

**WINNEBAGO COUNTY BOARD MEETING  
TUESDAY, DECEMBER 15, 2009**

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 Locke.

The following Supervisors were present: Konetzke, Barker, Griesbach, Eisen, Ramos, Miller, Koziczowski, Smith, Widener, Hamblin, Albrecht, Gabert, Thompson, Gearhart, Hall, Wingren, Jacobson, Norton, Warnke, Robl, Eichman, Schmuhl, Kline, Locke, Nelson, Finch, Sievert, Farrey, Diakoff, Brennand, Egan, Ellis, Rengstorf and Reinert. Excused: Lennon and Riste. Motion by Supervisor Robl and seconded to adopt tonight's agenda. CARRIED BY VOICE VOTE.

**PUBLIC HEARING**

Bill Roh, 1555 Lyons Drive, Neenah spoke regarding concerns he had with budget transfers from the Airport, Parks and Sheriff's Departments in Resolution No. 313-122009: "Authorize Transfer of Funds to Various County Departments (per Budget Entry attached) to Cover Projected Wage and Benefit Cost Overruns for 2009". He also had questions regarding Ordinance No. 319-122009: "Amend Section 19.01 (14) and 19.18(1) and (2) of the Winnebago County General code relating to Fireworks, RC Aircraft Flying and Rocketry Activities on Park Property" and Resolution No. 326-122009: "Amend section 6.4 of the Rules of the Winnebago County Board of Supervisors". He spoke in support of Corrected Resolution No. 320-122009: "Amend Chapter 22, Section D of the Handbook of Employment Policies Covering Appointed Non-Represented Employees of Winnebago County (Retirement Benefits)".

**COMMUNICATION, PETITIONS, ETC.**

A thank you note from the family of James P. Coughlin for flowers sent was read.

A thank you note from Supervisor Konetzke for flowers sent was read.

A "Notice of Claim" received from Rebecca L. Pinnow, Town of Nepeuskun Clerk for Matthew Maki's claim for his chickens that were killed by dogs at large, was referred to the Personnel & Finance Committee.

A "Notice of Claim" received from Lenora Borchardt for damage to her car caused by a county Facilities Department vehicle, was referred to the Personnel & Finance Committee.

The following resolutions were received:

- Waushara County – Resolution #23-11--09, "Opposition to S.149 Weekend Voting Act" was referred to the Legislative Committee.
- Outagamie County – Resolution No. 84—2009-10: oppose AB 403 regarding local government property insurance fund premiums was referred to the Legislative Committee.
- Outagamie County – Resolution No. 99—2009-10: opposes "proposed constitutional amendment to the 2009 legislature on first consideration...to change the time of election for Supreme Court Justices and the State Superintendent of Public Instruction to the November general election" was referred to the Legislative Committee
- Outagamie County – Resolution No. 103—2009-10: "opposes making protective retirement a mandatory subject of collective bargaining" was referred to the Legislative Committee.
- Outagamie County – Resolution No. 105—2009-10: "oppose establishing a presumption for infectious diseases in proceedings regarding the benefits for a fire fighter, a law enforcement officer or a correction officer" was referred to the Legislative Committee.

Supervisors were informed that the Winnebago County Cookbook was now available in the County Clerks Office. Supervisors Hamblin, Jacobson and Sievert as well as Executive Harris' wife Sue and Chairman Albrecht's wife Sue contributed to the cookbook. All proceeds will go to the United Way.

Petition for Zoning Amendment from Kay E. Mark, Town of Algoma, for zoning change for tax parcel nos. 002-0007-02 from R-1 to R-5 for 2 single family lots was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Robert A. Berndt, Town of Clayton, for zoning change for tax parcel no. 006-0551 from A-1 to A-2 for residential and farming use was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Kevin Langlois, Town of Omro, for zoning change for tax parcel nos. 016-0526(p) and 016-0526-01 from A-2 to R-1 for a single family residence was referred to the Planning & Zoning Committee.

**REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS**

Supervisor Eisen discussed a letter he received from Bill Wingren, Chair of Park View Health Center Committee and Margie Rankin, Administrator of Park View Health Center regarding issues at Park View Health Center.

Supervisor Norton told the Board that during a recent meeting of the Housing Authority Board there was discussion about possible interest in purchasing Pleasant Acres for offices and assisted living.

Supervisor Koziczowski reported the Lakeland Care District management team has been hired. The balance of the staff should be in place by January 1.

Supervisor Farrey voiced concern regarding Roger Urban, Secretary of the Department of Revenue holding meetings around the State of Wisconsin advocating the county taking over responsibility of assessing for municipalities. He asked how this should be handled. Chairman Albrecht suggested he should discuss with Supervisor Kline putting this on the Legislative Committee agenda.

Supervisor Barker discussed the recent passing of James P. Coughlin.

Supervisor Kline announced the next Legislative Committee meeting will be held on Monday, December 28 at 8:30 a.m.

Motion by Supervisor Robl and seconded to approve the November 10, 2009 proceedings. CARRIED BY VOICE VOTE.

### **COUNTY EXECUTIVE'S REPORT**

Executive Harris spoke regarding issues brought up by supervisors. He said the issue regarding county-wide assessment is neither a Senate or Assembly Bill. It is a proposal by the Department of Revenue, but should be taken seriously. The biggest problem with this is it is another unfunded mandate. He will be sending a letter opposing it as the President of Wisconsin County Executive's and Administrator's Organization and hopes the Legislative Committee will bring a resolution opposing it as well.

Executive Harris said he wanted to address the issue regarding Pleasant Acres. The County will be giving the Housing Authority a reasonable amount of time to determine if they are really interested in the property. Savings could be seen by the County by not having to pay for demolition costs; however, he is skeptical because of the potential remodeling costs. The Executive also state if the Housing Authority cannot reach a decision in a relatively short period of time, he will offer to extend the time only if they agree to pay the heating costs for the facility.

Executive Harris discussed Resolution No. 313-122009: "Authorize Transfer of Funds to Various County Departments (per Budget Entry attached) to Cover Projected Wage and Benefit Cost Overruns for 2009". He indicated overruns are less than 2% of the total amount of wages and fringe benefits. The total variance is \$1.2 million under budget.

Executive Harris also explained Resolution No. 318-122009: "Amend Chapter 14, Section F of the handbook of Employment Policies Covering Appointed Non-represented Employees of Winnebago County". He indicated this will affect only one person.

Executive Harris stated he would recommend that Resolution No. 320-122009: "Amend Chapter 22, Section D of the Handbook of Employment Policies Covering Appointed Non-Represented Employees of Winnebago County (Retirement Benefits)" be sent to the Personnel & Finance Committee since none of the union contracts have been settled.

### **COUNTY EXECUTIVE'S APPOINTMENTS**

#### **Grievance Review Board**

Executive Harris asked for the Board's approval of his re-appointment of Joe Hotynski to the Grievance Review Board. This is a five year term which will expire December 31, 2014. Motion by Supervisor Widener and seconded to approve. CARRIED BY VOICE VOTE.

#### **Human Services Board**

Executive Harris asked for the Board's approval of his re-appointments of Supervisor's Widener, Hall and Griesbach to the Human Services Board. These are three year terms which will expire December 31, 2012. Motion by Supervisor Robl and seconded to approve. CARRIED BY VOICE VOTE.

#### **Local Emergency Planning Commission**

Executive Harris asked for the Board's approval of his appointment of Nick Cluppert and re-appointments of Representative Gordon Hintz, Andy Radig, Doug Gieryn and Mike Sipin to the Local Emergency Planning Commission. Mr. Cluppert will fill the unexpired term of Brent Wojnowski whose term expires December 31, 2011.

The others are three year terms which will expire December 31, 2012. Motion by Supervisor Ellis and seconded to approve. CARRIED BY VOICE VOTE.

### **Veterans Service Commission**

Executive Harris asked for the Board's approval of his re-appointments of Roger Jaeger and Supervisor's Warnke and Kline to the Veterans Service Commission. These are 3 year terms which will expire December 31, 2012. Motion by Supervisor Widener and seconded to approve. CARRIED BY VOICE VOTE.

### **COUNTY BOARD CHAIRMAN'S REPORT**

Chairman Albrecht reported Supervisor Lennon is having surgery and is excused. Supervisor Riste is in the hospital and is also excused. Supervisor Brennand will be a little late. He is attending his child's school program.

### **COUNTY BOARD CHAIRMAN'S APPOINTMENTS**

#### **Supervisory District No. 6**

Chairman Albrecht asked for approval of his appointment of Donald E. Miller, 864 Zemlock Avenue, Neenah to Winnebago County Supervisor District No. 6. He will complete the unexpired term of Bill Roh, who resigned from the Board. Mr. Miller's term will begin immediately and end on April 20, 2010. Motion by Supervisor Robl and seconded to adopt. CARRIED BY VOICE VOTE.

Chairman Albrecht swore Mr. Miller in as Supervisor for District 6.

#### **Community Park Swimming Beach Ad Hoc Committee**

Chairman Albrecht asked for approval of his appointments of Supervisor's Konetzke, Norton and Gabert, Donna Lohry and Dean Witman to the Community Park Swimming Beach Ad Hoc Committee. Motion by Supervisor Finch and seconded to adopt. CARRIED BY VOICE VOTE.

### **CAPITAL PROJECT FOR ABSORPTION CHILLER FOR JAIL MIKE ELDER, DIRECTOR OF FACILITIES**

Mike Elder, Director of Facilities began his presentation by saying this capital project was brought to light very abruptly and unexpectedly. The federal government passed the American Recovery and Reinvestment Act. Part of the Act was the Energy Efficiency and Conservation Block Grant. Winnebago County was designated as an "Entitlement Community" which provided \$413,000 from the Department of Energy for energy efficiency projects.

Around the same time this happened, the Landfill was experiencing a gross increase in methane production and another co-generator was needed to burn off the excess methane. They would like to place that near the Jail to use the waste heat.

Mr. Elder stated 52,000 therms of natural gas were saved in the last two years, which at \$1.00 per therm results in a savings of approximately \$52,000. The waste heat is used to heat domestic hot water for the kitchen, laundry and two direct supervisor pods. It also preheats the hot water heating for the building.

Mr. Elder said a lot of the waste heat is not being used and wasted during the summer because there is not a current means to use it for cooling. The absorption chiller could be used to cool the jail using waste heat.

Mr. Elder explained the chiller works by using heat and a chemical reaction to create chilled water.

Mr. Elder said the County submitted proposals to the Department of Energy for use of the grant money. Those proposals for air conditioning at the Expo and the absorption chiller for the Jail were approved six weeks ago.

The total cost of the absorption chiller project is approximately \$600,000 using \$265,000 of grant money. The balance of \$335,000 would be bond proceeds. The Department of Energy working with Mr. Elder estimates a cost savings of \$30,000 to \$52,000 per year in electrical costs with an estimated payback period of 10 years. Mr. Elder also stated that John Rabe, Director of Solid Waste, indicated the methane would be available for 20 years.

### **REFUNDING OF GENERAL OBLIGATION NOTES – SERIES 2002 CHUCK ORENSTEIN, FINANCE DIRECTOR**

Chuck Orenstein, Finance Director discussed the refunding of the General Obligation Promissory Notes from 2002. He explained there are three years to pay on the notes and January, 2010 is the time the notes can be refinanced. The current rate of interest is 4.25% and 4.375%. Refinancing would lower the rate to 2% with a cost savings of \$252,000 over the three year period.

Mr. Orenstein said he would bring this to the January County Board meeting.

### **ZONING REPORTS & ORDINANCES**

REPORT NO. 001. A report from the Planning & Zoning Committee regarding a requested zoning change from applicants and property owners, Jacob and Sarah Fink, Town of Winchester, for a zoning change to R-1/R-2 for tax parcel no. 028-0497-01. Motion by Supervisor Thompson and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 12/01/09. A requested zoning change from R-1/B-3 (Single Family non-subdivided/General Business) to R-1 (Single Family non-subdivided). Motion by Supervisor Thompson and seconded to adopt, **but approve both lots to R-1 not R-1/R-2 as requested..** CARRIED BY VOICE VOTE. (Effective date – December 17, 2009)

REPORT NO. 002. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner, Harvey Raether, Town of Wolf River, for a zoning change to R-1 for tax parcel nos. 032-0546-29(p) and 032-0546-29-02(p). Motion by Supervisor Thompson and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 12/02/09. A requested zoning change from R-5 (Planned Residential District ) to R-1 (Single Family non-subdivided). Motion by Supervisor Thompson and seconded to adopt. **Approval with an effective date to be upon the recording of the CSM, but in no case later than six months after the date of approval of the zoning change by the Winnebago County Board of Supervisors.** CARRIED BY VOICE VOTE. (Effective date – December 17, 2009)

REPORT NO. 003. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant, Adam Tigert and property owner, Gale Tigert, Town of Nekimi, for a zoning change to A-2/P-1 for tax parcel no. 012-0268. Motion by Supervisor Thompson and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 12/03/09. A requested zoning change from A-1 (Exclusive Ag) to A-2/P-1 (General Farming/ Institutional & Recreational Park District). Motion by Supervisor Thompson and seconded to adopt. **Approval with an effective date to be upon the recording of the CSM, but in no case later than six months after the date of approval of the zoning change by the Winnebago County Board of Supervisors.** CARRIED BY VOICE VOTE. Supervisor Sievert voted nay. (Effective date – December 17, 2009)

AMENDATORY ORDINANCE 4. A requested zoning change from the Town of Rushford on behalf of Waukau Creek LLC for a zoning change from A-2 to A-3 for tax parcel no. 022-0517. Motion by Supervisor Egan and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – December 17, 2009)

### **RESOLUTIONS AND ORDINANCES**

#### **RESOLUTION NO. 312-122009: Authorize Approval of a Mutual Aid Compact (MAC) Designed to Provide Voluntary Assistance to And From Fond du Lac, Green Lake, Marquette, Outagamie, Waupaca, Waushara and Winnebago Counties**

WHEREAS, emergencies involving natural disasters and/or other disabling incidents will arise within the boundaries of the participating Counties which may require additional assistance beyond each county's own resources; and

WHEREAS, the training and/or expertise of Land and Water Conservation Department personnel of the participating Counties could be requested to assist in dealing with natural disasters and/or other disabling incidents within the geographical boundaries of said Counties; and

WHEREAS, the parties recognize that natural disasters and/or other disabling incidents can more effectively be handled by the pooling of human resources; and

WHEREAS, the parties have authority to enter into this Mutual Aid Agreement (MAC) pursuant to Sections 59.03, 59.04, 66.0301 and 66.0314 of the Wisconsin State Statutes; and

WHEREAS, an agreement of this type is recommended as an integral part of a departments "Continuation of Operations / Continuation of Government" Emergency Management Plan.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that, the Winnebago County Land and Water Conservation Department is Authorized to participate this Mutual Aid Compact (attached).

Submitted by:  
LAND CONSERVATION COMMITTEE

Motion by Supervisor Barker and seconded to adopt. Ayes: 34. Nays: 0. Excused: 2 – Lennon and Riste. CARRIED.

#### **RESOLUTION NO. 313-122009: Authorize Transfer of Funds to Various County Departments (per Budget Entry attached) to Cover Projected Wage and Benefit Cost Overruns for**

2009.

WHEREAS, various County departments are projected to have wage and benefit cost overruns for 2009 per the attached budget transfer form; and

WHEREAS, budgeting wages and benefits incorporates the use of estimates and actual results can vary widely based on staff turnover, changes in insurance coverage's and changes in insurance rates that are not finalized until after the budget has been prepared; and

WHEREAS, the attached budget transfer form includes transfers to various departments to cover the projected wage and benefit overruns; and

WHEREAS, there are also many departments that are projected to have surpluses in their wage and benefit accounts for 2009 totaling roughly \$1,504,000 per the attached schedules; and

WHEREAS, departments with projected wage and benefit surpluses are expected to exceed those with shortfalls by roughly \$1,195,000, which will revert back to fund balance after the 2009 books are closed.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates funds to the various departments with projected wage and benefit cost overruns to cover them through the end of 2009, per the list on the following page:

<b>Wage and Benefit Projections</b>				
<b>November YTD</b>				
11/25/09 1:00 PM				
<b>Depts projected to (exceed) their 2009 labor budget:</b>				
<b>Dept</b>	<b>(Over) / Under Budget</b>	<b>Rounded for Budget Entry</b>	<b>Funding source to cover transfer</b>	
Airport	(39,995)	(40,000)	Airport fund balance	
Child Support	(6,454)	(6,500)	Salary contingency fund	
Coroner	(3,167)	(3,225)	Salary contingency fund	
Finance	(7,315)	(7,350)	Salary contingency fund	
Gen Svc	(5,557)	(5,600)	Salary contingency fund	
Human Resources	(1,389)	(1,400)	Salary contingency fund	
Parks	(47,907)	(48,100)	Salary contingency fund	
Planning	(23,527)	(23,600)	Salary contingency fund	
Public Health	(33,125)	(33,200)	Public health fund balance	
Purchasing	(3,867)	(3,900)	Salary contingency fund	
Register of Deeds	(5,003)	(5,050)	Salary contingency fund	
Sheriff	(131,529)	(73,775)	Salary contingency fund	
Sheriff	-	(26,225)	General contingency fund	
<b>Totals</b>	<b>(308,835)</b>	<b>(277,925)</b>		
Total from Airport fund balance		40,000		
Total from Salary contingency fund		178,500	Will deplete fund.	
Total from general contingency fund		26,225		
Total from Public Healt fund balance		33,200		
		<u>277,925</u>		

Submitted by:  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 32. Nays: 1 – Widener. Excused: 3 – Miller, Lennon and Riste. CARRIED.

**RESOLUTION NO. 314-122009: Reduce Revenue Budget of Planning Department's 2009 Budget and Decrease Expense Budget For Projected Savings and Transfer \$68,000 from the General Contingency Fund to Cover the Net Projected Shortage for 2009**

WHEREAS, because of poor economic conditions, the Planning Department will not realize the total amounts budgeted in the various revenue accounts for 2009; and

WHEREAS, because of this economic downturn and reduced revenues, the Planning Department anticipates savings in various expense accounts as a result of less activity; and

WHEREAS, the expense reductions will be short of the revenue decreases by \$68,000.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the reductions in revenue and expense accounts per the attached budget transfer form and appropriates \$68,000 from the General Contingency Fund to cover the net budget shortfall in the Planning Department's 2009 budget.

Submitted by:  
PLANNING & ZONING COMMITTEE  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 32. Nays: 2 – Gabert and Reinert. Excused: 2 – Lennon and Riste. CARRIED

**RESOLUTION NO. 315-122009: Commendation for Sandra Gunderson**

WHEREAS, Sandra Gunderson has been employed with the Winnebago County Department of Human Services, for the past thirty years, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Sandra Gunderson 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 Sandra Gunderson 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 Sandra Gunderson.

Submitted by,  
PERSONNEL AND FINANCE COMMITTEE

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

**RESOLUTION NO. 316-122009: Increase Travel Expense Accounts and Community Residential Services Accounts in Human Services 2009 Budget and Adjust Other Accounts Accordingly to Cover the Additional Costs of \$1,075,000**

WHEREAS, additional travel expenses of \$25,000 have been incurred during 2009 related to family care planning, family home visits, diversions/client home visits, due to higher client volumes and necessary visits; and

WHEREAS, additional costs for community residential services of \$1,050,000 have been incurred due to increased volume of clients who chose to be relocated from nursing home to community placement facilities; and

WHEREAS, there are sufficient funds available in other operating expense accounts to cover the \$25,000 of travel expenses; and

WHEREAS, there are additional CIP II Relocation revenues of \$1,050,000 to cover the additional community residential services costs.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$25,000 from other operating expense accounts per the attached budget transfer to the Auto Allowance accounts of the Human Services 2009 budget to cover the additional travel expenses.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Human Services Department to accept \$1,050,000 of additional CIP II Relocation state revenues to cover the additional community residential services costs incurred during 2009.

Submitted by:  
HUMAN SERVICES BOARD  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Koziczkowski and seconded to adopt. Ayes: 34. Nays: 0. Excused: 2 – Lennon and Riste. CARRIED.

**RESOLUTION NO. 317-122009:            Oppose 2009 Senate Bill 108 (Prohibition of Mandatory Overtime in Nursing Homes)**

WHEREAS, Senate Bill 108 would prevent nursing home facilities from requiring mandatory overtime for employees; and

WHEREAS, the health, safety and welfare of nursing home residents is a first priority; and

WHEREAS, neither Park View Health Center nor any other nursing homes desire to mandate overtime, however, there are some instances where unavailability of staff or refusal of staff to work may require a mandating of overtime; and

WHEREAS, Park View Health Center has mandated overtime only as a last resort.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it herewith voices its opposition to the adoption of 2009 Senate Bill 108.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby directs the Winnebago County Clerk to transmit a copy of this Resolution to all Legislators representing constituents within Winnebago County; to the Wisconsin Counties Association; to the Wisconsin Association of Homes and Services for the Aging; and to the Office of Governor James Doyle.

Submitted by:  
PARK VIEW HEALTH CENTER COMMITTEE  
LEGISLATIVE COMMITTEE

Motion by Supervisor Wingren and seconded to adopt. CARRIED BY VOICE VOTE. Supervisor Hall voted nay.

**RESOLUTION NO. 318-122009:            Amend Chapter 14, Section F of the Handbook of Employment Policies Covering Appointed Non-represented Employees of Winnebago County**

WHEREAS, Winnebago, Fond du Lac and Manitowoc Counties recently created the Lakeside Health Care District; and

WHEREAS, the creation of such a District resulted from changes in State law which provided substantial incentive to Winnebago County, as well as other counties, to create such a health care district; and

WHEREAS, several employees of Winnebago County are retiring from service with Winnebago County in order to take a similar job at the new Lakeside Health Care District; and

WHEREAS, the discontinuance of said employees' positions and the creation of new positions at the new Lakeside Health Care District are a result of the aforesaid amendments to State law and not as a result of any negative job performance on the part of the affected employees; and

WHEREAS, Chapter 14, Section F of the Handbook of Employment Policies provides that employees who retire with twenty (20) or more years of continuous County service shall be eligible upon termination to receive a payout of 65% of their unused sick leave balance as of December 31, 2005 at their December 31, 2005 rate of pay; and

WHEREAS, non-probationary employees who terminate their County employment for any reason other than discharge for misconduct are eligible upon termination to receive a payout of 35% of their unused sick leave balance as of December 31, 2005 at their December 31, 2005 rate of pay; and

WHEREAS, your undersigned Committee believes that it would be equitable to provide non-represented employees with eighteen (18) or more years of continuous service who are retiring from Winnebago County employment to accept a job with the Lakeside Health Care District with a sick leave payout of 50% of their unused sick leave balance as of December 31, 2005 at their December 31, 2005 rate of pay.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby amends the Winnebago County Handbook of Employment Policies covering appointed non-represented employees of Winnebago County, Chapter 14, Section F so as to create the following paragraph:

CHAPTER 14 – SICK LEAVE

Section F. Separation Benefit...

- (5) Those non-represented employees retiring on or before July 1, 2010 with eighteen (18) or more years of continuous County service who immediately thereafter accept a position with the Lakeside Health Care District and commence employment with that entity on or before July 1, 2010 and who are immediately eligible for an annuity under the Wisconsin Retirement System shall be eligible upon termination to receive a payout of 50% of their unused sick leave balance as of December 31, 2005, (frozen sick leave balance) at their December 31, 2005, rate of pay.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that this amendment to said Handbook of Employment Policies for Non-represented Employees shall take effect as of the date following the date of the County Executive's signature upon this Resolution.

Submitted by:  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 34. Nays: 0. Excused: 2 – Lennon and Riste. CARRIED.

**ORDINANCE NO. 319-122009: Amend Section 19.01 (14) and 19.18(1) & (2) Of the Winnebago County General Code Relating to Fireworks, RC Aircraft Flying and Rocketry Activities on Park Property**

BE IT RESOLVED that the Board of Supervisors of the County of Winnebago does ordain as follows:

That Section 19.01 (14) and Section 19.18 (1) & (2) of the General Code of Winnebago County be amended to read as follows:

**19.01            DEFINITIONS.**

- (14)        SOCCER COMPLEX. Area of the Community Park located between Park View Health Center, the South Retention Pond and Snell Road.

*(The existing subsection numbers (14), (15) and (16) within Section 19.01 shall be adjusted to reflect the addition of the aforementioned definition.)*

and;

**19.18    FIREWORKS, RC AIRCRAFT FLYING AND ROCKETRY.**

- (1)        No person shall carry, fire or discharge any torpedo or other fireworks within any park, County grounds, or recreation trail except as permitted by the Parks Director or his designee.

- (2)        RC aircraft flying and rocketry activities shall be restricted to taking place within the Community Park Soccer Complex on fields located east of the Soccer Shelter and the adjoining parking lot. RC aircraft flying and rocketry activities shall not be allowed on days when either a USE PERMIT or a RENTAL PERMIT has been issued for a program(s) scheduled to take place within the boundaries of the Soccer Complex. Additionally, RC aircraft flying and rocketry activities shall be permitted from approximately April 15<sup>th</sup> through November 30<sup>th</sup> from noon to 3:00 p.m. on weekdays and from noon to 7:30 p.m. on weekends.

BE IT FURTHER RESOLVED that this Ordinance shall take effect the date following the date of publication.

Submitted by:  
PARKS & RECREATION COMMITTEE



Motion by Supervisor Finch and seconded to adopt. Supervisor Farrey made the following "friendly amendment": in section 19.18 (1) delete "except as permitted by the Parks Director or his designee". There was no second. Vote on ordinance as presented: Ayes: 33. Nays: 1 – Farrey. Excused: 2 – Lennon and Riste. CARRIED.

**CORRECTED RESOLUTION NO. 320-122009: Amend Chapter 22, Section D of the Handbook of Employment Policies Covering Appointed Non-represented Employees of Winnebago County (Retirement Benefits)**

WHEREAS, the fringe benefits of Winnebago County employees represent a rapidly increasing percentage and total of employee compensation; and

WHEREAS, currently Winnebago County pays both the employer and employee's share of the Wisconsin Retirement System contribution; and

WHEREAS, the rate of growth of these fringe benefits is unsustainable and will ultimately result in more drastic adjustments to fringe benefits if they are not changed for new employees in the near future; and

WHEREAS, your undersigned County Board Supervisor recommends that the Employee Handbook for Non-represented Employees be amended so as to eliminate Winnebago County agreeing, at the time of initial employment, to pay for the full employee's share of Wisconsin Retirement System pension contributions for employees hired on or after January 4, 2010.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the first two paragraphs of Chapter 22, Section D of the Handbook of Employee Policies covering non-represented employees of Winnebago County shall be amended to read as follows:

CHAPTER 22 FRINGE BENEFITS ...

Section D. Retirement Benefits.

All regular full-time employees and regular part-time employees who are scheduled to work over 600 hours per year shall be enrolled in the Wisconsin Retirement System, which serves as the County's pension and permanent disability program.

In addition to paying its required employer share of the retirement program, Winnebago County also will pay the full employee's share for those employees who were offered and accepted employment with Winnebago County on or before January 4, 2010. The level of County participation and the cost of the employee's share shall be no greater than 6.5% for general employees and 7.0% for protected employees. The level of County participation and the cost of the employee's share may be adjusted from time-to-time by action of the County Board of Supervisors. For those employees who were offered and accepted employment with Winnebago County after January 4, 2010, said employees shall be responsible for paying ½ of the full employee's share of participation in the Wisconsin Retirement System.

Submitted by:  
SHILOH RAMOS, DISTRICT #5  
COUNTY BOARD SUPERVISOR

Motion by Supervisor Ramos and seconded to adopt. After much discussion, motion by Supervisor Hall and seconded to send resolution to Personnel & Finance Committee. Ayes: 23. Nays: 10 – Konetzke, Eisen, Ramos, Hamblin, Gabert, Norton, Nelson, Finch, Farrey and Brennand. Abstain: 1 – Smith. Excused: 2 – Lennon and Riste. CARRIED. This resolution will be sent to the Personnel & Finance Committee.

**RESOLUTION NO. 321-122009: Commendation for Dennis L. Bradley**

WHEREAS, Dennis Bradley has been employed with the Winnebago County Highway Department, for the past thirty-two years, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Dennis Bradley 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 Dennis Bradley 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 Dennis Bradley.

Submitted by,  
PERSONNEL AND FINANCE COMMITTEE

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

**RESOLUTION NO. 322-122009: Commendation for Nancy Gagnow**

WHEREAS, Nancy Gagnow has been employed with the Winnebago County Register of Deeds Office, for the past forty-six years, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Nancy Gagnow 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 Nancy Gagnow 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 Nancy Gagnow.

Submitted by,  
PERSONNEL AND FINANCE COMMITTEE

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

**RESOLUTION NO. 323-122009: Commendation for Richard P. Graeber**

WHEREAS, Richard Graeber has been employed with the Winnebago County Child Support Agency for the past twenty-nine years, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Richard Graeber 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 Richard Graeber 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 Richard Graeber.

Submitted by,  
PERSONNEL AND FINANCE COMMITTEE

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

**RESOLUTION NO. 324-122009: Commendation for Charles Pavlak**

WHEREAS, Charles Pavlak has been employed with the Winnebago County Department of Solid Waste, for the past forty-one years, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Charles Pavlak 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 Charles Pavlak 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 Charles Pavlak.

Submitted by,  
PERSONNEL AND FINANCE COMMITTEE

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

**RESOLUTION NO. 325-122009: Support 2009 Assembly Bill 287**

WHEREAS, 2009 Assembly Bill 287 would increase the tax rate for the tax on fermented malt beverages from \$2 per barrel to \$10 per barrel; and

WHEREAS, an amount of the taxes collected on fermented malt beverages equal to \$2 per barrel would be used by the Office of Justice Assistance in the Department of Administration to provide grants to counties and

municipalities to reduce crimes related to alcohol use by employing additional law enforcement officers and obtaining equipment and training; and

WHEREAS, \$4 per barrel from said tax would be used for community aids related to alcohol and drug abuse treatment services; and

WHEREAS, \$2 per barrel from said tax would be used for grants for substance abuse treatment and prevention programs; and

WHEREAS, your undersigned Committee supports the passage of said Bill in that funds for the above purposes are needed by Winnebago County and other local units of government.; and

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it indicates its support for the passage of Assembly Bill 287.

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; to the Wisconsin Counties Association; and to the Office of Governor James Doyle.

Submitted by:  
LEGISLATIVE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 26. Nays: 8 – Widener, Albrecht, Jacobson, Robl, Eichman, Nelson, Farrey and Reinert. Excused: 2 – Lennon and Riste. CARRIED.

**RESOLUTION NO. 326-122009: Amend Section 6.4 of the Rules of the Winnebago County Board of Supervisors**

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that Section 6.4 of the Rules of the Winnebago County Board of Supervisors be amended to read as follows:

- 6.4 Public comments will be heard by the Board at an appropriate time in the agenda. The Chair, within his or her discretion, may set a time limit on speakers when necessary.

Submitted by:  
JUDICIARY & PUBLIC SAFETY COMMITTEE

Motion by Supervisor Rengstorf and seconded to adopt. Supervisor Hall made the following amendment: At the end of 6.4 add “no less than 5 minutes”. Vote on amendment: Ayes: 2 – Hall and Ramos. Nays: 32. Excused: 2 – Lennon and Riste. LOST. Vote on resolution: Ayes: 31. Nays: 2 – Gearhart and Warnke. Abstain: 1 – Norton. Excused: 2 – Lennon and Riste. CARRIED.

**RESOLUTION NO. 327-122009: Oppose Assembly Bill 145 (Legislative Review of Municipal Ward Plans)**

WHEREAS, following the decennial Census, the Legislative redistricting process requires that the population of each County be divided into municipal wards, city council districts and county supervisory districts; and

WHEREAS, Assembly Bill 145 amends that Section of the State Statutes relating to the division of population into such wards and districts so as to reduce the time frame by 15 days for counties to establish tentative supervisory districts and to reduce the time frame by 15 days for municipalities to adopt ward plans that meet constitutional requirements and represent a good faith effort to reflect the county supervisory district plan; and

WHEREAS, Assembly Bill 145 establishes a 45 day time limit for the Legislature to enact a law changing the municipal ward plan; and

WHEREAS, Assembly Bill 145 reduces the time frame by 15 days for counties to adopt final supervisory district plans; and

WHEREAS, such reduced time frames will limit the technical assistance which Winnebago County can provide to municipalities in developing ward plans; and

WHEREAS, a reduced time frame will result in district boundary plans being rushed through the approval process with little time or opportunity for municipal or citizen comment; and

WHEREAS, the adoption of such district plans requires the adoption of such plans by resolution or ordinance, which require proper notice and may require public hearing. Special meetings of county boards and city, village and town councils may be necessary to accommodate such a shorter time frame, thus increasing municipal costs; and

WHEREAS, the State Legislature already has inherent authority to establish or change municipal wards through a congressional/legislative redistricting processing.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it is hereby opposed to the passage of Assembly Bill 145.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it directs the Winnebago County Clerk to transmit a copy of this Resolution to all Legislators representing Winnebago County constituents; to the Wisconsin Counties Association; and to the Office of Governor James Doyle.

Submitted by:  
LEGISLATIVE COMMITTEE

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

**RESOLUTION NO. 328-122009: Approve Information Systems Department Relocation at the Recently Purchased Oshkosh B'Gosh Building at 112 Otter Avenue**

WHEREAS, Winnebago County recently appropriated funds for the purchase of the Oshkosh B'Gosh Building at 112 Otter Avenue, City of Oshkosh; and

WHEREAS, placement of the Information Systems Department at that location will allow for increased security of the Information Systems Department by restricting points of access to the Department; and

WHEREAS, placement of the Information Systems Department at the 112 Otter Avenue location will allow for all Information Systems employees to operate out of a single location; and

WHEREAS, the placement of the Information Systems Department at the 112 Otter Avenue location will allow for the creation of a training center within that Department's location; and

WHEREAS, placement of the Information Systems Department at the above location will allow for separation of the Information Systems help desk operation from other offices within that Department, thus minimizing the distraction that is generated from calls from other County operations; and

WHEREAS, placement of the Information Systems Department at the above location will meet the current information space needs for the future while allowing for future expansion of the Information Systems Department.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby recommends the placement of the Information Systems Department in that part of the building located at 112 Otter Avenue, Oshkosh, which was formerly occupied by the Information Systems Department of the Oshkosh B'Gosh Corporation.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it is hereby recommended that a joint meeting be held between the County Executive, the Information Systems Committee and the Facilities and Property Management Committee to address this issue.

Submitted by:  
INFORMATION SYSTEMS COMMITTEE

Supervisor Hall withdrew this resolution.

**RESOLUTION NO. 329-122009: Authorize Parks Department to Purchase Tax-Deeded Properties from County Treasurer at a Cost of \$9,120, Funding to Come from General Fund Undesignated Fund Balance**

WHEREAS, the Winnebago County Treasurer has two parcels of tax deeded property adjacent to the WIOUWASH Trail and Breezewood Lane in the Town of Vinland; and

WHEREAS, these properties had delinquent taxes and fees associated with them totaling \$9,120; and

WHEREAS, the Parks Department would like to acquire these properties for additional parking in the future.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Parks Department to purchase these properties from the Treasurer and appropriates \$9,120 from General Fund Undesignated Fund balance for that purpose.

Submitted by:  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 30. Nays: 4 – Griesbach, Widener, Rengstorf and Reinert. Excused: 2 – Lennon and Riste. CARRIED.

Motion by Supervisor Robl and seconded to adjourn until Tuesday, January 5, 2010 at 6:00 p.m. CARRIED BY VOICE VOTE.

The meeting was adjourned at 7:40 p.m.

Respectfully submitted,  
Patricia Rabe, Deputy  
Winnebago County Clerk

State of Wisconsin)  
County of Winnebago) ss

I, Patricia Rabe, do hereby certify that the foregoing is a true and correct copy of the Journal of the Winnebago County Board of Supervisors for their regular meeting held December 15, 2009.

Patricia Rabe, Deputy  
Winnebago County Clerk