

**ADJOURNED SESSION
COUNTY BOARD MEETING
TUESDAY, MAY 17, 2005**

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, Sim, Widener, Lauson, Albrecht, Pech, Thompson, Steineke, Lennon, Machotka, Sundquist, Wingren, Jacobson, Norton, Warnke, Tower, Robl, Schmuhl, Kline, Schaidler, Finch, Farrey, Sievert, Arne, Diakoff, Brennand, Egan, Rankin, Rengstorf and O'Brien. Excused: Kramer.

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

COMMUNICATIONS, PETITIONS, ETC.

Information on the WCA Educational Seminar entitled, "Help America Vote Act", was given to the Board. The seminar will be held on June 6 in Wausau. Anyone interested in attending should contact the County Clerk's Office.

The following resolutions were received and forwarded to various committees:

- Dunn County, Resolution No. 48-2005, which supports an additional \$1/pack excise tax on cigarettes, was referred to the Legislative Committee.
- Jackson County, Resolution 19-4-05 "Resolution Opposing 2005 Senate Bill 144" (reclassification of jailers) was referred to the Legislative Committee.
- Langlade County, Resolution No. 25-2005, "Reduce Youth Smoking", which supports an additional \$1/pack excise tax on cigarettes, was referred to the Legislative Committee.
- Langlade County, Resolution No. 26-2005, "Opposing Further limitations on Langlade County's Ability to Levy Necessary Taxes" was referred to the Legislative Committee.
- Marinette County, Resolution No. 186, "Supporting State Efforts to Address the Non-Native Aquatic Invasive Species Problem" was referred to the Legislative Committee.
- Outagamie County, Resolution No. 154-2004-05 "opposes real estate transfer fees retained by the county that are collected in conjunction with the transfer of real estate, be transferred to any other entity which would cause a shift in revenue and create a hardship for Counties..." was referred to the Legislative Committee.

Petition for zoning amendment from Jeffrey A. Boe, Town of Clayton, for zoning change from A-2 to R-1 for single-family houses was referred to the Planning & Zoning Committee.

Petition for zoning amendment from Kelly J. Clafin, Town of Menasha, for zoning change from M-1 to M-2 for professional offices, trade and contractor offices, building materials and product sales warehouses was referred to the Planning & Zoning Committee.

Petition for zoning amendment from Steven W. Stock, S.W.S. Investments, Town of Winneconne, for zoning change from A-2 to R-2 & R-5 for single-family residential homes was referred to the Planning & Zoning Committee.

REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS

Supervisor Barker told the Legislative Committee members that the agenda for Monday's meeting has been placed on their desks. There is a lot on the agenda for that meeting, so she hoped that everyone would be able to attend.

Supervisor Widener reported on the meeting of the Wisconsin Counties Association's Health and Human Services Committee that he attended. Some of the items they discussed were: Polk County's metamphetamines drug problem and how it appears to be coming from the Twin Cities area of Minnesota; the decrease in adult and juvenile jail populations in Wisconsin and the financial impact this is having; "smart growth" is no longer an issue in Wisconsin—it has been taken out of the statutes and is no longer a financial issue; unfunded mandates and the non-binding referendum questions that were passed in April regarding state funding for courts and human services.

Supervisor Kline reported that at the May meeting of the Aviation Committee Supervisor Pech was elected Chairman, Supervisor Lennon was elected Secretary and Supervisor Kline was elected as Vice Chairman.

Supervisor Griesbach announced that tornado season has now official began and that Winnebago County's sirens are in working order. He also reminded the Board about the storm awareness guides that they received last year and asked that they keep them handy during this tornado season.

Supervisor O'Brien reported that the state's joint finance committee will be meeting to address the state-wide issue of a state mandated \$3/ton tipping surcharge fee for recyclables and the affect its had on local municipalities. Supervisor O'Brien explained that the state's promises to use this money for grants and incentives for recycling have

not materialized. Last year, the state used approximately \$5 Million from these tipping fees for the Chronic Wasting Disease (CWD) program. When the state was asked what CWD had to do with recycling and why these funds were used for this program, they indicated that it was state money and could be used as they saw fit. Supervisor O'Brien stated that the state would like to take another \$22 Million from this fund to offset various shortages in other parts of the state's budget. In addition, Supervisor O'Brien reported that the state wants to discontinue the solid waste grants municipalities already receive from the state. This issue will be discussed at tomorrow's Solid Waste Management Board meeting and Supervisor O'Brien will suggest that in order to get more press coverage on this issue that Winnebago County stop paying this additional \$3/ton tipping fee and let the state bring action against the county. He feels that the public needs to be aware of another state mandate and the financial impact it has on municipalities and counties. Supervisor O'Brien asked that the board speak with their legislators about this issue and let them know our concerns.

Supervisor Sievert invited the Board to this year's Clayton Fest, which is their annual trail fundraiser event. It will be held on Saturday, June 4.

Motion by Supervisor O'Brien and seconded to approve the April 19, 2005 proceedings. Supervisor Widener asked that the following correction be made to page 196 in the proceedings: under the "County Board Chairman's Report", change "thanked Supervisor Widener for his contribution to the Scholarship Fund" to "thanked Supervisor Widener for his contribution to Park View Health Center." Motion to approve as corrected - CARRIED BY VOICE VOTE.

COUNTY EXECUTIVE'S REPORT

Executive Mark Harris reported that he and Chuck Orenstein, Finance Director, will be conducting a budget kickoff meeting with department heads in the next couple of weeks. Executive Harris predicts that it will be a very challenging budget and that he will not draw down the general fund any further. He also stated that expenses in 2005 may be running ahead of schedule and that he will be presenting a mid-year report on the 2005 budget at the July 19 County Board meeting so the Board is aware of the county's expense budget situation. At that time, he will also discuss the preliminary plans for the 2006 budget.

COUNTY EXECUTIVE'S APPOINTMENTS

Winnefox Library System Board of Trustees

Executive Harris asked for the Board's approval of his appointment of Mary Olson, 803 Viola Avenue, Oshkosh to the Winnefox Library System Board of Trustees. This is a three-year term that will expire on December 31, 2007.

Motion by Supervisor O'Brien and seconded to approve. CARRIED BY VOICE VOTE.

Commission on Aging

Executive Harris asked for the Board's approval of his appointments of Sylvia Banville, 6187 Bonnie View Road, Pickett; Dr. Jean Caudle, 1020 North Westfield, Oshkosh; and Patty Maehl, 528 Chatham Court, Neenah; to the Commission on Aging. Mrs. Banville will replace Loretta Konrad, Dr. Caudle will replace Gerald Kratsch, and Mrs. Maehl will replace Patricia Wirth whose terms have expired.

These are three-year terms that will expire 4/15/08.

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

COUNTY BOARD CHAIRMAN'S REPORT

Chairman Albrecht informed the Board that Supervisor Herb Kramer has fallen and broken his hip, so he will be incapacitated for a couple of months.

Chairman Albrecht stated that Supervisor Maehl will represent Winnebago County at the NACo Conference in Hawaii.

Chairman Albrecht announced that next month the county's 4-H coordinator will be speaking to the Board about the 4-H's government studies project. Supervisor Rankin explained that members of the county's 4-H group will be contacting and interviewing each of the county board members. More information about this project will be given to the Board at next month's meeting.

PUBLIC HEARING ON COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATION FOR P.H. GLATFELTER

Supervisor Paul Sundquist and Elizabeth Runge, East Central Wisconsin Regional Planning Commission Principal Planner, explained that a public hearing is required as a part of the application process for a Community Development Block Grant. She explained that the application for this block grant has been submitted to the Department of Commerce on behalf of the P.H. Glatfelter Company. If approved, these funds would be used by the P.H. Glatfelter Company to purchase and install new equipment and restart a paper machine that has been shut down. This will provide 15 new positions that will be made available to people with low and moderate incomes.

Ms. Runge explained the application and money disbursement process and then took questions from the Board.

PUBLIC HEARING

Bill Degeneffe, Palisades Properties, Inc., 882 Valley Road, Neenah, spoke in support of the April 19, 2005 Zoning Report No. 005 and Amendatory Ordinance # 04/05/05 that was deferred for action until tonight's meeting.

Paul Eisen, 1807 Brighton Beach Road, Menasha, commented on an error he found in the on-line version of the Winnebago County Land and Water Resource Management Plan Summary. A representative from the Land & Water Conservation Department was present and stated that the error will be corrected.

RESOLUTION NO. 205-52005: Authorize Application for Wisconsin Community Development Block Grant for Economic Development Funds (PH Glatfelter)

WHEREAS, federal monies are available under the Community Development Grant Block Program, administered by the State of Wisconsin, Department of Commerce, for the purpose of economic development; and

WHEREAS, after a public meeting conducted in accordance with the citizen participation plan for Winnebago County and due consideration, the Industrial Development Board has recommended that an application be submitted in the State of Wisconsin for the following project:

PH Glatfelter Corporation, Neenah, Wisconsin:	For the purchase of equipment
Loan Amount:	\$750,000
Jobs Created:	Approximately 15 new jobs
Additional Private Investment:	Approximately \$2,000,000; and

WHEREAS, it is necessary for the Winnebago County Board of Supervisors to approve the preparation and filing of an application on behalf of Winnebago County to receive funds from this program in relationship to said project; and

WHEREAS, the Winnebago County Board of Supervisors has reviewed the need for the proposed project and the economic and industrial benefits to be gained therefrom.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it does hereby approve and authorize the preparation and filing of an application for Community Development Block Grant funds from the Wisconsin Department of Commerce in the amount of \$750,000 in relationship to a project of PH Glatfelter Corporation of Neenah, Wisconsin to purchase new equipment.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Industrial Development Board to accept funds resulting from the above-described grant application and to distribute them accordingly.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the Winnebago County Chair, the Winnebago County Executive and the Industrial Development Chair are hereby authorized to sign all necessary documents on behalf of Winnebago County in relationship to said grant application and that authority is hereby granted to take the necessary steps to prepare and file the appropriate application for funds under this program in accordance with this resolution.

Submitted by:
INDUSTRIAL DEVELOPMENT BOARD

Motion by Supervisor Sundquist and seconded to adopt. Ayes: 36. Nays: 0. Excused: 1 - Kramer

ZONING REPORTS & ORDINANCES

REPORT NO. 005 – held over from the April 19, 2005 County Board meeting. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant McMahon Associates, Dave Schmalz; and property owners Palisades Properties INC/Palisades Commercial Properties LLC, Town of Menasha, for zoning change to R-5. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 04-05-05. A request for zoning change from R-4/M-1 (Multiple

Family/Light Industrial) to R-5 (Planned Residential) for the following described property: Being a part of the Subdivision of Lot 1, Block 10 of the First Addition to the Palisades, Lots 10, 11, 16, 17 & 18, Block 3, and also being a part of the unplatted SW1/4 of the NE1/4, all in Section 2, Township 20 North, Range 17 East, Town of Menasha, Winnebago County, Wisconsin.

Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – May 25, 2005)

REPORT NO. 001. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Ken Tritt and property owner Steven Brooks, Town of Omro, for zoning change to B-3 for Lot 1 and A-2 for Lot 2. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 05-01-05. A request for zoning change from A-2/B-2 (General Farming/Community Business) to B-3 (General Business) for Lot 1 and A-2 (General Farming) for Lot 2 for the following described property: Being a part of the SW1/4, Section 7, Township 18 North, Range 15 East, Town of Omro, Winnebago County, Wisconsin.

Motion by Supervisor Schaidler and seconded to adopt recommendation to DENY. CARRIED BY VOICE VOTE. (Effective date – May 25, 2005).

REPORT NO. 002. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant McMahon Associates, Dave Schmalz; and property owners Palisades Properties INC/Palisades Commercial Properties LLC, Town of Menasha, for zoning change to R-2/M-1. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 05-02-05. A request for zoning change from R-2/M-2 (Single Family Subdivided/Heavy Industrial) to R-2/M-1 (Single Family Subdivided/Light Industrial) for the following described property: Being a part of the Subdivision of Lot 1, Block 10 of the First Addition to the Palisades, Lots 10, 11, 16, 17 & 18, Block 3, and also being a part of the unplatted SW1/4 of the NE1/4, all in Section 2, Township 20 North, Range 17 East, Town of Menasha, Winnebago County, Wisconsin.

Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – May 25, 2005).

REPORT NO. 003. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Davel Engineering; and property owners Dean & Joan Budde, Richard & Patricia Peapenburg, Ronald Meyer and Eugene Sawall, Town of Menasha, for zoning change to R-1/R-5/R-2. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 05-03-05. A request for zoning change from A-2/R-1 (General Farming/Single Family Non-subdivided) to R-1/R-5/R-2 (Single Family Non-subdivided/Planned Residential/Single Family Subdivided) for the following described property: Being a part of the S1/2 of the SW1/4, Section 7, and part of the N1/2 of the NW1/4, and N1/2 of the NE1/4, Section 18, all in Township 20 North, Range 17 East, Town of Menasha, Winnebago County, Wisconsin.

Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – May 25, 2005).

REPORT NO. 004. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Jeff Basler, Town of Nekimi, for zoning change to A-2. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 05-04-05. A request for zoning change from A-1 (Exclusive Agriculture) to A-2 (General Farming) for the following described property: Being a part of the NW1/4 of the SW1/4, Section 23, Township 17 North, Range 16 East, Town of Nekimi, Winnebago County, Wisconsin.

Motion by Supervisor Schaidler and seconded to adopt this ordinance with the following condition that was included in Report No. 4: “effective date of zoning change shall be the date the proposed Certified Survey Map is recorded, but not to exceed 90 days from the date of County Board approval.” CARRIED BY VOICE VOTE. (Effective date – May 25, 2005).

AMENDATORY ORDINANCE NO. 5. A request from the Town of Rushford on behalf of Solutions Properties, Inc. for zoning change from A-2 to A-3 for Lot 1, which is legally described as: Part of the Fractional SW1/4 of the SW1/4 of Section 18, Township 18 North, Range 14 East, Town of Rushford, Winnebago County, Wisconsin.

Motion by Supervisor Egan and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – May 25, 2005).

AMENDATORY ORDINANCE NO. 6. A request from the Town of Vinland on behalf of Duane Cowling for zoning change from A-2 to B-1 for the following described property: 3.75 acres, Section 20, Town 19 North, Range 17 East, Town of Vinland, Winnebago County, Wisconsin.

Motion by Supervisor Farrey and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – May 25, 2005).

AMENDATORY ORDINANCE NO. 7. A request from the Town of Vinland on behalf of Michael C. Neuman for zoning change from A-2 to B-2. **SUPERVISOR FARREY LAID THIS OVER UNTIL THE JUNE 21 MEETING.**

AMENDATORY ORDINANCE NO. 8. A request from the Town of Rushford on behalf of David & Linda Kallas for zoning change from A-1 to A-2 for the following described property: All of the NW1/4 of the NE1/4 of Section 17, Township 18 North, Range 14 East, Town of Rushford, Winnebago County, Wisconsin.

Motion by Supervisor Egan and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – May 25, 2005).

AMENDATORY ORDINANCE NO. 9. A request from the Town of Rushford on behalf of KDS Development for zoning change from A-1 to A-3 for the following described property: The North 30 acres of the NE1/4 of the SE1/4 except the North 11 rods of the East 11 rods and except the West 150 feet of the East 1001.6 feet of the North 183 feet.

Motion by Supervisor Egan and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – May 25, 2005).

RESOLUTIONS & ORDINANCES

RESOLUTION NO. 199-52005: Commendation for John H. Zuehlsdorf

WHEREAS, John Zuehlsdorf has been employed with the Winnebago County Sheriff's Department for the past twenty-six years, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, John Zuehlsdorf 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 John Zuehlsdorf 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 John Zuehlsdorf.

Submitted by,
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 200-52005: Accept \$30,000 Homeland Security Planning Project Grant and apply to Citizen Corps Council and Terrorism Awareness and Prevention Program.

WHEREAS, the State of Wisconsin, Office of Justice Assistance has made available a grant of \$30,000 for the purpose of developing a community based response program related to terrorism awareness and prevention; and

WHEREAS, the Winnebago County Sheriff's Department would like to accept this grant funding for the purpose of developing such a program; and

WHEREAS, no new staff would be required and the Department would be working with the Fox Valley Technical College – Center for Innovation for technical assistance with the grant; and

WHEREAS, this program would be of great benefit towards the awareness and safety of our citizens.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Sheriff's Department to accept the \$30,000 grant and further appropriates the funds to the development of such program.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to approve. Ayes: 36. Nays: 0. Excused: 1 – Kramer. CARRIED.

RESOLUTION NO. 201-52005: Authorize Segregation of Parks Properties Advertising and Naming Rights Revenue

WHEREAS, during the February 18, 2003 meeting of the Winnebago County Board of Supervisors, approval was granted for the Parks Department to proceed with efforts to secure additional revenue through the marketing of advertising and naming rights agreements linked to Sunnyview Exposition Center buildings and other material assets; and

WHEREAS, in addition to the Sunnyview Exposition Center program, Winnebago County is interested in

further expanding options for generating revenue through multi-year advertising and naming rights sponsorships tied to other Park's properties; and

WHEREAS, a crucial factor involved in the marketing of this program requires that perspective clients receive assurances that a direct correlation is established between the money invested and the County's commitment to maintaining and improving the grounds which shall benefit all Winnebago County citizen's enjoyment and use of the facilities; and

WHEREAS, in order to facilitate the link between client investments and facility maintenance and improvements, it is necessary that the County Board authorize the segregation of such revenues and ordain that such funds be designated for maintaining and improving the various Park's properties and that unspent funds at year end shall roll forward from year-to-year; and

WHEREAS, the County Board would be kept apprised of the status of the fund balance and would approve actual use of the funds through the annual County Budget.

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors that it hereby authorizes the establishment of an advertising and naming rights program that shall apply to all Park's properties and that such funds be segregated and designated for use in maintaining and improving said properties.

Submitted by,
PARKS & RECREATION COMMITTEE

Motion by Supervisor Lauson and seconded to adopt. Ayes: 36. Nays: 0. Excused: 1 – Kramer.
CARRIED.

RESOLUTION NO. 202-52005: Disallow Claim of American Family Insurance Group for Francis Wagner

WHEREAS, your Personnel and Finance Committee has had the claim of American Family Insurance Group for Francis Wagner 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 Group for Francis Wagner dated March 18, 2005, 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 Kline and seconded to approve. CARRIED BY VOICE VOTE.

ORDINANCE NO. 203-52005: Amend Section 11.11, Section 11.12(4)(a)(2), and Appendix A of Chapter 11 of the General Code of Winnebago County (Health Code)

WHEREAS, the Winnebago County Board of Health has reviewed and recommended various amendments to Section 11.11, 11.12(4)(a)(2) and Appendix "A" (Permit Fee Schedule) of the General Code of Winnebago County; and

WHEREAS, with the exception of the amendment to Appendix "A" of the General Code of Winnebago County, said amendments are generally being made as housekeeping matters so as to update and conform said ordinances to Wisconsin State Statutes and Administrative Codes and to further revise such ordinances so that they conform to recommended practices; and

WHEREAS, Appendix "A" to Chapter 11 of the General Code of Winnebago County is recommended to be amended so as to increase Health Department permit fees so that they reflect the actual costs of inspection services provided by the Winnebago County Health Department.

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

That Section 11.11 of the General Code of Winnebago County be amended to read as follows:

11.11 LICENSURE AND REGULATION OF RETAIL FOOD ESTABLISHMENTS, TAVERNS, HOTELS, RESTAURANTS, TOURIST ROOMING HOUSES AND OTHER ESTABLISHMENTS BY WINNEBAGO COUNTY HEALTH DEPARTMENT

(1) AUTHORITY AND PURPOSE. (A) This ordinance is adopted pursuant to that authority provided by Section

97.41, Wisconsin Statutes, Section 125.68(5), Wisconsin Statutes, Section 251.04(3), Wisconsin Statutes Section 254.47, Wisconsin Statutes, and Section 254.69(2), Wisconsin Statutes; and by Wisconsin Administrative Chapters ADM 65, ATCP 74 and 75, HFS 172, 175, 178, 192, 195, 196, 197 and 198, and COMM 90. The purpose of this ordinance is to protect and improve the public health and to authorize the Winnebago County Health Department to become the designated agent of the State Department of Health and Family Services for the purpose of establishing permit fees; issuing permits; and making investigations or inspections of hotels, motels, tourist rooming houses, restaurants, bed and breakfast establishments, campgrounds and camping resorts, recreational and educational camps, public swimming pools and establishments possessing permanent Class B and Class C alcoholic beverage licenses with the exception of those licenses serving beverages solely, directly from cans or bottles and those licenses selling beverages at a retail level, and in making investigations and inspections of food vending machines, their operators and vending machine commissaries; and authorizing the Winnebago County Health Department to become the designated agent of the State Department of Agriculture, Trade, and Consumer Protection, for the purpose of establishing permit fees; issuing permits and making investigations or inspections of retail food establishments; and for the purpose of enacting local regulations governing these establishments which may be more strict than state law.

(2) APPLICABILITY. (A) The provisions of this ordinance shall apply to the owner and operator of any retail food establishment, hotel, motel, tourist rooming house, restaurant, bed and breakfast establishment, campground and camping resort, recreational and educational camp, public swimming pool, establishments possessing Class B or Class C alcoholic beverage licenses, vending machine commissary or vending machine in all unincorporated areas of Winnebago County and the City of Omro and Village of Winneconne.

(3) DEFINITIONS. (A) All definitions as set forth in Chapters 97, 125, 251 and 254, Wisconsin Statutes and Wisconsin Administrative Code Chapters ADM 65, ATCP 74 and 75, HFS 172, 175, 178, 192, 195, 196, 197 and 198, and COMM 90 are incorporated in this ordinance by reference and they shall be construed, read and interpreted as fully set forth herein until amended and then shall apply as amended.

(B) "Annual Permit Fee" shall mean a fee for on-site inspection of the entire facility, and one follow-up inspection to determine that establishments identified in the ordinance are compliant with the statutes and administrative codes that govern their operation.

(C) "Duplicate Permit Fee" shall mean a fee for the replacement of an original permit.

(D) "Health Department" shall mean the Winnebago County Health Department.

(E) "Late Application Fee" shall mean a fee that is twice the amount of the current "Annual Permit Fee" and is charged for failure to comply with the application time frame specified in the applicable statute and administrative code for completion and submission of the required application for permit to the Health Department.

(F) "Limited Food Service" shall mean the serving of only individually wrapped hermetically sealed single food servings by a licensed processor with preparation on the premises limited to heating and serving with single-service articles, i.e. hermetically wrapped sandwiches or frozen pizza.

(G) "Mobile Restaurant" shall mean a restaurant operating from a movable vehicle, pushcart, trailer or boat which periodically or continuously changes location and wherein meals or lunches are prepared or served or sold to the general public, excepting those vehicles used in delivery of pre-ordered meals or lunches prepared in a licensed restaurant.

(H) "Operator" shall mean the owner or person responsible to the owner for the operations of the hotel, motel, bed and breakfast establishment, food service establishment or beverage establishment, vending machine commissary and/or vending machine, campground, camping resort, recreational/educational camps, or public swimming pools.

(I) "Outdoor Grilling" shall mean the cooking of food on an outdoor grill on the premises of a licensed food service facility. The purpose for outdoor cooking shall not increase the production capability of the restaurant kitchen by circumventing codes applicable to indoor cooking facilities. Hot holding shall be limited to what can be held on the cooking unit.

(J) "Penalty Fee" shall mean a fee for failure to pay established or assessed fees in a timely manner.

(K) (a) "Potentially Hazardous Food" shall mean a FOOD that is natural or synthetic and that requires temperature control because it is in a form capable of supporting:

(i) The rapid and progressive growth of infectious or toxigenic microorganisms;

(ii) The growth and toxin production of Clostridium botulinum; or

(iii) In raw shell eggs, the growth of Salmonella enteritidis.

(b) "Potentially hazardous food" includes an animal FOOD (a FOOD of animal origin) that is raw or heat-treated; a FOOD of plant origin that is heat-treated or consists of raw seed sprouts; cut melons, and garlic and oil mixtures that are not acidified or otherwise modified at a FOOD PROCESSING PLANT in a way that results in mixtures that do not support growth as specified under Subparagraph (a) of this definition.

(c) "Potentially hazardous food" does not include:

(i) An air-cooled hard-boiled egg with shell intact;

(ii) A FOOD with an a/w value of 0.85 or less;

- (iii) A FOOD with a pH level of 4.6 or below when measured at 24C (75F);
- (iv) A FOOD in an unopened HERMETICALLY SEALED CONTAINER, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution; and
- (v) A FOOD for which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic microorganisms or growth of S. enteritidis in eggs or C. botulinum can not occur, such as a FOOD that has an a/w and a pH that are above the levels specified under Subparagraphs (c)(ii) and (iii) of this definition and that may contain a preservative, other barrier to growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms.
- (vi) A FOOD that may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness, but that does not support the growth of microorganisms as specified under Subparagraph (a) of this definition.

(L) Pre-inspection Fee "A" shall mean a fee for consultative services offered within a six (6) – month period from the date of permit application to persons intending to operate a new restaurant coded 01 or retail food establishment coded 70-44 and 70-55; or to a person intending to be the new operator of an existing restaurant coded 01 or retail food establishment coded 70-44 and 70-55.

(M) Pre-inspection Fee "B" shall mean a fee for consultative services offered within a six (6) – month period from the date of permit application to persons intending to operate a new hotel, tourist rooming house, bed and breakfast establishment, restaurant, vending machine commissary or retail food establishment; or to a person intending to be the new operator of an existing hotel, tourist rooming house, bed and breakfast establishment, restaurant, vending machine commissary, or retail food establishment excluding establishments as defined in section (3), L, a) of this ordinance.

(N) "Re-Inspection Fee" shall mean a fee structure for the subsequent inspections needed to address compliance issues with the statutes and administrative codes that govern their operation.

(O) "Restaurant" shall mean any building, room or place where meals are prepared, served or sold to transients or the general public, and all places used in connection with the building, room or place and includes any public or private school lunchroom for which food service is provided by contract. "Restaurant" does not include

- (a) Taverns that serve free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish or bread and butter;
- (b) Churches, religious, fraternal, youth or patriotic organization, service clubs and civic organizations which occasionally prepare, serve or sell meals to the general public;
- (c) Any public or private school lunchroom for which food service is directly provided by the school;
- (d) Any food service provided solely for needy persons;
- (e) Bed and breakfast establishments; or
- (f) A private individual selling food from a movable or temporary stand at a public farm sale.

(P) "Retail Food Establishment" shall mean any of the following, but does not include a restaurant or other establishment holding a permit to the extent that the activities of the establishment are covered by that permit:

- (a) A permanent or mobile food processing facility where food is processed primarily for direct retail sale to consumers at the facility.
- (b) A mobile facility from which potentially hazardous food is sold to customers at retail.
- (c) A permanent facility from which food is sold to consumers at retail, whether or not that facility sells potentially hazardous food or is engaged in food processing.

(Q) "Temporary Restaurant" or "Temporary Retail Food Establishment" shall mean a restaurant or retail food establishment that operates at a fixed location in conjunction with a single event such as a fair, carnival, circus, public exhibition, anniversary sale, or occasional sales promotion for a period of no more than fourteen consecutive days or less.

(R) "Vending Machine" shall mean any self-service device offered for public use which, upon insertion of a coin or token, or by other means, dispenses unit servings of food or beverage either in bulk or in package, without the necessity of replenishing the device between each vending operation. "Vending machine" does not include a device which dispenses only bottled, prepackaged or canned soft drinks, a one cent vending device, a vending machine dispensing only candy, gum, nuts, nut meats, cookies or crackers, or a vending machine dispensing only prepackaged grade A pasteurized milk or milk products.

(S) "Vending Machine Commissary" shall mean any building, room or place in the state at which foods, containers, transport equipment or supplies for vending machines are kept, handled, prepared or stored by a vending machine operator, except a place at which the operator is licensed to manufacture, distribute or sell food products under Ch. 97, Stats.

(4) ENFORCEMENT. (A) The provisions of this ordinance shall be administered by or under the direction of the Health Officer of the Health Department, who in person or by duly authorized representatives shall have the right to enter, at reasonable hours, upon premises affected by this regulation to inspect the premises, secure samples or specimens, examine and copy relevant documents and records or obtain photographic or other evidence needed to enforce this

ordinance.

(5) LICENSE AND PERMIT. (A) No person shall operate a retail food establishment, bed and breakfast establishment, hotel, motel, tourist rooming house, restaurant, campground and camping resort, recreational and educational camp, public swimming pool, or a Class B or Class C alcoholic beverage licensure establishment without first obtaining a non-prorated permit from the Health Department. Such permits shall expire on June 30 of each year following their issuance except that permits initially issued during the period beginning on April 1 and ending June 30 shall expire June 30 of the following year. The issuance of a permit may be conditioned upon the Permit licensee correcting a violation of this ordinance within a specified period of time. If the condition is not met within the specified period of time, the permit shall be voided. The permit shall not be transferable to a location other than the one for which it was issued, nor shall a permit be transferred from one operator to another subject to the express exception of: (1) As to location, temporary permits may be transferred; (2) As to operator, a permit of a non-retail food establishment operator may be transferred to an individual who is an immediate family member of the operator if the operator is transferring operation of the establishment or vending machine to that immediate family member. A parent, child, step-child, grandchild, sibling or step-sibling shall be considered an immediate family member for purposes of this ordinance.

(B) Operators or Permit licensees of temporary restaurants whom the Health Department has found to be uncooperative or habitual violators of this Ordinance may be denied a permit to operate. Temporary permits may be transferred to a premises other than that for which it was issued, provided that the approval of the new premises is secured from the Health Department prior to operating at the new premises.

(C) With the exception of those establishments defined herein as "temporary", no permits shall be granted to any person under this Ordinance without a pre-inspection by the Health Department of the premises for which the permit shall be granted.

(D) No permit shall be issued until all application fees have been paid.

(6) APPLICATION. (A) Application for permits shall be made in writing to the Health Department on forms developed and provided by the Health Department, stating the name and address of the proposed applicant and operator, and the address and location of the proposed establishment, together with any such other information as may be required. The Health Department shall either approve the application or deny the permit within thirty (30) days after receipt of a complete application. Failure to comply will result in a penalty fee as defined in section (3) (J) of this ordinance.

(7) FEES. (A) Fees for the issuance of permits, the making of investigations, inspections, providing education, training and technical assistance to all establishments covered pursuant to this Ordinance, plus the costs required to be paid to the state for each permit issued, are herewith established pursuant to this Ordinance and may be amended upon the approval of the Winnebago County Board of Supervisors and the Winnebago County Executive. In addition, separate pre-inspection fees are hereby established with regard to new establishments or existing establishments which have been transferred to a new operator. Said fee schedule is also set forth in Appendix "A" and may be amended by the Winnebago County Board of Supervisors upon the approval of the Winnebago County Executive.

(8) PERMIT PUBLIC DISPLAY. (A) Every establishment required to obtain a permit pursuant to this Ordinance shall display said permit, at all times, in a conspicuous public place.

(9) PERMIT SUSPENSION AND REVOCATION. (A) Any permit issued by the Health Department pursuant to this Ordinance may be temporarily suspended for a violation of any provision of this Ordinance or rules adopted by reference by this Ordinance, if the department determines that an immediate danger to health exists. Such permits may be permanently revoked after repeated violations.

(10) REGULATIONS, RULES AND LAWS ADOPTED BY REFERENCE. (A) The applicable laws, rules and regulations as set forth in Chapters 97, 125, 251, 254, Statutes, Wisconsin Administrative Code Chapters ADM 65, ATCP 74 and 75, and HFS 172, 175, 178, 192, 195, 196, 197 and 198, and ILHR 90 are incorporated in this regulation by reference and they shall be construed, read and interpreted as fully set forth herein until amended and then shall apply as amended. The expressed provisions of this Ordinance shall control where more restrictive.

(11) VIOLATION-PENALTIES. (A) Any person who violates or refuses to comply with any provisions of this ordinance shall be subject to a forfeiture of \$250.00 for each offense and/or revocation or amendment of their applicable permit. Each day a violation exists or continues shall be considered a separate offense. Where appropriate, injunctive relief may be sought by the Health Department against continuing violations. In the alternative, the Health Department may pursue enforcement of such section of these regulations as are prosecutable.

(12) EFFECTIVE DATE. (A) This Ordinance shall be effective as of June 1, 1998.

BE IT FURTHER ORDAINED by the County Board of Supervisors of the County of Winnebago that Section 11.12(4)(a)(2) of the General Code of Winnebago County be amended to read as follows:

11.12 REGULATION OF TATTOO ESTABLISHMENT ORDINANCE ...

(4) LICENSES: (a) APPLICATION FOR ESTABLISHMENT LICENSE....

(2) Fees: The operator of a tattoo establishment or body-piercing establishment or a

combined tattoo and body-piercing establishment shall pay an annual license fee to the Winnebago County Health Department. Fees for the issuance of permit, the making of investigations, inspections, providing education, training and technical assistance to all establishments covered pursuant to this Ordinance, plus the costs required to be paid to the state for each permit issued, are herewith established pursuant to this Ordinance and may be amended upon the approval of the Winnebago County Board of Supervisors and the Winnebago County Executive. In addition, separate pre-inspection fees are hereby established with regard to new establishments. Said fee schedule is also set forth in Appendix "A" and may be amended by the Winnebago County Board of Supervisors upon the approval of the Winnebago County Executive.

BE IT FURTHER ORDAINED by the County Board of Supervisors of the County of Winnebago that Appendix "A" of Chapter 11 of the General Code of Winnebago County is hereby amended as is shown in the attached Appendix "A" which is made a part of this Ordinance by reference.

BE IT FURTHER ORDAINED by the County Board of Supervisors of the County of Winnebago that the amendments to said Ordinances shall take effect as of July 1, 2005.

Submitted by:
BOARD OF HEALTH

APPENDIX A

WINNEBAGO COUNTY HEALTH DEPARTMENT

2005-2006 PERMIT FEE SCHEDULE

FOOD SERVICE:	CODE	LOCAL FEE	STATE FEE	TOTAL
Limited Food Service Restaurant	01	\$ 131.25	\$ 7.50	\$ 138.75
Full Service Restaurant - Simple	02S	\$ 247.50	\$ 14.80	\$ 262.30
Full Service Restaurant - Medium	02M	\$ 302.50	\$ 21.00	\$ 323.50
Full Service Restaurant - Complex	02C	\$ 357.50	\$ 29.00	\$ 386.50
Additional Restaurant Unit	02X	\$ 63.00	\$ 8.00	\$ 71.00
Mobile Restaurant - Simple	13S	\$ 247.50	\$ 14.80	\$ 262.30
Mobile Restaurant - Medium	13M	\$ 302.50	\$ 21.00	\$ 323.50
Mobile Restaurant - Complex	13C	\$ 357.50	\$ 29.00	\$ 386.50
Temporary Restaurant	29	\$ 110.00	\$ 10.00	\$ 120.00
Outdoor Grilling	110	\$ 55.00		\$ 55.00
Beverage Only / No Food	100	\$ 100.00		\$ 100.00
Add'l Beverage Only/No Food	100A	\$ 30.00		\$ 30.00
School - Full Service Kitchen		\$ 180.00		\$ 180.00
School - Satellite Kitchen		\$ 135.00		\$ 135.00
LODGING:				
Tourist Rooming House (1-4 rooms)	07	\$ 93.50	\$ 8.50	\$ 102.00
Bed & Breakfast (8 rooms or less)	34	\$ 88.00	\$ 6.50	\$ 94.50
Hotel / Motel (5-30 rooms)	03/05	\$ 210.00	\$ 12.40	\$ 222.40
Hotel / Motel (31-99 rooms)	04/06	\$ 288.75	\$ 19.00	\$ 307.75
Hotel / Motel (100-199 rooms)	32/33	\$ 320.25	\$ 25.00	\$ 345.25
Hotel / Motel (200 or more rooms)	35/36	\$ 367.50	\$ 30.00	\$ 397.50
CAMPGROUNDS:				
Campground (1-25 sites)	60	\$ 157.50	\$ 10.60	\$ 168.10
Campground (26-50 sites)	61	\$ 210.00	\$ 14.70	\$ 224.70
Campground (51-99 sites)	62	\$ 262.50	\$ 17.50	\$ 280.00
Campground (100-199 sites)	63	\$ 288.75	\$ 19.50	\$ 308.25
Campground (200 + sites)	68	\$ 367.50	\$ 22.50	\$ 390.00

Special Event Campground (1-25)	64	\$ 115.50	\$ 10.60	\$ 126.10
Special Event Campground (26-50)	65	\$ 157.50	\$ 14.70	\$ 172.20
Special Event Campground (51-99)	66	\$ 210.00	\$ 17.50	\$ 227.50
Special Event Campground (100-199)	67	\$ 236.25	\$ 19.50	\$ 255.75
Special Event Campground (200 +)	69	\$ 288.75	\$ 22.50	\$ 311.25

OTHER:

Recreational / Educational Camp	53	\$ 116.60	\$ 20.00	\$ 136.60
Swimming Pool	50	\$ 236.25	\$ 15.00	\$ 251.25
Additional Swimming Pool	50A	\$ 150.00	\$ 15.00	\$ 165.00

**WINNEBAGO COUNTY HEALTH DEPARTMENT
2005-2006 PERMIT FEE SCHEDULE**

RETAIL FOOD SERVICE:	CODE	LOCAL FEE	STATE FEE	TOTAL
Sales > \$25,000 <\$1,000,000 and processes potentially hazardous food		\$ 302.50	\$ 44.00	\$ 346.50
Sales >\$1,000,000 and processes potentially hazardous food		\$ 787.50	\$ 110.00	\$ 897.50
Sales \$25,000 or more but does not process potentially hazardous food		\$ 220.00	\$ 30.00	\$ 250.00
Sales <\$25,000 and engaged in food processing		\$ 131.25	\$ 8.00	\$ 139.25
Not engaged in food processing	70-55	\$ 75.00	\$ 6.00	\$ 81.00
Temporary Retail	105	\$ 52.50		\$ 52.50

TATTOO & BODY-PIERCING:

Body Piercing Establishment		\$ 110.00	\$ 10.00	\$ 120.00
Tattoo Establishment		\$ 110.00	\$ 10.00	\$ 120.00
Combined Tattoo and Body-Piercing Establishment			\$ 10.00	\$ 160.00
Temporary Body-Piercing Establishment		\$ 75.00	\$ 10.00	\$ 85.00
Temporary Tattoo Establishment		\$ 75.00	\$ 10.00	\$ 85.00
Temporary Combined Tattoo and Body-Piercing Establishment			\$ 10.00	\$ 85.00

MISCELLANEOUS FEES:

Pre-Inspection A	101A	\$ 125.00		\$ 125.00
Pre-Inspection B	101B	\$ 241.50		\$ 241.50
Re-Inspection: 1st	102-1	\$ 100.00		\$ 100.00
Re-Inspection: 2nd	102-2	\$ 150.00		\$ 150.00
Re-Inspection: 3rd	102-3	\$ 200.00		\$ 200.00
Penalty Fee	103	\$ 100.00		\$ 100.00
Duplicate Permit	104	\$ 15.00		\$ 15.00

Motion by Supervisor Rankin and seconded to adopt. Ayes: 36. Nays: 0. Excused: 1 – Kramer.
CARRIED.

RESOLUTION NO. 204-52005:

Create Position of WIC Program Nutritionist (PT) in the Winnebago County Public Health Department

WHEREAS, the Women, Infants and Children (WIC) Program in the Winnebago County Health Department is becoming more of a service oriented program to the community; and

WHEREAS, there is currently a vacant full-time Public Health Aide position within the Department which will be eliminated upon the creation of the requested position; and

WHEREAS, creating a part-time Nutritionist position will more efficiently serve the needs of the community in the areas of nutrition counseling and well baby care; and

WHEREAS, there is a labor cost savings utilizing a part-time WIC Program Nutritionist position versus a full-time Public Health Aide.

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that a part-time position of WIC Program Nutritionist be, and hereby is created and a full-time position of Public Health Aide is eliminated within the Winnebago County Public Health Department; and

BE IT FURTHER RESOLVED, that funds to cover the cost of this new position be applied from the WIC Program Grant funds within the Public Health Department.

Submitted by:

PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Rankin and seconded to adopt. Ayes: 36. Nays: 0. Excused: 1 – Kramer.
CARRIED.

RESOLUTION NO. 205-52005: Approve Revised Winnebago County Land and Water Resource Management Plan

WHEREAS, Sec. 92.14, Wis. Stats., has been revised to establish a Land & Water Resource Management Program through the Wisconsin Department of Agriculture, Trade and Consumer Protection; and

WHEREAS, Winnebago County was one of seven counties in Wisconsin originally selected in late 1997 to develop a prototype Land and Water Resource Management Plan, with such Plans being subject to approval by the County Board and the Wisconsin Land & Water Conservation Board; and

WHEREAS, your Land Conservation Committee, through the Land and Water Conservation Department, has revised it's County Land and Water Resource Management Plan, fulfilling all requirements of the planning and development process; and

WHEREAS, in addition to the values of program direction and focus on natural resource conservation and protection, the Land and Water Resource Management Plan makes Winnebago County eligible to receive significant pollution abatement funding.

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that the Revised Winnebago County Land and Water Resource Management Plan is hereby approved, and the Land Conservation Committee is authorized to submit the Plan to the Wisconsin Land and Water Conservation Board for approval.

Submitted by,

LAND CONSERVATION COMMITTEE

Motion by Supervisor Barker and seconded to adopt. Ayes: 36. Nays: 0. Excused: 1 – Kramer.
CARRIED.

RESOLUTION NO. 207-52005: Authorize Execution of Facility Inmates Telephone Services Agreement Between Winnebago County, Wisconsin and Evercom Systems, Incorporated

WHEREAS, the Winnebago County Sheriff desires to enter into a three (3) year agreement with Evercom Systems, Incorporated for the purpose of providing telephone services to inmates at the Winnebago County Jail; and

WHEREAS, said proposed agreement is attached and made a part of this resolution by reference; and

WHEREAS, said agreement provides that during the first year of the agreement, Winnebago County shall be guaranteed a commission of \$168,000, a commission of \$100,000 during the second year of said contract; and \$90,000 during the third year of said contract; and

WHEREAS, your undersigned Committee recommends the approval of said agreement.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Executive, Winnebago County Sheriff and Winnebago County Clerk to execute the attached Facility Inmate Services Agreement between Winnebago County and Evercom Systems, Incorporated for the provision of telephone services to inmates at the Winnebago County Jail, pursuant to those terms

contained within the agreement. Said agreement shall run from the date when the agreement is executed.

Submitted by:
JUDICIARY & PUBLIC SAFETY COMMITTEE

Motion by Supervisor Rengstorf and seconded to adopt. Ayes: 34. Nays: 0. Abstain 2 – Koziczowski and Thompson. Excused: 1 – Kramer. CARRIED.

Motion by Supervisor Robl and seconded to adjourn until 6:00 p.m. on Tuesday, June 21, 2005. CARRIED BY VOICE VOTE.

The meeting was adjourned at 7:10 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 May 17, 2005.

Susan T. Ertmer
Winnebago County Clerk