

**EMERGENCY SESSION  
COUNTY BOARD MEETING  
FRIDAY, JUNE 18, 2004**

Chairman David Albrecht called the meeting to order at 10:00 a.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: Weber, Barker, Hotynski, Maehl, Koziczowski, Klitzke, Albrecht, Lennon, Sundquist, Wingren, Jacobson, Norton, Warnke, Nielsen, Harris, Kline, Kramer, Farrey, Sievert, Diakoff, Brennand, Egan, Rankin and Rengstorf. Excused: Pech, Widener, Griesbach, Scoville, Thompson, Steineke, Lauson, Machotka, Robl, Schaidler, Finch, Arne, O'Brien and Lorenz.

Motion by Supervisor Albrecht and seconded to approve the agenda. CARRIED BY VOICE VOTE.

**RESOLUTIONS & ORDINANCES**

**ORDINANCE NO. 64-62004: Create Section 6.095 General Code of Winnebago County: Temporary Closure on Certain Waterways Within Winnebago County to Activities**

WHEREAS, on June 16, 2004 the Governor of the State of Wisconsin declared a state of emergency to exist in Winnebago County, pursuant to Section 166.03(1)(b)(1), Wisconsin Statutes as a consequence of flooding in parts of Winnebago County; and

WHEREAS, Section 166.03(4), Wisconsin Statutes provides counties with certain emergency powers during states of emergencies; and

WHEREAS, the Sheriff of Winnebago County and the Winnebago County Sanitarian, after inspecting waterways in the western part of Winnebago County, have recommended closure of the waterways to recreational and commercial activities for a limited period of time until flood waters recede because of the debris and waste contaminants therein and the swiftness of the current.

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

The creation of Section 6.095 of the General Code of Winnebago County, which shall read as follows:

**6.95 EMERGENCY CLOSURE OF CERTAIN WATERWAYS WITHIN WINNEBAGO COUNTY.**

(1) **AUTHORITY.** This Ordinance is adopted pursuant to that authority provided pursuant to Chapter 166, Wisconsin Statutes.

(2) **DEFINITIONS.**

(a) **ACTIVITY** - Shall be defined as any boating, swimming, skiing, tubing, fishing or other recreational activities and any commercial activities in or upon those waterways referred to in this Ordinance.

(3) **ACTIVITIES RESTRICTED.**

(a) That during the period this Ordinance is in effect, activities shall be prohibited upon or in the following waterways located within the boundaries of Winnebago County:

1. The Wolf River
2. Lake Butte des Morts
3. That part of the Fox River, which is west of the western most boundary of the City of Oshkosh.

(4) **PENALTIES.** Any person found to have violated this Ordinance shall be subject to those penalties as stated in Section 25.04 of the General Code of Winnebago County.

(5) **EFFECTIVE DATE.** This Ordinance shall be effective as of the date following its publication.

(6) **EXPIRATION DATE.** This Ordinance shall expire, absent further action by the Winnebago County Board of Supervisors, as of July 19, 2004, provided, however, that the authority of the Sheriff of Winnebago County or any law enforcement authority within Winnebago County to enforce this Ordinance shall terminate upon the issuance of a proclamation by the Sheriff of Winnebago County that flood waters have receded to the extent that enforcement of this Ordinance is no longer necessary to protect the safety of the public.

Submitted by:  
DAVID ALBRECHT, DIST. #11  
COUNTY BOARD OF SUPERVISORS

Motion by Supervisor Albrecht and seconded to adopt. Motion by Supervisor Albrecht and seconded to make the following amendments - On line 55, insert "excluding that portion within the boundaries of the Village of

Winneconne" after "The Wolf River". On line 56, insert "Little" before "Lake Butte des Morts". Delete line 58 and add "Highway 41 bridge over Lake Butte des Morts".

Motion by Supervisor Kline and seconded to change line 57 to read "That part of the Fox River which is west of Highway 41 bridge, excluding Lake Butte des Morts". Vote on Supervisor Kline amendment: Ayes: 24. Nays:0. Excused: 14 - Griesbach, Scoville, Widener, Lauson, Pech, Thompson, Steineke, Machotka, Robl, Lorenz, Schaidler, Finch, Arne and O'Brien. CARRIED.

Vote on Supervisor Albrecht amendments - CARRIED BY VOICE VOTE. Vote on Ordinance as amended - CARRIED BY VOICE VOTE.

Motion by Supervisor Farrey and seconded to adjourn until Tuesday, July 13, 2004. CARRIED BY VOICE VOTE.

The meeting was adjourned at approximately 10:45 a.m.

Respectfully submitted,  
Patricia Rabe, Deputy  
Winnebago County Clerk

State of Wisconsin)  
County of Winnebago) ss

I, Patricia Rabe, do hereby certify that the foregoing is a true and correct copy of the Journal of the Winnebago County Board of Supervisors for their Emergency Meeting held on June 18, 2004.

Patricia Rabe, Deputy  
Winnebago County Clerk