

**ADJOURNED SESSION
COUNTY BOARD MEETING
TUESDAY, SEPTEMBER 23, 2003**

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, Koziczowski, Klitzke, Widener, Lauson, Albrecht, Pech, Thompson, Steineke, Madison, Radewan, Sundquist, Wingren, Jacobson, Norton, Hert, Nielsen, Robl, Eichman, Kline, Kramer, Schaidler, Finch, Farrey, Sievert, Arne, Diakoff, Brennand, Egan, Rankin, Rengstorf and O'Brien. Absent: Tierney.

Motion by Supervisor Robl and seconded to amend the agenda by acting on Zoning Report 006/Amendatory Ordinance #09/06/03 before Zoning Report 001/Amendatory Ordinance #09/01/03 and approving the agenda as amended. CARRIED BY VOICE VOTE.

COMMUNICATIONS, PETITIONS, ETC.

A letter was received from Senator Mike Ellis thanking the Board for sending him their resolution supporting the Rush Lake Watershed Restoration. He stated that he has been following this issue and appreciates knowing the Board's position.

E-mail messages were received from Senators Russell Feingold and Herb Kohl acknowledging receipt of and thanking the board for sending them Resolution No. 255-82003, "Support Rush Lake Restoration Efforts."

A resolution from the Town of Neenah entitled, "Authorize Support Funding in the Winnebago County 2004 Budget to Complete the County Comprehensive Plan," was read and forwarded to the Planning & Zoning Committee.

Ozaukee County Resolution 03-42: "Oppose Constitutional Amendment" which would allow county clerks, clerk of courts, coroners, district attorneys, register of deeds, sheriffs and treasurers to be appointed instead of elected, was presented and forwarded to the Legislative Committee.

Barron County Resolution No. 2003-51, "Resolution Opposing Modifications to Property Tax Payment System" was presented and forwarded to the Legislative Committee.

Petition for Zoning Amendment from Timothy Cook, Town of Winneconne, for zoning change from R-2/B-2 to R-2 for residential use was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Thomas & Wendy Heise, Town of Omro, for zoning change from A-2/R-1/B-2 to A-2 for single family residences and agriculture was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from John T. Houlihan, Houlihan Construction, Inc., Town of Wolf River, for zoning change from B-2/P-1/M-1/A-2 to R-1 for a single-family residence was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Arthur J. Kessler Revocable Trust—Jean A. Kessler, Trustee, Town of Neenah, for zoning change from R-1/R-2 to R-2 for a single-family residence was referred to the Planning & Zoning Committee.

A letter from Robert Braun, Winnebago County Zoning Administrator, was read. The letter describes a protest petition that was filed in the County Clerk's Office on September 18, 2003 pertaining to Zoning Report No. 006 & Amendatory Ordinance #09/06/03 for property owned by APA Properties, LLC. In his letter, Mr. Braun explains that after examining the petition and its attachments he finds that everything is in order and that the provisions of Sec. 17.33(8) of the Winnebago County Zoning Ordinance requiring a three-fourths vote of the Board members present and voting will be required for passage of this zoning report and amendatory ordinance.

REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS

Supervisor Lauson expressed thanks and appreciation to the Board for their kindness and concern at the passing of his wife Barbara. It has been a very difficult time for his family and everyone's thoughts and prayers were appreciated.

Supervisor Rengstorf asked that the Board take note of the letter that was placed on their desks asking them to review the Board's rules that are printed in the official county directory. Any suggested rule change should be submitted in writing to the Judiciary & Public Safety Committee. Changes to the rules will go into affect when the Board is elected in April 2004.

Supervisor Brennand explained that at their last Information Systems Committee meeting, they discussed putting colored zoning maps on the county's website for the Board and members of the public to view prior to county board meetings. Personnel from the IS Department is studying this option and will get back to the IS Committee with

their findings.

Supervisor Brennand was happy to report that this year's total dividend from the Wisconsin County Mutual Insurance Corporation is \$1.5 Million and that Winnebago County's share of this dividend is \$88,598.

Supervisor Sundquist expressed his appreciation for the hard work done by county boards across the state. He stated that the people who are willing to run for these positions are compassionate, caring people who are concerned about their communities.

Supervisor O'Brien asked that the Board read the memo in their packet highlighting Winnebago County's recycling program. In his memo, Supervisor O'Brien explains the following:

- Tri-County Regional Solid Waste Agreement between Winnebago, Brown and Outagamie County is providing cost savings that will allow a reduction in the recycling tip fee that communities with a signed recycling agreement have to pay.
- The agreement will save the three counties \$35 Million in disposal costs over a 25-year period and \$8 Million in recycling costs over a 12-year period.
- The agreement was recognized by American City & County Magazine as one of its top picks for "America's Crown Communities" in 2002.
- The agreement received a 2003 Achievement Award from the National Association of Counties (NACo).
- The agreement received a "Governor's Excellence Award" from Governor Jim Doyle for "Promoting Efficiencies in Local Government Services."
- A Recycling Efficiency Incentive Grant with the Department of Natural Resources will result in recycling agreement communities receiving a "processing discount" of 35% to 50%.

Supervisor Schaidler informed the Board that the WinnTomorrow Committee will be holding a meeting on the comprehensive land use plan on Thursday, October 9 @ 5:30 p.m. in the James P. Coughlin Center. He reminded the Board about the importance of these meetings and encouraged them to attend.

Supervisor Steineke reported that Initial Security, Oshkosh Truck's security provider, recently received a customer satisfaction survey from Oshkosh Truck showing 100% satisfaction in their security services. Initial Security's parent company is located in England and has over 130,000 employees in 40 countries and this is the first time they have ever gotten a 100% customer satisfaction survey result. Initial Security recognized the officers that work at Oshkosh Truck for their outstanding performance. Supervisor Steineke stated that since 9/11, security at Oshkosh Truck has been outstanding and they are very proud of their rating.

Motion by Supervisor Rankin and seconded to approve the August 19, 2003 County Board proceedings.
CARRIED BY VOICE VOTE.

COUNTY EXECUTIVE'S REPORT

Executive Van De Hey reported that the 2004 budget process has been completed and that budget books will be available to the Board on October 14. She stated that it is a "fiscally sound" budget and she appreciated everyone's cooperation in the process.

Executive Van De Hey stated that she attended a Korean Presbyterian Thanksgiving event in the Town of Menasha. It was a day set aside by the members of the Korean Presbyterian Church to commemorate the U.S. Veterans who were involved in the Korean War. Executive Van De Hey stated that It was a day filled with "heart felt" gratitude from the Korean people to the veterans for what they did for their homeland.

Executive Van De Hey attended a "food of all nations" event hosted by City of Menasha Mayor Joseph Laux, at which Menasha's Japanese sister city was invited to attend. The mayor of that Japanese city and his contingency did attend the event and it was a wonderful success.

Executive Van De Hey recently spoke with the Northeast Wisconsin Realtors group and was told that they are very impressed with Winnebago County's website. In comparison to other counties' websites, they have found Winnebago County's to be exemplary. Executive Van De Hey commended our Information Systems Committee and the IS Department for their efforts.

COUNTY EXECUTIVE'S APPOINTMENT – OMRO TAX INCREMENTAL DISTRICT #5

Executive Van De Hey asked for the Board's approval of her appointment of Supervisor Stephen Rankin to the Omro Tax Incremental District #5.

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

CHAIRMAN'S REPORT

Chairman Maehl encouraged Board members to attend the UW-Extension's program entitled, "Basics of Parliamentary Procedure and Open Government". Information on the program and a registration form was included in the Board members' packets.

Chairman Maehl extended "happy birthday" wishes to Supervisors Madison, Sundquist and Kline. He thanked Supervisors Madison and Sundquist for their donations to the scholarship fund.

Chairman Maehl recognized Supervisor O'Brien, the Solid Waste Management Board and the Solid Waste Management Department for their accomplishment in forming the solid waste/recycling tri-county agreement with Brown and Outagamie County. Chairman Maehl presented Supervisor O'Brien with the Foth & Van Dyke 2003 "Good Government Award" and the NACo 2003 Achievement Award. Chairman Maehl commended Supervisor O'Brien on receiving the "Governor's Excellence Award" from Governor Jim Doyle at the WCA Conference in LaCrosse last month for "Promoting Efficiencies in Local Government Services".

THEDA STAR PRESENTATION – PAM HILLEN, FLIGHT NURSE

Pam Hillen, a Theda Star flight nurse for the past 18 years, gave a Powerpoint presentation to the Board about the Theda Star helicopter program. In her presentation, Mrs. Hillen described the services Theda Star provides and the procedures they follow when they are called to an accident scene or are making critical care patient transports. Mrs. Hillen's presentation contained graphic photos from various accident scenes, which she includes to impress upon people the importance of wearing seat belts.

At the conclusion of her presentation, Mrs. Hillen answered questions from the Board.

At approximately 7:35 p.m., Chairman Maehl called for a 15 minute recess. The Board reconvened at approximately 7:45 p.m.

PUBLIC HEARING

Harrison Sturgis, Jr., 1575 Oakridge Road, Neenah, spoke in opposition to Zoning Report No. 007/Amendatory Ordinance #09/07/03. Mr. Sturgis asked that the report be corrected to show Winnebago County as the "Applicant", but not as the "Owner of Property".

Paul Getchel, of APA Properties LLC, spoke in support of Zoning Report No. 006/Amendatory Ordinance #09/06/03.

ZONING REPORTS & ORDINANCES

REPORT NO. 006. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner APA Properties LLC, Town of Black Wolf for zoning change to R-2. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 09-06-03. A request for zoning change from A-2/R-1 (General Farming/Single family non sub-divided) to R-2 (Single family subdivided). Motion by Supervisor Schaidler and seconded to adopt. Ayes: 37. Nays: 0. Absent: 1 – Tierney. CARRIED. (Effective date – September 29, 2003)

REPORT NO. 001. A report from the Planning & Zoning Committee regarding a requested zoning change from applicants and property owners Robert & Diane Conant, Town of Neenah, for zoning change to A-2. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 09-01-03. A request for zoning change from R-1 (Single Family Non-Subdivided) to A-2 (General Farming). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – September 29, 2003)

REPORT NO. 002. A report from the Planning & Zoning Committee regarding a requested zoning change from applicants and property owners Tyson Johnston and James & Leonora Tritt, Town of Omro, for zoning change to R-1. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 09-02-03. A request for zoning change from A-2 (General Farming) to R-1 (Single Family non-subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – September 29, 2003)

REPORT NO. 003. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Eric Bockhorn and property owners Lewis & Karen Niemuth, Town of Wolf River, for zoning change to R-1. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 09-03-03. A request for zoning change from A-2 (General Farming) to R-1 (Single family non-subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – September 29, 2003)

REPORT NO. 004. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Warren Utecht, Martenson & Eisele, and property owner Richard DeKleyn, JR Development II LLC, Town of Menasha, for zoning change to R-2. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 09-04-03. A request for zoning change from R-3/R-2 (Duplex/Single Family subdivided) to R-2 (Single family subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – September 29, 2003)

REPORT NO. 005. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Charles Szews, Town of Algoma, for zoning change to R-1. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE. (Supervisor Sundquist abstained from voting.)

AMENDATORY ORDINANCE NO. 09-05-03. A request for zoning change from R-2 (Single Family subdivided) to R-1 (Single family non-subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Supervisor Sundquist abstained from voting.) (Effective date – September 29, 2003)

REPORT NO. 007. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Winnebago County and property owners Harrison Sturgis, Jr., and Winnebago County, Town of Neenah, for zoning change to R-3 for Lots 1 & 2, and M-1 for Lot 3 and Outlot. Motion by Supervisor Schaidler and seconded to DENY. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 09-07-03. A request for zoning change from A-2 (General Farming) to R-3 for Lots 1 & 2 and M-1 (Light Industrial) for Lot 3 and Outlot. Motion by Supervisor Schaidler and seconded to DENY. MOTION TO DENY CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 8. A request from the Town of Black Wolf on behalf of APA Properties for zoning change from A-2 to R-2. Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – September 29, 2003)

AMENDATORY ORDINANCE NO. 9. A request from the Town of Utica on behalf of Lynn Morgan and Gary Schoenberger for zoning change from A-1/R-1 to A-3. Motion by Supervisor Egan and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – September 29, 2003)

RESOLUTIONS & ORDINANCES

RESOLUTION NO. 259-92003: Commendation for David Andrashko

WHEREAS, David Andrashko has been employed with Park View Health Center, for the past thirty years, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, David Andrashko 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 David Andrashko 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 David Andrashko.

Submitted by,
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 260-92003: Commendation for Karen LaChey

WHEREAS, Karen LaChey has been employed with Park View Health Center, for the past thirty years, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Karen LaChey 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 Karen LaChey 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 Karen LaChey.

Submitted by,
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 261-92003: Disallow Claim of American Family Insurance Company for Megan L. Maurer

WHEREAS, your Personnel and Finance Committee has had the claim of American Family Insurance Company for Megan L. Maurer referred to it for attention; and

WHEREAS, your Committee has investigated the claim and recommends disallowance of same by Winnebago County.

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that the claim of American Family Insurance Company for Megan L. Maurer dated August 1, 2003, 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. Ayes: 37. Nays: 0. Absent: 1 – Tierney. CARRIED.

RESOLUTION NO. 262-92003: Authorize Transfer of \$5,000 from Subscriptions Account, Clerk of Court's Office to Maintenance Account, Facilities and Property Management Department

WHEREAS, due to the availability of information on the internet, subscriptions for legal publications in the law library continue to be decreased every year; and

WHEREAS, the present law library is not in a condition which is user friendly; and

WHEREAS, the Clerk of Courts has indicated to your undersigned Committees that it would make better sense to transfer money not spent on subscriptions to the Facilities and Property Management Department for expenditure on reconfiguring the present law library to allow better use by the public and to redesign that space so as to allow part of the space to be used for file storage by the Winnebago County Clerk of Court's Office.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$5,000 from the Subscriptions Account of the Winnebago County Clerk of Court's Office to the Maintenance and Buildings Account of the Facilities and Property Management Department for the purpose of reconfiguring that space presently utilized for the Winnebago County Law Library.

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

Motion by Supervisor Albrecht and seconded to adopt. Ayes: 37. Nays: 0. Absent: 1 – Tierney. CARRIED.

RESOLUTION NO. 263-92003: Approve Assignment of Lease to Wayne Daniels and Kathy Daniels

WHEREAS, on April 15, 1991, Winnebago County entered into a lease agreement, for a period of 25 years commencing on December 1, 1990, with William Werba for 5400 square feet of property at Wittman Regional Airport with the Lessee having an option to renew the lease for 5 additional periods of 5 years; and

WHEREAS, pursuant to said lease, the Lessee is authorized to use the premises for aircraft or personal storage; and

WHEREAS, William Werba now desires to assign said lease to Wayne Daniels and Kathy Daniels; and

WHEREAS, the terms of said lease provide that assignment of said lease is subject to the approval of Winnebago County, with said approval not to be unreasonably withheld; and

WHEREAS, the Aviation Committee recommends approval of the assignment of said lease to Wayne Daniels and Kathy Daniels in that no legitimate reasons exist to withhold said approval.

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

approves the assignment of the ground lease between Winnebago County and William Werba, and entered into on April 15, 1991 to Wayne Daniels and Kathy Daniels.

Submitted by:
AVIATION COMMITTEE

Motion by Supervisor Nielsen and seconded to adopt. Ayes: 36. Nays: 1 – Kramer. Absent: 1 – Tierney.
CARRIED.

RESOLUTION NO. 264-92003: Adopt Written Procedures for Public Participation for the Winnebago County Comprehensive Planning Process.

WHEREAS, Winnebago County is involved in developing a Comprehensive Plan in collaboration with local units of government pursuant to the State Comprehensive Planning “Smart Growth” Law, s. 66.1001, Wis. Stats.; and

WHEREAS, a provision of the State Comprehensive Planning Law, specifically s. 66.1001(4)(a), requires “the governing body of a local governmental unit (town, city, village, county) shall adopt written procedures that are designed to foster public participation, including open discussion, communication programs, information services, and public meetings for which advance notice has been provided, in every stage of the preparation of a comprehensive plan. The written procedures shall provide for a wide distribution of proposed, alternative, or amended elements of a comprehensive plan and shall provide an opportunity for written comments on the plan to be submitted by members of the public to the governing body and for the governing body to respond to such written comments”; and

WHEREAS, to reach the goal of a successful County Comprehensive Plan it is imperative that Winnebago County embrace the spirit of this statute by adopting and implementing Written Procedures for Public Participation, attached hereto, for the Winnebago County Comprehensive Planning process.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors, in accordance with State Statutes s. 66.1001(4)(a), that it hereby adopts the Written Procedures for Public Participation, attached hereto, for the Winnebago County Comprehensive Planning process.

Submitted by:
PLANNING & ZONING COMMITTEE

Motion by Supervisor Schaidler and seconded to adopt. Ayes: 37. Nays: 0. Absent: 1 – Tierney.
CARRIED.

RESOLUTION NO. 265-92003: Authorize Intergovernmental Agreement Between WiscNet, Fox Valley Technical College and Winnebago County

BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves the intergovernmental agreement which is attached hereto between WiscNet, Fox Valley Technical College and Winnebago County so as to permit WiscNet the exclusive use of 6 strands of fiber optic cable from the University of Wisconsin – Fox Valley to the primary Fox Valley Technical College district campus at 1825 N. Bluemound Drive, Appleton, Wisconsin.

Submitted by:
PERSONNEL & FINANCE COMMITTEE
INFORMATION SYSTEMS COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. Ayes: 37. Nays: 0. Absent: 1 – Tierney.
CARRIED.

RESOLUTION NO. 266-92003: Authorize Mutual Aid Agreement Between Winnebago County and Other Local Health Departments and Tribes of the Greater Fox Valley Region (Bioterrorism Consortium and Other Public Health Threats)

WHEREAS, the State of Wisconsin has urged local health departments to enter into an intergovernmental agreement whereby, in the case of a bioterrorism threat or other major public health threat, a protocol would be

established for each department providing assistance to other departments upon request; and

WHEREAS, the attached agreement has been drafted mutually by local health departments within the Fox Valley Region, including Winnebago County, and has been approved by the Board of Health; and

WHEREAS, it is the recommendation of the Board of Health that said agreement be approved and executed.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves the mutual aid agreement between the Winnebago County Health Department and other local health departments and tribes in the Greater Fox Valley Region in relationship to establishing a bioterrorism consortium and a protocol for assisting one another with regard to other major public health threats pursuant to Section 66.0301, Wisconsin Statutes and Section 166.03(7), Wisconsin Statutes.

Submitted by:
BOARD OF HEALTH

Motion by Supervisor Rankin and seconded to adopt. Ayes: 37. Nays: 0. Absent: 1 – Tierney. CARRIED.

Motion by Supervisor Robl and seconded to adjourn until 6:00 p.m. on Tuesday, October 21, 2003.
CARRIED BY VOICE VOTE.

The meeting was adjourned at approximately 8:20 p.m.

Respectfully submitted,
Susan T. Ertmer
Winnebago County Clerk

State of Wisconsin)
County of Winnebago) ss

I, Susan T. Ertmer, do hereby certify that the foregoing is a true and correct copy of the Journal of the Winnebago County Board of Supervisors for their regular meeting held September 23, 2003.

Susan T. Ertmer
Winnebago County Clerk