff's Department in May 2003. Supervisor Rengstorf explained that this plan has been unanimously approved by the Judiciary & Public Safety and Facilities & Property Management Committees, and has had input from Supervisor Paul Sundquist, Chairman of the Public Safety Building Board.

Mike Elder, Facilities and Property Management Director, explained that in 1999, because of overcrowded conditions, the District Attorney's Office was moved out of the safety building and into the Beach Building on Algoma Boulevard. The move to the Beach Building was considered temporary until

the safety building was vacated by the Sheriff's Department and remodeled to fit the needs of the District Attorney.

Winnebago County's lease for the second floor of the Beach Building runs until April 30, 2004. This will give them enough time to complete the remodeling and get the District Attorney's Office moved back into the safety building. After the remodeling is complete, the District Attorney will have approximately 7400 square feet of office space in the safety building. Mr. Elder explained that this will be less space than they presently have in the Beach Building. Also, this plan does not provide for more space for additional staff that may be added in the future.

Mr. Elder also explained that, because of its age and condition, the roof on the safety building will need to be replaced.

The breakdown of costs for remodeling and re-roofing the safety building are as follows:

Remodeling:

▪ Demolition and Construction	\$425,000
▪ Fees	34,000
▪ Contingency (15%)	63,750
▪ Moving Expenses	<u>10,000</u>
Total	\$532,750

Roof Replacement:

▪ Demolition and Construction	\$188,000
▪ Fees	15,100
▪ Contingency (10%)	<u>18,800</u>
Total	\$221,900

Mr. Elder distributed a report and schematic design for this project. A copy of this report and the schematic design is on file in the County Clerk's Office with the original proceedings.

## ZONING REPORTS & ORDINANCES

REPORT NO. 001. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Jeffrey Ogden and property owner Joseph Nemecek, Town of Neenah, for zoning change to M-1. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 11-01-02. A request for zoning change from A-2 (General Farming) to M-1 (Light Industrial). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE. (Effective date – November 25, 2002)

REPORT NO. 002. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Benjamin Begley, Town of Algoma, for zoning change to B-1. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE. (Supervisor Hert abstained.)

AMENDATORY ORDINANCE NO. 11-02-02. A request for zoning change from R-2 (Single family subdivided) to B-1 (Local Service District). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Supervisor Hert abstained.) (Effective date – November 25, 2002)

REPORT NO. 003. A report from the Planning & Zoning Committee regarding a requested zoning change from applicants Leo & Agnes Potratz and property owners Russell & Marian Hemminghaus, Town of Nekimi, for zoning change to R-1. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 11-03-02. A request for zoning change from A-1 (Exclusive Agriculture) to R-1 (Single Family non-subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – November 25, 2002)

AMENDATORY ORDINANCE NO. 4. A request from the Town of Vinland on behalf of Michael J. Pahlow for zoning change from A-1 to R-1. Motion by Supervisor Farrey and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – November 25, 2002)

AMENDATORY ORDINANCE NO. 5. A request from the Town of Rushford on behalf of Donald & Barbara Zarling for zoning change from A-1 to A-2. Motion by Supervisor Egan and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – November 25, 2002)

At approximately 7:08 p.m., Chairman Maehl called for a recess. The meeting was re-convened at approximately 7:25 p.m.

### **RESOLUTIONS & ORDINANCES**

**RESOLUTION NO. 106-112002: Authorize the borrowing of \$5 million from the State Trust Fund Loan Program for the purpose of paying off Winnebago County's unfunded pension liability balance and advancing General Fund Reserves for the balance, to be reimbursed through a subsequent State Trust Fund Loan.**

WHEREAS, Winnebago County has an unfunded pension liability balance that is projected to be \$6,632,846 at 12/31/2002, and

WHEREAS, Counties are now allowed to borrow for the purpose of paying off this liability, and

WHEREAS, the State of Wisconsin, Commissioners of Public Lands has a trust fund loan program that the County can use to pay off this liability, and

WHEREAS, the program allows a municipality to borrow up to \$5,000,000 in any calendar year, and

WHEREAS, Winnebago County can use its own funds to pay off the balance of \$1,208,543 and reimburse itself from a State Trust Fund loan for the balance shortly after March 15, 2003 or use some other financing mechanism, and

WHEREAS, by the provisions of Sec. 67.05(4) of the Wisconsin Statutes, all municipalities may borrow money for such purposes in the manner prescribed, and,

WHEREAS, by the provisions of Chapter 24 of the Wisconsin Statutes, the Board of Commissioners of Public Lands of Wisconsin is authorized to make loans from the State Trust Funds to municipalities for such purposes. (Municipality as defined by Sec. 24.60(2) of the Wisconsin Statutes means a town, village, city, county, public inland lake protection and rehabilitation district, town sanitary district created under Sec. 60.71 or 60.72, metropolitan sewerage district created under Sec. 66.22 or 66.882, joint sewerage system created under Sec. 144.07(4), school district or technical college district.)

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors that the County of Winnebago, Wisconsin, borrow from the Trust Funds of the State of Wisconsin the sum of Five Million And 00/100 Dollars (\$5,000,000.00) for the purpose of paying the county's unfunded pension liability and for no other purpose.

The loan is to be payable within 20 years from the 15th day of March preceding the date the loan is made. The loan will be repaid in annual installments with interest at the rate of 6.00 percent per annum from the date of making the loan to the 15th day of March next and thereafter annually as provided by law.

RESOLVED FURTHER, that there shall be raised and there is levied upon all taxable property, within the County of Winnebago, Wisconsin, a direct annual tax for the purpose of paying interest and principal on the loan as they become due.

RESOLVED FURTHER, that no money obtained by the County of Winnebago by such loan from the state be applied or paid out for any purpose except paying the county's unfunded pension liability without the consent of the Board of Commissioners of Public Lands.

RESOLVED FURTHER, that in case the Board of Commissioners of Public Lands of Wisconsin agrees to make the loan, that the chairman and clerk of the County of Winnebago, Wisconsin, are authorized and empowered, in the name of the county to execute and deliver to the Commission, certificates of indebtedness, in such form as required by the Commission, for any sum of money that may be loaned to the county pursuant to this resolution. The chairman and clerk of the county will perform all

necessary actions to fully carry out the provisions of Chapter 24 and Sec. 67.05(4), Wisconsin Statutes, and these resolutions.

RESOLVED FURTHER, that this preamble and these resolutions and the aye and no vote by which they were adopted, be recorded, and that the clerk of this county forward this certified record, along with the application for the loan, to the Board of Commissioners of Public Lands of Wisconsin.

RESOLVED FURTHER, that the balance of the unfunded pension liability (\$1,208,543) will be paid off using General Fund reserves, with such reserves being replenished by either another State Trust Fund loan after March 15, 2003, or another financing vehicle after that date if State Trust Funds are not available.

Submitted by:  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. Motion by Supervisor Albrecht and seconded to amend the Resolution as follows: page 1, delete Lines 20 thru 22; page 2, delete Line 23 and, on Line 24 delete, "March 15, 2003, or" and delete "after that date if State Trust Funds are not available."

Bradley Viegut of Robert W. Baird & Co., presented the "Amortization Schedule" and the "Prior Service Liability Refunding" information to the Board. A copy of this information is on file in the County Clerk's Office with the original proceedings.

Vote on Resolution – Ayes: 33. Nays: 0. Excused: 3 – Sevenich, Nielsen and Finch. Absent: 2 – Maehl and Kramer. CARRIED.

A "point of order" was made by Supervisor Pech that no vote had been taken on Supervisor Albrecht's amendment to Resolution No. 106-112002.

Motion by Supervisor Pech and seconded to reconsider Resolution No. 106-112002. CARRIED BY VOICE VOTE.

Vote on Supervisor Albrecht's amendment to Resolution No. 106-112002: Ayes: 34. Nays: 0. Excused: 3 – Sevenich, Nielsen and Finch. Absent: 1 – Kramer. CARRIED.

Vote on Resolution No. 106-112002 as amended: Ayes: 35. Nays: 0. Excused: 3 – Sevenich, Nielsen and Finch. CARRIED.

**RESOLUTION NO. 111-112002: RESOLUTION AUTHORIZING THE BORROWING OF NOT TO EXCEED \$1,225,000; AND PROVIDING FOR THE ISSUANCE AND SALE OF TAXABLE NOTE ANTICIPATION NOTES THEREFOR**

WHEREAS, the County Board of Supervisors of Winnebago County, Wisconsin (the "County") hereby finds and determines that that the County needs funds in an amount of not to exceed \$1,225,000 to finance the County's unfunded prior service liability contributions under the Wisconsin Retirement System (the "Contributions");

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

WHEREAS, counties are authorized by the provisions of Sections 67.04(5)(b)4 and 67.12(12) of the Wisconsin Statutes to borrow money and to issue general obligation promissory notes for such public purposes;

WHEREAS, counties are authorized by the provisions of Section 67.12(1)(b) of the Wisconsin Statutes to issue municipal obligations in anticipation of receiving proceeds from bonds or notes the county has authorized or covenanted to issue under Chapter 67 of the Wisconsin Statutes;

WHEREAS, the County Board of Supervisors intends to authorize and issue general obligation promissory notes (the "Securities") of the County to retire the obligations authorized to be issued herein and thereby provide permanent financing for the Contributions; provided that the County retains the right to retire said obligations from other funds available to it, including funds derived from a State Trust Fund Loan or the issuance of general obligation refunding bonds;

WHEREAS, the Securities have not yet been issued or sold; and

WHEREAS, it is the finding of the County Board of Supervisors that it is necessary, desirable and in the best interest of the County to provide for the issuance and sale of taxable note anticipation notes pursuant to Section 67.12(1)(b), Wisconsin Statutes, in anticipation of receiving the proceeds from the issuance and sale of the Securities, to provide interim financing to pay the cost of the Contributions and it is now necessary and desirable to authorize their issuance and sale.

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

Section 1. Authorization of the Notes. For the purpose of providing interim financing to pay the cost of the Contributions, there shall be borrowed pursuant to Section 67.12(1)(b) of the Wisconsin Statutes, a principal sum not to exceed ONE MILLION TWO HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$1,225,000) from a purchaser or purchasers to be determined by competitive sale (the "Purchaser").

Section 2. Sale of the Notes. To evidence such indebtedness, the Chairperson and County Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the County, taxable note anticipation notes aggregating a principal amount not to exceed ONE MILLION TWO HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$1,225,000) (the "Notes").

Section 3. Notice of Sale. The County Finance Director (in consultation with the County's financial advisor, Robert W. Baird & Co. Incorporated) is hereby authorized and directed to cause notice of the sale of the Notes to appear in such newspapers and at such times as the Finance Director may determine.

Section 4. Official Notice of Sale. The County Finance Director (in consultation with the County's financial advisor, Robert W. Baird & Co. Incorporated) shall also cause an Official Notice of Sale to be prepared and distributed and may prepare or cause to be prepared and distributed an Official Statement or other form of offering circular.

Section 5. Award of the Notes. Following receipt of bids for the Notes, the County Board of Supervisors shall consider taking further action to provide the details of the Notes and to award the Notes to the lowest responsible bidder or bidders therefor.

Section 6. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the County Board of Supervisors or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Submitted by:

PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. Ayes: 35. Nays: 0. Excused: 3 – Sevenich, Nielsen and Finch. CARRIED.

**RESOLUTION NO. 97-112002: Adopt Amended County Flexible Benefits Plan**

WHEREAS, Winnebago County previously adopted a Flexible Benefits Plan; and

WHEREAS, since the original adoption of the Plan, amendments to the Plan have been necessary because of changes in the law affecting the Plan and because of administrative changes; and

WHEREAS, amendments were also made in the Plan to further define certain words or terms used within the Plan so as to prevent problems in relationship to the interpretation of the Plan.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the amended and restated County of Winnebago Flexible Benefits Plan effective January 1, 2001 is hereby approved and adopted. The proper officers of the County are hereby authorized and directed to execute said Plan.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the appropriate officers of the County shall be instructed to take such actions deemed necessary and proper in order to

implement the Plan and to set up adequate accounting and administrative procedures to provide benefits as provided under the Plan.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the proper officers of Winnebago County shall act as soon as possible in notifying employees of the County of amendments to this Plan by delivering to each employee a summary plan description, which is hereby approved by this Board.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that Winnebago County hereby agrees to indemnify and hold Marshall & Ilsley Trust Company harmless from and against all claims, expenses (including reasonable attorney's fees), liabilities, damages, actions or other charges incurred by or set against Marshall & Ilsley Trust Company as a direct or indirect result of anything done or omitted by Marshall & Ilsley Trust Company in reliance upon the directions, or absence of directions, the Plan Administrator, the Corporation, or any participant in the Plan or any prior service provider. (A summary of the changes to the Plan are attached hereto pursuant to a letter by Cindy Hopfensperger of Marshall & Ilsley Trust Company dated October 9, 2002 to Mary Polishinski. A complete copy of the proposed Amended Plan may be obtained from the Human Resources Department.)

Submitted by:  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. Ayes: 35. Nays: 0. Excused: 3 – Sevenich, Nielsen and Finch. CARRIED.

**RESOLUTION NO. 98-112002: Authorize Lease Agreement with the United States Government for Office Space at Wittman Regional Airport (Transportation Security Administration)**

WHEREAS, the Transportation Security Administration, which provides security services at Wittman Regional Airport, desires to lease a total area of approximately 467 square feet of office space at Wittman Regional Airport for a two (2) year period at an annual rental rate of \$4,680 a year; and

WHEREAS, the Winnebago County Aviation Committee has recommended that said lease be approved and said office space be rented to the Transportation Security Administration.

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 enter into a lease agreement for approximately 467 square feet of office space at Wittman Regional Airport to the United States Government, Transportation Security Administration, for a two (2) year period, commencing on November 15, 2002, at an annual rental rate of \$4,680 per year. (A complete copy of the lease may be obtained from the Airport Director or from the Office of Corporation Counsel.)

Submitted by:  
AVIATION COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Supervisor Kline corrected Lines 12 and 22 by changing "approximately 467" to "390." Supervisor Kline also corrected Line 37 by changing "5-0" to "3-0". Vote on Resolution as corrected – Ayes: 35. Nays: 0. Excused: 3 – Sevenich, Nielsen and Finch. CARRIED.

**RESOLUTION NO. 99-112002: Authorize Increase in Selected Zoning Department Fees**

WHEREAS, the Winnebago County Zoning Department has recommended an increase in selected fees charged by that Department commencing on January 1, 2003; and

WHEREAS, the Planning and Zoning Committee recommends the adoption of said fee increases in that said increases will allow for an increase in percentage of actual costs recovered for each item in the future and will allow for a match of the revenue figure as shown in Winnebago County's 2003 Adopted



Budget.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the following fees for the following activities within the Winnebago County Zoning Department, effective as of January 1, 2003:

<u>ACTIVITY</u>	<u>FEE</u>
Zoning Permit	\$100.00
Holding tanks	\$300.00
All Other Private Sanitary Systems	\$315.00
Certified Survey Maps	\$ 95.00
Public Hearing Items	\$525.00
Zoning Change	
Variance	
Conditional Use	
Preliminary Plat	
Final Plat	No Fee

Submitted by:  
PLANNING & ZONING COMMITTEE

Motion by Supervisor Schaidler and seconded to adopt. Ayes: 30. Nays: 5 – Albrecht, Hert, Farrey, Arne and Rengstorf. Excused: 3 – Sevenich, Nielsen and Finch. CARRIED.

**RESOLUTION NO. 100-112002: Disallow Claim of CenturyTel of Larsen-Readfield, LLC**

WHEREAS, your Personnel and Finance Committee has had the claim of CenturyTel of Larsen-Readfield, LLC 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 CenturyTel of Larsen-Readfield, LLC dated August 30, 2002, 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 Albrecht and seconded to adopt. CARRIED BY VOICE VOTE.

**RESOLUTION NO. 101-112002: Disallow Claim of Church Mutual Insurance Company for Carrie Cross**

WHEREAS, your Personnel and Finance Committee has had the claim of Church Mutual Insurance Company for Carrie Cross 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 Church Mutual Insurance Company for Carrie Cross dated October 14, 2002, be and the same is hereby disallowed for the reason that there is no basis for liability on the part of Winnebago County.

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

**RESOLUTION NO. 102-112002: Resolution Authorizing the Borrowing of not to Exceed \$3,110,000; Providing for the Issuance and Sale of General Obligation Refunding Bonds Therefor; and Authorizing the Redemption of the County's General Obligation Promissory Notes, Dated August 15, 1996**

WHEREAS, the County Board of Supervisors of Winnebago County, Wisconsin (the "County") hereby finds and determines that it is necessary, desirable and in the best interest of the County to raise funds for the public purpose of refunding obligations of the County, including interest on them, to wit: refunding the County's outstanding General Obligation Promissory Notes, dated August 15, 1996 (the "1996 Notes") maturing in the years 2004 through 2006 (the "Refunding"), and there are insufficient funds on hand for said purpose;

WHEREAS, the County Board of Supervisors deems it to be necessary, desirable and in the best interest of the County to refund the 1996 Notes maturing in the years 2004 through 2006 for the purpose of achieving debt service cost savings;

WHEREAS, counties are authorized by the provisions of Chapter 67 of the Wisconsin Statutes to borrow money and to issue general obligation refunding bonds for the purpose of refinancing their outstanding obligations;

WHEREAS, the County Board of Supervisors of the County hereby finds and determines that general obligation refunding bonds in an amount not to exceed \$3,110,000 should be issued, and it is now necessary and desirable to authorize their issuance and sale; and

WHEREAS, it is also necessary and desirable to call the 1996 Notes maturing in the years 2004 through 2006 for redemption on April 1, 2003.

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

Section 1. Authorization of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Chapter 67 of the Wisconsin Statutes, a principal amount not to exceed THREE MILLION ONE HUNDRED TEN THOUSAND DOLLARS (\$3,110,000) from a purchaser or purchasers to be determined by competitive sale (the "Purchaser").

Section 2. Sale of the Bonds. To evidence such indebtedness, the Chairperson and County Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the County, general obligation refunding bonds in a principal amount not to exceed THREE MILLION ONE HUNDRED TEN THOUSAND DOLLARS (\$3,110,000) (the "Bonds"). There be and there hereby is levied on all the taxable property in the County a direct, annual tax in such years and in such amounts as are sufficient to pay when due the principal and interest on the Bonds

Section 3. Notice of Sale. The County Finance Director (in consultation with the County's financial advisor, Robert W. Baird & Co. Incorporated) is hereby authorized and directed to cause notice of the sale of the Bonds to appear in such newspapers and at such times as the Finance Director may determine.

Section 4. Official Notice of Sale. The County Finance Director (in consultation with the County's financial advisor, Robert W. Baird & Co. Incorporated) shall also cause an Official Notice of Sale to be prepared and distributed and may prepare or cause to be prepared and distributed an Official Statement or other form of offering circular.

Section 5. Award of the Bonds. The Bonds shall be offered for public sale on December 17, 2002. Following receipt of bids for the Bonds, the County Board of Supervisors shall consider taking further action to provide the details of the Bonds and to award the Bonds to the lowest responsible bidder or bidders therefor.

Section 6. Redemption of the 1996 Notes. The County Board of Supervisors hereby calls the 1996 Notes due on and after April 1, 2004 for redemption on April 1, 2003 at the price of par plus accrued interest to the redemption date. The County hereby directs its financial advisor, Robert W. Baird & Co.

Incorporated, to cause a notice of redemption, in substantially the form attached hereto as Exhibit A to be provided by registered or certified mail or overnight express delivery to The Depository Trust Company, New York, New York, not less than thirty (30) days nor more than sixty (60) days prior to April 1, 2003. Notice shall also be provided to, but need not be published in, The Bond Buyer. Notice shall also be provided to all nationally recognized municipal securities information repositories, to other registered securities depositories and to national information services that disseminate redemption notices. Such other notices shall also be provided at least thirty (30) days prior to April 1, 2003.

Section 7. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the County Board of Supervisors or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted and recorded this 19th day of November, 2002.

Submitted by  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. Ayes: 35. Nays: 0. Excused: 3 – Sevenich, Nielsen and Finch. CARRIED.

**RESOLUTION NO. 103-112002: Accept FEMA Grant of \$48,125 and Apply that with Transfer of \$6,875 from Parks Capital Outlay Budget to Winneconne Park Shorewall and Shoreline Repair Project for Total Project Cost of \$55,000.**

WHEREAS, Winnebago County is interested in repairing damage done to Winneconne Park shoreline and shorewall structures during the June 11, 2001 storm; and

WHEREAS, a \$48,125 FEMA Grant has been made available to Winnebago County for the repair of said facilities in Winneconne Park; and

WHEREAS, as a condition of accepting the grant, Winnebago County is obligated to dedicate \$6,875 of its own funds towards the repair project.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the County Executive and the County Clerk are hereby authorized to accept a \$48,125 FEMA Grant to make repairs to Winneconne Park shoreline and shorewall structures and that said funds are appropriated to the Parks Department's Ground Maintenance Fund.

BE IT FURTHER RESOLVED that \$6,875 will be transferred from Parks Department Capital Outlay Fund to the Ground Maintenance Fund in order to meet the County's obligation to share 12.5% of the expected \$55,000 expenditure for the repair project.

Submitted by,  
PERSONNEL & FINANCE COMMITTEE  
PARKS AND RECREATION COMMITTEE

Motion by Supervisor Lauson and seconded to adopt. Ayes: 35. Nays: 0. Excused: 3 – Sevenich, Nielsen and Finch. CARRIED.

**RESOLUTION NO. 104-112002: Transfer \$6,500 from CTH CB capital project fund to CTH Y capital project fund for additional land acquisition costs**

WHEREAS, the Winnebago County Board of Supervisors previously approved and appropriated funds to the CTH Y project, and

WHEREAS, additional funds are needed at this time for costs associated with right-of-way acquisition in the amount of \$6,500, and

WHEREAS, there are excess funds available in the CTH CB capital project fund that could be transferred for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby transfers \$6,500 from the CTH CB capital project fund to the CTH Y capital project fund for the purpose of paying land acquisition costs.

Submitted by:  
HIGHWAY COMMITTEE  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Robl and seconded to adopt. Ayes: 27. Nays: 7 – Griesbach, Pech, Thompson, Radewan, Wingren, Hert and Rengstorf. Excused: 3 – Sevenich, Nielsen and Finch. Absent: 1 – Widener. CARRIED.

**RESOLUTION NO. 105-112002:      Transfer \$50,000 from CTH CB capital project fund to CTH JJ capital project fund for additional land acquisition costs**

WHEREAS, the Winnebago County Board of Supervisors previously approved \$117,000 for preliminary costs related to the CTH JJ project, and

WHEREAS, additional funds are needed at this time for land acquisition in the amount of \$50,000, and

WHEREAS, there are excess funds available in the CTH CB capital project fund that could be transferred for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby transfers \$50,000 from the CTH CB capital project fund to the CTH JJ capital project fund for the purpose of paying land acquisition costs.

Submitted by:  
HIGHWAY COMMITTEE  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Robl and seconded to adopt. Ayes: 27. Nays: 8 – Griesbach, Widener, Radewan, Sundquist, Wingren, Jacobson, Norton and Hert. Excused: 3 – Sevenich, Nielsen and Finch. CARRIED.

**ORDINANCE NO. 107-112002:      Create Section 19.24(10) of the General Code of Winnebago County: Parking Fee for Boat Trailers in Winnebago County Parks**

WHEREAS, there is a need and desire to make improvements to Winnebago County water-based facilities; and

WHEREAS, there is a need to generate dollars for continued maintenance and operations of water-based facilities; and

WHEREAS, the user fee collected from those persons using such facilities should be specifically designated for such improvements, maintenance and operations.

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

That Section 19.24(10) of the Winnebago County General Code be created to read as follows:  
19.24(10) BOAT TRAILER PARKING FEES.

(A) No person shall park a boat trailer, whether attached or detached to a vehicle, in any Winnebago County Park or at any Winnebago County boat launch facility without first paying the applicable daily, annual or multi-year parking fee. Such fees may be waived upon the written approval of the Winnebago County Parks Director.

(B) An annual parking permit shall be valid from March 31 of the year of issuance through March 30 of the following year. Multi-year permits shall be valid for three (3) years from the date of issuance through March 30 of the third year after issuance. Annual and multi-year permits shall be sold through the Parks Department and/or other outlets as are designated by the Director of Finance for Winnebago County.

(C) Daily permits may be purchased through the self-registration facilities made available at each boat launch site. Such permits may be re-used at any Winnebago County boat launch site and shall only be valid during the same day of purchase.

(D) FEES. The annual boat trailer parking permit shall be \$25.00 for residents and \$35.00 for non-residents. The annual boat trailer permit fee for senior citizens age 65 years or older shall be \$20.00 for residents. A multi-year boat trailer parking permit shall be \$65.00 for residents and \$90.00 for non-residents. The multi-year (3-year) boat trailer parking permit fee for senior citizens age 65 or older shall be \$50.00 for residents. For purposes of this ordinance, "resident" status shall be considered as either one of the following:

- (1) An individual currently residing in Winnebago County as is indicated by that person's driver's license;
- (2) An individual currently owning property within Winnebago County as is indicated by a tax receipt from the prior year.

At the time of the initial transaction when an annual or multi-year boat trailer parking permit is being purchased, residents may purchase a second permit for other automobile, motor home or truck registered to the same individual which they intend to use to pull a boat trailer. The second permit shall cost \$5.00. At any time following the initial transaction, a second permit or a replacement permit may be purchased at the Parks Department office for the same permit period at a cost of \$10.00 per permit. Proof of vehicle registration shall be provided for all transactions. Annual and multi-year permit stickers shall be prominently displayed and permanently affixed to the lower corner of the interior of the windshield on the passenger side of the automobile, motor home or truck utilized to pull the boat trailer. Daily boat trailer parking permit fees shall be \$4.00. The printed side of the daily permit shall be prominently displayed on the interior of the passenger side window of the automobile, motor home or truck pulling the boat trailer.

(E) Vehicles attached to or pulling boat trailers shall have displayed and/or affixed on them an annual, multi-year or daily boat trailer parking permit receipt and/or sticker when parking in the following areas:

- (1) Lake Butte des Morts Boat Launch
  - (a) Parking Lot and permissible turf areas
- (2) Eureka Boat Launch
  - (a) Parking lot and permissible turf areas
- (3) Black Wolf Boat Launch
  - (a) Parking lot and permissible turf areas
- (4) Boom Bay Boat Launch
  - (a) Parking lot and permissible turf areas
- (5) Lake Poygan Boat Launch
  - (a) Parking lot and permissible turf areas
  - (b) Both sides of County Trunk B from Poygan Shores Lane to Lake Poygan Road
- (6) Lake Winneconne Boat Launch
  - (a) Parking lot and permissible turf areas
- (7) Grundman Park Boat Launch
  - (a) Parking lot and permissible turf areas
- (8) Asylum Point Park Boat Launch
  - (a) Parking lot and permissible turf areas

(b) Both sides of Sherman Road from Snell Road south until its terminus

(F) AUTHORIZED TRAFFIC OFFICERS

For purposes of enforcing this section of the Winnebago County General Code, employees in the Winnebago County Parks Department are hereby designated as "traffic officers" within the meaning of Sections 340.01(70) and 349.13 of the Wisconsin Statutes and are hereby authorized to issue citations for non-moving violations of this section.

(G) RESPONSIBILITY OF OWNER.

The owner of a vehicle involved in a violation of this Ordinance shall be liable for the violation. It shall be no defense to a violation of this Ordinance that the owner was not operating the vehicle cited at the time of the violation or that the owner did not personally park the boat trailer in a prohibited area.

(H) ENFORCEMENT OF PARKING RESTRICTIONS

Traffic officers observing violations of parking restrictions specified within this chapter may issue parking tickets that shall be attached to the vehicle parked in violation. Each parking ticket shall specify:

- (1) The location of the vehicle parked in violation of the provisions of this section
- (2) The license number and state of licensing of the vehicle
- (3) The time that such vehicle was parked in violation of the provisions of this chapter
- (4) Any other facts or knowledge which is necessary for a thorough understanding of the circumstances attending to the violation

(I) BASIC PENALTY FOR A VIOLATION

Basic penalty for violation of this section shall be Thirty-five Dollars (\$35.00).

(J) PAYMENT OF VIOLATION: TIME LIMITS; FAILURE TO PAY

Each owner or operator shall, within 48 hours after 8:00 p.m. of the violation, pay to the County as a penalty for and in full satisfaction of such violation, the basic penalty as stated within this section. Each such owner or operator shall, after said 48 hour period, pay a penalty of Fifty Dollars (\$50.00). If the penalty is not paid within five (5) days after 8:00 p.m. of the day of the violation, each owner or operator shall then pay a penalty of Seventy-five Dollars (\$75.00). The failure of such owner/operator to make such payments shall render such owner/operator subject to the penalties hereinafter provided for each violation of the provisions of this section.

(K) NON-MOVING VIOLATIONS REGISTRATION PROGRAM

In addition to all other methods of collecting parking fines provided for in this section, the proper County officials are hereby authorized and directed to use the procedures provided for in Section 345.28, Wisconsin Statutes and to take all actions authorized under said Section with regard to suspension of the registration of motor vehicles with unpaid citations.

(L) ALTERNATE PROCEDURE

In lieu of the foregoing provisions, a person that has been issued a parking ticket for violation of this section may request a hearing regarding such violation. This person shall be issued a summons and citation and such proceedings shall thereafter be governed by Sections 345.34 through 345.47, Wisconsin Statutes.

(M) USE OF PERMIT FEE REVENUE

The net revenue resulting from the sale and enforcement of trailer boat parking permits after the deduction of the cost of collection, enforcement, administration and operation shall be used to establish, maintain and improve County-owned boat launch facilities.

(N) EFFECTIVE DATE

This ordinance shall be effective as of March 31, 2003.

Submitted by:  
PARKS & RECREATION COMMITTEE

Motion by Supervisor Lauson and seconded to adopt. Supervisor Lauson corrected the committee vote to read "4-1." Motion by Supervisor Sundquist and seconded to amend Line 30 by deleting, "in any Winnebago County Park or." Vote on amendment – Ayes: 15 – Hotynski, Maehl, Lauson, Albrecht, Thompson, Madison, Sundquist, Jacobson, Robl, Kline, Tierney, Sievert, Rankin, Rengstorf and O'Brien.

Nays: 20. Excused: 3 – Sevenich, Nielsen and Finch. LOST.

Motion by Supervisor Thompson and seconded to refer back to committee – Ayes: 12 – Koziczkowski, Klitzke, Albrecht, Pech, Thompson, Madison, Radewan, Wingren, Kline, Tierney, Kramer and Sievert. Nays: 23. Excused: 3 – Sevenich, Nielsen and Finch. LOST.

Vote on Resolution as presented: Ayes: 21. Nays: 14 – Griesbach, Albrecht, Thompson, Steineke, Wingren, Jacobson, Hert, Tierney, Farrey, Sievert, Arne, Egan, Rengstorf and O'Brien. Excused: 3 – Sevenich, Nielsen and Finch. CARRIED.

**RESOLUTION NO. 108-112002: Authorize Sale of Highway Remnant Property to Zac Investment Corporation**

WHEREAS, Winnebago County presently owns 2.71 acres of remnant property along County Highway "CB" in the Town of Menasha; and

WHEREAS, said property is no longer needed for the purpose of constructing or maintaining that highway; and

WHEREAS, the Zac Investment Corporation has made an offer to Winnebago County to purchase said property at a price of \$9,000; and

WHEREAS, the Winnebago County Highway Committee recommends that the County Board approve acceptance of said offer and the sale of said property for said price.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the sale of 2.71 acres of highway remnant property located in the Town of Menasha, Winnebago County to Zac Investment Corporation for the price of \$9,000. Said property is described as follows:

(Legal description of the property shall be provided at the time of the County Board meeting. Said legal description shall become a part of this resolution by reference.)

Submitted by:  
HIGHWAY COMMITTEE

Motion by Supervisor Robl and seconded to adopt. Ayes: 35. Nays: 0. Excused: 3 – Sevenich, Nielsen and Finch. CARRIED.

**RESOLUTION NO. 109-112002: Authorize Ground Lease Between Winnebago County and Lee Beverage Company, Incorporated (Wittman Regional Airport)**

WHEREAS, Lee Beverage Company, Incorporated is desirous of leasing approximately 4,000 square feet of property at Wittman Regional Airport for a period of five (5) years at a cost of the greater of \$550 or \$.11 per square foot; and

WHEREAS, said lease may be escalated at three (3) year intervals on the anniversary of said agreement; and

WHEREAS, Lee Beverage Company, Incorporated wishes to rent the property retroactive to September 27, 2002 for the purpose of utilizing a non-commercial aircraft carrier upon said property; and

WHEREAS, your undersigned Committee has approved said lease and recommends its approval by the full County Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves and authorizes the Winnebago County Executive and Winnebago County Clerk to execute a ground lease between Winnebago County and Lee Beverage Company, Incorporated for the rental by Lee Beverage Company, Incorporated for 4,000 square feet of property at Wittman Regional Airport for a five (5) year period, commencing retroactive to September 27, 2002, for the purpose of utilizing a non-commercial aircraft storage hangar upon said space. Rental shall be at the rate of \$.11 per square foot or \$550 per year, whichever figure is greater. (A copy of the proposed lease may be obtained from the Airport Director or Corporation Counsel.)

Submitted by:  
AVIATION COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 34. Nays: 0. Excused: 3 – Sevenich, Nielsen and Finch. Absent: 1 – Hotynski. CARRIED.

**ORDINANCE NO. 110-112002: Amendments to Chapter 18, Winnebago County General Code (Subdivision Ordinance)**

WHEREAS, the Winnebago County Zoning Department has approved the following amendments to the Winnebago County Subdivision Ordinance (Chapter 18, Winnebago County General Code).

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

That Chapter 18 of the General Code of Winnebago County be amended in the following manner:

1. Section 18.09 be renumbered to Section 18.09(1).
2. That Section 18.09(2) be created to read as follows:  
No land division shall be allowed where such division shall increase the non-conformity of a structure, use or parcel, or where a non-conforming structure, use or parcel would be created as a result of the division.
3. Create Section 18.14(6) which shall read as follows:  
18.14 Creation of a minor land division shall be by certified survey map. The certified survey map shall be submitted to the Planning and Zoning Department. The certified survey map shall be prepared according to Section 236.34, Wisconsin Statutes, and shall show clearly on its face the following: ...
  - (6) The most recent deed and document number.
4. Create Section 18.36(6), which shall read as follows:

18.36 Submittal

Creation of a minor condominium plat shall be by certified survey map. The certified survey map shall be submitted to the Planning and Zoning Department. Such map shall be prepared according to Sections 236.34 and 703.11, Wisconsin Statutes, and the map shall show clearly on its face the following: ...

- (6) The most recent deed and document number.

5. Amend Section 18.16(2) to read as follows:

18.16 Review and Approval ...

- (2) The committee shall, within ninety (90) days of the date of submission, unless mutually extended by both parties, review the application and map against the applicable standards of the ordinance, and approve, conditionally or reject the application and map based upon a determination of conformity or non-conformity with the standards.

6. Renumber the existing paragraphs in Section 18.18 as subsection (a) and subsection (b).

7. Create Section 18.18(c) to read as follows:

18.18 Preliminary Consultation ...

- (2) Upon receipt of the initial concept, the Administrator shall review the concept and provide written comments to the developer, or their agent, within thirty (30) days. If additional information is needed to adequately review the proposed development or corrections need to be made, the preliminary plat may not be submitted until authorized to do so by the reviewer. The comments and subsequent authority to proceed shall expire within six (6) months of the date of the review.

8. Renumber Section 18.23 as Section 18.23(1).

9. Create Section 18.23(2) to read as follows:

18.23 Testing...

- (2)(a) Soil evaluations performed in accordance with Wisconsin Administrative Code regulations shall be submitted to the County Planning Administrator for County field



verification prior to the submittal of a preliminary County or State Plat. Plat design shall thereafter be based upon the verified evaluation.

(b) Evaluations shall be performed on the basis of one pit per proposed lot. If soil conditions indicate that some lots are suitable only for a holding tank, then those areas shall be incorporated into other lots as may be appropriate. Holding tank outlets are expressly prohibited.

(c) Areas of suitable soil for a POWTS shall be noted on the preliminary and final plat as "area suitable for soil absorption POWTS", and shall be protected in the field from any activity, including road or ditch construction, which renders the area unsuitable for a private soil absorption system. Any area rendered unsuitable shall not qualify for a holding tank and shall be incorporated into a lot with suitable soils.

(d) Lots with minimal suitable soil areas may be required to designate buildable areas or take other appropriate measures to maintain buildable areas or to maintain buildability.

10. Amend Section 18.29 to read as follows:

#### 18.29 General Requirements

A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Section 236.20, Wisconsin Statutes. The final plat shall show correctly on its face, in addition to the information required by Section 236.20, Wisconsin Statutes, all lands reserved for public acquisition or reserved for the common use of property owners within the plat. If common property is located within the plat, then provisions for its use and maintenance are presumed to be provided with the plats. All final plats shall include the most recent deed(s) and document number(s) as is "contained within" statement.

11. Amend Section 18.44 to read as follows:

#### 18.44 Certificates

All final plats shall provide the surveyor's certificate required by Section 703.11(4), Wisconsin Statutes and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this Chapter and shall provide a certificate for County Planning Committee approval.

12. Create Section 18.50(3)(k) to read as follows:

#### 18.50 Street Arrangement.

Applicant shall dedicate land for and improve streets as provided herein...

(3) The following conditions shall apply for street arrangement in all proposed land divisions ...

(k) Temporary cul-de-sacs and required setback areas, where proposed or required, shall be contained within the exterior boundary of the plat or certified survey map.

13. Amend Section 18.56(4) to read as follows:

#### 18.56 Lots ....

(4) Areas and dimensions of lots shall conform to the requirements of Table 1 of this Ordinance; and in areas not served by public sewer shall in addition conform to the requirements of Chapter COMM 83, Wisconsin Administrative Code. Whenever a tract is subdivided into parcels with area in excess of the zoning requirements, such parcels shall be arranged in dimension so as to allow re-division of any such parcels into normal lots in accordance with the provisions of this Chapter. Lot width in areas shall be computed in accordance with Table 2.

14. Create Section 18.56(12) as to read as follows:

(12) Outlots are strictly prohibited except for municipal purposes such as a lift station or "park and ride". Newly created parcels not meeting the requirements of table 1 shall be combined with an existing parcel by means of a Certified Survey Map.

15. Create Section 18.56(13) to read as follows:

(13) All parcel boundaries shall follow established assessment boundaries such as, without limitation, those for school districts or sanitary districts. Lots intended to cross the designated boundary shall not be allowed until such time as the boundary is formally changed and recorded in the Winnebago County Register of Deeds Office.

16. Recreate Section 18.64 to read as follows:

#### 18.64 Public Sanitary Sewerage & Private Sewage Disposal Systems

- (1) Property lying within a functioning Sanitary District, and the Urban Service Area shall only be developed in accordance with Section 16.06 of the General Code of Winnebago County (Winnebago County Sanitary Ordinance).
- (2) Major land divisions and major condominium plats shall be served by a public sanitary system or POWTS with the exception that holding tanks are expressly prohibited.
- (3) Minor land divisions and minor condominium plats may be served by holding tanks only where no alternative method of treatment is suitable as noted on a soil evaluation.

17. Amend Section 18.65(25) to read as follows:

18.65 Definitions

(25) Lot Width. "The main horizontal distance between the side lot lines of the lot measured at right angles to the depth. On irregularly (non-perpendicular) shaped lots, the width shall be the average width of the lot computed to according to Table 2. Lot width shall be measured at the street setback line applicable to the zoning district the parcel is located within. In the shoreland jurisdiction, a lot shall also be measured at the shoreland setback line applicable to the zoning district the parcel is located within. At least 50% of the lot shall be greater than or equal to the required lot width."

18. Create Section 18.65 (36) to read as follows:

(36) POWTS – "Private onsite wastewater treatment system" as described in Chapter COMM 83, Wisconsin Administrative Code.

19. Renumber Section 18.65(36) through (42) as Section 18.65(37) through (43), respectively.

BE IT FURTHER ORDAINED by the County Board of Supervisors of the County of Winnebago that said amendment shall be effective as of the date following the date of their publication.

Submitted by:  
PLANNING & ZONING COMMITTEE

Motion by Supervisor Schaidler and seconded to adopt. Ayes: 34. Nays: 0. Excused: 3 – Sevenich, Nielsen and Finch. Absent: 1 – Hotynski. CARRIED.

At approximately 9:05 p.m., a motion was made by Supervisor Schaidler and seconded to go into Closed Session. Ayes: 34 - Barker, Griesbach, Scoville, Maehl, Koziczowski, Klitzke, Widener, Lauson, Albrecht, Pech, Thompson, Steineke, Madison, Radewan, Sundquist, Wingren, Jacobson, Norton, Hert, Robl, Eichman, Kline, Tierney, Kramer, Schaidler, Farrey, Sievert, Arne, Diakoff, Brennand, Egan, Rankin, Rengstorf and O'Brien. Excused: 3 – Sevenich, Nielsen and Finch. Absent: 1 – Hotynski. CARRIED.

At approximately 9:09 p.m., Chairman Maehl called for a brief recess so the boardroom could be cleared. The Board reconvened in Closed Session at 9:19 p.m.

At approximately 10:09 p.m., a motion was made by Supervisor Pech and seconded to adjourn. The Board will reconvene on Tuesday, December 17 @ 6:00 p.m. CARRIED BY VOICE VOTE.

Respectfully submitted,  
Susan T. Ertmer  
Winnebago County Clerk

State of Wisconsin)  
County of Winnebago) ss

I, Susan T. Ertmer, do hereby certify that the foregoing is a true and correct copy of the Journal of the Winnebago County Board of Supervisors for their regular meeting held November 19, 2002.

Susan T. Ertmer  
Winnebago County Clerk