

**ADJOURNED SESSION  
COUNTY BOARD MEETING  
TUESDAY, SEPTEMBER 21, 2004**

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

Motion by Supervisor Robl and seconded to approve the agenda by acting on Resolution No. 94-92004 and Resolution No. 93-92004 before Resolution No. 88-92004. CARRIED BY VOICE VOTE.

**COMMUNICATIONS, PETITIONS, ETC.**

Sue Ertmer, County Clerk, informed all supervisors new voting software was being used tonight. The software will make the process simpler and more efficient. All resolutions can be loaded in advance. She asked them to be patient if there are any glitches in the learning process.

Ms. Ertmer also referred supervisors to United Way information that had been placed on their desks. The United Way kicked off its drive last week with a brat fry. She asked anyone interested in donating to complete the form and turn it into her.

A letter from Senator Michael Ellis regarding TABOR was referred to the Legislative Committee.

Resolution 26-09-04 from Waushara County "To Oppose DNR the Use of Wildlife Damage Funds for CWD Research" was referred to the Legislative Committee.

Petition for zoning amendment from Joseph Lamberty, Town of Winneconne, for zoning change from R1 & R2 to R2 for single family residence was referred to the Planning & Zoning Committee.

Petition for zoning amendment from Margaret Potratz, Town of Omro, for zoning change from A2/R3 to R1 for lot 2 and A2 for lot 1 for residential use was referred to the Planning & Zoning Committee.

Petition for zoning amendment from Richard Carlson, Town of Neenah, for zoning change from R1 to R2 for residential development was referred to the Planning & Zoning Committee.

Petition for zoning amendment from Bruce A. Neubauer, Town of Algoma, for zoning change from agricultural to commercial for retail landscape nursery was referred to the Planning & Zoning Committee.

**REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS**

Supervisor Rankin asked supervisors to look at the a pamphlet placed on their desks from Doug Gieryn, Director of Public Health entitled "Public Health Emergencies-Your Preparedness Guide". Supervisor Rankin said he attended the ceremony held to turn over operation of the Fox Locks from the federal government to the State of Wisconsin along with a check for \$12 million.

Supervisor Barker announced there will not be a Legislative Committee meeting on September 27. Many supervisors will be at the WCA Convention. The next meeting will be Monday, October 25.

Supervisor Norton announced Autumn Fest will be held October 16 & 17 at the Winnebago County Park. Supervisor Norton had posters for distribution if anyone is interested.

Supervisor Lauson reiterated the information regarding Autumn Fest. This is the first annual with proceeds going to improvements in the park. Radio and paper ads should start soon.

Motion by Supervisor Lauson and seconded to approve the August 17, 2004 proceedings. CARRIED BY VOICE VOTE.

**COUNTY EXECUTIVE'S REPORT**

Executive Van De Hey stated she had also attended the Friday, September 17 ceremony at the Fox Locks. She said not only the Locks, but the land surrounding it has been turned over to the State of Wisconsin making it a "Heritage Corridor", making this another opportunity for economic development. A board that was created prior to the turnover will oversee the Locks. The \$12 million is for restoration and operation of the Locks.

Executive Van De Hey shared the Fox Valley Leadership Group and the Industrial Development Board along with State Commerce have contributed \$75,000 to hire Friedman and Associates to interview businesses for a potential Regional Industrial Development Park. Both Executive Van De Hey and Outagamie County Executive Toby Paltzer are encouraging the development to be at Wittman Regional Airport.

## **COUNTY EXECUTIVE'S APPOINTMENTS**

### **W-2 Steering Committee**

Executive Van De Hey asked for the Board's approval of her appointment of Erin Bushweiler to the W-2 Steering Committee. Motion by Supervisor Lauson and seconded to approve. CARRIED BY VOICE VOTE.

### **COMPREHENSIVE PLANNING REPORT - KATHERINE NEISWENDER & JERRY BOUGIE**

Supervisor Schaidler introduced Jerry Bougie, Director of the Planning Department and Katherine Neiswender, UW Extension Community Resource Development Educator.

Ms. Neiswender began her power point presentation with a status update of the Winnebago County Comprehensive Plan. The current Winnebago County Comprehensive Plan began in 2001 with the Town-County Planning Advisory Group. A draft plan, approved by the Town-County Planning Advisory Group, was forwarded to the Planning & Zoning Committee in March, 2004. An open house was held in April followed by the plan being forwarded to the municipalities and a 60-day local review in May through July, 2004. The Planning & Zoning Committee are currently reviewing the draft document; local comments; suggestions from a policy review committee, which met during the winter months to look at rewording some of the policies and a memorandum of understanding, an agreement document between the towns and the county as to how to work together.

Mr. Bougie began his presentation by explaining the four components of the Plan.

- General county-wide policies and goals for future action by the county. These would be implemented after the plan is adopted and could include such things as rewriting the County Zoning Ordinance or looking at Farmland Preservation.
- Framework policies for review of local Plans. The policies were established by the Town-County Planning Advisory Group and would become effective January 1, 2010, the effective date of Smart Growth. These policies are set up to do a review of the Plan.
- Future Land Use map composite of local maps. This is an incorporation of all the town plans and could be used as a guide to make future land use decisions.
- Process for amending town and county plans. Mr. Bougie explained the process to amend the Plan would start when a formal inquiry is received from a citizen. It must be determined if the request is in compliance of the local plan. If an amendment is necessary, the local and then the county plans are amended.

Ms. Neiswender explained the remaining steps.

- After the Planning & Zoning Committee has completed their review of the Plan and revisions are made, it will be forwarded back to the Planning Advisory Group for review.
- The Plan is then forwarded to the local municipalities for a 45-day review. During this time, a yes/no vote for support of the Plan is taken. This is not a formal adoption or approval of the plan.
- The Planning & Zoning Committee will hold a public hearing and will then go to the County Board for a vote. This may take place in January or February, 2005.

### **2004 BUDGET STATUS REVIEW - CHUCK ORENSTEIN**

Chuck Orenstein, Finance Director, referred supervisors to "Winnebago County Wisconsin Financial Highlights, July, 2004" which had been placed on their desks. Mr. Orenstein explained this was a "Budget Status Report" listed by department. The report is a breakdown of the General Fund by department, listing the four categories used in adopting the budget: revenues; salaries, wages and benefits; travel and meetings; capital outlay and other operating expenses. The percentage of actual dollars spent is listed. Although most departments are within the 58.3% of budget through July, there are some departments that are either over or under. Boxes explaining those amounts are listed under each department.

Mr. Orenstein is concerned about the Sheriff and Coroner exceeding their budgets. Both departments are expected to be coming to the Board in October for budget transfers. Anyone interested in seeing this report can contact the County Clerk's Office.

### **PUBLIC HEARING**

Gordon Douley, 1225 Summit Avenue, Oshkosh spoke on Resolution No. 88-92004: "Approve Rules and Regulations: Wittman Regional Airport".

### **ZONING REPORTS & ORDINANCES**

REPORT NO. 001. A report from the Planning & Zoning Committee regarding a requested text amendment to the county's zoning ordinance. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 09-01-04. A request for text amendment to B-5 district, Section 17.13-B (1), (2), (10)(g) & (i) to allow for residential uses, clarify outside storage and address exterior wall composition. Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – September 30, 2004)

REPORT NO. 002. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Warren Utecht, Martenson & Eisele and property owner Don Bachaus, Bachaus Development, Town of Clayton, for zoning change to R-2. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 09-02-04. A request for zoning change from A-2 (General Farming) to R-2 (Single Family subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – September 30, 2004)

REPORT NO. 003. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Warren Utecht, Martenson & Eisele and property owner Don Bachaus, Bachaus Development, Town of Clayton, for zoning change to R-2. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 09-03-04. A request for zoning change from A-2/R-2 (General Farming/Single Family subdivided) to R-2 (Single Family subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – September 30, 2004)

REPORT NO. 004. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Oakridge Realty LLC and property owner John Schaidler, Town of Menasha, for zoning change to R-2. Motion by Supervisor Thompson and seconded to accept. CARRIED BY VOICE VOTE. Supervisor Schaidler abstained.

AMENDATORY ORDINANCE NO. 09-04-04. A request for zoning change from A-2 (General Farming) to R-2 (Single family subdivided). Motion by Supervisor Thompson and seconded to adopt. CARRIED BY VOICE VOTE. Supervisor Schaidler abstained. (Effective date – September 30, 2004)

REPORT NO. 005. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner James Potratz, Town of Omro, for zoning change to A-2. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 09-05-04. A request for zoning change from A-2/R-1 (General Farming/Single Family non-subdivided) to A-2 (General Farming). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – September 30, 2004)

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

AMENDATORY ORDINANCE NO. 09-06-04. A request for zoning change from R-1 (Single Family non-subdivided) to R-2 (Single Family subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – September 30, 2004)

AMENDATORY ORDINANCE NO. 7. A request from the Town of Rushford on behalf of Robert A. Beilke for zoning change from commercial-exclusive agriculture to A-3 rural residential. Motion by Supervisor Rengstorf and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – September 30, 2004)

AMENDATORY ORDINANCE NO. 8. A request from the Town of Winneconne on behalf of Dean Nikodem for zoning change from A-2 to Lot 1=R-1A/Lot 2=R-2A. Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – September 30, 2004)

AMENDATORY ORDINANCE NO. 9. A request from the Town of Vinland on behalf of Michael Neuman for zoning change from A-2 to R-1. Motion by Supervisor Farrey and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – September 30, 2004)

## **RESOLUTIONS & ORDINANCES**

### **ORDINANCE NO. 94-92004: Amend Section 8.04(3)(d)(2) of the General Code of Winnebago County**

WHEREAS, Section 8.04 of the General Code of Winnebago County establishes procedures for County Board actions regarding town zoning amendments; and

WHEREAS, the Winnebago County Planning and Zoning Committee has recognized that it is necessary to amend Section 8.04(3)(d)(2) of that Code so as to have said Section compatible with the fee section of the Winnebago County Zoning Ordinance, specifically Section 17.02(12) of the General Code of Winnebago County, and

to clarify what documentation is required in relationship to the application to the County for a zoning change.

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

That Section 8.04(3)(d)(2) of the General Code of Winnebago County be amended to read as follows:

**8.04 PROCEDURE FOR COUNTY BOARD ACTION ON TOWN ZONING AMENDMENTS; POLICY. ...**

(3) PROCEDURE...

(d) Options Concerning Proposed Amendment. Following the reading of the proposed Town Zoning Amendment by the County Clerk during the County Board session in which the zoning amendment has been read by the Clerk, it will be the responsibility of the County Board Supervisor in the affected Town to exercise one of two options on the proposed zoning amendment: ...

(2) The fee for such review by the Planning and Zoning Committee shall be identical to the public hearing fee specified in Section 17.02(12), County Code. The fee shall be paid by the property owner or applicant listed in the Town Zoning Change, and shall be accompanied by a properly completed County Zoning Hearing Application and such accompanying documentation as may be required in order to conduct the public hearing.

BE IT FURTHER ORDAINED by the County Board of Supervisors of the County of Winnebago that said ordinance amendment shall take effect as of the date following the date of publication.

Submitted by:  
PLANNING & ZONING COMMITTEE

Motion by Supervisor Schaidler and seconded to adopt. Ayes: 36. Nays: 0. Excused: 2 - Finch and O'Brien. CARRIED.

**RESOLUTION NO. 93-92004: Declare October, 2004 as Domestic Violence Awareness Month in Winnebago County**

WHEREAS, domestic violence continues to be a problem within Winnebago County and other counties within the State of Wisconsin; and

WHEREAS, domestic violence detrimentally affects families in that it often creates a cycle of abuse from one generation to the next; and

WHEREAS, it is important that domestic violence be prevented so as to break the cycle of abuse within families who experience such a problem.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby declares October, 2004 to be Domestic Violence Awareness Month within Winnebago County.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that a copy of this resolution be provided to the Christine Ann Domestic Abuse Center.

Submitted by:  
THOMAS R. PECH JR., DIST. #12  
COUNTY BOARD SUPERVISOR

Motion by Supervisor Pech and seconded to adopt. After a brief presentation by Doran Viste, Assistant District Attorney and Chad Gardner, Christine Ann Domestic Abuse Services, a vote was taken on the resolution - Ayes: 35. Nays: 0. Excused: 3 - Finch, O'Brien and Schaidler. CARRIED.

**RESOLUTION NO. 88-92004: Approve Rules and Regulations: Wittman Regional Airport**

WHEREAS, the Winnebago County Airport Director and Winnebago County Aviation Committee believe that it is necessary to approve and officially adopt Rules and Regulations for operations at Wittman Regional Airport; and

WHEREAS, the Winnebago County Aviation Committee and the Winnebago County Airport Director have

placed a great deal of time and effort into formulating the Rules and Regulations for the operations at Wittman Regional Airport which are attached hereto; and

WHEREAS, the Winnebago County Aviation Committee believes that adoption of said Rules and Regulations shall provide for the more efficient operation of Wittman Regional Airport.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby adopts the attached Rules and Regulations for Wittman Regional Airport which are attached hereto.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that said Rules and Regulations shall take effect as of October 1, 2004.

Submitted by:  
AVIATION COMMITTEE

Motion by Supervisor Nielsen and seconded to adopt. Ayes: 35. Nays: 0. Excused: 3 - Finch, O'Brien and Schaidler. CARRIED.

**ORDINANCE NO. 89-92004: Amend Chapter 21 of the Winnebago County General Code (Airport)**

WHEREAS, the Winnebago County Aviation Committee has recommended the adoption of Rules and Regulations for Wittman Regional Airport; and

WHEREAS, as a result of the adoption of said Rules, a number of amendments need to be made with regard to Chapter 21 of the General Code of Winnebago County regarding operations at Wittman Regional Airport; and

WHEREAS, said proposed amendments have been approved by the Winnebago County Board of Supervisors Aviation Committee.

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

That the following Sections of Chapter 21 of the General Code of Winnebago County (the Airport) be amended to read as follows:

That Section 21.04(6) of the General Code of Winnebago County be amended to read as follows:

21.04 PUBLIC PARKING...

(6) POLICING AND ENFORCEMENT. Officers of the Winnebago County Sheriff's Department and the Oshkosh Police Department are authorized to issue a summons for parking and other violations at Wittman Regional Airport.

That Section 21.04(7) of the General Code of Winnebago County be amended to read as follows:

(7) AUTHORIZATION TO MOVE VEHICLES. (a) Any vehicle parked in areas of the public parking lot assigned for the exclusive use of the car rental companies and so indicated by signs, may be removed or caused to be removed by the Airport Director to the unlimited parking section of the public parking lot.

(b) The Airport Director may also remove or cause to be removed from any other area on the Airport any vehicle which is illegally parked, disabled or abandoned or which creates an operational problem to any other area on the Airport.

(c) Any such, vehicle shall be released to the owner or operator thereof upon proper identification of the person claiming it and payment of towing and storage charges and where such vehicle has been moved to the unlimited section of the public parking lot, the payment of the accrued parking fees thereon.

(d) The County shall not be liable for damage to the vehicle, which might result from the act of removal.

That Section 21.06(c) of the General Code be amended to read as follows:

21.06 AUTHORITY OF AIRPORT DIRECTOR. ...

(c) Violation of the County's minimum standards for Airport Aeronautical Services policy and the

Wittman Regional Airport Rules and Regulations shall be subject to a fine of not more than \$100 per occurrence and immediate cessation of non-complying activities at Wittman Regional Airport.

BE IT FURTHER ORDAINED by the County Board of Supervisors of the County of Winnebago that said amendments shall take effect as of the date following the date of their publication.

Submitted by:  
AVIATION COMMITTEE

Motion by Supervisor Nielsen and seconded to adopt. Ayes: 35. Nays: 0. Excused: 3 - Finch, O'Brien and Schaidler. CARRIED.

**RESOLUTION NO. 90-92004:        Transfer \$4,700 from the Contingency Fund to Printing & Duplicating Account of County Board Budget to Cover Cost of Printing County Directories**

WHEREAS, Winnebago County prints an official directory each year for distribution to interested parties; and  
WHEREAS, the directory includes information about the County Board as well as phone numbers, meeting dates, committee members as well as information about state and local government; and

WHEREAS, people have found these directories to be very helpful; and

WHEREAS, when the 2004 budget was put together, funds to cover the cost of the 2004-05 books were inadvertently left out of the budget.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$4,700 from the Contingency Fund to the Printing and Duplicating Account of the County Board budget to cover the cost of printing the 2004-05 directories.

Submitted by:  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 35. Nays: 0. Excused: 3 - Finch, O'Brien and Schaidler. CARRIED.

**RESOLUTION NO. 91-92004:    Appropriate \$36,918 of Grant Funds to Regional Web Site Design Project and Other Projects Land Records Modernization Fund.**

WHEREAS, Winnebago County received grant funds of \$36,918 for design of a regional web site, updating subdivisions and scanning historical photographs, and

WHEREAS, part of the grant funds (\$19,990) were received in 2003 and subsequently closed to fund balance, and

WHEREAS, the remainder of the grant (\$16,928) was received in 2004, and

WHEREAS, none of these funds were included in either the 2003 or 2004 budgets nor has the County Board adopted a resolution to appropriate the funds, and

WHEREAS, it is now necessary to start incurring expenses related to these projects.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates the \$36,918 of grant funds to the professional services and operating grants accounts of the Land Records Modernization Fund 2004 budget.

Submitted by:  
LAND CONSERVATION COMMITTEE  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Thompson and seconded by adopt. Chairman Albrecht indicated this resolution should have said submitted by Planning & Zoning Committee, not Land Conservation Committee. Ayes: 35. Nays: 0. Excused: 3 - Finch, O'Brien and Schaidler. CARRIED.

**RESOLUTION NO. 92-92004:        Add \$36,000 to the Equipment and Building Repairs Accounts of UW Fox Valley.**

WHEREAS, UW Fox Valley has experienced an unusually large amount of unusual repairs to equipment and buildings to date in 2004; and

WHEREAS, this has overextended the repair budgets of UW Fox Valley; and  
WHEREAS, additional funds of \$36,000 are needed for additional regular buildings and equipment maintenance through the end of 2004; and

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates \$36,000 to the Equipment and Building Repairs Accounts of UW Fox Valley.

BE IT FURTHER RESOLVED that funds to pay for said improvements be transferred to the accounts of UW Fox Valley as follows:

<b>UW Fox Valley - Funds to Cover Shortfall</b>	
Savings from other accounts	\$ 5,477
Funding from Outagamie County - their share of net shortage	15,261
From Winnebago County Contingency Fund	5,899
From Winnebago County Undesignated Fund Balance	9,363
Total Sources of Funds	\$ 36,000

BE IT FURTHER RESOLVED, that such transfer of Winnebago County Funds is contingent upon Outagamie County's passing a similar resolution funding their share of the expenses.

Submitted by:  
UW FOX VALLEY BOARD OF TRUSTEES  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Maehl and seconded to adopt. Ayes: 35. Nays: 0. Excused: 3 - Finch, O'Brien and Schaidler. CARRIED.

Chairman Albrecht extended happy birthday wishes to Supervisors Kline, Harris and Sundquist. He encouraged all supervisors to stay after the meeting and have a piece of cake.

Motion by Supervisor Robl and seconded to adjourn until 6:00 p.m. on Tuesday, October 19, 2004. CARRIED BY VOICE VOTE.

The meeting was adjourned at 7:30 p.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 regular meeting held September 21, 2004.

Patricia Rabe, Deputy  
Winnebago County Clerk