

**WINNEBAGO COUNTY BOARD OF SUPERVISORS MEETING  
TUESDAY, APRIL 27, 2010**

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: Konezke, Barker, Eisen, Ramos, Miller, Roh, Smith, Widener, Albrecht, Gabert, Swanson, Thompson, Lennon, Reynolds, Hall, Wingren, Jacobson, Norton, Warnke, Robl, Eichman, Neubauer, Kline, Locke, Hegg, Finch, Sievert, Farrey, Diakoff, Brennand, Egan, Ellis, Rengstorf and Reinert.

Excused: Hamblin

Motion by Supervisor Robl and seconded to adopt tonight's agenda. CARRIED BY VOICE VOTE.

**COMMITTEE ON COMMITTEE APPOINTMENTS**

Chairman Albrecht announced that Supervisor Donald Griesbach has resigned from the Board, which will require him to make a couple of changes to the Committee on Committee's appointments that were distributed to the Board. Those changes are:

- Highway Committee: Supervisor Egan will replace Supervisor Roh
- Facilities & Property Management Committee: Supervisor Roh will replace Supervisor Griesbach

The Committee on Committees' appointments are as follows:

**Aviation Committee**

Kathy Lennon (C)  
Shiloh Ramos (VC)  
Maribeth Gabert (SEC)  
Stan Kline  
Robert Warnke

**Judiciary & Public Safety Committee**

Harvey Rengstorf (C)  
Bill Wingren (VC)  
Bill Roh (SEC)  
Paul Eisen  
Tom Ellis

**Facilities & Property Management Committee**

Tim Hamblin (C)  
Bill Wingren (VC)  
Joanne Sievert (SEC)  
Chuck Farrey  
Bill Roh

**Land Conservation Committee**

Chuck Farrey (C)  
Nancy Barker (VC)  
John Reinert (SEC)  
Paul Eisen  
Kenneth Neubauer

**Emergency Management Committee**

Tom Ellis (C)  
Harvey Rengstorf (VC)  
Paul Eisen (SEC)  
Bill Roh  
Bill Wingren

**Park View Health Center Committee**

Bill Wingren (C)  
Shiloh Ramos (VC)  
Maribeth Gabert (SEC)  
Tom Ellis  
Al Jacobson

**Highway Committee**

Ken Robl (C)  
Tim Hamblin (VC)  
Tom Egan (SEC)  
Robert Warnke  
David Albrecht

**Parks & Recreation Committee**

Jerry Finch (C)  
Tom Konezke (VC)  
Travis Swanson (SEC)  
Donald Miller  
Mike Norton

**Information Systems Committee**

Jef Hall (C)  
Larry Smith (VC)  
Marissa Reynolds (SEC)  
Patrick Brennand  
Al Jacobson

**Personnel & Finance Committee**

Stan Kline (C)  
David Albrecht (VC)  
Jeanette Diakoff (SEC)  
Ron Eichman  
Claud Thompson

### Planning & Zoning Committee

Patrick Brennand (C)  
Claud Thompson (VC)  
Jeanette Diakoff (SEC)  
Tom Egan  
Joanne Sievert

### UW Education, Extension & Agriculture Committee

Tom Widener (C)  
Nancy Barker (VC)  
Susan Locke (SEC)  
Guy Hegg  
John Reinert

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

### **PUBLIC HEARING**

No one addressed the Board.

### **COMMUNICATION, PETITIONS, ETC.**

Notice of Claim from John Stepnowski for injuries he sustained while in custody of the Winnebago County Sheriff's Office was referred to the Personnel & Finance Committee.

Notice of Claim from Geico Direct on behalf of Kathleen Tieg for damage to her vehicle resulting from a collision with a county highway snow plow on Highway 21 was referred to the Personnel & Finance Committee.

Resolutions were received from the following counties and referred to the specified committee:

- Columbia County – Resolution No. 18-10, "Supporting SB-430 Allowing Municipal Employers to Change Health Care Coverage Plan Providers" was referred to the Legislative Committee
- Florence County – Resolution No. 2010 – 21, "opposes the Wisconsin Department of Natural Resources Decision to eliminate the Review of Wetland Delineations Reports and Concurrence Letter for Individual Wetland Boundary Determinations" was referred to the Planning & Zoning and the Land & Water Conservation Committees
- Jackson County – Resolution 9-3-10, "RE: Requesting State Law Changes Allowing Counties The Use Of The Design-Build Construction Method" was referred to the Legislative Committee
- Langlade County – Resolution # 27-2010, "Resolution Opposing Assembly Bill 634" was referred to the Legislative Committee
- Langlade County – Resolution # 28-2010, "Support Proposed Language Restoring the Authority of Local Elected Officials to Set Spending Priorities for Their City, Village, Town or County" was referred to the Legislative Committee
- Langlade County – Resolution # 29-2010, "Ensure the Integrity of the Wisconsin Shares Child Care Subsidy Program" was referred to the Legislative Committee and the Human Services Board
- Langlade County – Resolution # 41-2010, "Opposing the Wisconsin Department of Natural Resources Decision to Eliminate the Review of Wetland Delineations Reports and Concurrence Letters for Individual Wetland Boundary Determinations" was referred to the Planning & Zoning and the Land & Water Conservation Committees
- Outagamie County – Resolution No. 136-2009-10, "...Support legislation delaying the implementation of the rezoning conversion fee until after a county updates its Farmland Preservation Plan and Zoning Ordinance and the plan and ordinance are certified by the Department of Agriculture, Trade and Consumer Protection" was referred to the Planning & Zoning and the Land & Water Conservation Committees
- Outagamie County – Resolution No. 144-2009-10, "Support legislation repealing the 1992 county property tax levy rate limit" was referred to the Legislative Committee
- Outagamie County – Resolution No. 145-2009-10, "Support legislation which would allow a taxpayer to claim the dairy farm modernization and expansion credit for taxable years beginning after December 31, 2003 and before January 1, 2012, and support the increase from \$50,000 in credit for dairy and livestock farm modernization to \$75,000." was referred to the Legislative Committee
- Price County – Resolution No. 18-10, "Opposition to Wisconsin Department of Revenue's County Assessment Proposal" was referred to the Legislative Committee.
- Price County – Resolution No. 19-10, "Support Proposed Language Repealing Sec. 79.07, Wisconsin Statutes" was referred to the Legislative Committee
- Price County – Resolution No. 24-10, "...Price County Board advises that Wisconsin continue the wolf population goal of 350 or less in the next revision of the Wisconsin Wolf Plan..." was referred to the Legislative Committee and the Land & Water Conservation Committee
- Racine County – Resolution No. 2009-142, "Resolution by the Racine County Economic Development and Land Use Planning Committee Supporting Delayed Implementation of Farmland Preservation Rezoning Conversion Fee Under Chapter 91.48(1)(b), Wis. Stats." was referred to the Planning & Zoning and the Land & Water Conservation Committees

- St. Croix County – Resolution No. 8(2010), “Resolution Opposing Wisconsin Department of Revenue County Assessment Proposal” was referred to the Legislative Committee
- Trempealeau County - “Opposing the Wisconsin Department of Natural Resources Decision to Eliminate the Review of Wetland Delineation Reports and Concurrence Letters for Individual Wetland Boundary Determinations” was referred to the Planning & Zoning and the Land & Water Conservation Committees
- Waupaca County – Resolution No. 38 (2009-2010), “Opposition to 2009 Assembly Bill 634—Protective Status for Correction Officers Under the Wisconsin Retirement System” was referred to the Legislative Committee
- Waushara County – Resolution 14-04-10, “Opposing Groundwater Legislation SB-620 and AB-844” was referred to the Legislative Committee

A “thank you” note from Patricia Rabe of the County Clerk’s Office, was read thanking the Board for the flowers that they sent for her sister Shirley’s funeral.

Petition for amendment from Norman Pawelczyk, Town of Winchester, for zoning change for tax parcel nos. 028-0660-01, 028-0660-02, 028-0660-05 and 028-0660-03 from R-1/A-1 to B-2 was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from James Ostrom, President of Omro Dairy, LLC; Town of Omro, for zoning change for tax parcel no. 016-0530 from P-1 to A-2 for a family residence was referred to the Planning & Zoning Committee.

### **REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS**

Supervisor Barker asked that anyone who hasn’t submitted their U.S. Census form yet to get it in the mail. If they don’t, they will be visited by a U.S. Census worker. The federal government will save millions of dollars if they can reduce the number of visits to individuals’ homes.

Supervisor Barker reported that the Winter Navigational Aids Special Committee has held two meetings regarding Buoy 100, which is located in Lake Winnebago/Fox River channel in the City of Menasha. The committee’s work on this issue will be completed by the end of August. Supervisor Barker stated that she will keep the Board apprised of their progress.

Supervisor Widener reported that according to university administrators, former UW-Fox Valley students that are now attending 4-year campuses are doing extremely well—in some cases better than students that started at the 4-year campuses. This shows what a good job UW-Fox Valley is doing to prepare students to continue their education. Supervisor Widener wanted to share this information with the new Board members and to make them aware that Outagamie and Winnebago Counties share the costs of buildings and their maintenance on the UW-Fox Valley campus. He further explained that there will be a number of significant UW-Fox Valley building requests coming before the Board in 2010 and he wanted the new supervisors to be aware of the accomplishments of UW-Fox Valley.

Supervisor Norton reported that at their March 9 meeting, the Ad Hoc Committee to Study Beach Programming Options voted to recommend that the beach at Community Park be permanently closed.

Motion by Supervisor Robl and seconded to approve the proceedings from the March 2 and 16, 2010 County Board meeting. CARRIED BY VOICE VOTE.

### **COUNTY EXECUTIVE’S REPORT**

Executive Harris spoke to the Board about Resolution No. 14-42010, “Support Legislation to Repeal the 1992 Tax Levy Rate Limit on Counties” and stated his support for the passage of the resolution. He explained that counties in Wisconsin are under a tax levy freeze. In 2010, Winnebago County could raise their property tax levy either by the percentage of new construction to our property tax base or by 3% (this percentage changes year-to-year)—whichever was greater.

The tax levy rate limit that the State of Wisconsin imposed in the early 1990’s on counties was done as an “after thought” when they realized they had put “expenditure restraints on cities” but hadn’t put similar limitations on counties. Because property values were steadily increasing in the early 1990’s, the state decided that counties would be limited to the operating rate they had in 1992. Executive Harris explained that because property values were growing at that time, counties didn’t consider the impact this freeze could have on them in the future. If property values continue to decline, the county will most likely hit that rate limit in 2012. Executive Harris presented a graph that explained rate limit and its impact. Executive Harris encouraged the Board to support this resolution so the state legislature will be encouraged to take another look at this law.

### **COUNTY BOARD CHAIRMAN’S REPORT**

Chairman Albrecht reported that Supervisor Hamblin is excused from tonight’s meeting.

**CAPITAL PROJECT PRESENTATION**  
**KNAPP STREET MAINTENANCE FACILITY ROOF REPLACEMENT**  
**MIKE ELDER, DIRECTOR OF FACILITIES AND PROPERTY MANAGEMENT**

Mike Elder, Director of Facilities and Property Management, presented information on the roof replacement project at the Maintenance Facility Department on Knapp Street in Oshkosh. He stated that this is the next step in a "phased capital project" that has included the replacement and repair of roofs on various county buildings.

Mr. Elder explained that the Maintenance Facility at 1221 Knapp Street is the former County Highway Department and is made up of four buildings—office/garage/shop and three out buildings that are used for records retention, veteran's museum materials and Oshkosh Public Museum materials.

Mr. Elder described the roofs on the various buildings and stated that he believes they are the original roofs that are at least 40 years old. The roofs have been well maintained, but now there are large areas that are starting to quickly deteriorate and leak. The estimated cost for the replacement of the roofs is \$200,000.

Mr. Elder took questions from the Board.

At 6:35, Chairman Albrecht called for a recess so the committees could elect their officers. The Board reconvened at 6:50 p.m.

**ZONING REPORTS & ORDINANCES**

REPORT NO. 001. A report from the Planning & Zoning Committee regarding a requested zoning change from applicants, Winnebago county Planning & Zoning Committee, for a requested amendment to the County Land Use Plan. Motion by Supervisor Brennand and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 04-01-10. A requested amendment to the County Land Use Plan (Amendment # 09-LUPA-001) in order to adopt updated land use maps for the Town of Wolf River. Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – April 30, 2010)

REPORT NO. 002. A report from the Planning & Zoning Committee regarding a requested zoning change from applicants and property owners, Brian and Sandra White and Susan Rubick, Town of Clayton, for a zoning change to R-1 for tax parcel nos. 006-0740-03 and 006-0740-02-01(p). Motion by Supervisor Brennand and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 04-02-10. A requested zoning change from A-2 (General Farming) to R-1 (Single Family non-subdivided). Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – April 30, 2010)

REPORT NO. 003. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant, Jim Sehloff, Davel Engineering; and property owner, Harrison Sturgis, Jr., Sturgis Living Trust; Town of Neenah, for a zoning change to R-2 for tax parcel no. 010-0304-12. Motion by Supervisor Brennand and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 04-03-10. A requested zoning change from R-1 (Single Family non-subdivided) to R-2 (Single Family subdivided). Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – April 30, 2010)

REPORT NO. 0004. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner, Tom Rogstad, Town of Omro, for zoning change to A-2 for tax parcel no. 016-0520. Motion by Supervisor Brennand and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 04-04-10. A requested zoning change from R-1/A-2 (Single Family non-subdivided/General Farming) to A-2 (General Farming). Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – April 30, 2010)

REPORT NO. 005. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner, Bartel's Enterprises Inc., Town of Nekimi, for zoning change to P-1 for tax parcel no. 012-0031. Motion by Supervisor Brennand and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 04-05-10. A requested zoning change from A-2 (General Farming) to P-1 (Institutional & Recreational Park Dist). Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – April 30, 2010)

AMENDATORY ORDINANCE 6. A requested zoning change from the Town of Vinland on behalf of Donald Schneider for zoning change from A-1 to R-1 for tax parcel no. 026-0209-03. Motion by Supervisor Farrey and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – April 30, 2010)

**RESOLUTIONS AND ORDINANCES**

**RESOLUTION NO. 5-42010:     **Authorize Acceptance of Joint DATCP/DNR Soil and Water Resource Management and Nonpoint Source Pollution Abatement Grant in 2011****

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 \$616,024 for staff support and cost sharing of pollution abatement projects to be installed in 2011.

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 appropriate Winnebago County Land & Water Conservation Department 2011 budget revenue accounts, with applicable dollar amounts to be reflected in the appropriate expenditure accounts.

Submitted by:  
LAND CONSERVATION COMMITTEE

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

**RESOLUTION NO. 6-42010:     **Amend the Table of Organization for Winnebago County Land and Water Conservation Department****

WHEREAS, the current Table of Organization for the Winnebago County Land and Water Conservation Department identifies one (1) full-time GIS Manager, which is currently vacant; and

WHEREAS, the Personnel Function Review Committee has made recommendations for greater collaboration between the Planning and Zoning Department and the Land and Water Conservation Department; a Hay Analysis of the job duties was completed for the currently vacant position and the results show a need to re-classify one (1) full-time GIS Manager position [Salaried position, (\$41,153 - \$64,472 annually)] to be one (1) full-time GIS Technician position [Hourly-paid position, (\$18.67 per hour to \$25.67 per hour)]; and

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that the Table of Organization for the Winnebago County Land and Water Conservation Department is amended to change one (1) full-time GIS Manager position to be one (1) full-time GIS Technician position. The job description for the GIS Technician position is attached hereto and is made a part of this resolution by reference.

Submitted by,  
LAND CONSERVATION COMMITTEE  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 31. Nays: 3 – Albrecht, Swanson and Egan. Excused: 1 – Hamblin. CARRIED.

**RESOLUTION NO. 7-42010:     **Authorize Sheriff's Department to Accept a Homeland Security Training Grant of \$19,580 and Apply the Funds Towards the Costs of Carrying Out SWAT Team Training Exercises****

WHEREAS, the Winnebago County Sheriff's Department has been awarded a training grant in the amount of \$19,580; and

WHEREAS, the funds would be used to carry out SWAT team training exercises; and

WHEREAS, it would be in the best interests of Winnebago County and the Sheriff's Office to accept the grant and apply the funds to SWAT team training exercises with the increased threat of violence prevalent in today's society.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Sheriff's Office to accept a Homeland Security Training Grant of \$19,580, and appropriates the funds to costs to carry out SWAT team exercises.

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

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

**RESOLUTION NO. 8-42010: Authorize Sheriff's Office and Clerk of Courts to Accept a Firearms Surrender Grant of \$37,399, and Apply Funds to Expense Accounts to Carry Out the Program Objectives**

WHEREAS, a Firearms Surrender Grant of \$37,399 is available to Winnebago County to carry out a program for the surrender of firearms by people committing domestic violence; and

WHEREAS, the Wisconsin Department of Justice has developed a protocol to enhance compliance with a current law that requires those persons committing crimes of domestic violence to surrender firearms. Counties were given an opportunity to participate in the pilot of this protocol; and

WHEREAS, the Sheriff Department and Clerk of Courts, through participation in the pilot, would be reimbursed actual costs of participation; and

WHEREAS, this pilot will allow Winnebago County the opportunity to have direct input on protocol that may become mandatory; and

WHEREAS, \$16,000 of the grant award will be used to purchase equipment that will be retained by the county after the grant period; and

WHEREAS, funds will be applied to accounts per the attached budget transfer to carry out the program objectives.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Sheriff and Clerk of Courts to accept a Firearms Surrender Grant in the amount of \$37,399 and appropriates the funds to carry out the program per the attached budget transfer form.

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

Motion by Supervisor Rengstorf and seconded to adopt. CARRIED BY VOICE VOTE. (Supervisor Farrey abstained.)

**RESOLUTION NO. 9-42010: Approve Values of Tax Deeded Properties**

WHEREAS, Section 3.03(1)(a), General Code of Winnebago County requires that all tax deeded lands have their appraisal prices determined by the Personnel and Finance Committee of the Winnebago County Board of Supervisors and approved by the County Board of Supervisors; and

WHEREAS, the value of tax deeded property acquired as a result of delinquent real estate taxes as a consequence of an In Rem action has been made; and

WHEREAS, the parcel numbers, legal descriptions and the appraised values of said tax deeded properties are as follows:

CITY OF OSHKOSH, Parcel No. 910-0472  
Vacant lot at 729 Central St, Oshkosh WI 54901  
The North ½ of Lot Five (5) of Block Seventy-three (73) in GOTT, READ & EIGHME'S ADDN., in the Tenth Ward, City of Oshkosh, Winnebago County, Wisconsin, per Leach's Map of 1894.  
\$3,000.00

CITY OF OSHKOSH, Parcel No. 910-0704  
Vacant lot at 213 Prospect Ave, Oshkosh WI 54901  
The North East ¼ of Lot One (1) of Block Eighty-three (83) in PHILIP V. WRIGHT'S SUBDN., in the Tenth Ward, City of Oshkosh, Winnebago County, Wisconsin, per Leach's Map of 1894.  
\$10,000.00

WHEREAS, the appraised value of said property as provided by the treasurer have been approved by the committee as is required by Section 3.03(1)(a) of the General Code of Winnebago County and is herewith submitted to the Winnebago County Board of Supervisors for approval.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves the appraised value of the parcels of property listed above, which was acquired by the Winnebago County Treasurer for tax delinquency pursuant to an In Rem judgment.

Submitted by:  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 34. Nays: 0. Excused: 1 – Hamblin. CARRIED.

**ORDINANCE NO. 10-42010: Amend Section 11.02 of the General Code of Winnebago County – Priority of Admissions**

WHEREAS, Park View Health Center is a nursing home which was constructed through taxes paid largely by the citizens of Winnebago County and persons and corporations who own property within Winnebago County; and

WHEREAS, in that said facility is supported through taxes upon County taxpayers, your undersigned Committee believes that priority should be provided with regard to admissions to those persons who have a significant connection to Winnebago County; and

WHEREAS, there is a need to amend Park View Health Center's admission policy as a consequence of the completion of the new nursing facility.

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

Section 11.02 of the General Code of Winnebago County is amended to read as follows:

**11.02 RULES FOR PARK VIEW HEALTH CENTER** (1) PURPOSE. (a) To establish admission requirements for residency at Park View Health Center.

(2) **INITIAL REQUIREMENTS.** No person less than 18 years old shall be admitted unless approved for admission by the State Department of Health & Social Services. Requests for approval to admit a person under the age of 18 years shall be made in writing and shall include:

- (a) A statement from the referring physician stating the medical, nursing, rehabilitation, and special services required by the minor;
- (b) A statement from the administrator certifying that the required services can be provided;
- (c) A statement from the attending physician certifying that the physician will be providing medical care;
- (d) A statement from the persons or agencies assuming financial responsibility.
- (e) Applications must include personal, health and financial information.
- (f) The completed application is to be sent to the Admissions Coordinator, Park View Health Center, 725 Butler Avenue, Oshkosh, Wisconsin 54901-8149.

**(3) PRIORITY OF ADMISSIONS.**

A. Intent. It is the intent of Winnebago County, pursuant to this ordinance, to establish a policy regarding priority of admissions, so as to prioritize the admissions of those applicants who have had significant contacts with Winnebago County prior to their admission to Park View Health Center, in that Park View Health Center is a county facility which is owned and financed by the taxpayers of Winnebago County.

B. Priority of Admissions. Priority shall be provided to consideration of those applicants for admission to Park View Health Center who meet the following criteria:

- (1) The applicant shall have owned or rented a home, condominium or apartment located in Winnebago County, or lived in Winnebago County with a relative who owned or rented a home, condominium or apartment located in Winnebago County, for at least six (6) months prior to the date of the application for admission; or
- (2) The applicant shall have been a patient in a nursing home, assisted living facility or hospital, located in Winnebago County' for at least six (6) months prior to the date of their application for admission.
  - (a) For purposes of this ordinance, the term "relative" shall be defined as a son, daughter, grandchild, son-in-law, daughter-in-law, father, mother, father-in-law, mother-in-law, grandparent, great grandparent, sibling or half-sibling.

C. Paragraphs B (1) and (2) above shall not apply to an applicant whose primary need at the time of application is for short-term rehabilitative care that is estimated by the person's treating physician to continue for not more than 100 days from the date of admission to Park View Health Center.

D. Admissions to Park View Health Center shall be pursuant to an evaluation of the applicant's needs as determined by Park View Health Center staff and a determination by the staff as to whether any household at Park View Health Center are staffed suitably to meet the Applicant's needs. Prioritization of applicants for admission shall be made on a household to household basis.

E. Applicants aggrieved by the admissions decision of Park View Health Center may request review of said decision by the Winnebago County Executive.

**(4) LIMITATIONS ON ADMISSIONS.**

(a) Bed capacity – no facility may house more residents than the maximum bed capacity for which it is licensed.

(b) Care Levels.

(1) No person who requires care greater than that which the facility is licensed to provide may be admitted to or retained in the facility.

(2) No resident whose condition changes to require care greater than that which the facility is licensed to provide shall be retained.

(c) Other conditions. The facility shall comply with all other conditions of the license.

**5. OTHER LIMITATIONS ON ADMISSIONS.** (a) Persons requiring unavailable services. Persons who require services which the facility does not provide or make available shall not be admitted or retained.

(b) Communicable diseases. Restriction. No person suspected of having a disease in a communicable state shall be admitted, unless the facility has the means to manage the condition.

(c) Destructive residents. Residents who are known to be destructive of property, self-destructive, disturbing or abusive to other residents, or suicidal, shall not be admitted or retained, unless the facility has the capability to use sufficient resources to appropriately manage and care for them.

(d) Developmental Disabilities.

(1) No person who has a developmental disability may be admitted to a facility unless the facility is certified as an intermediate care facility for the mentally retarded, except that a person who has a developmental disability and who requires skilled nursing care services may be admitted to a skilled nursing facility.

(2) Except in an emergency, no person who has a developmental disability may be admitted to a facility unless the county department under s. 46.23, 51.42 or 51.437 Stats., of the individual's county of residence has recommended the admission.

(e) Mental Illness. Except in an emergency, no person who is under age 65 and has a mental illness as defined in Sec. 51.01(13) may be admitted to a facility unless the county department under Sec. 46.23, 51.42 or 51.437, Stats., of the individual's county or residence has recommended the admission.

(f) The availability of an appropriate room.

(g) The availability of appropriate staff.

(6) The foregoing list of limitations upon admission is not exhaustive. Park View may consider other factors as may be deemed appropriate. Admission will be conducted seven (7) days a week. A person shall be admitted when an application is processed, approved and all requirements are met.

**(7) PROCEDURES FOR ADMISSION, DISCHARGE AND TRANSFER OF RESIDENTS.**

Procedures for admission, transfer and discharge of residents shall be governed by the provisions of Wisconsin Administrative Code chapters HFS 132.52 and 132.53, and any subsequent amendments thereto.

**(8) RATES.** (a) Private Pay. Resident rates shall be established by the Park View Health Center Committee of the Winnebago County Board of Supervisors consistent with the cost of care and operation of Park View Health Center. These rates may be adjusted periodically by the Committee if conditions warrant. Park View Health Center will provide thirty (30) days written notice of change.

(b) Private Pay. One month payment of the established rate for the resident's care shall be payable in advance upon approval of the applicant's admission to Park View Health Center. All subsequent payments shall be made one month in advance. Accounts that are not settled by the fifteenth (15) of the month shall be considered delinquent.

(c) Refunds will be made based upon the actual number of days in residence. Residents will not be charged for a day of discharge. Refunds may take up to thirty (30) days to process.

(d) Medical Assistance (Title XIX). Rates established by the State for Title XIX reimbursement shall be utilized.

(e) Medicare (Title XVIII). Prospective Payments Systems (PPS). Per diem rates established by federal government shall be utilized.



BE IT FURTHER ORDAINED by the County Board of Supervisors of the County of Winnebago that this Ordinance shall take effect on the date following the date of publication.

Submitted by,  
PARK VIEW HEALTH CENTER COMMITTEE

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

**RESOLUTION NO. 11-42010: Authorize Sheriff's Department to Accept Homeland Security Grant of \$9,920 and Apply Funds to Program Expenses**

WHEREAS, the Sheriff's Department has applied for and been awarded a Homeland Security Grant of \$9,920; and

WHEREAS, the Winnebago County Sheriff's Department has been designated as a host agency for a State Regional SWAT Team; and

WHEREAS, this grant would give the Sheriff's Department the ability to purchase specialized tactical equipment that is on a state list of recommended standardized equipment for the Regional SWAT Teams; and

WHEREAS, the purchased equipment will be available for other SWAT teams in the Region for their utilization.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Sheriff's Department to accept a Homeland Security Grant of \$9,920 and appropriates the funds to the purchase of equipment for the SWAT team.

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

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

**RESOLUTION NO. 12-42010: Authorize Public Health Department to Accept \$4,000, Wisconsin Department of Transportation Car Seat Grant and Apply the Funds to Program Expenditures.**

WHEREAS, the Public Health Department has applied for and been awarded a \$4,000 Wisconsin Department of Transportation Car Seat Grant for 2010; and

WHEREAS, the purpose of the program is to attain a higher level of highway safety for infants and toddlers; and

WHEREAS, it would be beneficial to the residents of Winnebago County to accept and use this grant funding.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Public Health Department to accept a \$4,000 Wisconsin Department of Transportation Car Seat Grant and apply the funds to the purchase of car seats for qualified residents.

Submitted by:  
BOARD OF HEALTH  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Sievert and seconded to adopt. CARRIED BY VOICE VOTE. (Supervisor Reinert voted nay.)

**RESOLUTION NO. 13-42010: Request Membership and Authorize Participation in Mississippi Valley Health Services Commission**

WHEREAS, the membership of the Mississippi Valley Health Services Commission ("the Commission") currently consists of La Crosse County, Sauk County, Monroe County, Richland County, Vernon County, Chippewa County, Crawford County, Marinette County, Juneau County, Rock County, and Trempealeau County; and

WHEREAS, the Commission was formed for the purpose of, among other things, transferring legal and operational responsibility for the Medicaid certified nursing home facility known as Lakeview Health Center located in La Crosse County ("Lakeview") to a multicounty collaboration governed under Wis. Stats. S. 66.031; and

WHEREAS, the Winnebago County Board of Supervisors agrees that it is in the best interests of Winnebago County to enter into an Intergovernmental Cooperation Agreement with the Commission based upon the needs of Winnebago County residents, especially those who exhibit severe behavioral issues and are not suited for care within normative nursing homes, as it relates to the superior care and treatment afforded to residents at

Lakeview, which care and treatment would potentially be available to residents of Winnebago County if it enters into the aforementioned Agreement; and

WHEREAS, this resolution is intended to authorize Winnebago County to request membership in the Commission and appoint a member of the Winnebago County Board of Supervisors to act as the member representative, as is more particularly set forth in the Intergovernmental Cooperation agreement, if the application for membership is approved by the Commission.

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors as follows:

1. Winnebago County hereby agrees to enter into the Intergovernmental Cooperation Agreement if approved for membership in the Mississippi Health Services Commission and authorizes the appropriate Winnebago County officials to execute the Agreement on behalf of Winnebago County.
2. Winnebago County hereby authorizes the Winnebago County Executive to appoint a representative to act on behalf of Winnebago County as a member of the Commission consistent with the terms and conditions of the Intergovernmental Cooperation Agreement.
3. That upon acceptance for membership in the Commission, it is hereby authorized that Winnebago County shall pay to the Commission the amount of \$5,000 as a membership fee to join this collaboration.

BE IT FURTHER RESOLVED, that funds to cover the cost of membership will come from within the 2010 Human Services budget.

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

Motion by Supervisor Rengstorf and seconded to adopt. Ayes: 33. Nays: 1 – Reinert. CARRIED.

At 7:40 p.m., Chairman Albrecht called for a brief recess. The Board reconvened at 7:45 p.m.

#### **RESOLUTION NO. 14-42010: Support Legislation to Repeal the 1992 Tax Levy Rate Limit on Counties**

WHEREAS, Wisconsin Legislature, in 1992, posed a tax levy rate limit on counties; and

WHEREAS, several counties are presently at risk of being unable to increase their tax levy, and may possibly have to reduce their tax levy, because of the inter-play of tax levy rate limits and a shrinking equalized real estate tax valuation; and

WHEREAS, many of the counties at risk have never adopted a county sales tax or adopted a county sales tax prior to the adoption of the tax levy rate limit; and

WHEREAS, Wisconsin counties are presently under two separate tax levy restraints, those being the 1992 tax levy operating rate limit and the provisions of Section 66.0602, Wisconsin Statutes, which is often referred to as the tax levy freeze; and

WHEREAS, nearly half the counties in Wisconsin have equalized property values that are shrinking, with recent data from the Wisconsin Realtors Association suggesting that the average market value of Wisconsin homes may have dropped by more than 7% in 2009; and

WHEREAS, the continuation of said tax levy rate limits will have a dramatic impact on the 2011 operating budgets of Wisconsin counties.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it supports the repeal of the tax levy rate limits within Section 59.605, Wisconsin Statutes, based upon those factors cited above.

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 the Office of Governor James Doyle; to all Legislators representing constituents within Winnebago County; and to the Wisconsin Counties Association.

Submitted by:  
LEGISLATIVE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Motion by Supervisor Farrey and seconded to refer back to committee. Ayes: 17 - Konetzke, Barker, Eisen, Ramos, Miller, Roh, Smith, Widener, Albrecht, Gabert, Reynolds, Norton, Hegg, Sievert, Farrey, Diakoff and Reinert. Nays: 17 - Swanson, Thompson, Lennon, Hall, Wingren, Jacobson, Warnke, Robl, Eichman, Neubauer, Kline, Locke, Finch, Brennand, Egan, Ellis and Rengstorf. Excused: 1 – Hamblin. LOST.

Vote on Resolution as presented – Ayes: 22. Nays: 11 – Eisen, Roh, Smith, Widener, Albrecht, Gabert, Lennon, Warnke, Hegg, Farrey and Reinert. Abstain: 1 – Ramos. Excused: 1 – Hamblin. CARRIED,

**RESOLUTION NO. 15-42010: Oppose Assembly Bill 644: Establishment of Presumption of Infectious Disease for Certain Public Safety Officers**

WHEREAS, Assembly Bill 644, if adopted, would establish a presumption that any municipal fire fighter, emergency medical service provider, law enforcement officer or correction officer who dies or is disabled as a result of certain infectious diseases and acquired those diseases as a result of the person's employment; and

WHEREAS, such legislation, if adopted, would have a significant negative impact upon the Worker's Compensation budgets of Wisconsin counties; and

WHEREAS, said proposed legislation, if adopted, would extend such presumption, regardless of the length of service of the employee at issue.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby opposes the adoption of Assembly Bill 644.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the Winnebago County Clerk is hereby directed to transmit copies of this resolution to the Office of Governor James Doyle; to all members of the State Legislature representing constituents within Winnebago County; and to the Wisconsin Counties Association.

Submitted by:  
LEGISLATIVE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 14 – Roh, Widener, Albrecht, Gabert, Lennon, Wingren, Robl, Eichman, Locke, Sievert, Diakoff, Brennand, Ellis and Reinert. Nays: 20. Excused: 1 – Hamblin. LOST.

**RESOLUTION NO. 16-42010: Oppose 2009 Senate Bill 466: Regulation of Municipal Self-Insured Health Plans by the State Insurance Commissioner**

WHEREAS, Senate Bill 466 would require regulation by the Wisconsin Office of the Commissioner of Insurance of all government-sponsored, self-insured health plans; and

WHEREAS, this legislation would impose numerous cost-prohibitive regulations with regard to said plans, which would lead to higher health costs and/or a possible reduction in benefits for beneficiaries of these plans which, in turn, would lead to an increase in taxes to offset said costs; and

WHEREAS, compliance with the annual reporting requirements would be cost-prohibitive in terms of staffing and time for plan sponsors; and

WHEREAS, said legislation would require an undue burden upon municipalities sponsoring said plans.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby opposes the adoption of 2009 Senate Bill 466.

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 the Office of Governor James Doyle; to all Legislators representing constituents within Winnebago County; and to the Wisconsin Counties Association.

Submitted by:  
LEGISLATIVE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 30. Nays: 3 – Swanson, Reynolds and Finch. Abstained: 1 – Farrey. Excused: 1 – Hamblin. CARRIED.

**RESOLUTION NO. 17-42010: Support Adoption of Senate Bill 399/Assembly Bill 605: Support the Creation of a Joint Powers Authority to Increase Local Economic Activity**

WHEREAS, in response to continued challenges facing the state and national economies, local governments must continually work to identify and implement innovative ways to jump start economic activity in communities across Wisconsin; and

WHEREAS, increasing access to local cost capital for businesses that seek to expand or locate in Wisconsin encourages economic development and job creation; and

WHEREAS, reducing the cost to local governments for necessary investments in public infrastructure projects preserves state resources and creates savings for Wisconsin taxpayers; and

WHEREAS, under current law, Wisconsin local governments may issue federally tax-exempt municipal bonds for public purposes, conduit bonds for private projects that serve a public benefit, and Midwest Disaster Assistance bonds and bonds authorized under the American Recovery & Reinvestment Act to encourage economic development; and

WHEREAS, the process of issuing tax-exempt bonds are complex and expensive and, in cases of private conduit issuances, requires long-term monitoring of the debt to insure the preservation of tax-exempt status; and

WHEREAS, devoting limited staff and financial resources towards complex bond issues can be cost-prohibitive to local governments who are under increasing pressure to provide more services with fewer funds; and

WHEREAS, Senate Bill 399/Assembly Bill 605 clarifies current Wisconsin law, which already allows local units of government to enter into such partnerships and authorizes the creation of a joint powers authority which can act at the request of Wisconsin local governments to issue conduit bonds for private entities engaged in public benefit projects; issue municipal revenue bonds for public purposes; and, create market leverage through cooperative institutional relationships; and

WHEREAS, the creation of a joint power authority is necessary to reduce the cost of financing public projects, increase local communities' access to additional financing options for private projects for public benefit and reduce local governments' liability in private activity bond issuances; and

WHEREAS, joint powers authority will create investment economics of scale for small public or private projects that may not otherwise have access to low-cost, tax-exempt bond markets due to their size; and

WHEREAS, a joint powers authority will also create greater awareness of and access to additional financial resources for local governments and eligible businesses in Wisconsin through local financing programs as well as programs at WHEDA, WHEFA and the state Department of Commerce; and

WHEREAS, all responsibility for repayment of private activity bonds and related interest lies with the project owner, not the local governmental unit; and, membership in the Commission is voluntary and free of charge to every Wisconsin local unit of government; and

WHEREAS, by streamlining issuance processes and creating efficiencies for local governmental issuers, the joint powers authority will save local entities and eligible private borrowers millions of dollars and other valuable staff resources by providing a one-stop resource that coordinates complicated issuance and post-issuance activities; and

WHEREAS, Senate Bill 399/Assembly Bill 605 is supported by the Wisconsin Counties Association, the League of Wisconsin Municipalities, the National Association of Counties and the National League of Cities.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby supports Senate Bill 399/Assembly Bill 605.

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 the Office of Governor James Doyle; to all legislators representing constituents within Winnebago County; and to the Wisconsin Counties Association.

Submitted by:  
LEGISLATIVE COMMITTEE

WITHDRAWN by Supervisor Kline.

**RESOLUTION NO. 18-42010: Support Delayed Implementation of Farmland Preservation Rezoning Conversion Fee**

WHEREAS, Winnebago County has participated in the Wisconsin Farmland Preservation Program since 1982 and has resulted in the preservation of productive agricultural land and allowed farmers to collect tax credits since 1982; and

WHEREAS, the governing statute, Wisconsin Statutes Chapter 91, remained largely unchanged for nearly 30 years until Governor Doyle and the Department of Agricultural, Trade and Consumer Protection (DATCP) proposed revisions (known as the Working Lands Initiative) to Chapter 91 in Assembly Bill 75, the proposed state budget; and

WHEREAS, Assembly Bill 75 was signed into law as 2009 Wisconsin Act 28 on June 29, 2009, and revised Chapter 91 to require landowners to pay a conversion fee beginning on January 1, 2010 when they rezone their land from our Exclusive Agricultural zoning district to any other zoning district, whether or not they ever farmed the land or ever collected farmland preservation tax credits; and

WHEREAS, Chapter 91 requires all counties to update their farmland preservation plan over the next 5 years and, within one year after plan adoption, requires counties to update their exclusive agricultural zoning ordinances to maintain certification for tax credit eligibility; and

WHEREAS, Chapter 91 imposes the rezoning conversion fee effective January 1, 2010, based on existing plans, ordinances and zoning maps, without the benefit of an updated farmland preservation plan or ordinance; and

WHEREAS, charging the conversion fee is a burden on property owners who are not farmers, whose land is not currently being farmed, and who never collected farmland preservation tax credits in past; and

WHEREAS, delaying implementation of the conversion fee until after revised plan and ordinance adoption and certification allows counties and land owners time to properly address all the planning and zoning requirements of the new Working Lands Program.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby requests that legislation be introduced and passed to delay the implementation of the farmland preservation rezoning conversion fee under Wisconsin Statutes SS 91.48(1)(b) until a county updates its farmland preservation plan and zoning ordinance, and the plan and ordinance are certified by DATCP.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the Winnebago County Clerk transmit a copy of this resolution to the Office of Governor James Doyle, to all Legislators representing constituents within Winnebago County, to the State Senate Committee on Agriculture and Education, the State Assembly Committee on Agriculture, DATCP Secretary Rod Nilsestuen, to all County Clerks of Wisconsin counties with exclusive agricultural zoning and the Wisconsin Counties Association.

Submitted by:  
 LEGISLATIVE COMMITTEE  
 PLANNING & ZONING COMMITTEE

Motion by Supervisor Brennand and seconded to adopt. Ayes: 33. Nays: 1 – Ramos. Excused: 1 – Hamblin. CARRIED.

**ORDINANCE NO. 19-42010: Amend Chapter 7 of the General Code of Winnebago County (Traffic Code)**

WHEREAS, the Winnebago County Highway Committee has recommended a variety of amendments to Chapter 7 of the General Code of Winnebago County; and

WHEREAS, said amendments would clarify the existing ordinance as well as raise permit fees so as to reflect actual costs of operation of the Winnebago County Highway Department.

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

That the following Sections of Chapter 7 of the General Code of Winnebago County be amended to read as follows:

**7.10 UTILITY PERMITS UPON WINNEBAGO COUNTY TRUNK HIGHWAYS.**

- (7) Permit required to install or reinstall or reconstruct utility ...
  - (b) Applications for permits to install, reinstall or reconstruct utilities shall be applied for at the Winnebago County Highway Commission, 901 W. County Road Y, Oshkosh, WI, upon forms to be provided by the Winnebago County Highway Commission.
  - (c) Fees for utility permits shall be as follows:

Application Fee .....	\$ 75.00
In addition to Application Fee –	
Boring Fee.....	\$100.00
Open Cut Fee .....	\$500.00
Permit to Close Road (per day) .....	\$300.00
Trenching parallel to right-of-way (per lineal foot)	\$ .10
Suspension of lines from poles, towers or	
Plowing of lines (per Lineal foot)	\$ .05

**1. Definitions:**

- a) Boring – Where a circular hole is drilled under the road without disturbing the road surface.
- b) Open Cut – the cutting of a trench or an opening across a road surface.
- c) Plowing – The threading of an electrical or telecommunications line into the soil by the use of a mechanical device specifically designed for that purpose with minimal disturbance to the soil surface.
- (d) Permits shall be issued only in the name of the owner of the property upon which utility installation or reinstallation is to occur.

**Section 7.11 PERMIT FOR OPERATION OF OVERSIZE VEHICLES UPON COUNTY TRUNK.**

(6) **Definitions** (a) **Oversized Vehicle** means any vehicle which is over-wide, over-high, over-long or over-weight in contravention of Sections 348.05, 348.06, 348.07 or 348.15, Wisconsin Statutes.

(b) A fee of \$100.00 shall be assessed by the Highway Commission to those making application for the issuance of a permit for the operation of an overweight, over-height, over-width or over-length vehicle upon Winnebago County Highways.

(8) **DENIAL OF APPLICATION. ...**

(a) When operation of such a vehicle is likely to interfere with the safety of those persons utilizing Winnebago County Trunk Highways. ...

**7.14 DRIVEWAY ACCESS TO COUNTY TRUNK HIGHWAYS.** (1) This Ordinance is adopted pursuant to the authority granted under Sections 59.03 and 66.07(2), Wisconsin Statutes and shall apply to all designated and undesignated County Trunk highways in Winnebago County.

**(7) PERMIT REQUIRED TO CONSTRUCT OR RECONSTRUCT DRIVEWAY, ....**

(h) A non-refundable charge shall be assessed by the Commission to those making application for the issuance of a permit for the construction or reconstruction of an entrance or departure upon a Winnebago County Trunk Highway. Said fee shall cover the cost of administration and inspection. A charge shall also be assessed for the removal of an illegally placed access. Fees shall be determined using the following schedule:

1.	Local Road (as defined in Sec. 7.14(6)(d))	
	Access:	\$600.00
2.	All other accesses	
	No culvert required	\$150.00
	Culvert required	\$350.00
3,	Blacktopping of access	\$ 50.00
4.	Permits applied for subsequent to installation of access in Non-compliance with this ordinance.....	\$800.00
5.	Permits applied for subsequent to Blacktopping of access.....	\$150.00
6.	Removal of illegally placed driveway	Actual Cost
7.	Highway Department to perform work in Right-of-way for the property owner....	\$350.00

BE IT FURTHER ORDAINED by the County Board of Supervisors of the County of Winnebago that the above amendments to said Ordinances shall take effect as of May 23, 2010.

Submitted by:  
HIGHWAY COMMITTEE

WITHDRAWN BY Supervisor Robl.

**RESOLUTION NO. 20-42010: Amend the Table of Organization for Winnebago County Clerk of Court's Office**

WHEREAS, the current Table of Organization for the Winnebago County Clerk of Court's Office identifies one (1) full-time Secretary II position, which is currently vacant; and

WHEREAS, the Clerk of Courts desires to re-classify one (1) full-time Secretary II position [Hourly paid represented position, Courthouse Labor Agreement Pay Range 3A (\$12.58 to \$18.35 per hour)] to be one (1) full-time Court Assistant [Hourly paid represented position, Courthouse Labor Agreement Pay Range 4 (\$12.96 to \$20.71 per hour)] to better serve the needs of the Clerk of Court's Office and the citizens of Winnebago County as well as reduce overtime; and

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that the Table of Organization for the Winnebago County Clerk of Court's Office is amended to change one (1) full-time Secretary II position to be one (1) full-time Court Assistant position. The job descriptions for both positions are attached hereto and are made a part of this resolution by reference.

Submitted by,  
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 33. Nays: 1 – Swanson. Excused: 1 – Hamblin. CARRIED.

**RESOLUTION NO. 21-42010: Support 2009 Senate Bill 406/Assembly Bill 598**

WHEREAS, 2009 Senate Bill 406/Assembly Bill 598, if enacted, would implement a number of requirements and regulations in relationship to snowmobile use within the State of Wisconsin; and

WHEREAS, the features of said bill are as follows:

- A. It would make snowmobile registration a one-time event unless a transfer of the snowmobile occurred;
- B. It would require the use of an annual trail use sticker to ride on snowmobile trails within the State of Wisconsin;
- C. It would establish a two-tier trail use sticker fee of \$34.25 for non-association of Wisconsin Snowmobile Club members and \$14.25 for Association of Wisconsin Snowmobile Club members, effective July 1, 2010;

- D. It would authorize the Association of Wisconsin Snowmobile Clubs to be the vendor for resident snowmobile club trail use stickers and allow that club to recoup its administrative costs with regard to the sale of said stickers;
- E. The trail stickers would become the basis for snowmobile trail preparations, rather than registration fees;
- F. It would eliminate the sunset provision on nighttime 55 mph speed limits for snowmobiles;
- G. It would establish appropriations for state law enforcement, alcohol education and for state trails for the next two fiscal years;
- H. It would create an absolute sobriety standard for operators of snowmobiles under the legal drinking age; and
- I. It would double the penalties for intoxicated snowmobilers if a minor under the age of 16 is riding on the snowmobile; and

WHEREAS, the Legislative Committee of the Winnebago County Board of Supervisors supports the passage of this legislation.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby indicates its support for the passage of 2009 Senate Bill 406/Assembly Bill 598.

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 the Office of Governor James Doyle; to all Legislators representing constituents within Winnebago County; and to the Wisconsin Counties Association.

Submitted by:  
LEGISLATIVE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 33. Nays: 1 – Rengstorf. Excused: 1 – Hamblin. CARRIED.

**ORDINANCE NO. 22-42010: Create Section 16.05(1)(e) of the General Code of Winnebago County (Establish Regulations for Holding Tanks at Large Festivals)**

WHEREAS, the Winnebago County Planning and Zoning Committee recommends the adoption of Section 16.05(1)(e) of the General Code of Winnebago County in that it will:

- A. Promote the installation upon festival/event grounds of a septic system more suitable for such events than is permitted under the current Ordinance;
- B. Address situations that are unique to Winnebago County that are not addressed by the State Plumbing Code or current Winnebago County Sanitary Ordinance; and
- C. Reduce the potential for a human health hazard caused by a septic system failure due to overload.

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

That Section 16.05(1)(e) of the General Code of Winnebago County be amended to read as follows:

16.05 HOLDING TANKS. ...

(1)(e) The installation and use of holding tanks, or alternative systems as approved by Wisconsin Department of Commerce and Winnebago County as a private sewage system for festival or event grounds is permitted regardless of whether there is a suitable site that allows for the installation of a private sewage system that provides onsite treatment and disposal of domestic wastewater. In addition to complying with all applicable provisions of the Wisconsin Administrative Code, the holding tank installation shall comply with the following:

- (1) The festival or event shall provide evidence, typically in the form of ticket sales or recorded gate attendance, that the festival or event has exceeded an attendance of more than 100,000 for five (5) or more consecutive years.
- (2) Grounds shall be owned or bound by a lease with a term of ten (10) or more years, with the festival or event utilizing the grounds.
- (3) The property owner shall provide written approval of the holding tanks or alternative system installation prior to permit issuance.
- (4) Influent flows to the holding tank(s) shall be metered in accordance with Wis. Admin. Code Ch. 83.54(2)(d). The water meter shall include a remote reading device for each meter. The remote reader(s) shall be mounted in a conspicuous location on the exterior of the building(s) served by the holding tank(s) and shall have a numerical display of gallons used to the nearest 100 gallons.
- (5) Inspection, evaluation, maintenance, and servicing reports, including water meter readings, shall be submitted to the Department within thirty (30) calendar days from the date of inspection, evaluation, maintenance, or servicing.
- (6) Holding tanks shall be abandoned in accordance with Wis. Admin. Code Ch. 83.33 at the time the lease expires, the property is sold, or municipal sewer becomes available.
- (7) Financial Security for Removal. For each tank installed, a minimum \$5,000 (Five thousand dollar) bond, letter of credit, or other similarly approved financial guarantee shall be filed with the County at the time of permit

application and shall be maintained until the lease of the property expires, property is sold, municipal sewer becomes available, or at a time that is mutually agreed to by the applicant or owner and the County.

BE IT FURTHER ORDAINED by the County Board of Supervisors of the County of Winnebago that this Ordinance shall take effect on the date following the date of the publication of said Ordinance.

Submitted by:  
PLANNING & ZONING COMMITTEE

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

**RESOLUTION NO. 23-42010: Oppose Assembly Bill 448**

WHEREAS, Assembly Bill 448, if adopted, would have a negative effect upon the budget of the Winnebago County Sheriff's Department in relationship to recouping the costs of prescription drugs and services from incarcerated persons.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it opposes adoption of Assembly Bill 448 by the Wisconsin Legislature.

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 the Office of Governor James Doyle, to all Legislators representing constituents within Winnebago County and to the Wisconsin Counties Association.

Submitted by:  
LEGISLATIVE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 31. Nays: 1 – Swanson. Abstain: 2 – Ramos and Farrey. Excused: 1 – Hamblin. CARRIED.

**RESOLUTION NO. 24-42010: Lake Management Protection and Ordinance Development Grant: Shoreland Zoning Ordinance Revision**

WHEREAS, Sec. 59.52(19) Wis. Stats. empowers the County Board to accept donations, gifts, or grants of money for any public governmental purpose within the powers of the County; and

WHEREAS, Wisconsin's shoreland protection program is codified in Chapter NR 115, Wisconsin Administrative Code; and

WHEREAS, Revisions to Chapter NR 115, Wisconsin Administrative Code were adopted in November 2009, were officially published in January 2010, and are in full force and effect from and after February 1, 2010; and

WHEREAS, Wisconsin Counties have two years, from February 1, 2010, to update their shoreland development rules to be consistent with or exceed Wisconsin's rules; and

WHEREAS, Winnebago County is responsible for the regulation of the use and development of unincorporated shoreland areas and is required to update its shoreland development rules to be consistent with or exceed Wisconsin's rules; and

WHEREAS, Wisconsin Department of Natural Resources Lake Management and Protection and Ordinance Development Grant funds are currently available for development or amendment of local regulations to ensure consistency with new NR115 regulations, with counties eligible to apply by May 1st of each year for such a grant, with the grant award not to exceed \$5,000 and to be for no more than 75% of project cost, with required county match of 25%.

NOW THEREFORE BE IT RESOLVED, That the Winnebago County Board of Supervisors formally requests financial assistance from the Wisconsin Department of Natural Resources "Lake Management Protection and Ordinance Development Grant Program" for the purpose of development or amendment of Winnebago County shoreland development rules.

BE IT FURTHER RESOLVED, That the Winnebago County Planning Director, subject to oversight by the Planning & Zoning Committee, is hereby authorized to act on behalf of Winnebago County and:

- Complete and submit a grant application.
- Sign all documents and take necessary action to accept the grant and complete the proposed project.
- Ensure that Winnebago County will meet the financial and all other obligations of the grant.

Submitted by:  
PLANNING & ZONING COMMITTEE

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

Motion by Supervisor Robl and seconded to adjourn until Tuesday, May 4, 2010 at 6:00 p.m. CARRIED BY VOICE VOTE.



The meeting was adjourned at 8:25 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 27, 2010.

Susan T. Ertmer  
Winnebago County Clerk