

**WINNEBAGO COUNTY BOARD MEETING
TUESDAY, DECEMBER 17, 2013**

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: Koneczke, Englebert, Eisen, Ramos, Roh, Smith, Widener, Albrecht, Gabert, Thompson, Olson, Gilson, Hardy, Wingren, Lautenschlager, Norton, Warnke, Robl, Singstock, Neubauer, Turner, Locke, Hegg, Finch, Youngquist, Farrey, Rasmussen, Brennand, Egan, Ellis, Snider and Kriescher. Excused: Barker and Tews. (There is one vacancy on the Board.)

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

PUBLIC HEARING

No one from the public addressed the Board.

COMMUNICATIONS AND PETITIONS

Notice of Claim from Amanda Kreilkamp for Kreilkamp Trucking, Inc. for damage to one of their tarps and tarp support was referred to the Personnel and Finance Committee.

Notice of Claim from Attorney Scott D. Metz for Mark Michelic for injuries sustained in an accident at the Winnebago County Solid Waste Recycling/Transfer Station was referred to the Personnel and Finance Committee.

Taylor County – Resolution #73 – “A resolution requiring creation of a new nonpartisan procedure for the preparation of Legislative and Congressional redistricting plans” was referred to the Legislative Committee.

Outagamie County – Resolution #115-2013-14 – “to support legislation updating state criminal law and state regulatory provisions concerning prescription drugs and controlled substances in order to facilitate and encourage the operation of community drug disposal programs and other similar programs throughout Wisconsin” was referred to the Legislative Committee.

Outagamie County – Resolution #116-2013-14 – “to support legislation allowing all levels of EMT’s and first responders to be trained to administer naloxone” was referred to the Legislative Committee.

Outagamie County – Resolution #117-2013-14 – “would require individuals to show proper identification when picking up Schedule II or III narcotic/opiate prescription medication” was referred to the Legislative Committee.

Outagamie County – Resolution #114-2013-14 – “support legislation in which a person may not be prosecuted for possessing naloxone or for administering or delivering naloxone to another person if he or she administered naloxone to the other person with the good faith belief that the other person was suffering from an overdose or an adverse reaction to a controlled substance or a controlled substance analog and that it was necessary to deliver or administer the naloxone in order to save the other person’s life” was referred to the Legislative Committee.

Petition for Zoning Amendment from Martin Finn for Parcel #012-0367 in the Town of Nekimi to change from A2/B3 Farming to I1 Farming/Recreation was referred to the Planning and Zoning Committee.

REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS

Supervisor Egan distributed Financial Reports from the 2013 Winnebago County Fair created by Phillips Tax and Accounting. He also reported that the fair is selling Calendar Raffles again this year.

Supervisor Hegg reported of the passing of Milo “Mike” Jovanovich, the Treasurer of the Tri-County Ice Arena Board of Directors. Supervisor Hegg commented on an e-mail received from Doug Church, Director of Communications National Air Traffic Controllers Association regarding comments made at the Budget Hearings.

Supervisor Brennand reported that there will not be a Legislative meeting in December.

Motion by Supervisor Robl and seconded to approve the October 28, 29 and 30, 2013 Budget Session Proceedings and November 12, 2013 proceedings. Chairman Albrecht stated that a correction needed to be made to the Budget Session minutes. On pages 209 and 216, it is listed as Resolution #227; it should be Resolution #277. CARRIED BY VOICE VOTE.

COUNTY EXECUTIVE’S REPORT

Executive Harris spoke in favor of Resolution #261-92013 – “Approving Winnebago County Human Resources Policy Manual”. The hope is to seek uniformity in all associations. Timing is critical to pass this resolution regarding the freezing of accumulation of sick days for represented employees.

COUNTY EXECUTIVE'S APPOINTMENTS

HUMAN SERVICES BOARD

Executive Harris asked for the Board's approval of his appointment of Donna Lohry, Ronald Kuehl and Robert Patterson to the Human Services Board. Their terms will expire on December 31, 2016.

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

LOCAL EMERGENCY PLANNING COMMISSION

Executive Harris asked for the Board's approval of his appointment of Barti Omarou, Frank Bell and Gordy Ledioyt to the Local Emergency Planning Commission. Their terms will expire on December 31, 2016.

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

WINNEFOX LIBRARY SYSTEM BOARD OF TRUSTEES

Executive Harris asked for the Board's approval of his appointment of Carol Codner, Alex Hummel and Christine Kaup to the Winnefox Library System Board of Trustees. Their terms will expire on December 31, 2016.

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

COUNTY BOARD CHAIRMAN'S REPORT

Chairman Albrecht announced that Supervisor Barker was excused from tonight's meeting.

Chairman Albrecht announced the changing of dates for some County Board meetings. Changes are as follows: February 11, 2014 – Regular Business Meeting; April 15, 2014 – Organizational Meeting and April 22, 2014 – Regular Business Meeting.

COUNTY BOARD CHAIRMAN'S APPOINTMENT

Chairman Albrecht stated that Elizabeth Irish will not be filling the position of District 6 Supervisor. A new candidate has come forward to be interviewed.

ZONING REPORTS & ORDINANCES

REPORT NO. 001. A report from the Planning & Zoning Committee regarding requests from the Towns of Utica and Vinland to amend the Land Use Plan by adding the following parcels to the Farmland Preservation portion of that plan. Those parcels are: 026-0162-01; 024-0681, 024-0166, 024-0520, 024-0521-01, 024-0523, 024-0526, 024-0529-01, 024-0493, 024-0559-01, 024-0562-01, 024-0753-02 & 024-0409. Motion by Supervisor Brennand and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 12-01-13. A requested zoning change from the Towns of Utica and Vinland to include the above-listed parcels in the Farmland Preservation portion of the county's Land Use Plan. Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date: January 3, 2014)

AMENDATORY ORDINANCE NO. 2. A request from the Town of Clayton to approve the revision and recodification of their zoning ordinance. Motion by Supervisor Farrey and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date: January 3, 2014)

AMENDATORY ORDINANCE NO. 3. A request from the Town of Clayton on behalf of Robert Lemke for a zoning change from R-1 to A-2 for tax parcel 006-0405-01. Motion by Supervisor Farrey and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date: January 3, 2014)

AMENDATORY ORDINANCE NO. 4. A request from the Town of Clayton on behalf of Christopher Clauson for a zoning change from R-1 to P-1 for tax parcel 006-0535-03. Motion by Supervisor Farrey and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date: January 3, 2014)

AMENDATORY ORDINANCE NO. 5. A request from the Town of Clayton on behalf of Donald Kossel and Robert & Janis Williamsen for a zoning change from R-1 & A-1 to A-1 & R-1 for tax parcel nos. 006-0823 & 006-0823-03. Motion by Supervisor Farrey and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date: January 3, 2014)

AMENDATORY ORDINANCE NO. 6. A request from the Town of Clayton on behalf of Scott Sedo for a zoning change from R-2 to R-1 for tax parcel 006-1242. Motion by Supervisor Farrey and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date: January 3, 2014)

AMENDATORY ORDINANCE NO. 7. A request from the Town of Clayton on behalf of Daniel Olson for a zoning change from A-2 to R-1 for tax parcel 006-0186. Motion by Supervisor Farrey and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date: January 3, 2014)

AMENDATORY ORDINANCE NO. 8 – A request from the Town of Wolf River on behalf of various owners requesting zoning changes from A-1 & A-2 to A-2 & A-1 for the following parcels: 032-0019, 032-0020, 032-0122, 032-0108, 032-0133, 032-0104, 032-0172, 032-0370, 032-0366, 032-0367-01, 032-0009-02, 032-0368, 032-0368-01, 032-0370-01,

032-0662-01, 032-0660, 032-0664, 032-0623, 032-0415, 032-0658, 032-0419, 032-0420, 032-0421, 032-0651, 032-0424, 032-0239-01, 032-0239. Motion by Supervisor Kriescher and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date: January 3, 2014)

RESOLUTIONS AND ORDINANCES

RESOLUTION 261-92013: Approving Winnebago County Human Resources Policy Manual

WHEREAS, pursuant to the provisions of 2011 Act 10, terms and conditions of employment other than total base wage increases are no longer subject to collective bargaining for most county employees; and

WHEREAS, although several of Winnebago County's collective bargaining agreements expired December 31, 2012, County management continues to follow much of the language in those agreements since no other County policies covering the same subjects have yet been approved to supersede them; and

WHEREAS, it is necessary and desirable to adopt a new set of policies to govern human resources matters for Winnebago County employees in order to provide guidance to department heads and managers, improve compliance with legal requirements, and management best practices, and to provide an employee grievance procedure as required by Act 10.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves and adopts the attached Winnebago County Human Resources Manual, and the previously approved Handbook of Employment Policies Covering Appointed Non-Represented Employees, as revised in June 2011 pursuant to Resolution Number 253-62011, and the Handbook of Employment Policies Covering Represented Employees of Winnebago County, as revised in March 2011 pursuant to Resolution Number 252-62011, are hereby rescinded and repealed.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Roh and seconded to approve. Supervisor Farrey asked for an amendment to the motion to approve this resolution, asking that Section 7.07 be separated and brought forth as a separate policy. Seconded by Supervisor Roh. Discussion ensued regarding firearms. Vote on amendment. Ayes: 10 – Konezke, Ramos, Roh, Smith, Wingren, Singstock, Neubauer, Hegg, Finch, Farrey. Nays: 23. Absent: Barker and Tews, 1 Vacancy. LOST.

Vote on Resolution: Ayes – 33, Nays – 0, Absent – Barker and Tews, 1 Vacancy. CARRIED.

RESOLUTION 282-122013: Disallow Claim of the Town of Vinland

WHEREAS, your Personnel and Finance Committee has had the claim of the Town of Vinland 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 the Town of Vinland, filed with the County Clerk on October 10, 2013, 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 Roh and seconded to approve. CARRIED BY VOICE VOTE.

RESOLUTION 283-122013: Disallow Claim of Christin M Richards

WHEREAS, your Personnel and Finance Committee has had the claim of Christin M Richards 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 Christin M Richards, filed with the County Clerk on October 30, 2013, 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 Roh and seconded to approve. CARRIED BY VOICE VOTE.

RESOLUTION 284-122013: Appropriate \$300,000 to the telephone system replacement project, funding to come from the technology replacement fund.

WHEREAS, the County has a telephone system with an integrated voice mail system; and
WHEREAS, in February 2013, funding of \$93,450 was approved to replace the voice mail component; and
WHEREAS, it was later determined that it would be best to purchase a voice mail system/telephone system together because of the integration between the two; and

WHEREAS, the telephone system was scheduled for replacement in 2014/2015 through the Technology Replacement Fund because the system has reached the end of its life and will no longer be supported; and

WHEREAS, the 2014 component of the telephone system replacement was included in the 2014 Budget which the County Board has adopted; and

WHEREAS, it was decided to spread the impact of the telephone system replacement over a two-year period with the funding to come from the Technology Replacement Fund, and

WHEREAS, it is not possible to enter into a contract to purchase a telephone system in 2014 without the other portion of the cost being approved, and

WHEREAS, any unspent funds from the telephone system component of the project will revert back to the Technology Fund balance.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates \$300,000 from the Technology Replacement Fund to cover the remainder of costs to replace Winnebago County's telephone system.

Submitted by:
INFORMATION SYSTEMS COMMITTEE
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Smith and seconded to approve. Ayes: 31. Nays: 2 – Hegg and Farrey; Absent: 2 - Barker and Tews (1 Vacancy). CARRIED.

RESOLUTION 285-122013: Transfer \$115,000 to the Miscellaneous Unclassified Cost Center to Cover Overages in the "Labor" and "Other Operating Expense" Categories

WHEREAS, sick leave payouts had previously been charged to individual county departments from which the retired or long-term employee terminated; and

WHEREAS, these departments often have budget overruns from when the budgets are prepared because of the difficulty of anticipating terminations or retirements; and

WHEREAS, rather than have individual departments over-budget this expense because of its unpredictability, it makes more sense to charge these costs to one cost center; and

WHEREAS, the Finance Department changed the accounting for this expense during 2013, yet the budget did not reflect this bookkeeping change; and

WHEREAS, it is now necessary to transfer funds from the Salary Contingency Fund to cover this budget overage; and

WHEREAS, the "Other Operating Expense" category in the Miscellaneous Unclassified cost center is over budget because of a change in how the Finance Department is accounting for investment management fees; and

WHEREAS, these fees were previously netted against investment income in the financial records; and

WHEREAS, accounting for the investment management fees separately was desirable so that the Finance Department could track County spending for this service; and

WHEREAS, because this bookkeeping change occurred after the 2013 Budget was adopted, the 2013 Budget does not reflect this cost in the Miscellaneous Unclassified cost center; and

WHEREAS, the 2013 Budget needs to be adjusted to reflect this change.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates \$53,000 from the Salary Contingency Fund to the Labor category in the Miscellaneous Unclassified cost center of the 2013 Budget to cover the overage related to sick leave payouts.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates \$62,000 from the General Fund "Undesignated Fund" balance to the "Other Operating Expense" category of the Miscellaneous Unclassified cost center to cover the overage related to the accounting for investment management fees.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION 286-122013: Authorize the Finance Director to Write Off Old Uncollectible Accounts Receivable.

WHEREAS, the Finance Department collects accounts receivable using a process that includes internal billing and collection efforts; dunning letters and the commencement of law suits through the office of Corporation Counsel; the use of a collection agency; and tax intercept; and

WHEREAS, once accounts reach a certain age without successful collection, it is best to remove them from the accounting system; and

WHEREAS, the process of writing off old accounts does not forgive the debt but only allows the Finance Department to remove them from the accounting system; and

WHEREAS, the uncollected accounts still remain at the County's contracted collection agency and efforts continue to be made to collect the accounts; and

WHEREAS, removing the accounts from the accounting system allows the Finance Department to maintain a cleaner, more efficient, system.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Finance Department to incorporate the attached policy for the write-off of accounts receivable.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION 287-122013: Authorize Granting a Temporary Limited Easement to Town of Menasha (While Completion of Grading Work on Arena Drive Near Tri-County Ice Arena)

WHEREAS, the Town of Menasha is presently involved in the reconstruction of the existing Arena Drive from East Shady Lane to Trailsway Lane, which involves removing the existing asphalt pavement and aggregate base; installing storm sewers, concrete curb and gutter, and new aggregate base; installation of new asphalt pavement; removal of existing driveway culverts; and filling roadway ditches. This work is scheduled to be completed during Summer 2014; and

WHEREAS, as part of this project, grading work is proposed outside of the Town of Menasha's right of way on private property. This grading work, will allow transitioning or blending from the existing property to the newly constructed roadway; and

WHEREAS, in order for the Town of Menasha to complete the grading work, an easement is required from the property owner; and

WHEREAS, the grading work is being proposed to benefit the property owner for aesthetic and maintenance purposes; and

WHEREAS, the temporary limited easement would terminate once the project is completed; and

WHEREAS, your undersigned Committee has unanimously voted to support the granting of a temporary limited easement to the Town of Menasha for the purposes stated above.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Executive and the Winnebago County Clerk to grant a temporary limited easement to the Town of Menasha for grading and maintenance work on Arena Drive, from East Shady Lane to Trailsway Lane, for those purposes described above. A copy of the temporary limited easement is attached to this Resolution herewith and made a part thereof by reference.

Submitted by:
FACILITIES AND PROPERTY MANAGEMENT COMMITTEE

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

RESOLUTION 288-122013: Authorize Five-Year Cooperative Service Agreement Between Winnebago County and Wisconsin Department of Natural Resources (WDNR) and United States Department of Agriculture (USDA)/Animal Plant Health Inspection Service, Wildlife Services (APHIS WS)

WHEREAS, the Black Bear, Canada Goose, White-tailed Deer, and Wild Turkey populations in portions of Winnebago County are at levels that may cause damage to agricultural and forest crops; and

WHEREAS, the producer's costs of production of agricultural and forest crops have increased substantially over time; and

WHEREAS, § 29.889, Wis Stats, and NR12, Wis Admin Code provide a State funded Wildlife Damage Abatement and Claims Program (WDACP) to reimburse participating producers for crop losses caused by certain wildlife; and

WHEREAS, administrative participation is required of Winnebago County to make its land eligible for the WDAP; and

WHEREAS, Winnebago County will be reimbursed by WDNR for all associated costs incurred in the administration and implementation of the WDACP; and

WHEREAS, Winnebago County may, through formal agreement, cooperate with APHIS WS and ESNR to make the WDACP available to eligible producers.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Land and Water Conservation Department/Land Conservation Committee to enter into a five (5)-year Cooperative Service Agreement with the Wisconsin Department of Natural Resources (WDNR) and the United States Department of Agriculture (USDA)/Animal Plant Health Inspection Service, Wildlife Services (WPHIS WS) for the Administration and Implementation of Wildlife Damage Abatement and Claims Program (WDACP).

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the revenue and expenses associated with this Program continue to be included within the appropriate accounts in the Land and Water Conservation Department Annual Budget.

Submitted by:

LAND CONSERVATION COMMITTEE

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

RESOLUTION 289-122013: Authorize Ten (10)-Year Lease Agreement Between Winnebago County and a Limited Liability Corporation Owned by Carl Boucher (MEG Unit Office Space)

WHEREAS, the Fox Valley MEG Unit is a multi-jurisdictional police agency provided with the responsibility of investigating drug-related crimes in the Fox Valley Region; and

WHEREAS, as part of the multi-jurisdictional agreement establishing the MEG Unit, Winnebago County is responsible for providing office space to the MEG Unit; and

WHEREAS, because of the confidential nature of the MEG Units' duties, it is important that the location of the MEG Unit offices not be disclosed to the general public; and

WHEREAS, the location of the MEG Unit's current offices has become known to some members of the general public, thus placing those who work in the MEG Unit offices in potential jeopardy; and

WHEREAS, as a result of this disclosure, the present lease agreement between Winnebago County and the present Lessor of office space to the MEG Unit has been terminated effective March 31, 2014; and

WHEREAS, the MEG Unit has reached a proposed ten (10)-year agreement with Carl Boucher for rental space in the Fox Valley area. The name of the Corporation controlled by Mr. Boucher providing the rental space and the exact location of the rental space is being kept confidential so as to not endanger the safety of those individuals working in that office; and

WHEREAS, the initial proposed lease cost is \$3,300.33 per month, plus real estate taxes and property insurance, as well as snow removal and landscape maintenance charges. Presently, these charges would add an extra \$.65 per square foot annually to the lease cost, thus, the lease cost for this space for 2014 would add an estimated \$541.67 per month to the lease for an annual monthly cost of approximately \$3,874.00; and

WHEREAS, Winnebago County would be granted two additional five-year options upon the leasehold property; and

WHEREAS, your undersigned Committee has reviewed the proposed Lease Agreement and has approved the proposed terms of the Lease Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Executive and Winnebago County Clerk to execute a lease between Winnebago County and Carl Boucher on behalf of a limited liability corporation controlled by Mr. Boucher, for a ten (10) year period for a leasehold containing approximately 10,000 square feet to be occupied by the Fox Valley MEG Unit. A copy of this Lease Agreement is available for review in the Office of the Corporation Counsel for Winnebago County.

Submitted by:

FACILITIES AND PROPERTY MANAGEMENT COMMITTEE

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

Motion by Supervisor Robl and seconded to adjourn until Tuesday, January 7, 2014. CARRIED BY VOICE VOTE.

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

Submitted by:
Julie Barthels
Deputy Winnebago County Clerk

State of Wisconsin)
County of Winnebago) ss

I, Julie Barthels, 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 17, 2013.

Julie Barthels
Deputy Winnebago County Clerk