

**ADJOURNED SESSION
WINNEBAGO COUNTY BOARD MEETING
TUESDAY, DECEMBER 19, 2006**

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 Lennon.

The following Supervisors were present: Weber, Barker, Griesbach, Hotynski, Ramos, Maehl, Koziczowski, Pollnow, Widener, Lauson, Albrecht, Anderson, Thompson, Lohry, Lennon, Farrell, Hall, Wingren, Jacobson, Norton, Warnke, Drexler, Robl, Schmuhl, Kline, Locke, Eisen, Schaidler, Finch, Farrey, Sievert, Diakoff, Brennand, Egan, Ellis, Rengstorf and O'Brien. Excused: Arne.

Motion by Supervisor Robl and seconded to amend tonight's agenda so that Resolution Nos. 132-122006 and 133-122006 are acted on before Resolution No. 125-122006 and to approve the agenda as amended. CARRIED BY VOICE VOTE.

COMMUNICATIONS, PETITIONS, ETC.

Copies of two letters received from Senator Michael Ellis were distributed to the Board.

A "Notice of Claim" received from Atty. Brian Beisenstein for Michael Chaffee for injuries sustained by Mr. Chaffee as a result of an accident with a county vehicle was referred to the Personnel & Finance Committee.

A "Notice of Claim" received from Chad A. Stites for alleged violations and injuries he sustained while incarcerated in the county jail was referred to the Personnel & Finance Committee.

Petition for zoning amendment from Paul Gauthier, Town of Clayton, for zoning change for tax parcel nos. 006-0339-00, 006-0339-01, 006-0344 & 006-0345 from A-1 to M-1 for light (clean) industrial business was referred to the Planning & Zoning Committee.

Petition for zoning amendment from Grace Cumings, Town of Neenah, for zoning change for tax parcel nos. 010-0330 & 010-0330-01 from R-1 and B-3 to B-3 for Lot 1 and R-1 for Lot 2 for business and agriculture site was referred to the Planning & Zoning Committee.

Petition for zoning amendment from Lydell Pethke, Town of Winchester, for zoning change for tax parcel nos. 028-0117, 028-0120, 028-0124, 028-0296, 028-0121-01 & 028-0012-102 from A-1 to R-1 & A-2 for farming and personal property was referred to the Planning & Zoning Committee.

Petition for zoning amendment from Caryl C. Herziger, Town of Neenah, for zoning change for tax parcel no. 010-0767(p) from R-1 to R-5 for parking, gardening and recreational use was referred to the Planning & Zoning Committee.

Petition for zoning amendment from Thomas Kromm, Town of Black Wolf, for zoning change for tax parcel no. 004-0268-02 from A-2/R-1 to A-2 for Lot 1 and R-2 for Lot 2 for agricultural and residential use was referred to the Planning & Zoning Committee.

REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS

Supervisor Barker reported that there will not be a Legislative Committee meeting in December. Their next meeting will be on January 22, 2007. If anyone has an agenda item for that meeting, they should let her know.

Supervisor Eisen gave a report on the WCA Regional Legislative Meeting that he attended on December 6 in Manitowoc. Items discussed at that meeting included high deductible medical insurance and health savings accounts; court fees; the Family Care pilot program; county board downsizing.

Supervisor Maehl expressed his support of Winnebago County Clerk Sue Ertmer and Corporation Counsel John Bodnar and rejected the claim of some people that their rights had been violated when Ms. Ertmer did not accept the petitions circulated by the group, "Citizens United to Transform the Winnebago County Board (CUT)". Supervisor Maehl also discussed Yakima County, Washington and the makeup and of their county board.

Supervisor Sievert extended her thanks to Tom LaFuze for his many years of service on the county's Board of Health. She also congratulated Mr. LaFuze on his upcoming retirement as principal of H.B. Patch School in Omro.

Motion by Supervisor Lauson and seconded to approve the October 30 & 31 and November 1 & 2, 2006 County Board Budget Session proceedings and the November 14, 2006 Adjourned Session proceedings. Supervisor Eisen asked that the vote on Amendment (9) on Page 120 be corrected to show the amendment "LOST". Supervisor Widener asked that Page 123 be corrected to list him as "excused" instead of "present" when the Board reconvened after lunch. Vote on proceedings as corrected - CARRIED BY VOICE VOTE.

COUNTY EXECUTIVE'S REPORT

Executive Harris spoke on the following resolutions:

- No. 126-122006: "Support Revision or Repeal of Section 70.11(21), Stats." Executive Harris explained that this section of the statutes was originally designed to provide property tax exemptions for treatment plants and pollution abatement equipment, but because of recent litigation, it has gotten broader interpretation and paper mills are claiming that their processes qualify them as treatment facilities and exempts them from paying property taxes. If this were allowed, it would have a substantial financial impact on Winnebago County's tax base.
- Ordinance No. 136-122006: "Amend Section 2.01 of the General Code of Winnebago County". Executive Harris explained that if passed, this ordinance creates the new 36 county supervisory districts. He asked that the Board not vote on this ordinance at tonight's meeting, but wait until the C.U.T. group's lawsuit goes through the courts.

Executive Harris also asked that the Board listen carefully to Dean Jim Perry's presentation on UW-Fox Valley's Communication Art Center Project. Mr. Harris stated that a lot of misinformation on this project has been distributed and he feels it's very important that the public and the Board hear what Dean Perry has to say. Executive Harris explained that the UW-Fox Valley campus has been noted as one of many reasons why new businesses may want to locate in this area, so he feels it's important that the Communication Art Center Project be considered and approved by the Winnebago County Board.

COUNTY EXECUTIVE'S APPOINTMENTS

Grievance Review Board

Executive Harris asked for the Board's approval of his re-appointment of Brenda Keller, 975 East County Road Z, Oshkosh, to the Grievance Review Board.

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

Human Services Board

Executive Harris asked for the Board's approval of his re-appointment of Supervisors Steve Arne, Harvey Rengstorf, Tom Widener and Don Griesbach to the Human Services Board.

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

Local Emergency Planning Commission

Executive Harris asked for the Board's approval of his re-appointment of Paula Biewer, Hydrite Chemical Company, and Douglas Gieryn, Director of Public Health, to the Local Emergency Planning Commission.

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

Veterans Service Commission

Executive Harris asked for the Board's approval of his re-appointment of Roger Jaeger, 214 East River Drive, Omro, to the Veterans Service Commission.

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

Winnefox Library System Board of Trustees

Executive Harris asked for the Board's approval of his re-appointment of Debra Clark, 4505 Broderick Road, Omro, and Lurton Blassingame, 1926 East Murdock Avenue, Oshkosh, to the Winnefox Library System Board of Trustees.

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

COUNTY BOARD CHAIRMAN'S REPORT

Chairman Albrecht reported the following:

- Supervisor Arne is excused from tonight's meeting.
- Supervisor Wingren made a donation to the Park View Health Center residents' fund.

COUNTY BOARD CHAIRMAN'S APPOINTMENT

Personnel Function Review Committee

Chairman Albrecht asked for approval of his appointment of Supervisors John Schaidler, Bernie Egan, Patrick O'Brien, Joanne Sievert, Stan Kline, Patrick Brennand and David Albrecht to the Personnel Function Review Committee.

Motion by Supervisor Hall and seconded to add one more person to this committee. Corporation Counsel John Bodnar explained that the county board amended their rules to form this committee, and at that time, it was specified that there would be seven members on the committee. If the Board wants to increase the membership to any other number, it will have to be done by resolution to amend that section of the Board's rules. Supervisor Hall's motion was withdrawn.

Motion by Supervisor Lauson and seconded to approve the appointments. Ayes: 23. Nays: 13 - Weber, Barker, Ramos, Thompson, Lohry, Hall, Jacobson, Norton, Locke, Eisen, Finch, Farrey and Ellis. Abstain: 1 - Farrell. Excused: 1 - Arne. CARRIED.

COUNTY REDISTRICTING - JERRY BOUGIE, COUNTY PLANNER; AND DIANE CULVER, GIS DEPARTMENT

Jerry Bougie and Diane Culver explained the process that was used to develop the county's 36 supervisory district maps. Mr. Bougie explained that a change in Wisconsin law allows for the size of county boards to be reduced one time between decennial redistricting either by referendum or county board action. Because the Winnebago County Board voted in September to reduce their size to 36 members, his department has developed the map that is being presented to the Board tonight.

Mr. Bougie explained that, according to state law, this map had to be presented to the Board within 90 days of September 26, 2006, which is the day the Board voted to reduce their membership to 36 members. The map was presented to and approved by the Judiciary & Public Safety Committee on November 28, 2006.

Mr. Bougie stated that Wisconsin law requires that the new supervisory districts be developed from contiguous whole wards that existed at the time the redistricting plan was adopted. Normally, the maps developed during redistricting are based on census blocks, which are much smaller than existing wards and gives more flexibility when developing district maps.

Mr. Bougie explained that the districts also need to be "substantially equal in population" based on the 2000 census figures. This means the district maps had to be drawn based on old population data, but current ward boundaries. The map as presented has a population deviation range of 13%. This means the population in one district is 5.4% above the average population in all the districts, and the population in another district is 7.6% below the average population in all the districts. The average population in the 36 districts is 4355, so the highest population in a district is 4,590 and the lowest is 4,024. Mr. Bougie explained that this was the lowest deviation rate that Ms. Culver was able to achieve as she drew this proposed map.

Mr. Bougie also explained that as they drew this map, they needed to keep in mind that state law also requires that the new districts be as compact as possible and that you do your best to keep whole municipalities together.

Mr. Bougie and Ms. Culver took questions from the Board.

As the discussion on this issued continued, a motion was made by Supervisor Hall and seconded to suspend rule 6.4, which requires that the public hearing portion of the Board's meeting begin no later than 60 minutes after the meeting is called to order, so the Board's discussion can continue and the public has an opportunity to speak on this issue as well. Ayes: 31. Nays: 6 - Griesbach, Maehl, Albrecht, Schaidler, Egan and Rengstorf. Excused: 1 - Arne. CARRIED.

UW-FOX VALLEY COMMUNICATION ART CENTER PROJECT - DEAN JAMES PERRY

Dean James Perry presented the engineering study for UW-Fox Valley's Communication Art Center Project as prepared by Short, Elliot, Hendrickson, Inc. of Appleton. Dean Perry also gave a Powerpoint presentation that described the mission of UW-Fox Valley and explained the history and scope of the Communication Art Center Project.

Dean Perry explained that the mission of UW-Fox Valley is to prepare students for baccalaureate level education. UW-Fox Valley provides the first two years of a liberal arts education which allows the student to continue their education at another university and receive their bachelors degree.

Dean Perry explained that both Outagamie and Winnebago Counties provide the university with funding for

their operating budget. In 2006, that amount was \$139,000 per county. The State of Wisconsin provides the university with funding for personnel and equipment. In 2006, that amount was \$7.9 Million.

According to a 1959 agreement, the costs of building projects on the campus are the responsibility of the municipalities--Outagamie & Winnebago Counties. The state pays for the "moveable equipment" needed for the project.

Dean Perry explained that although UW-Fox Valley is a small campus, they have an economic impact on Outagamie & Winnebago Counties of approximately \$50 Million annually. They enroll 1,731 students each year and are the second largest of the UW colleges' campuses.

Dean Perry stated that even though they are the second largest campus, their 220-seat auditorium is the smallest auditorium of all the campuses. Over the past three years, the average use of the auditorium has been for 169 campus events or 81% of the academic year.

Dean Perry explained the history of the auditorium and this project:

- Built in 1962, it has been used as a multipurpose room for communication arts, music and physical education
- In 1977, the facilities deficiencies are determined
- In 1982, lighting equipment was upgraded and replaced
- During a large construction project on a different part of the campus in 1989, consultants identify additional deficiencies in the auditorium and recommend solutions, but funding is not available.
- Results of a 2002 engineering study of the auditorium is determined by Winnebago County to be too large and costly.
- 2006 - This is the third engineering study on the project. The scope of the project has been reduced.

Dean Perry explained that there are significant safety and code problems in the auditorium. The restrooms, risers, second floor, stage control booth and workshop are not ADA compliant. There is asbestos present and there are problems with the plumbing, fire protection and risers.

Dean Perry explained that the proposed new auditorium would eliminate these problems and provide seating for 361 people, a multipurpose classroom, a lobby, offices, restrooms and additional work space areas to support the auditorium.

Estimated total costs for the project are \$13,891,781. Winnebago County would be responsible for \$5,273,390. This would cost the property taxpayers of Winnebago County approximately \$6.22 per \$100,000 of assessed value of their property for ten years.

Dean Perry explained that because they believe so strongly in this project, the UW-Fox Valley Foundation has pledged to raise \$2 Million for this project. He explained that this is the first time that the foundation has ever been involved in a capital project.

Dean Perry outlined what the new "multipurpose, multiuse auditorium" will be used for:

- an academic facility for teaching
- scholars series--public lectures
- parent-student Preview Days
- new student orientation & registration
- international film series
- large group instruction
- convocation and commencement
- theatrical performances

Dean Perry then introduced Chancellor Rick Wells of UW-Oshkosh who expressed his support of the Communication Arts Center project.

Dean Perry took questions from the Board.

PUBLIC HEARING

The following people spoke in support of UW-Fox Valley's Communication Art Center Project:

Richard Fazel, 1549 Maloa Street, Menasha; Susan Rabiedeau, Assistant Professor of Communication Arts and Theater at UW-Fox Valley; Mark Fremgen, member of the UW-Fox Valley Foundation Board; Todd Schatz, 2350 Fall Creek Lane, Oshkosh; Christine Schwanke, resident of Outagamie County; Teri Gonya, 317 Sherry Street, Neenah; Laura _____; Laurie Hooper, student at UW-Fox Valley; Dan Wright, student at UW-Milwaukee
Jeff Harvey, 514 Broad Street, Menasha, spoke in opposition to UW-Fox Valley's Communication Art Center Project.

Doug Nelson, representing Winneconne Sports Complex LLC, thanked the Board and the county's Industrial Development Board for their support of their archery range project. It is now open and operating.

Kathleen Propp, 1936 Hazel Street, spoke in opposition to Resolution No. 136-122006, "Amend Section 2.01 of the General Code of Winnebago County."

At 8:35 p.m., Chairman Albrecht called for a brief recess. The Board reconvened at 8:50 p.m.

ZONING REPORTS & ORDINANCES

REPORT NO. 001. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Dennis Jochman and property owner Child's Imagination, Town of Neenah, for zoning change to B-3 for tax parcel no. 010-0325. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 12-01-06. A requested zoning change from A-2 (General Farming) to B-3 (Community Business). Supervisor Schaidler explained to the Board that both the Town of Neenah and the Winnebago County Planning & Zoning Committee are recommending a zoning change to B-2, not B-3 as requested by the applicant. Motion by Supervisor Schaidler and seconded to adopt the B-2 zoning change. CARRIED BY VOICE VOTE. (Effective date: January 8, 2007)

REPORT NO. 002. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Richard Christiansen, Town of Winchester, for zoning change to R-1 for tax parcel no. 028-0651. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE. (Supervisor Weber voted no.)

AMENDATORY ORDINANCE NO. 12-02-06. A requested zoning change from B-2/ A-2 (Community Business/General Farming) to R-1 (Single Family non-subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Supervisor Weber voted no.) (Effective date: January 8, 2007)

REPORT NO. 003. A report from the Planning & Zoning Committee regarding a requested zoning change from applicants and property owners, Pablos Painting - Al Bleser & Jeff Farley, Town of Winchester, for zoning change to R-1 for tax parcel no. 028-0734-03. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE. (Supervisor Weber voted no.)

AMENDATORY ORDINANCE NO. 12-03-06. A requested 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. (Supervisor Weber voted no.) (Effective date: January 8, 2007)

REPORT NO. 004. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant, Lawrence Kriescher, and property owner, Allen Grasley, Town of Winchester, for zoning change to R-1 for tax parcel no. 028-0892(p). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Supervisor Weber voted no.)

AMENDATORY ORDINANCE NO. 12-04-06. A requested 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. (Supervisor Weber voted no.) (Effective date: January 8, 2007)

REPORT NO. 005. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner, James Larsen, Town of Winchester, for zoning change to A-2 for tax parcel no. 028-0620. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE. (Supervisor Weber voted no.)

AMENDATORY ORDINANCE NO. 12-05-06. A requested zoning change from A-1 (Exclusive Agriculture) to A-2 (General Farming). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Supervisor Weber voted no.) (Effective date: January 8, 2007)

REPORT NO. 006. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant, Jeanette Schaumann, and property owners, Richter Lane residents, Town of Wolf River, for zoning change to R-1 for tax parcel nos. 032-0730, 032-0730-02-03, 032-0730-03, 032-0730-05, 032-0730-06, 032-0730-07, 032-0730-07-01, 032-0730-07-02, 032-0730-08, 032-0730-14, 032-0730-15, 032-0730-19, 032-0730-20, 032-0730-21, 032-0730-22, 032-0730-23, 032-0730-24, 032-0730-25, 032-0804-01(p) & 032-0805-01(p). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE. (Supervisor Weber voted no.)

AMENDATORY ORDINANCE NO. 12-06-06. A requested zoning change from B-2 (Community Business) to R-1 (Single Family non-subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Supervisor Weber voted no.) (Effective date: January 8, 2007)

REPORT NO. 007. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner, S & M Ventures, LLC - Gerald Mathusek, Town of Algoma, for zoning change to R-2/correct wetlands for tax parcel nos. 002-0018, 002-0178 & 002-0180. Motion by Supervisor Schaidler and seconded to accept recommendation to DENY. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 12-07-06. A requested zoning change from A-2/B-2 (General Farming/Community Business) to R-2/correct wetlands (Single Family subdivided). Motion by Supervisor Schaidler and seconded to DENY. CARRIED BY VOICE VOTE. (Effective date: January 8, 2007)

AMENDATORY ORDINANCE 8. A requested zoning change from Town of Rushford on behalf of Dorothy Rees for tax parcel no. 022-0557-01 for zoning change to A-3. Motion by Supervisor Egan and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date: January 8, 2007)

AMENDATORY ORDINANCE 9. A requested zoning change from Town of Black Wolf on behalf of Gerald Kalbus for tax parcel no. 004-0258-02 for zoning change to R-1. Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date: January 8, 2007)

RESOLUTIONS & ORDINANCES

RESOLUTION NO. 125-122006: Support Increased State Support to Counties for Circuit Court Operation

WHEREAS, § 753.19, Wisconsin Statutes, mandates that, *“The cost of the operation of the circuit court for each county, except for the salaries of judges and court reporters provided to be paid by the state, and except for the cost assumed by the state under this chapter and chapters 40 and 230, and except as otherwise provided, shall be paid by the county;”* and

WHEREAS, in the 1993-95 state biennial budget, the circuit court support and guardian ad litem payment programs were created to offset county costs related to circuit court operations; and

WHEREAS, a court support services surcharge was created to fund these payments to county government; and

WHEREAS, in state fiscal year 2005-2006, \$47.1 million was raised in court support services surcharge revenue; and

WHEREAS, in 2005, counties reported allowable court costs under the circuit court support payment program of \$13.2 million; and

WHEREAS, in 2005, counties received \$18,739,600 in payments under the circuit court support payment program; and

WHEREAS, in 2005, counties reported \$9.3 million in guardian ad litem costs; and

WHEREAS, counties received \$4,738,500 in guardian ad litem payments, the same payment level since the program began in 1994; and

WHEREAS, it is the desire of county governments across the state to maintain a working partnership with the state to ensure the court system operates fairly and efficiently; and

WHEREAS, the focus of the Supreme Court’s 2007-09 budget submission to the Governor is “partnerships with counties and other justice stakeholders;” and

WHEREAS, the Supreme Court’s budget proposal contains the following elements:

- The consolidation and formula revision of the circuit court support and guardian ad litem payment programs into a new payment program called the “Circuit Court Services Support Program;” support increased funding for the new program by requiring that 75% of the court support services surcharge revenues collected by counties in the previous calendar year be appropriated for payments under the new program in the next full fiscal year.
- A statutory change to allow for auditing of county court financial information; support the creation of an auditor position to institute a standardized program for the recording, reporting, and auditing of county circuit court costs and revenues.
- A statutory change and accompanying county reimbursement funding to require that interpreters be appointed in all cases regardless of indigency; support additional funds to cover increased interpreter costs under current law related to projected increased use of interpreters and additional certified interpreters.
- Funding to implement an ongoing court safety training program for judges, court commissioners, court reporters, clerks of circuit court staff, and other court and non-court employees located in county courthouses.
- That \$1 of the justice information system surcharge revenues currently deposited to the general fund be deposited to the Circuit Courts Automation Program (CCAP) to provide funding for the development of an e-filing system for all circuit court case types.
- The creation of a justice initiatives coordinator position and associated funding to implement and sustain the numerous recommendations made by the PPAC; and

WHEREAS, the Supreme Court’s budget proposal will increase funding to counties by over \$12.5 million annually; and

WHEREAS, the Supreme Court’s proposal shifts a portion of the funding for the State Court System from the

property tax fund to state funding;

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that Winnebago County fully offers its support for the budget submission of the Supreme Court for the 2007-09 biennium; and

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that Winnebago County requests Governor Jim Doyle offer this funding proposal in his budget submitted to the Wisconsin State Legislature; and

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that a copy of this Resolution be sent to Governor James Doyle, DOA Secretary Stephen Bablitch, Chief Justice Shirley Abrahamson, all area legislators, and the Wisconsin Counties Association.

Submitted by:
LEGISLATIVE COMMITTEE

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

RESOLUTION NO. 126-122006: Support Revision or Repeal of Section 70.11(21), Stats.

WHEREAS, Section 70.11(21) of the Wisconsin Statutes provides for an exemption from property tax for certain property used in treating waste or abating pollution; and

WHEREAS, the language of 70.11(21) may be given a broader interpretation since the March 2004 decision of the Wisconsin Tax Appeals Commission regarding Newark Group Inc. vs. Wisconsin Department of Revenue; and

WHEREAS, the property tax base of Winnebago County, the City of Neenah and the City of Menasha may be severely eroded if this section of the Wisconsin Statues is interpreted to provide an exemption from property tax to paper companies, cheese manufacturers and other manufacturers; and

WHEREAS, this will increase the tax burden on other business and residential properties subject to property tax; and

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby urges the Wisconsin Assembly and Wisconsin Senate to immediately revise or delete such portions of 70.11(21) as necessary to prevent further erosion of the county and city property tax bases; and

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that a copy of this resolution be transmitted by the Winnebago County Clerk to all legislators representing constituents within Winnebago County, the Wisconsin Counties Association, and to the office of Governor James Doyle.

Submitted by:
NANCY BARKER, DIST. # 2
JEF HALL, DIST. # 17
STAN KLINE, DIST. # 25
JAMES LAUSON, DIST. # 10
MICHAEL NORTON, DIST. # 20
FORREST WEBER, DIST. # 1

Motion by Supervisor Barker and seconded to adopt. Ayes: 36. Nays: 1 - Widener. Excused: 1 - Arne. CARRIED.

RESOLUTION NO. 127-122006: ESTABLISH ZONING OFFICE FEE SCHEDULE FOR 2007

WHEREAS, the Winnebago County Zoning Department has instituted a fee schedule for various permits, maps and other items which are provided by that office; and

WHEREAS, a set fee schedule is adjusted annually to reflect the costs of the operations of the zoning office; and

WHEREAS, Planning and Zoning Committee has recommended the adoption of the attached fee schedule for 2007.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves the attached fee schedule for the Winnebago County Zoning Office effective January 1, 2007.

Submitted by:
PLANNING & ZONING COMMITTEE

Motion by Supervisor Schaidler and seconded to adopt. Ayes: 32. Nays: 4 - Albrecht, Finch, Farrey and Rengstorf. Abstain: 1 - Griesbach. Excused: 1 - Arne. CARRIED.

RESOLUTION NO. 128-122006: Authorize Beverage Pouring Rights Agreement Between Winnebago County and Pepsi Americas Inc

WHEREAS, a Pepsi Americas Inc (hereinafter referred to as "Pepsi") desires to enter into a beverage pouring rights agreement with Winnebago County whereby Pepsi would become the official beverage of the Winnebago County Parks Department and would thereby be provided with exclusive sales and advertising rights on predetermined Parks properties; and

WHEREAS, pursuant to this agreement, Lessees of Parks properties would agree to sell Pepsi beverage products exclusively at events which they sponsor; and

WHEREAS, pursuant to this agreement, Pepsi would be granted rights allowing it to install and maintain soda vending machines on predetermined Parks properties; and

WHEREAS, in exchange for both its financial and material support, Winnebago County would extend to Pepsi certain promotional privileges including the right to post specified advertising related materials on predetermined Parks' properties; and

WHEREAS, in conjunction with this agreement, Pepsi would annually pay Winnebago County a compensatory sum based upon the total amount of beverage cases sold on Parks properties multiplied by the beverage case commission rate applicable within any given year over the term of the agreement;

WHEREAS, said agreement shall run through December 31, 2010, with Pepsi being provided the first right to renegotiate said agreement for an additional term. A copy of said agreement may be obtained from the Winnebago County Parks Director or Winnebago County Corporation Counsel and is incorporated by reference as part of this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Executive and Winnebago County Clerk to enter into an agreement with Pepsi for beverage pouring rights on Parks' properties, which shall run through December 31, 2010, and shall contain those major terms described above.

Submitted by:
PARKS & RECREATION COMMITTEE

Motion by Supervisor Lauson and seconded to adopt. Ayes: 36. Nays: 1 - Thompson. Excused: 1 - Arne. CARRIED.

RESOLUTION NO. 129-122006: Recognize Federal Share of Railroad Crossing Signal Project Along CTH Y Totaling \$168,000

WHEREAS, the Winnebago County Board of Supervisors previously approved a reconstruction project along CTH Y, which included railroad crossing signaling; and

WHEREAS, Federal funds will pay for most of the project costs for the railroad crossing; and

WHEREAS, the total cost of the crossing is \$187,000 of which Winnebago County's share will be \$19,000; and

WHEREAS, there are sufficient funds in the capital project fund to cover Winnebago County's share; and

WHEREAS, accounting rules require that the full cost of the project be recognized in Winnebago County's accounting records.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby recognizes the Federal share of the project by increasing the Construction account in the CTH Y capital project fund and by recognizing the Federal contribution in the amount of \$168,000 as a capital contribution.

Submitted by:
PERSONNEL & FINANCE COMMITTEE
HIGHWAY COMMITTEE

Motion by Supervisor Robl and seconded to adopt. Ayes: 37. Nays: 0. Excused: 1 - Arne. CARRIED.

RESOLUTION NO. 130-122006: Adjust Revenue and Expense Accounts Within the Planning Departments 2006 Budget to Adjust for Revenue Shortfalls and to Reduce Operating Expenses; and Transfer \$45,000 from the Contingency Fund to Cover Net Operating Shortfall Forecast for 2006 in the Planning Department

WHEREAS, revenue from Sanitation Permits, Forms and Copies Revenue, and Zoning Fees are projected to be a combined \$90,000 under budget for 2006 as a result of lower-than-expected activity; and
WHEREAS, Grant Revenue is projected to be \$25,000 over budget; and
WHEREAS, Operating Expense budgets can be reduced \$20,000 to cover some of the revenue shortfalls;
and
WHEREAS, the Department will be over budget by \$45,000 as a result of the revenue shortfalls; and
NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates the transfer of \$45,000 from the 2006 Winnebago County Budget's General Contingency Fund to the Planning Department's budget to cover the Department's projected shortfall for 2006.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE
PLANNING AND ZONING COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 37. Nays: 0. Excused: 1 - Arne. CARRIED.

RESOLUTION NO. 131-122006: Accept \$10,000 Donation for Renovation of a Steinway Piano at Park View Health Center

WHEREAS, Park View Health Center has a 1929 Steinway Grand Piano; and
WHEREAS, this piano was donated to Park View Health Center many years ago; and
WHEREAS, the piano is very valuable and is often played by residents of Park View Health Center; and
WHEREAS, the piano is in need of \$20,000 of repairs; and
WHEREAS, the JJ Keller Foundation has donated \$10,000 as a matching contribution towards its renovation;
and
WHEREAS, additional donations will be sought to cover the remainder of the repairs and renovations; and
WHEREAS, the renovations can be completed in steps, so the initial \$10,000 donated by JJ Keller Foundation can be used to start the repairs, and the piano will still be useful in this state; and
NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the acceptance of the \$10,000 donation and appropriates the funds to repair and renovate the Steinway Grand Piano; and
BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that Park View Health Center will continue to seek other donations to complete the renovations.

Submitted by:
PERSONNEL & FINANCE COMMITTEE
PARK VIEW HEALTH CENTER COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 36. Nays: 0. Abstain: 1 - Hall. Excused: 1 - Arne. CARRIED.

RESOLUTION NO. 132-122006: Authorize Health Department to Accept Additional \$20,000 in WIC Grant Funding and Apply to Program Needs in Health Department's 2006 Budget

WHEREAS, there has been an increase in demand for services offered by the Winnebago County Public Health Department's WIC (Women, Infants, and Children) Program during 2006; and
WHEREAS, there are WIC grant funds available to cover the increased needs; and
NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Public Health Department to accept the additional WIC funding of \$20,000; and
BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes

applying the additional funds to the WIC Program to cover expenses in labor, contracted services, interpreter fees, and other operating supplies as outlined on the attached budget transfer form.

Submitted by:
PERSONNEL & FINANCE COMMITTEE
BOARD OF HEALTH

Motion by Supervisor Sievert and seconded to adopt. Ayes: 36. Nays: 1 - Pollnow. Excused: 1 - Arne. CARRIED.

RESOLUTION NO. 133-122006: Authorize Public Health Department to Accept Emergency Preparedness Consortia Funding of \$25,000

WHEREAS, the Winnebago County Public Health Department has been notified by the Public Health Consortia that it can receive an additional \$25,000 grant for emergency preparedness planning; and

WHEREAS, it would be prudent to accept and appropriate such additional funding; and

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Public Health Department to accept \$25,000 of Public Health Preparedness Consortia funding; and

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes such funds to be appropriated to accounts within the Winnebago County Public Health Department's 2006 budget as outlined in the attached Budget Transfer Form and apply the funds to costs for supporting emergency preparedness objectives and needs.

Submitted by:
PERSONNEL & FINANCE COMMITTEE
BOARD OF HEALTH

Motion by Supervisor Sievert and seconded to adopt. Ayes: 37. Nays: 0. Excused: 1 - Arne. CARRIED.

RESOLUTION NO. 134-122006: Transfer \$3,300 from Salary Contingency Fund to Corporation Counsel's 2006 Wage and Benefit Budgets to Cover Projected Cost Overrun as a Result of Temporary Help Needs

WHEREAS, there is a need to hire temporary help in the Corporation Counsel's Office in December 2006 as a result of injury to one paralegal and the long-term illness of another paralegal; and

WHEREAS, there are insufficient funds in the Corporation Counsel's Wage and Benefits Account to cover the temporary help costs; and

WHEREAS, the Corporation Counsel's Office cannot function effectively without support staff help;

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$3,300 from the 2006 Winnebago County Budget's Salary Contingency Fund to the Corporation Counsel's 2006 Wage Account (\$3,000) and 2006 Fringe Account (\$300).

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

Motion by Supervisor Kline and seconded to adopt. Ayes: 37. Nays: 0. Excused: 1 - Arne. CARRIED.

RESOLUTION NO. 135-122006: Authorize Request for Legal Expense Coverage from the Wisconsin County Mutual Insurance Corporation

WHEREAS, the Wisconsin County Mutual Insurance Corporation offers to provide legal expense coverage for matters for which coverage is not otherwise available under the liability policy; and

WHEREAS, the Wisconsin County Mutual Insurance Corporation requires that a Resolution be passed by the Winnebago County Board authorizing such coverage; and

WHEREAS, the use of such coverage would likely be limited to matters in which a conflict of interest exists that would prevent the Corporation Counsel's Office from representing Winnebago County;

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the request for coverage under the legal expense endorsement, per Endorsement Form Number WCMIC-End 23 (10/04), for the Wisconsin County Mutual Insurance Corporation to be requested as needed by Winnebago County's authorized designee; and

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby designates the Winnebago County Corporation Counsel to be the authorized designee for requesting coverage under the legal expense endorsement.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 37. Nays: 0. Excused: 1 - Arne. CARRIED.

ORDINANCE NO. 136-122006: AMEND SECTION 2.01 OF THE GENERAL CODE OF WINNEBAGO COUNTY

WHEREAS, The Winnebago County Board of Supervisors recently reduced the size of the County Board from 38 members to 36 members; and

WHEREAS, a new district map must be created in relationship to the decrease in the number of Supervisory Districts; and

WHEREAS, the Planning Department has created a map with proposed Supervisory Districts, pursuant to Section 59.10 Wisconsin Statutes, wherein no wards are split and the deviation between the sizes of the various sizes of the districts is minimized as much as is possible pursuant to the present statutory scheme.

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

That Section 2.01 of the General Code of Winnebago County be amended to read as follows:
(Please see attached amended resolution).

Submitted by:
JUDICIARY & PUBLIC SAFETY COMMITTEE

Motion by Supervisor Rengstorf and seconded to adopt.

Motion by Supervisor Ramos and seconded to lay this resolution on the table. Ayes: 14 - Weber, Ramos, Maehl, Pollnow, Anderson, Thompson, Lennon, Farrell, Hall, Norton, Warnke, Drexler, Schmuhl and Eisen. Nays: 23. Excused: 1 - Arne. LOST.

Motion by Supervisor Farrey and seconded to refer this resolution back to the Judiciary & Public Safety Committee so they can draw maps with deviation ranges of 13, 15 & 17 percent. Ayes: 10 - Weber, Hotynski, Maehl, Pollnow, Lauson, Lohry, Norton, Eisen, Finch and Farrey. Nays: 27. Excused: 1 - Arne. LOST

Vote on Ordinance as presented - Ayes: 22. Nays: 14 - Weber, Hotynski, Maehl, Pollnow, Lauson, Anderson, Thompson, Lohry, Lennon, Norton, Warnke, Drexler, Finch and Farrey. Abstain: 1 - Ramos. Excused: 1 - Arne. CARRIED.

RESOLUTION NO. 137-122006: Instruct County Executive to prepare a Zero-based Budget for 2008

WHEREAS, it is desirable to achieve economy and efficiency in county government; and

WHEREAS, the County Board has expressed its desire to function more economically and efficiently by authorizing a committee to study personnel functions; and

WHEREAS, a Zero-based budget will empower the County Board to achieve the goal of economy and efficiency in county government.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby instructs the County Executive to prepare a Zero-Based Budget for 2008.

Submitted by:
PAUL EISEN, DIST. # 27
BILL POLLNOW, DIST. # 8
CLAUD THOMPSON, DIST. # 13

Motion by Supervisor Eisen and seconded to adopt.

Motion by Supervisor Thompson and seconded to amend Line 18 to read "...that it hereby urge the County Executive to consider the preparation of a Zero-Based Budget.." LOST BY VOICE VOTE.

Vote on Resolution as presented: Ayes: 4 - Pollnow, Robl, Eisen and Schaidler. Nays: 30. Absent: 3 - Hotynski, Lauson and Finch. Excused: 1 - Arne. LOST.

Motion by Supervisor Robl and seconded to adjourn until 6:00 p.m. on Tuesday, January 9, 2007. CARRIED BY VOICE VOTE.

The meeting was adjourned at 10:30 p.m.

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 December 19, 2006.

Susan T. Ertmer
Winnebago County Clerk