

**ADJOURNED SESSION
COUNTY BOARD MEETING
TUESDAY, APRIL 25, 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, Robl, Schmuhl, Spanbauer, Kline, Locke, Eisen, Schaidler, Finch, Farrey, Sievert, Arne, Diakoff, Brennand, Egan, Ellis, Rengstorf and O'Brien

Motion by Supervisor Robl and seconded to approve agenda so that action on Resolution No. 21-42006 will follow the plaque presentation to Stephen Rankin. CARRIED BY VOICE VOTE.

COMMUNICATIONS, PETITIONS, ETC.

A "thank you" note was received from the family of Dorothy Schwartz, thanking the Board for the flowers they sent for Dorothy's funeral. Mrs. Schwartz was a former County Board supervisor from the City of Oshkosh.

The following resolutions were received and forwarded to various committees:

- Dunn County, Resolution No. 36 (2006), opposing the fiscal restriction of Wisconsin Taxpayer Protection Amendment.
- Green Lake County, Resolution 12-2006, "Requesting Governor and State Legislators Enact Legislation to Re-Emphasize the Transportation User Fee Concept Thus Segregating Fuel-Tax Revenues and Vehicle Registration Fees Specifically for the Transportation Fund."
- Juneau County, Resolution 06-27, "Juneau County's sales tax amount appears to be miscalculated resulting in an underpayment." Requesting "independent audits be conducted upon the calculations of Wisconsin Counties' sales taxes in past years."
- Langlade County, Resolution #38-2006, "Support Assembly Bill # 857".
- Langlade County, Resolution #39-2006, "Requesting Legislative Action to Address Wisconsin Retirement System Liabilities".
- Langlade County, Resolution #44-2006, "Requesting a Change in the Laws Governing Use Value Assessments for Agricultural Land by the State of Wisconsin".
- Langlade County, Resolution No. 64-2006, "Oppose Assembly Substitute Amendment to Senate Bill 1 (2005)".
- Manitowoc County, Resolution No. 2005/2006, "Resolution Authorizing Memorandum of Understanding".
- Monroe County, Resolution 3-06-11, "Request that the State of Wisconsin Conduct an Independent Audit of the Past Sales Tax Calculations and the Examination of the Current Sales Tax System".
- Waushara County, Resolution 16-04-06, "Resolution in Opposition of 2005 Assembly Bill 756 and any Other Legislation that Would Shift Sheriff's Department Patrol and Investigative Costs to Small Municipalities".

A "Notice of Claim" received from Brian Beyer for damage to his car window caused by county road construction workers was referred to the Personnel & Finance Committee.

Information was received about the East Central Wisconsin Regional Planning Commission's mini-Conference entitled, "Confronting the Invasive Species Challenge". It will be held on Friday, April 28 at the Holiday Inn in Neenah. No advanced registration is required.

Petition for zoning amendment from the Planning & Zoning Committee for amendments to various sections of the Winnebago County Town/County Zoning Ordinance: 17.02(3), Zoning Permit; 17.02(3)(a)(8)(c), site plans; 17.02(7)(d)(2)(b), General provisions conditional uses.....; 17.02(7)(b), Use Restrictions—Accessory Uses; 17.02(7)(b), Use Restrictions; 17.03(7), Public & Semi-Public District; 17.03(9)(b), Agricultural Conditional Uses; 17.10(3)(d)(4), Garage Lot shore yard setbacks; 17.18(3) M-2 Basic District Standards; 17.28(4)(c)(2)(b), Business signs; 17.11(3)(b), 17.12(3)(b), 17.13(3)(b), B-1/B-2/B-3 Yards; 17.11(3)(c), 17.12(3)(c), 17.13(3)(c), B-1/B-2/B-3 Yards (unsewered); 17.11(3), 17.12(3), 17.13(b), B-1/B-2/B-3, Basic District Standards; 17.25(1)(f) Conditional Uses, 17.32(5)(d) Variances and Appeals, and 17.33(3)(d) Amendments; various sections of 17.31, STORMWATER & EROSION CONTROL; and 17.32(2) Board of Adjustment Membership, was referred to the Planning & Zoning Committee.

Petition for zoning amendment from the Town of Clayton for a zoning change from A-2 to R-2 for tax parcel no. 006-0025 for a one family residence was referred to the Planning & Zoning Committee.

Petition for zoning amendment from the Town of Black Wolf for a zoning change from A-2 to R-1 for tax parcel no. 004-0298 for residential use was referred to the Planning & Zoning Committee

REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS

Supervisor Lauson explained to the Board that portions of Community Park are being re-planted with wildflowers and tall grasses, so if they receive calls about areas of dead grass and vegetation in the park that's because the project is underway. He further explained that these types of areas don't require as much maintenance, so it will help reduce those costs.

Supervisor Barker reported that the next Legislative Committee meeting will be Monday, May 22. Officers will be elected at that meeting. She asked that anyone with an agenda item for that meeting get it to her at their earliest convenience.

Supervisor O'Brien asked that the Board note the letter that was placed on their desks regarding the Solid Waste Management Board's decision to hire Len Leverage as a consultant to that Board. If anyone has any questions about that decision, they should contact Supervisor O'Brien.

Motion by Supervisor Lauson and seconded to approve the March 14 & 21, 2006 County Board proceedings.
CARRIED BY VOICE VOTE.

COUNTY EXECUTIVE'S REPORT

Executive Harris discussed the 5-year Capital Improvement Plan and the fact that each project in the plan still needs to come before the Board for final approval and appropriation of funds. He then pointed out that in the 1998-2002 plan, a new auditorium for UW-Fox Valley was included in that plan as a project for the year 2002. Executive Harris hopes that it will come before this Board in 2007 for consideration, as it will be going before the Outagamie County Board for their consideration in 2007. Executive Harris stated that he is in support of this project and hopes that the Board will approve the project.

Executive Harris reported that tomorrow morning he will be attending a press conference at the Capitol in Madison to discuss the TABOR proposals. The state Assembly is expected to vote on some version of this proposal on Thursday. Executive Harris expressed his concern about various versions and provisions of this proposal and will speak about these concerns at the press conference.

Executive Harris then presented a chart comparing the various proposed versions of TABOR and its financial impact on Winnebago County.

Executive Harris then presented a proclamation recognizing the week of May 1-7, 2006 as Elk's Youth Week in Winnebago County to Tom Widzinski, the Exalted Ruler for the Protected Order of Elks, Lodge 292. The proclamation is presented to the Oshkosh Elk's Lodge 292 because of their involvement with the youth in Winnebago County and their support of a camp for handicapped children in Wisconsin Dells.

Mr. Widzinski stated that his organization is proud to accept the proclamation on behalf of their work with area children. The Oshkosh Elk's Lodge realizes the importance of working with and helping area children, as they are tomorrow's leaders.

COUNTY BOARD CHAIRMAN'S REPORT

Chairman Albrecht thanked Supervisor Widener for his donation to the Park View Resident's fund.

Chairman Albrecht discussed the committee appointments made by the Committee on Committees. He stated that for those supervisors who didn't get the appointments they had hoped for, the County Executive still has to make appointments to various commissions and boards and that there is a chance they will get one of those appointments. He also stated that there are a number of supervisors who have not gotten a commission or board appointment in the past.

PUBLIC HEARING

No one addressed the Board.

Chairman Albrecht called for the vote on Resolution No. 21-42006, "Amend Section 24.1 and Section 24.11 of the Rules of the Winnebago County Board of Supervisors."

RESOLUTION NO. 21-42006: Amend Section 24.1 and Section 24.11 of the Rules of the Winnebago County Board of Supervisors

BE IT RESOLVED by the Winnebago County Board of Supervisors that Section 24.1 of its Rules shall be amended to read as follows:

24.1 UNIVERSITY OF WISCONSIN EDUCATION, EXTENSION AND AGRICULTURAL COMMITTEE

This committee shall be composed of five County Board supervisors and shall act as the "Committee on Agriculture and Extension Education" as referred to in Section 59.56 (3), Wis. Statutes. The Committee shall review policy issues relating to the County University Extension Program, County Library Services, and the Winnebago County Fair and shall revise and recommend appropriate policy goals and legislative actions to be taken by the County Board.

At least two members of this Committee shall be members of the Land and Water Conservation Committee. Two members of this committee shall function as Winnebago County members of the Board of Trustees of the University of Wisconsin- Fox Valley Campus.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the following portion of Section 24.11 of its Rules shall be amended to read as follows:

24.11 LAND CONSERVATION COMMITTEE

This committee shall be composed of seven members appointed by the County Board pursuant to Section 92.06(1) (b), Wis. Statutes, as follows:

Two persons shall be members of the University of Wisconsin Education, Extension and Agricultural Committee; one person who is the chair of the Winnebago County USDA Agricultural Stabilization and Conservation Committee or such other committee member designated by said chair; and at least one citizen member.....

Submitted by:
COMMITTEE ON COMMITTEES

Motion by Supervisor Schaidler and seconded to adopt. Ayes: 38. Nays: 0. CARRIED.

PRESENTATION OF PLAQUE TO STEPHEN RANKIN

Chairman Albrecht then presented a plaque to Stephen Rankin thanking him for his many years of service to Winnebago County and its residents. Mr. Rankin served on the Board from 1991 to 2005 and was the Chairman of the Health Committee for approximately nine years. The Board recognized Mr. Rankin with a round of applause and a standing ovation.

Mr. Rankin thanked the Board for their recognition and stated that he really enjoyed his years on the Board and particularly his years of service on the various committees. He commended the Board and the County Clerk's Office for the work they do.

APPROVAL OF COMMITTEE ON COMMITTEE APPOINTMENTS

Chairman Albrecht called for a motion to approve the Committee on Committee appointments. Motion by Supervisor Lauson and seconded to approve the following committee appointments as made by the Committee on Committees:

AVIATION COMMITTEE
Stan Kline
Kathy Lennon

Shiloh Ramos
Arlene Schmuhl
Kenneth Anderson

EMERGENCY MANAGEMENT COMMITTEE

Donald Griesbach
Bill Wingren
Patrick O'Brien
Harvey Rengstorf
Tom Ellis

Jerold Finch
Arlene Schmuhl

PERSONNEL AND FINANCE COMMITTEE

Stan Kline
Jeanette V. Diakoff
David Albrecht
Joseph Hotynski
John Schaidler

FACILITIES AND PROPERTY MANAGEMENT COMMITTEE

Bernard Egan
Donald Griesbach
Chuck Farrey
James Koziczowski
Bill Wingren

PLANNING AND ZONING COMMITTEE

John Schaidler
Claud Thompson
Patrick Brennand
Joanne Sievert
Jeanette Diakoff

HIGHWAY COMMITTEE

Kenneth Robl
Bernard Egan
Joanne Sievert
Robert Warnke
David Albrecht

SCHOLARSHIP COMMITTEE

Jerold Finch
Forrest Weber
Susan Locke
Ben Farrell
Paul Eisen

INFORMATION SYSTEMS COMMITTEE

Patrick Brennand
John Schaidler
Ian C. Dodge (Citizen)
Bill Pollnow
Jef Hall
Alfred Jacobson

UNIVERSITY OF WISCONSIN EDUCATION, EXTENSION & AGRICULTURE COMMITTEE

Joseph Maehl
Paul Eisen
Barb Spanbauer
Susan Locke
Nancy Barker

JUDICIARY AND PUBLIC SAFETY COMMITTEE

Harvey Rengstorf
Donald Griesbach
Bill Wingren
Patrick O'Brien
Tom Ellis

LAND CONSERVATION COMMITTEE

Nancy Barker
Donna Lohry
Robert Warnke
Joseph Maehl
Chuck Farrey
Arden Eckstein (Citizen)
Jerry Schuster (Citizen)

PARK VIEW HEALTH CENTER COMMITTEE

Steve Arne
Bill Wingren
Alfred Jacobson
Thomas Widener
Forrest Weber

PARKS AND RECREATION COMMITTEE

James Lauson
Steven Arne
Joe Hotynski

Vote to approve appointments: CARRIED BY VOICE VOTE.

Chairman Albrecht announced the names of the students who have been selected to receive the county scholarships for 2006. They are:

- Melanie Stepanek, Lourdes High School, Oshkosh
- Sarah Dexter, Neenah High School
- Ellen Bares, Omro High School
- Cassandra Soda, Oshkosh North High School
- Lindsay Walsh, Oshkosh West High School
- Amanda Skalmoski, St. Mary Central High School, Menasha
- Rachel Schultz, Valley Christian School, Oshkosh
- Steven Bloede, Winneconne High School

Supervisor Finch thanked Dean James Perry and his staff from UW-Fox Valley for their assistance in selecting the recipients of these scholarships. Supervisor Finch explained that the Scholarship Committee is not involved in determining which student will receive a scholarship. The only people making that decision are Dean Perry and his staff.

At approximately 5:40 p.m., Chairman Albrecht called for a recess for the committees to appoint their officers. At approximately 6:05 p.m., the Board was reconvened and the following committee officers were announced:

AVIATION COMMITTEE

- Kathy Lennon, Chairman
- Stan Kline, Vice Chairman
- Arlene Schmuhl, Secretary

EMERGENCY MANAGEMENT COMMITTEE

- Donald Griesbach, Chairman
- Bill Wingren, Vice Chairman
- Thomas Ellis, Secretary

FACILITIES AND PROPERTY MANAGEMENT COMMITTEE

- Bernard Egan, Chairman
- Donald Griesbach, Vice Chairman
- Chuck Farrey, Secretary

HIGHWAY COMMITTEE

- Kenneth Robl, Chairman
- Bernard Egan, Vice Chairman
- Joanne Sievert, Secretary

INFORMATION SYSTEMS COMMITTEE

- Patrick Brennand, Chairman
- Jef Hall, Vice Chairman
- Bill Pollnow, Secretary

JUDICIARY AND PUBLIC SAFETY COMMITTEE

- Harvey Rengstorf, Chairman
- Donald Griesbach, Vice Chairman
- Bill Wingren, Secretary

LAND CONSERVATION COMMITTEE

- Nancy Barker, Chairman
- Chuck Farrey, Vice Chairman
- Donna Lohry, Secretary

PARK VIEW HEALTH CENTER COMMITTEE

- Steve Arne, Chairman

- Thomas Widener, Vice Chairman
- Alfred Jacobson, Secretary

PARKS AND RECREATION COMMITTEE

- James Lauson, Chairman
- Steven Arne, Vice Chairman
- Arlene Schmuhl, Secretary

PERSONNEL AND FINANCE COMMITTEE

- Stan Kline, Chairman
- Joseph Hotynski, Vice Chairman
- Jeanette V. Diakoff, Secretary

PLANNING AND ZONING COMMITTEE

- John Schaidler, Chairman
- Claud Thompson, Vice Chairman
- Patrick Brennand, Secretary

SCHOLARSHIP COMMITTEE

- Jerry Finch, Chairman
- Forrest Weber, Vice Chairman
- Ben Farrell, Secretary

UNIVERSITY OF WISCONSIN EDUCATION, EXTENSION & AGRICULTURE COMMITTEE

- Joseph Maehl, Chairman
- Nancy Barker, Vice Chairman
- Barb Spanbauer, Secretary

ZONING REPORTS & ORDINANCES

AMENDATORY ORDINANCE 1. A requested zoning change from Town of Rushford on behalf of Bohn Investments for zoning change from A-1/A-2 to R for tax parcel nos. 022-0001, 022-0011, 022-0880 and 022-0884. Motion by Supervisor Egan and seconded to adopt. CARRIED BY VOICE VOTE. (Supervisor Albrecht abstained.)

AMENDATORY ORDINANCE 2. A requested zoning change from Town of Rushford on behalf of DAK Realty LLC for zoning change from A-2 to R for tax parcel no. 022-0882. Motion by Supervisor Egan and seconded to adopt. CARRIED BY VOICE VOTE. (Supervisor Albrecht abstained.)

AMENDATORY ORDINANCE 3. A requested zoning change from Town of Rushford on behalf of Jeff and Sue Hall for zoning change from A-3 to R for tax parcel no. 022-0903-03. Motion by Supervisor Egan and seconded to adopt. CARRIED BY VOICE VOTE. (Supervisor Albrecht abstained.)

AMENDATORY ORDINANCE 4. A requested zoning change from Town of Rushford on behalf of Milton Hannis for zoning change from A-2 to R for tax parcel nos. 002-0863 and 022-0903. Motion by Supervisor Egan and seconded to adopt. CARRIED BY VOICE VOTE. (Supervisor Albrecht abstained.)

AMENDATORY ORDINANCE 5. A requested zoning change from Town of Black Wolf on behalf of Frank Monroe for zoning change from A-2 to R-1 for tax parcel no. 004-0298. Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE 6. A requested zoning change from Town of Black Wolf on behalf of Raymond and Deborah Karau for zoning change from A-2 to R-1 for tax parcel nos. 004-0162 and 004-0164. Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE.

RESOLUTIONS & ORDINANCES

RESOLUTION NO. 2-42006: Authorize Execution of Ground Lease Between Winnebago County and Adam E. Smith and Janet L. Davidson (Wittman Regional Airport)

WHEREAS, Adam E. Smith and Janet L. Davidson desire to execute a ground lease with Winnebago County for a 20 year term at Wittman Regional Airport for the purpose of constructing a hangar that shall be 48 feet by 48 feet with the leased area extending beyond the hangar by 5 feet on each side. Said hangar shall be oriented perpendicular to Taxiway H centerline on the East side of the taxiway and north of County Hangar L 809C; and

WHEREAS, the rent for said property shall be thirteen cents (\$.13) per square foot per year or \$550.00 per year, whichever is greater; and

WHEREAS, the rent shall be adjusted at three (3) year intervals pursuant to the Consumer Price Index for all urban consumers for the previous three (3) years plus 1%, or the land rental rate in effect by Winnebago County Ordinance at that time; and

WHEREAS, your Aviation Committee recommends approval of said lease.

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 execute a lease between Winnebago County and Adam E. Smith and Janet L. Davidson for property as described at Wittman Regional Airport at a rate of thirteen cents (\$.13) per square foot per year at an initial rate of \$550.00 per year whichever is greater.

Submitted by:
AVIATION COMMITTEE

Motion by Supervisor Lennon and seconded to adopt. Ayes: 35. Nays: 3 – Weber, Ramos and Finch. CARRIED.

RESOLUTION NO. 3-42006: Authorize Sale of the Winnebago County Highway Department's Winchester Satellite Shop Property to Steven and Christine Bastian

WHEREAS, the Winnebago County Highway Department has determined that the Winchester Satellite Shop and adjacent property should be disposed of at this time due to the age and condition of the building and the location of the facility in the Town of Winchester; and

WHEREAS, a public offering has been made with regard to said property; and

WHEREAS, the offer for said property was received from Steven and Christine Bastian in the amount of

\$72,900; and

WHEREAS, the Winnebago County Board of Supervisors and the Highway Committee is recommending that said offer be approved and that a Quit Claim Deed be executed for said property to Steven and Christine Bastian.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes a transfer, by Quit Claim Deed, of the Winnebago County Highway Department Winchester Satellite Shop property to Steven and Christine Bastian, husband and wife, for consideration of the amount of \$72,900, said property being more specifically described as follows:

S 272.25 ft of the N 552.25 ft of the E 240 ft of the S ½ of the SE ¼ of the NE ¼, Town of Winchester, Winnebago County, Wisconsin.

Submitted by:
HIGHWAY COMMITTEE

Motion by Supervisor Robl and seconded to adopt. Ayes: 38. Nays: 0. CARRIED.

RESOLUTION NO. 4-42006: Recognition and Memorial for Marc Neumeyer.

WHEREAS, Marc Neumeyer was an employee of Winnebago County and the Winnebago County Highway Department for twenty eight years; and

WHEREAS, he was a conscientious, dedicated employee who routinely went above the call of duty in order to assist the traveling public; and

WHEREAS, he was fatally injured due to a tragic accident which occurred on March 7, 2006 while in performance of his duties on USH 41.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that a resolution be approved recognizing Marc Neumeyer’s twenty eight years of dedicated service to the citizens of Winnebago County and that a memorial plaque recognizing and honoring Marc Neumeyer’s public service be approved and presented to his family.

Submitted by:
HIGHWAY COMMITTEE

Motion by Supervisor Robl and seconded to adopt. Ayes: 38. Nays: 0. CARRIED.

RESOLUTION NO. 5-42006: Recognition and Memorial for Dan Melhorn.

WHEREAS, Dan Melhorn was an employee of Winnebago County and the Winnebago County Highway Department for eight years; and

WHEREAS, he was a conscientious, dedicated employee who routinely went above the call of duty in order to assist the traveling public; and

WHEREAS, he was fatally injured due to a tragic accident which occurred on March 7, 2006 while in performance of his duties on USH 41.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that a resolution be approved recognizing Dan Melhorn’s eight years of dedicated service to the citizens of Winnebago County and that a memorial plaque recognizing and honoring Dan Melhorn’s public service be approved and presented to his family.

Submitted by:
HIGHWAY COMMITTEE

Motion by Supervisor Robl and seconded to adopt. Ayes: 38. Nays: 0. CARRIED

RESOLUTION NO. 6-42006: Authorize the Transfer of Two Remnant Parcels of Highway Right-of-way (located at the intersection of Jacobsen Road and Lake Street) to the Town of Menasha.

WHEREAS, the Winnebago County Highway Commission has determined that the aforementioned right of

way is no longer needed for highway purposes; and

WHEREAS, the Wisconsin Department of Transportation has informed the commission that it no longer needs the right of way for highway purposes; and

WHEREAS, the Town of Menasha has requested that the remnant parcels be conveyed to the town in order to be used for intersection improvements and public parking for individuals who wish to access the Trestle Trail recreation area; and

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves the transfer of that portion of highway right-of-way described in the following legal descriptions (parcel 008-0501 PT NW SE FRAC for HWY 125 .09 Acres and parcel 008-502-01 that PT E1/2 SE FRAC ¼ & SW NE laying between C & NW RR & HWY PP & HWY 125 .75 Acres) to the Town of Menasha for recreational purposes.

Submitted by:
HIGHWAY COMMITTEE

Motion by Supervisor Robl and seconded to adopt. Ayes: 38. Nays: 0. CARRIED

RESOLUTION NO. 7-42006: Authorize Project Expenditures For the Purchase of Right-of-Way for the CTH FF Project, Which Will be Constructed at the Intersection of CTH FF and Zoar Road.

WHEREAS, the Winnebago County Board of Supervisors supports the reconstruction of CTH FF and the intersection of Zoar Road; and

WHEREAS, the right of way will need to be purchased in 2006 in order to allow the reconstruction project to proceed in 2008; and

WHEREAS, the estimated cost of purchasing the right of way is approximately \$30,000 which was included in the 2006 – 2010 Executive Capital Improvements Plan.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates the sum of \$30,000 from the General Fund of Winnebago County in order to purchase right of way for the CTH FF project.

BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors that funds to pay for said project are hereby appropriated from the General Fund of Winnebago County, with said fund to be reimbursed in the amount of \$30,000 from a subsequent bond issue.

Submitted by:
HIGHWAY COMMITTEE
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Robl and seconded to adopt. Motion by Supervisor Eisen and seconded to refer back to committee. Ayes: 17 – Weber, Barker, Ramos, Maehl, Pollnow, Widener, Anderson, Thompson, Lohry, Farrell, Wingren, Norton, Spanbauer, Locke, Eisen, Finch and Ellis. Nays: 21. LOST.

Vote on Resolution as presented: Ayes: 31. Nays: 7 – Weber, Ramos, Maehl, Widener, Jacobson, Eisen and Finch. CARRIED

RESOLUTION NO. 8-42006: Authorize County Bridge Aid for (Culvert Replacement) for the Towns of Black Wolf, Clayton, Omro, Rushford and Utica.

WHEREAS, Section 82.08(3), Wisconsin Statutes, allows a town to petition the County for funds to offset the costs of constructing or repairing culverts or bridges within the town; and

WHEREAS, pursuant to Section 82.08(3), Statutes, the town and county shall each pay one -half of the cost of construction or repair. In determining the cost of construction or repair of any bridge or culvert, the cost of constructing or repairing any approach not exceeding 100 feet in length shall be included ; and

WHEREAS, the aforementioned towns have petitioned the Winnebago County Highway Committee for funds needed to replace culverts or bridges pursuant to Section 82.08(3), Wisconsin Statutes.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes County Bridge aid to the following Townships for the following projects the total amount of said projects not to exceed that amount listed with the amount contributed by Winnebago County to be controlled pursuant to Section

82.08(3), of the Wisconsin Statutes:

<u>TOWN</u>	<u>LOCATION</u>	<u>TOTAL AMOUNT OF PROJECT</u>
Town of Black Wolf	Nekimi Avenue	\$6,000
Town of Clayton	North Center Road	\$8,600
	Green Meadow Lane	\$6,500
	Pioneer Road	\$7,500
Town of Omro	Elo Road	\$10,000
Town of Rushford	Fox Street	\$6,500
	North Spring Road	\$7,500
	South Spring Road	\$9,500
Town of Utica	Elo Road	\$6,800

Submitted by:
HIGHWAY COMMITTEE

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

RESOLUTION NO. 9-42006: Authorize the Project Expenditures for the 2006 Phase of Construction for the CTH M Bridges Over the Arrowhead and Rat Rivers.

WHEREAS, the Winnebago County Board of Supervisors supports the reconstruction of the bridges on CTH M over the Arrowhead and Rat Rivers; and

WHEREAS, the design phase of these projects has been completed; and

WHEREAS, the cost to construct the structures will be funded 80% by Federal and State funds and 20% by Winnebago County; and

WHEREAS, the total estimated cost of the projects is \$568,900; and

WHEREAS, there is an estimated \$433,700 of Federal and State funding available to offset the total cost of these projects at this time; and

WHEREAS, the construction phase of the bridge projects must begin in 2006 in order to utilize the State and Federal funding; and

WHEREAS, Winnebago County will be required to provide an estimated \$176,500 of matching funds for the CTH M bridge projects; and

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates the sum of \$568,900 for the construction of the CTH M bridges for the purpose of paying said costs.

BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors that Federal and State funds be applied to the project and that \$176,500, the County's share of funds to pay for said project, are hereby appropriated from the General Fund of Winnebago County, with said fund to be reimbursed in the amount of \$176,500 from a subsequent bond issue of \$176,500.

Submitted by:
HIGHWAY COMMITTEE
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Robl and seconded to adopt. Ayes: 38. Nays: 0. CARRIED.

RESOLUTION NO. 10-42006: Commendation for Linda Patzlaff

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

WHEREAS, Linda Patzlaff has now retired from those duties, and it is appropriate for the Winnebago County Board of Supervisors to acknowledge her years of service.

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that sincere appreciation and commendation be and it hereby is extended to Linda Patzlaff for the fine services she has rendered to Winnebago County.

BE IT FURTHER RESOLVED, that the County Clerk send a copy of this Resolution to Linda Patzlaff.

Submitted by,
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 11-42006: Commendation for Geoffrey Anderson

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

WHEREAS, Geoffrey Anderson 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 Geoffrey Anderson 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 Geoffrey Anderson.

Submitted by,
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 12-42006: Authorize Acceptance of Joint DATCP/DNR Soil and Water Resource Management and Nonpoint Source Pollution Abatement Grant in 2007

WHEREAS, pursuant to Sec. 92.14, 281.65 and 281.66, Wis. Stats., the Wisconsin Department of Agriculture, Trade and Consumer Protection and the Wisconsin Department of Natural Resources are authorized to jointly allocate funds to assist counties in carrying out land & water resource protection programs and services that focus on the abatement of nonpoint sources of pollution; and

WHEREAS, your Land & Water Conservation Department has submitted a joint grant application to DATCP and DNR, in the amount of \$569,466 for staff support and cost sharing of pollution abatement projects to be installed in 2007.

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors that, should the aforementioned grant application be approved by DATCP and DNR in part or in entirety, the Chair of your Land Conservation Committee is hereby authorized, on behalf of Winnebago County, to accept the approved grant amount.

BE IT FURTHER RESOLVED that the approved grant be allocated, on the basis of the aforementioned application, to the Winnebago County Land & Water Conservation Department 2007 budget revenue accounts 4208-100-082 and 4208-100-083, with applicable dollar amounts to be reflected in the appropriate expenditure accounts in 100-082 and 100-083.

Submitted by:
LAND CONSERVATION COMMITTEE

Motion by Supervisor Barker and seconded to adopt. Ayes: 38. Nays: 0. CARRIED.

RESOLUTION NO. 13-42006: Reauthorization of the Winnebago County Self-Funded Workers' Compensation Insurance Program

WHEREAS, the County of Winnebago is a qualified political subdivision of the State of Wisconsin; and
WHEREAS, the Wisconsin Worker's Compensation Act (Act) provides that employers covered by the Act

either insure their liability with worker's compensation insurance carriers authorized to do business in Wisconsin, or to be exempted (self-insured) from insuring liabilities with a carrier and thereby assuming the responsibility for its own worker's compensation risk and payment; and

WHEREAS, the State and its political subdivisions may self-insure worker's compensation without a special order from the Department of Workforce Development (Department) if they agree to report faithfully all compensable injuries and agree to comply with the Act and rules of the Department; and

WHEREAS, the Personnel and Finance Committee at its meeting of April 6, 2006, approved the continuation of the self-insured worker's compensation program, in compliance with Wisconsin Administrative Code DWD 80.60(3).

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that the following is ordained:

- (1) That the self-insured worker's compensation program that is currently in effect be continued.
- (2) That the County Clerk forward a certified copy of this Resolution to the Worker's Compensation Division, Wisconsin Department of Workforce Development.

Submitted by,
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 14-42006: Adopt Amendment to the 2005 Winnebago County HANDBOOK OF EMPLOYMENT POLICIES COVERING APPOINTED NON-REPRESENTED EMPLOYEES

BE IT RESOLVED, by the Winnebago County Board of Supervisors, that the Winnebago County HANDBOOK OF EMPLOYMENT POLICIES COVERING APPOINTED NON-REPRESENTED EMPLOYEES be amended for the year 2006, as set forth in the attached document.

Submitted by,
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 37. Nays: 1 – Widener. CARRIED.

RESOLUTION NO. 15-42006: Accept a \$45,000 Grant from the Wisconsin Department of Transportation (Sheriff's Department)

WHEREAS, the Wisconsin Department of transportation has offered a \$45,000 TRACS Grant to the Winnebago County Sheriff's Department; and

WHEREAS, the purpose of the grant would be to establish an automated software system for the issuance of citations for all law enforcement officers within Winnebago County; and

WHEREAS, such a system would not only benefit the Winnebago County Sheriff's Department and the Winnebago County Circuit Court, but would also benefit all local law enforcement officers within Winnebago County; and

WHEREAS, the Judiciary and Public Safety Committee and the Personnel and Finance Committee of the Winnebago County Board of Supervisors recommends that the Winnebago County Sheriff's Department be authorized to accept such a grant.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Sheriff's Department to accept a grant in the amount of \$45,000 from the Wisconsin Department of Transportation for the purpose of purchasing and installing an automated software system for issuance of citations by all law enforcement officers within Winnebago County.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby approves the acceptance of a grant in the amount of \$45,000 from the Wisconsin Department of Transportation for the purpose of purchasing and installing an automated software system for issuance of citations by all law enforcement officers within Winnebago County.

Submitted by:
15

JUDICIARY & PUBLIC SAFETY COMMITTEE
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Rengstorf and seconded to adopt. Ayes: 38. Nays: 0. CARRIED.

RESOLUTION NO. 16-42006: Authorize Sheriff's Department to Apply For and Accept Grant of \$11,000 For Highway Safety and Appropriate Funds For That Purpose.

WHEREAS, the State of Wisconsin is awarding grants to law enforcement agencies along the Highway 441 corridor; and

WHEREAS, the funds are being made available for stepped up law enforcement activity between May and September of 2006; and

WHEREAS, the enforcement activities include speeding, drunk driving and seat belt use, among others.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Sheriff's Department to apply for and accept an \$11,000 grant for purposes described above and appropriates the funds, if received, to the wage and benefit accounts within the Sheriff Department's 2006 budget.

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

Motion by Supervisor Rengstorf and seconded to adopt. Ayes: 37. Nays: 1 – Pollnow. CARRIED

RESOLUTION NO. 17-42006: Transfer \$11,279 from the Contingency Fund to the Information Systems Department Budget for the Purpose of Replacing Wiring in the City of Oshkosh Safety Building.

WHEREAS, the City of Oshkosh is in the process of remodeling the Safety Building; and

WHEREAS, during the remodeling process it was determined that certain wiring belonging to Winnebago County associated with continuing County operations within the facility does not meet building codes; and

WHEREAS, as a result of the City's remodeling, we are required by building code to update our wiring; and

WHEREAS, the alternative would be for us to vacate the facility; and

WHEREAS, it will cost \$11,279 for Winnebago County to update our wiring in the facility; and

WHEREAS, this was not foreseen when the 2006 budget was prepared so there are no funds currently budgeted to cover this expense.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates \$11,279 from the General Contingency Fund to the equipment repairs account of the Information Systems department for the purpose of paying such project costs.

Submitted by:
INFORMATION SYSTEMS COMMITTEE
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Brennand and seconded to adopt. Ayes: 35. Nays: 3 – Maehl, Finch and Farrey. CARRIED.

RESOLUTION NO. 18-42006: Approve 2005 Budget Overruns by Various Departments and Appropriate Funds to Cover the Overruns.

WHEREAS, various departments per the attached budget transfer form had budget overruns for 2005 when the books were closed for the year; and

WHEREAS, some of the departments had sufficient funds in other accounts to cover the overages; and

WHEREAS, some departments did not have sufficient funds to cover the overages, specifically the Coroner and the Clerk of Courts Office (Circuit Court System).

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates \$62,033 from the General Fund Undesignated Fund Balance to cover overages in the Coroner and the

Clerk of Courts Office in 2005.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of funds between categories within the District Attorney, Miscellaneous Unclassified and Sheriff Department budgets to cover 2005 budget overruns and budget transfers are detailed in the Budget Transfer Form which is attached and made a part of this resolution by reference.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 29. Nays: 8 – Weber, Widener, Thompson, Lohry, Norton, Finch, Farrey and Ellis. CARRIED

RESOLUTION NO. 19-42006: Adopt Policy With Regard to Solicitation of Funds from Private Citizens or Non-governmental Entities

WHEREAS, no policy presently exists with regard to Winnebago County Department Heads or other employees soliciting funds on behalf of Winnebago County; and

WHEREAS, the Personnel and Finance Committee of the Winnebago County Board of Supervisors believes that it would be in the best interest of Winnebago County to adopt such a policy so as to provide direction to Winnebago County Department Heads and employees in relationship to that issue as well as to prevent an appearance of impropriety in relationship to such solicitations.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby adopts the following policy with regard to the solicitation of funds on behalf of Winnebago County by Winnebago County Department Heads or their employees:

“No Winnebago County Department Head or their designee or Winnebago County elected official shall directly solicit a private citizen or a non-governmental entity for the donation of funds or goods of value to Winnebago County absent prior approval of the Committee or Board of jurisdiction relating to that Department or Elected Official and the Winnebago County Executive.

This policy shall not apply to the solicitation of campaign funds by those elected officials or employees who are candidates who solicit funds in relationship to a candidacy for public office.”

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Motion by Supervisor Farrey and seconded to amend Line 26 by deleting, “Chairperson of the “ so it reads, “prior approval of the Committee.....” CARRIED BY VOICE VOTE.

Vote on resolution as amended: Ayes: 15 – Ramos, Albrecht, Anderson, Thompson, Farrell, Wingren, Jacobson, Schmuhl, Kline, Eisen, Schaidler, Farrey, Diakoff, Brenndand and Egan. Nays: 22. Absent: 1 – Lennon. LOST.

ORDINANCE NO. 20-42006: Create Section 11.14, General Code of Winnebago County (Mobile Home Park Inspections)

WHEREAS, the Winnebago County Board of Supervisors previously approved entering into a contract to act as an agent for the Wisconsin Department of Commerce with regard to the inspection of mobile home parks within Winnebago County; and

WHEREAS, as a result of said contract, a present need exists to create an ordinance to address mobile home parks and their inspections within the unincorporated part of Winnebago County; and

WHEREAS, the attached ordinance has been approved by the Winnebago County Board of Health.

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

That Section 11.14 of the General Code of Winnebago County shall be created to read as follows:

11.14 Regulation of Manufactured Home Communities Ordinance

(1) Authority. This ordinance is adopted pursuant to s. 101.935 (3), Stats. The purpose of this chapter is to regulate manufactured home communities in order to protect public safety and health.

(2) Scope. Except as specified otherwise in this chapter, the provisions of this chapter apply to all new and existing manufactured home communities.

(3) Petition for variance. The Department of Commerce (Comm) shall consider and may grant a variance to a non-statutory provision of this chapter in accordance with Wisconsin Administrative Code ch. Comm 3. The petition for variance shall include a position statement from the fire department having jurisdiction over the affected property.

(4) Definitions. In this chapter:

(a) "Basic unit" means a manufactured home without hitch, awnings, cabanas, storage unit, carport, garage, windbreak, non-winterized porch or similar appurtenant structures.

(b) "Department" or "Health Department" means the Winnebago County Health Department.

(c) "Dispute" means a statement or question by a manufactured home community occupant alleging a wrong, grievance, injury, dissatisfaction, illegal action or procedure, dangerous condition or action committed or created by a manufactured home community operator or manufactured home community contractor.

(d) "Manufactured home" means any of the following: (1) A structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under 42 USC 5401 to 5425. (2) A mobile home, unless a mobile home is specifically excluded under the applicable statute. (3) A structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length or when erected on site is 400 or more square feet, which is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. The calculation used to determine the number of square feet in a structure will be based on a structure's exterior dimensions measured at the largest horizontal projection when erected on site.

These dimensions will include all expandable rooms, cabinets and other projections containing interior space, but do not include bay windows. This term includes all structures which meet the above requirements, except the size required with respect to which the manufacturer voluntarily files a certification pursuant to the Code of Federal Regulations, Federal Standard Section 3282.13 and complies with the Code of Federal Regulations, and those Federal Standards set forth in part 3280.

(e) "Manufactured home community" or "Mobile Home Park" means any plot or plots of ground upon which three or more manufactured homes that are occupied for dwelling or sleeping purposes are located. "Manufactured home community" does not include a farm where the occupants of the manufactured homes are the father, mother, son, daughter, brother or sister of the farm owner or operator or where the occupants of the manufactured homes work on the farm.

(f) "Manufactured home community contractor" means a person, other than a public utility, as defined in s. 196.01 (5)

(a), Stats. who, under contract with a manufactured home community operator, provides water or sewer to a manufactured home community occupant or performs a service related to providing water or sewer service to a manufactured home community occupant

(g) "Manufactured home community occupant" means a person who rents or owns a manufactured home in a manufactured home community.

(h) "Manufactured home community operator" means a person engaged in the business of owning or managing a manufactured home community.

(i) "Person" means an individual, firm, trust, partnership, association or corporation.

(j) "Site" means a plot of ground within a manufactured home community designed for placement of one manufactured home.

(k) "Small manufactured home community" means a manufactured home community containing fewer than six individual sites that are rented or offered for rent for the accommodation of a manufactured home.

(l) "Street" means the paved or surfaced portion of the roadway between curb faces.

(5) PERMIT. (a) APPLICATION. Before a manufactured home community is opened for public use, the operator shall obtain a permit from the Health department by application made upon a form furnished by the Health Department. The permit shall be valid for no more than a 2-year period that begins on July 1 of each even-numbered year and ends on June 30 of the next even-numbered year. If a person applies for a permit after the beginning of a permit period, the permit is valid until the end of the permit period, unless otherwise stipulated by the Department of Commerce. Upon a change of manufactured home community operator, the Health Department shall be notified.

(6) ACTION BY THE DEPARTMENT. Within 30 days after receiving a completed application, the Department shall

either approve the application and issue a permit or deny the application. If the application for a permit is denied, the department shall provide the applicant reasons, in writing, for the denial. The department shall conduct an on-site review of new communities, community expansions, or complaints.

(7) PLAN APPROVAL. Two sets of plans and one set of related specifications and calculations for a new or expanded manufactured home community shall be submitted to the Department for examination in relation to this chapter and for approval before work is begun on the community. After the initial approval, no change in plans or specifications that is affected by any provision of this chapter may be made unless the change is approved and dated by the Department. Plan requirements shall be shown to scale and direction according to Wisconsin Administrative Code ch. Comm 26.12 (1) to (3). An approval letter from the Department of Commerce shall also be attached to plans for any private sewage system. A copy of a safe water sample test result shall be submitted for private wells.

(8) FEES. The operator of a mobile home park shall pay an annual license fee to the Winnebago County Health Department. The annual fee will be ½ the cost of the biannual permit. Fees for the issuance of permits, investigations, inspections, review for new parks or park expansions (pre-inspection fee), providing education, training and technical assistance and late fees to all manufactured home communities 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. Said fee schedule is set forth in Appendix “A” and may be amended by the Winnebago County Board of Supervisors upon the approval of the Winnebago County Executive.

(9) LOCATION. (a) Every manufactured home community and manufactured home within the community shall be located on a well-drained area and shall be properly graded to prevent the accumulation of storm water or other waters.

(b) A manufactured home shall be located on soil that provides sufficient soil bearing capacity to support the manufactured home.

(10) PHYSICAL LAYOUT. (a) SITES. (1) Each site shall be clearly delineated on plans submitted to the Department for approval.

(2) Each basic unit shall be located on a site so that there is at least a 10-foot clearance between basic units. The clearance requirements shall be exclusive of a parking area.

(3) No basic unit may be located closer than 10 feet to:

- A. Any building such as a pump house, the office building for the community, a laundry building or a recreational building, except a garage or accessory structure belonging to the site or manufactured home community occupant;
- B. Any property line of the community; or
- C. Any street within the community.

(b) PARKING. Parking spaces in a ratio of one and one half for each site shall be provided and maintained in good condition.

(c) STREETS. (1) Streets shall conform to the minimum widths specified in Table 26.12.

Table 26.12 - Street Widths, in Feet

Travel Direction	No Off-Street Parking Provided		Off-Street Parking Provided		
	Parking 2 Sides	Parking One Side	Parking 2 Sides	Parking One Side	No Street Parking
2-Way	36	30	32	24	18
One Way	24	18	24	18	14

(2) Where parking on the street is prohibited, “no parking” signs shall be provided.

(3) Streets shall be graveled or paved, maintained in good condition, have natural drainage, and be able to support the imposed loads for occasional use of fire apparatus as determined in consultation with the local fire department.

(d) EXISTING MANUFACTURED HOME COMMUNITIES. (1) Except as provided in par. (2) below, manufactured home communities or a section of a manufactured home community that was in existence prior to 1962 need not comply with subs. (a) to (c) unless the department determines that non-compliance endangers the health or safety of community occupants.

(2) Any manufactured home community expansion shall comply with subs. (a) to (c) and other applicable parts of this chapter.

(3) Any modification of a manufactured home community that existed prior to 1962 relating to the size of the basic units, the separation between basic units or the placement of basic units on a lot in relationship to streets and other

buildings shall be permitted by the Department unless the Department determines that the modification endangers the health or safety of community occupants. Any modification of a manufactured home community, which did not exist prior to 1962, shall comply with subs. (a) to (c) and other applicable parts of this chapter.

(4) Manufactured home communities or a section of a manufactured home community that were constructed between 1962 and March 1, 2006 shall comply with the following requirements for the width of 2-way streets within the community: At least 32 feet if parking is permitted on both sides of the street, 24 feet if parking is permitted on one side of the street and 18 feet if parking on the street is prohibited.

(11) FIRE HYDRANTS. For manufactured home communities and community expansions constructed after March 1, 2006, fire hydrants shall be provided in accordance with Wisconsin Administrative Code ch. NR 811 when the required water supply is available.

(12) PLUMBING SYSTEMS. Water and sewer systems owned by a manufactured home community operator or manufactured home community contractor shall be constructed and maintained in compliance with Wisconsin Administrative Code chs. Comm 81 to 87.

Note: The connection and use of a public water or sewer system is regulated under s. 281.45, Stats.

(13) ADEQUACY OF WATER SUPPLY. Each manufactured home community operator or manufactured home community contractor shall furnish a continuous and adequate supply of potable water to its manufactured home community occupants.

(14) ELECTRICITY. Manufactured home community electrical connections shall meet the requirements set forth in Wisconsin Administrative Code ch. Comm 16.

(15) GARBAGE AND RUBBISH. (a) All garbage not disposed of through a garbage disposal unit connected with the sewage system shall be kept in separate, leak proof, non-absorbent containers equipped with tight-fitting covers unless otherwise protected from flies and insects, and the contents shall be disposed of as often as necessary to prevent decomposition or overflow.

(b) Garbage and rubbish containers shall be maintained in a clean and sanitary condition. The use of wooden or paper containers for storing garbage and rubbish is prohibited.

Note: Local ordinances may require the separation of garbage and recyclable materials.

(c) This section does not prohibit the use of dumpsters in a manufactured home community.

(16) MANAGEMENT. (a) AVAILABILITY. The manufactured home community operator or a designee in charge of the manufactured home community in the absence of the operator shall, during reasonable hours, be available in the community, in close proximity to the community or via electronic means.

(b) REGISTRATION OF OWNERS. The manufactured home community operator shall keep a register of all owners and occupants of manufactured homes located in the manufactured home community, and shall permit the department to inspect the register at all reasonable times and upon reasonable notice. The register may be kept in an electronic form. If the register is being stored at a location different than the licensed address, the operator shall disclose the storage location to the department upon request.

(c) MAINTENANCE. The manufactured home community operator shall maintain the manufactured home community in a clean, safe, orderly and sanitary condition at all times.

(17) DUTIES OF OCCUPANTS. All owners and other occupants of manufactured homes in a manufactured home community shall:

(a) Register with the manufactured home community operator; and

(b) Maintain their site in a clean, orderly and sanitary condition at all times.

(18) ENFORCEMENT. (a) ACCESS. An authorized employee of the Health Department, upon presenting proper identification, shall be permitted to enter any manufactured home park at any reasonable time for the purpose of inspecting the manufactured home park to determine compliance with this chapter. The Health Department shall be permitted to examine the records of the manufactured home park pertinent to this chapter, including manufactured home park registration records. Should a manufactured park owner fail to comply with this paragraph absent good cause, the owner shall be liable to the Health Department for actual costs incurred by the Health Department to gain access pursuant to this ordinance.

(19) ENFORCEMENT POLICY. (a) NOTIFICATION. If upon inspection of a manufactured home community the health department or authorized employee finds the manufactured home community is not planned, operated or equipped as required by this chapter the health department or authorized employee shall, except as provided under par. (b), notify the manufactured home community operator in writing and shall specify the changes required to make the manufactured home community conform to the standards established in this chapter and the time period within which compliance shall take place. If the order to correct violations is not carried out by the expiration of the time period stipulated in the order, or any extension of time granted for compliance, the Health Department may issue an order suspending or revoking the permit to operate the manufactured home community or issue a monetary forfeiture to the

operator, or both. The suspension or revocation order shall take effect 15 days after the date of issuance unless a request for a hearing has been received under sub. (20).

(b) Order TO DEAL WITH AN IMMEDIATE DANGER TO HEALTH. Where there is reasonable cause to believe that any construction, sanitary condition, operation or method of operation of the premises of a manufactured home community, or of equipment used on the premises, creates an immediate danger to health, the Health Department, pursuant to s. 101.935, Stats., may without advance written notice, issue a temporary order to remove the immediate danger to health and issue a monetary forfeiture, as stated in s. 101.94 (8) Stats., to the operator for each day the danger is present after it has been identified. That order shall take effect on the delivery to the operator or any other person in charge of the manufactured home community. The order shall be limited to prohibiting the continued operation or method of operation of specific equipment, requiring the premises to cease other operations or methods of operations, or a combination of these, except that if a more limited order will not remove the immediate danger to health the order may direct that all operations authorized by the permit shall cease. If before scheduled expiration of the temporary order the Health Department determines that an immediate danger to health does in fact exist, the temporary order shall remain in effect. The Health Department shall then schedule and hold a hearing pursuant to sub. (20) unless the immediate danger to health is removed or the order is not contested and the manufactured home community operator and the health department mutually agree that no purpose would be served by a hearing.

(20) HEARING. (a) The manufactured home community operator may request a hearing in writing within 15 days after issuance of the order issued under sub. (19)(a). The Board of Health shall hold a hearing no later than 30 days after the Department receives the written request for a hearing unless both parties agree to a later date. A final decision shall be issued under s. 101.935, Stats., within 15 days of the conclusion of the hearing. The decision may order changes in or cessation of any operations or method of operation of the equipment or premises, or any combination of these actions necessary to correct the violation. The decision may order the cessation of all operations authorized by the permit only if a more limited order will not remove the immediate danger to health.

(b) A proceeding under this section, or the issuance of a permit for the premises after notification of procedures under this section, does not constitute a waiver by the Health Department of its authority to rely on a violation of s. 101.935, Stats., or this chapter as the basis for any subsequent suspension or revocation of the permit or any other enforcement action arising out of the violation.

(21) APPEAL BY THE OPERATOR. Any manufactured home community operator aggrieved by an order of the Health Department under this chapter, except for any order issued pursuant to sub. (19) (b), may request a hearing under this subsection to challenge the order. The manufactured home community operator may request a hearing to challenge the order in accordance with Sec 11.13, General Code of Winnebago County. Procedures for the hearing shall comply with s. 101.935, Stats. After the hearing, the Winnebago County Board of Health shall affirm, set aside or modify the order.

(22) EFFECTIVE DATE: This ordinance shall be effective as of July 1, 2006.

BE IT FURTHER ORDAINED by the County Board of Supervisors of the County of Winnebago that said ordinance shall take effect as of July 1, 2006.

Submitted by:
BOARD OF HEALTH

Motion by Supervisor Koziczowski and seconded to adopt. Ayes: 36. Nays: 1 – Albrecht. Absent: 1 – Lennon. CARRIED.

Motion by Supervisor Robl and seconded to adjourn until 6:00 p.m. on Tuesday, May 2, 2006. CARRIED BY VOICE VOTE.

The meeting was adjourned at 8:30 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 April 25, 2006.

Susan T. Ertmer
Winnebago County Clerk