

**WINNEBAGO COUNTY BOARD MEETING
TUESDAY, AUGUST 16, 2011**

Chairman David Albrecht called the meeting to order at 6:00 p.m. in the County Board Room, Fourth Floor, Courthouse, and 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, Hamblin, Albrecht, Gabert, Swanson, Thompson, Lennon, Reynolds, Hall, Wingren, Jacobson, Norton, Warnke, Robl, Singstock, Neubauer, Kline, Locke, Hegg, Finch, Sievert, Farrey, Diakoff, Brennand, Egan, Ellis, Rengstorf and Kriescher.
Excused: Widener and Englebert.

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

PUBLIC HEARING

Donna Lohry, 511 West Bent Avenue, Oshkosh, spoke in opposition to Ordinance No. 276-82011, "Amend Sections 19.24 and 19.25 of the General Code of Winnebago County to Reflect the Elimination of Swimming Activities at the Community Park Swim Beach and Establish the Beach House as a Pavilion Available for Day Rentals."

COMMUNICATIONS, PETITIONS, ETC.

A card from Ann Nelson, thanking the Board for her commendation resolution and the history book she received, was read to the Board.

Resolution No. 27—2011-12 from Outagamie County regarding legislation that will, "require a law enforcement officer to have a federal agency or person authorized by a federal agency, determine whether a person who is arrested for or charged with a crime or civil violation is lawfully present in the state if the officer has reasonable suspicion that the person is not lawfully present", was referred to the Legislative Committee.

Notice of Claim from AT&T for damage to a pedestal and cable near 4670 County Road F caused by a Highway Department mower was referred to the Personnel & Finance Committee.

Notice of Claim from Maria A. Rees for damage to her vehicle caused by wet painted road lines on County Road M was referred to the Personnel & Finance Committee.

Petition for Zoning Amendment Donald R. and David W. Tigert, Town of Nekimi, for a zoning change for tax parcel no. 012-0636(p) from A-1 to A-2 for an existing single-family home was referred to the Planning & Zoning Committee.

REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS

Supervisor Eisen commended Executive Harris on the award he will be receiving from the Wisconsin Alliance for Retired Americans for his service to the community.

Supervisor Eisen also reported on his attendance at the WCA's Judiciary & Public Safety Steering Committee meeting on July 22. He stated that the steering committee chose not to support the WCA's position to oppose the conceal carry law. Instead, they proposed exceptions to conceal carry in parks and public transit. Supervisor Eisen also stated that the steering committee recommended opposition to AB 173, "which requires proof of immigration status for individuals charged with crimes which could lead to the overflow of county jails." In addition, the steering committee opposed criminalizing first offense operating while intoxicated (OWIs) with BAC over .15.

Supervisor Eisen also reported on his attendance at the Government Grants and Program Assistance Conference, which was hosted by Congressman Tom Petri at Moraine Park Technical College in Fond du Lac. He attended four breakout sessions where he learned more about the process of attaining government and private foundation grants.

Supervisor Egan thanked all the Board members who took time to come to the county fair. He also thanked those who participated in judging at the fair.

Supervisor Egan recognized and thanked Loren Dieck of the Parks Department for the outstanding job he did helping with the fair this year.

Supervisor Kline reported that the Legislative Committee will be meeting on Monday, August 22 at 8:30 a.m. at the Coughlin Center.

Supervisor Lennon reported that Chapter 252 will be holding their second annual pancake breakfast/open house at Wittman Airport from 9:00 a.m. to 11:00 a.m. on Saturday, September 20. There will be free airplane rides for children, airport businesses will have displays, and there will be lots of aircraft on display. There will also be an aircraft simulator for kids to "fly". Supervisor Lennon encouraged everyone to attend.

Motion by Supervisor Finch and seconded to approve the proceedings from the July 19, 2011 County Board meeting. Supervisor Miller noted that his name was missing from the list of supervisors who were present at the

meeting and that Supervisors Widener, Wingren and Diakoff were listed as both present and excused. The county clerk will make that correction to the proceedings. Proceedings as corrected – CARRIED BY VOICE VOTE.

COUNTY EXECUTIVE'S REPORT

Executive Harris reported that the changes in equalized values released by the State of Wisconsin this week showed good news and bad news for Winnebago County. The good news is that Winnebago County had one of the ten best changes in equalized value, but the bad news is that it still only gives the county a .1% increase in property values. Executive Harris explained that this will put pressure on the county's budgeting process for some time.

Executive Harris expressed his support of:

- Resolution No. 275-82011: Authorize the Construction of a Highway Department Satellite Facility in the Town of Winchester at CTH II and STH 45, and Appropriate \$426,160 to the Project to be Funded Partially by the Highway Department Fund Balance and the Balance Through a Bond Issue
- Ordinance No. 276-82011: Amend Sections 19.24 and 19.25 of the General Code of Winnebago County to Reflect the Elimination of Swimming Activities at the Community Park Swim Beach and Establish the Beach House as a Pavilion Available for Day Rentals

COUNTY BOARD CHAIRMAN'S REPORT

County Board Chairman reported that Supervisors Widener and Englebort are excused from tonight's meeting.

ZONING REPORTS & ORDINANCES

REPORT NO. 001. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant, David Viaene; and property owner Bindi LLC c/o Chandrakant B. Patel, Town of Menasha; for a zoning change to B-3(HB) for tax parcel no. 008-0145-03. Motion by Supervisor Brennand and seconded to accept. CARRIED BY VOICE VOTE. (Supervisor Locke abstained.)

AMENDATORY ORDINANCE NO. 08-01-11. A requested zoning change from B-3 (General Business) to B-3(HB) (General Business-Highway Business overlay). Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Supervisor Locke abstained.) (Effective date – September 9, 2011)

RESOLUTIONS AND ORDINANCES

RESOLUTION NO. 275-82011: Authorize the Construction of a Highway Department Satellite Facility in the Town of Winchester at CTH II and STH 45, and Appropriate \$426,160 to the Project to be Funded Partially by the Highway Department Fund Balance and the Balance Through a Bond Issue

WHEREAS, a Satellite Highway Department Facility is needed in the Town of Winchester at the intersection of CTH II and STH 45 in order to be able to respond immediately to emergency situations on state, county, and local highways west of USH 41; and

WHEREAS, the satellite shop would allow the Highway Department to deliver winter and routine maintenance services in a more efficient and economical manner; and

WHEREAS, the satellite shop has been included in Winnebago County's 5-Year Capital Improvements Program for several years and has been let to bid for construction in 2011; and

WHEREAS, the Winnebago County Board of Supervisors supports the construction of a Highway Department Satellite Facility in Winchester; and

WHEREAS, projected increases in vehicular travel in this segment of Winnebago County will continue to put pressure on the Highway Department to respond to emergency situations as quickly as possible, both to prevent and to address emergency situations.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates \$425,160 to a project to construct a Highway Department Satellite Facility in Winchester with the project being funded with \$138,405 from the Highway Department Fund Balance and the remaining \$286,755 with the issuance of a bond.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the \$286,755 portion to be funded with the issuance of a bond be transferred from the Winnebago County General Fund to the Highway Satellite Winchester Facility Capital Project Fund, with the General Fund being reimbursed upon receipt of the issuance of the bond.

Submitted by:
HIGHWAY COMMITTEE
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Robl and seconded to approve. Ayes: 32. Nays: 2 – Hegg and Brennand. Excused: 2 – Widener and Englebort. CARRIED

ORDINANCE NO. 276-82011: Amend Sections 19.24 and 19.25 of the General Code of Winnebago County to Reflect the Elimination of Swimming Activities at the Community Park Swim Beach and Establish the Beach House as a Pavilion Available for Day Rentals

WHEREAS, in following with the recommendations expressed by both the Parks and Recreation Committee and the Ad Hoc Committee to study beach programming options, it is appropriate to discontinue the practice of facilitating swimming activities at the Community Park Swim Beach and to hereafter redirect usage of the facility towards another purpose; and

WHEREAS, it has been determined that the most practical function of the beach facility would be to serve as a park pavilion to be made available for day rentals; and

WHEREAS, comparison of the fees applied to similar facilities and services located in other municipalities demonstrates the appropriateness of instituting a separate fee category from the charges applied at each of the existing park shelters.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that effective January 1, 2012, Section 19.24 FEES AND CHARGES, (2) (a) and (b), and (3) of the General Code of Winnebago County be amended to reflect the establishment of the Pavilion rental facility in place of the former Community Park Beach House (Service Center) and that Section 19.24 (2) (a) and (b), & (3) thereafter read as follows:

19.24 FEES AND CHARGES:

(1) No person shall use any facility, land, or area for which a fee has been established by the Committee without payment of such fee.

(2) The following fees shall apply for the reserved use of picnic shelter buildings at the Community Park:

(a) COMMUNITY PARK FEE SCHEDULE

Facility	Group Size	Weekday Charge	Weekend Charge
Shelters 1 & 2	Up to 150	\$40.00	\$50.00
	151 – 300	\$70.00	\$70.00
	301 – 1000	\$130.00	\$130.00
	Over 1000	\$210.00	\$210.00
Shelters 3 & 4	Up to 50	\$30.00	\$35.00
	50 - 150	\$40.00	\$50.00
	151 – 300	\$70.00	\$70.00
	301 – 1000	\$130.00	\$130.00
Pavilion	Up to 150	\$110.00	\$135.00
	151 – 300	\$170.00	\$170.00
	301 – 1000	\$210.00	\$210.00
	Over 1000	\$255.00	\$255.00
Open Air	Small Groups	\$10.00	\$10.00

(b) A security deposit of not less than ~~\$25.00~~ \$100.00 may be required at the discretion of the Parks Director.

(3) The availability for partial or full rental of the Community Park ~~Service Center~~ Pavilion shall be at the discretion of the Director and shall be a negotiated price with a minimum charge starting at ~~\$15.00~~ \$30.00 for the initial hour of use.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that Section 19.25 BEACHES (1) (a) of the General Code of Winnebago County be amended to reflect the elimination of swimming activities at the former Community Park Swim Beach and that Section 19.25 thereafter read as follows:

19.25 ~~BEACHES~~ WATERFRONT AREAS:

(1) No person in a park shall:

(a) Swim, bathe, or wade in any waters or waterways in or adjacent to any park, ~~except in such waters and at such places in which swimming is specifically permitted and in compliance with such regulations as are herein set~~

~~forth or may be adopted thereafter unless written permission has been granted by the Parks Director and/or Parks Committee.~~

Submitted by:
PARKS AND RECREATION COMMITTEE

WITHDRAWN by Supervisor Finch.

RESOLUTION NO. 277-82011: Authorize the Finance Department to Extend the Audit Contract of Schenck Business Solutions for the 3-year Period Including 2011, 2012, and 2013

WHEREAS, Winnebago County contracted with Schenck Business Solutions to perform Winnebago County's annual audit and provide consulting services for the years 2008, 2009, and 2010; and

WHEREAS, Winnebago County has been very satisfied with the work Schenck Business Solutions has provided; and

WHEREAS, Schenck Business Solutions and the Winnebago County Finance Department desire to renew the audit contract for another 3-year period to include 2011, 2012, and 2013; and

WHEREAS, Schenck Business Solutions has offered to do the audits for the 3-year period at the rates and percent changes listed below:

Year	Total Fees	Percent Change From Last Year
2011	\$ 76,000	-0.39%
2012	\$ 76,750	0.99%
2013	\$ 77,500	0.98%

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Finance Department to extend the contract with Schenck Business Solutions to provide audit and consulting services to Winnebago County at the prices listed above for the years 2011, 2012, and 2013.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the Winnebago County Finance Department will include such fees in the annual budgets for audits of years 2011, 2012, and 2013.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 33. Nays: 0. Abstain: 1 – Finch. Excused: 2 – Widener and Englebert. CARRIED.

RESOLUTION NO. 278-82011: Authorization to Proceed with Contract to Form and Join Income Maintenance Administration Consortium

WHEREAS, under current law, pursuant to § 49.78, Wis Stats, the State Department of Health Services (“DHS”) has delegated certain duties and responsibilities related to the administration of the Income Maintenance Program to counties; and

WHEREAS, under current law, §§ 46.031 and 49.78, Wis Stats, require Winnebago County to enter into a contract with DHS for the provision of Income Maintenance Program administration services; and

WHEREAS, as part of the Governor’s budget proposal for the 2011-2013 biennium, 2011 Assembly Bill 40, the Governor proposed that beginning in calendar year 2012, responsibility for administration of the Income Maintenance Program be transferred from counties to DHS; and

WHEREAS, counties across Wisconsin registered objections to the Governor’s proposal and offered an alternative whereby counties would work cooperatively in creating regional consortia, which would be responsible for Income Maintenance Program administration services; and

WHEREAS, counties offered the Legislature an alternative to the Governor's complete DHS takeover of Income Maintenance Program administration, which proposal allowed, among other things, for the creation of consortia over the course of the 2011-2013 biennium and a gradual phase-in of consortia-based contracts to replace the individual county contracts for Income Maintenance Program administration services; and

WHEREAS, the Legislature's Joint Committee on Finance accepted the counties' alternative proposal, in part, and rejected the complete DHS takeover of Income Maintenance Program administration services; and

WHEREAS, 2011 Wisconsin Act 32, the Biennial Budget Bill, modifies current law relating to the authorization for DHS to enter into contracts with individual counties in relation to Income Maintenance Program administration services and, instead, authorizes the formation of county-based regional consortia and further authorizes the consortia to enter into a contract with DHS related to the provision of the services; and

WHEREAS, 2011 Wisconsin Act 32 specifically provides that ". . . each county with a population of less than 750,000 shall participate in a multicounty consortium that is approved by the department. . ." and, Further, that ". . . [b]y October 31, 2011, the department shall approve multicounty consortia. . .;" and

WHEREAS, 2011 Wisconsin Act 32 further provides that "[t]he department may not approve more than 10 multicounty consortia. . .;" and

WHEREAS, 2011 Wisconsin Act 32 further provides that "[i]f a county with a population of less than 750,000 does not participate in a multicounty consortium or the department determines that a multicounty consortium does not satisfy the department's performance requirements, the department shall assume responsibility for administering income maintenance programs in that county or in the geographical area of the multicounty consortium. . .;" and

WHEREAS, 2011 Wisconsin Act 32 further provides that, without regard to whether a county chooses to allow DHS to take over Income Maintenance Program administration services or join a consortium that will provide the services, Winnebago County is required to maintain a tax levy contribution to the system at an amount not less than the amount contributed in 2009; and

WHEREAS, as a result of 2011 Wisconsin Act 32, Winnebago County is faced with a choice of either fully relinquishing all responsibility for Income Maintenance Program administration services to DHS or joining a multi-county consortium consistent with the requirements established in 2011 Wisconsin Act 32; and

WHEREAS, Winnebago County believes it to be in the best interests of the citizens and employees of Winnebago County to join a multi-county consortium related to the provision of Income Maintenance Program administration services consistent with the requirements established in 2011 Wisconsin Act 32; and

WHEREAS, joining a multi-county consortium for purposes of the provision of Income Maintenance Program administration services will require that Winnebago County enter into a contract or series of contracts with the other counties that make up the consortium; and

WHEREAS, the contracts with other counties will establish, among other things, the following: (1) financial responsibility for the consortium; (2) financial accountability among consortium members; (3) individual county responsibilities related to the provision of services; (4) methods for service level accountability among consortium members; and (5) overall responsibility for the contract that will be entered into by and among the multi-county consortium and DHS; and

WHEREAS, the intent of this Resolution is to authorize the Winnebago County Executive to enter into any and all contracts or other documents necessary to create, form, authorize and/or operate the multi-county consortium of which Winnebago County will be a member; and

WHEREAS, this Resolution shall be interpreted liberally in favor of authorizing the Winnebago County Executive to take all actions necessary to effectuate the intent of this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors, that Winnebago County does hereby declare its intent to join a multi-county consortium led by Outagamie County consistent with the requirements set forth in 2011 Wisconsin Act 32.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors, that Winnebago County hereby authorizes its County Executive to enter into any and all contracts or other documents necessary to create, form, authorize and/or operate the multi-county consortium of which Winnebago County will be a member.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors, that Winnebago County hereby authorizes its County Executive to take any and all actions necessary to effectuate the intent of this Resolution.

Submitted by:
HUMAN SERVICES BOARD
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt.

Motion by Supervisor Eisen and seconded to amend the resolution as follows:

- delete lines 78 & 79 and lines 90 to 92
- at the end of line 88 add, "with the advice and consent from the county board"

Supervisor Hall noted that Line 83 needed to be corrected by deleting "led by Outagamie County". Chairman Albrecht stated it was appropriate to make that change at this time.

Supervisor Eisen amended his motion by changing the wording of the amendment to line 88 to “subject to the approval of the County Board”.

Vote on Supervisor Eisen’s amendment – Ayes: 10 – Konetzke, Eisen, Ramos, Roh, Gabert, Lennon, Norton, Hegg, Sievert and Farrey. Nays: 24. Excused: 2 – Widener and Englebert. LOST.

Supervisor Norton wanted it noted for the record that there wasn’t a Human Service Board on this resolution. Supervisor Hall stated that the Human Services Board did not vote on the exact wording of this resolution, but voted on a similarly worded resolution.

After further discussion on this issue, Chairman Albrecht stated that they would leave the Human Services Board’s vote listed on the resolution. Chairman Albrecht stated that he understood Supervisor Norton’s position, but he made his decision based on the fact that in the past resolutions that have come out of committee are reworded before they get to the County Board.

Vote on Resolution as corrected– Ayes: 29. Nays: 3 – Konetzke, Eisen and Ramos; Abstained: 2 – Hegg and Farrey, Excused: 2 – Widener and Englebert. CARRIED.

RESOLUTION NO. 279-82011: Disallow Claim of Wisconsin Public Service

WHEREAS, your Personnel and Finance Committee has had the claim of Wisconsin Public Service referred to it for attention; and

WHEREAS, your Committee has investigated the claim and recommends disallowance of same by Winnebago County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the claim of Wisconsin Public Service, dated June 9, 2011, be and the same is hereby disallowed for the reason that there is no basis for liability on the part of Winnebago County.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 280-82011: Disallow Claim of AT&T

WHEREAS, your Personnel and Finance Committee has had the claim of AT&T referred to it for attention; and
WHEREAS, your Committee has investigated the claim and recommends disallowance of same by Winnebago County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the claim of AT&T, dated May 17, 2011, be and the same is hereby disallowed for the reason that there is no basis for liability on the part of Winnebago County.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 281-82011: Commendation for Cheryl Cain

WHEREAS, Cheryl Cain has been employed with the Winnebago County Department of Human Services for the past thirty-nine (39) years, and during that time has been a most conscientious and devoted County employee; and
WHEREAS, Cheryl Cain 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 is hereby extended to Cheryl Cain for the fine services she has rendered to Winnebago County.

BE IT FURTHER RESOLVED that the Winnebago County Clerk send a copy of this Resolution to Cheryl Cain.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

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

Motion by Supervisor Robl and seconded to adjourn until Tuesday, September 6, 2011. CARRIED BY VOICE
VOTE.

The meeting was adjourned at 7:03 p.m.

Submitted by:
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 August 16, 2011

Susan T. Ertmer
Winnebago County Clerk