

**WINNEBAGO COUNTY BOARD OF SUPERVISORS MEETING  
TUESDAY, MAY 19, 2020**

Chairman Shiloh Ramos called the ZOOM virtual meeting of the Board to order at 6:00 P.M. from the Winnebago County Administration Building at 112 Otter Avenue, Oshkosh, Wisconsin.

The meeting was opened with the Pledge of Allegiance and the invocation by Supervisor Locke.

The following Supervisors were present: 36 - Konetzke, Brunn, Borchart, Eisen, Ramos, Defferding, Lenz, Neuhoﬀ, Nussbaum, Spellman, Albrecht, Gabert, Binder, Konrad, Schorse, Bolante, Gordon, Wingren, Lautenschlager, Norton, Warnke, Zellmer, Schellenger, Buck, Powers, Locke, Wise, Finch, Youngquist, Farrey, Rasmussen, Keller, Egan, Ellis, Snider and Joas.

Motion by Supervisor Albrecht and seconded by Supervisor Eisen to adopt the agenda for tonight’s meeting. CARRIED BY VOICE VOTE.

**PUBLIC HEARING**

The following persons spoke in support of Resolution No. 020-052020 – “Authorize a Taxation District to Waive Interest on Property Tax Payment Installments Due on or After April 1, 2020”:

- Mark Rohloff, City of Oshkosh Manager, 215 Church Avenue, Oshkosh
- Russ Van Gompel, City of Oshkosh, 215 Church Avenue, Oshkosh
- Mayor Dean Kaufert, City of Neenah, 211 Walnut Street, Neenah
- Matt Mugerauer, City of Oshkosh Council, 1701 Bernheim Street, Oshkosh

The following persons spoke in support of Zoning April Report No. 004 and Amendatory Ordinance No. 04-04-20 regarding the Harve and Rene M. Ross property, Town of Omro, tax parcel no. 016-0371-05:

- Attorney Charles Hertel, 4489 Sand Pit Road, Oshkosh
- Eric Wagner, 4314 Stonegate Court, Oshkosh
- Harve Ross, 3871 County Road FF, Omro
- Wally Wagner, 2216 North Haven Lane, Oshkosh
- Brian Seaman, 3569 Sand Pit Road, Oshkosh
- Glenn Anklam, 4375 Reighmoor Road, Omro
- Anthony Potratz, 3866 County Road FF, Omro
- Sunday Wagner, 4314 Stonegate Court, Oshkosh

**COMMUNICATIONS and PETITIONS**

The following correspondence was presented to the board by Susan Ertmer, County Clerk:

- Protest Petition from Debra Rupnow, representing Town of Omro property owners who are objecting to proposed zoning Ordinance No. 04-04-2020 for a zoning change from B2 Community Business District to B3 General Business District for tax parcel no. 016-0371-05
- Zoning Petitions:
  - No. 001 – Town of Clayton; tax parcel no. 006-0519-03(p); was referred to the Planning and Zoning Committee
- Resolutions from Other Counties:
  - Florence County – Resolution #2020-11 – Emergency Declaration for Covid-19 was referred to the Legislative Committee.
  - LaCrosse County – Resolution #65-3/20 – In Support of the Wisconsin Opportunity Act (SB467, AB508) was referred to the Legislative Committee

**REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS**

Supervisor Wingren reported the next Judiciary and Public Safety Committee meeting will be held on Monday, June 8, 2020. Request for County Board rule changes should be submitted to him no later than May 31.

Supervisor Eisen reported on his attendance to the Emergency Management Committee virtual meeting held on Monday, May 4. A shout out to the three-member staff to procure and distribute personal protection equipment to hospitals and nursing homes. They also supplied pens and sanitizers to election polling places. The new mobile command post is ahead of schedule, delivery date could be as early as July.

Supervisor Gabert reported that the Bureau of Aeronautics has reanalyzed the amount of money for the new airport terminal. The County will be receiving an extra \$250,000.00 for the building.

Supervisor Egan reported there will be a Legislative Committee meeting at the end of June.

Supervisor Farrey reported that the Winnebago County Land Conservation Department has completed their Land and Water Resource Management Plan. Public hearings have been held. The State of Wisconsin needs to approve it, then it will be brought back to the Winnebago County Board.

Motion by Supervisor Albrecht and seconded by Supervisor Norton to approve the proceedings from the March 17, 2020 business meeting, April 21, 2020 first Organizational meeting and the April 28, 2020 business meeting. CARRIED BY VOICE VOTE.

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

Executive Harris spoke in opposition of the following resolution:

- Resolution No. 020-052020: "Authorize a Taxation District to Waive Interest on Property Tax Payment Installments Due on or After April 1, 2020"

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

County Executive, Mark Harris, asked for the Board's approval of his re-appointment of Paul F. Janty, 1856 Doemel Street, Oshkosh to the Aging & Disability Resource Center Committee. This is a six-year term which will expire May 31, 2026. Motion by Supervisor Powers and seconded by Supervisor Lenz to accept. CARRIED BY VOICE VOTE.

County Executive, Mark Harris, asked for the Board's approval of his re-appointment of Supervisor Larry Lautenschlager to the Oshkosh Library Board. This is a three-year term which will expire May 31, 2023. Motion by Supervisor Powers and seconded by Supervisor Lenz to accept. CARRIED BY VOICE VOTE.

County Executive, Mark Harris, asked for the Board's approval of his re-appointments of Supervisors Tom Snider, Steven Binder and Michael Brunn (Alternate) to the UW-Oshkosh Fox Cities Campus Board of Trustees. These are two-year terms which will expire April 19, 2022. Motion by Supervisor Powers and seconded by Supervisor Lenz to accept. CARRIED BY VOICE VOTE.

County Executive, Mark Harris, asked for the Board's approval of his re-appointment of Cynthia Witt, 1582 Eugene Street, Menasha to the Menasha Library Board. This is a three-year term which will expire April 30, 2023. Motion by Supervisor Powers and seconded by Supervisor Lenz to accept. CARRIED BY VOICE VOTE.

County Executive, Mark Harris, asked for the Board's approval of his re-appointment of Jesse Coates, 300 E. Custer Avenue, Oshkosh to the Winnebago County Housing Authority. This is a five-year term which will expire April 15, 2025. Motion by Supervisor Powers and seconded by Supervisor Lenz to accept. CARRIED BY VOICE VOTE.

County Executive, Mark Harris, asked for the Board's approval of his re-appointments of Supervisor Susan Locke; Gerald Konrad, 1860 White Swan Drive, Oshkosh; and Michael Easker, 211 Walnut Street, Neenah; to the Solid Waste Management Board. These are three-year terms which will expire April 18, 2023. Motion by Supervisor Powers and seconded by Supervisor Lenz to accept. CARRIED BY VOICE VOTE.

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

Chairman Ramos commended and thanked the Winnebago County Public Health Director and his staff for all their efforts during this pandemic.

Chairman Ramos announced that the Committee on Committees meeting will be sometime in June.

Chairman Ramos noted that Wisconsin Counties Association (WCA) Steering Committee Nominations are due by the end of the week.

Chairman Ramos asked Corporation Counsel, Mary Anne Mueller, to review what a "Walking Quorum" is and to review briefly the state law and changes that occurred to "Safer at Home".

Corporation Counsel, Mary Anne Mueller, explained the meaning of the new "Safer at Home" order and what a "Walking Quorum" is.

### **ZONING REPORTS AND ORDINANCES**

April Report No. 001 – Edward T. & Joan M. Kerr – Town of Wolf River. Motion by Supervisor Joas, seconded by Supervisor Defferding to accept. CARRIED BY VOICE.

○ April Amendatory Ordinance No. 04/01/20 – Rezoning from B-2 Community Business to B-3 Regional Business for tax parcel no. 032-0544-02. Motion by Supervisor Joas, seconded by Supervisor Defferding to adopt. CARRIED BY VOICE VOTE. (Effective date: May 27, 2020)

April Report No. 002 – Horseshoe Storage – Town of Algoma. Motion by Supervisor Buck, seconded by Supervisor Defferding to accept. CARRIED BY VOICE VOTE

- April Amendatory Ordinance No. 04/02/20 – Rezoning from R-1 Rural Residential/I-2 Heavy Industrial to I-1 Light Industrial for tax parcel nos. 002-1426, 002-0211-02-01, 002-0211-02 & 002-0211-01. Motion by Supervisor Joas, seconded by Supervisor Snider to approve. CARRIED BY VOICE VOTE. (Effective Date: May 27, 2020)  
April Report No. 003 – Jonmar Investments, LLC – Town of Omro. Motion by Supervisor Egan, seconded by Supervisor Defferding to accept. CARRIED BY VOICE VOTE.
- April Amendatory Ordinance No. 04/03/20 – Rezoning from R-1 Rural Residential/B-3 Regional Business/B-2 Community Business/A-2 General Agriculture to R-1 Rural Residential/B-2 Community Business for tax parcel nos. 016-0363, 016-0362, 016-0365, 016-0363-02 & 016-0361. Motion by Supervisor Ellis, seconded by Supervisor Defferding, to approve. CARRIED BY VOICE VOTE. (Effective Date: May 27, 2020)  
April Report No. 004 – Harve C. & Rene M. Ross – Town of Omro. Motion by Supervisor Ellis, seconded by Supervisor Farrey, to accept. Motion by Supervisor Eisen to refer back to the Planning & Zoning Committee. No second to the motion. Motion by Supervisor Warnke, seconded by Supervisor Defferding to call the question. CARRIED BY VOICE VOTE. Vote on motion to accept report – CARRIED BY VOICE VOTE.
- Amendatory Ordinance No. 04-04-20 – Rezoning from B-2 Community Business to B-3 General Business District for tax parcel no. 016-0371-05. Motion by Supervisor Ellis, seconded by Supervisor Powers to adopt. CARRIED BY VOICE VOTE. (Effective Date: May 27, 2020)
- April Amendatory Ordinance No. 04/05/20 – Town of Clayton on behalf of Tim Wrase to rezone from A-2 General Agricultural District to R-2 Suburban Residential District for tax parcel nos. 006-1337-02, 006-1337-03, 006-1340-01, 006-1340-02, 006-1340-03, 006-1343, 006-1344, 006-1345, 006-1346-01, 006-1346-02, 006-1346-03 & 006-1346-04. Motion by Supervisor Joas, seconded by Supervisor Schorse, to adopt. CARRIED BY VOICE VOTE. (Effective Date: May 27, 2020)
- May Report No. 001 – Terry E. Coats, Gerald R. & Brenda L. Coats – Town of Omro. Motion by Supervisor Ellis, seconded by Supervisor Gabert, to accept. CARRIED BY VOICE VOTE.
- Amendatory Ordinance No. 05/01/20 – Rezoning from R-1 Rural Residential/B-3 Regional Business/B-2 Community Business/A-2 General Agriculture to A-2 General Agriculture for tax parcel nos. 016-0047 & 016-0047-02. Motion by Supervisor Ellis, seconded by Supervisor Gabert, to adopt. CARRIED BY VOICE VOTE.
- May Amendatory Ordinance No. 05/02/20 – Town of Clayton: Amendments to Chapter 9 of the Town of Clayton Zoning Code of Ordinances - Personal Storage Units, Restrictive Overlay District and related Boundary Map. Motion by Supervisor Joas and seconded by Supervisor Gabert approve. CARRIED BY VOICE VOTE. (Effective Date: May 27, 2020)
- May Amendatory Ordinance No. 05/03/20 – Town of Utica on behalf of Diane Egan: Rezoning from R-4 Multiple Family Residential District to R-1 Rural Residential District for tax parcel no. 024-0430-02. Motion by Supervisor Egan, seconded by Supervisor Joas, to approve. CARRIED BY VOICE VOTE. (Supervisor Egan abstained.) (Effective Date: May 27, 2020)
- May Amendatory Ordinance No. 05/04/20 – Town of Vinland on behalf of Mary Tadych: Rezoning from A-2 General Agriculture District to R-1 Rural Residential District for tax parcel no. 026-0495-02. Motion by Supervisor Farrey, seconded by Supervisor Defferding, to approve. CARRIED BY VOICE VOTE. (Effective Date: May 27, 2020)

### RESOLUTIONS AND ORDINANCES

**RESOLUTION NO. 009-052020: Disallow Claim of The General Insurance o/b/o Jeffrey Long**

WHEREAS, your Personnel and Finance Committee has had the claim of The General Insurance o/b/o Jeffrey Long referred to it for review; and

WHEREAS, your Committee has investigated the claim and recommends it be disallowed by Winnebago County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the claim of The General Insurance o/b/o Jeffrey Long, filed with the County Clerk on February 24, 2020, is hereby disallowed since there is no basis for liability on the part of Winnebago County.

Submitted by:  
PERSONNEL & FINANCE COMMITTEE

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

**RESOLUTION NO. 010-052020: Disallow Claim of Mary Jo M. Schroeder**

WHEREAS, your Personnel and Finance Committee has had the claim of Mary Jo M. Schroeder referred to it for review; and

WHEREAS, your Committee has investigated the claim and recommends it be disallowed by Winnebago County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the claim of Mary Jo M. Schroeder, filed with the County Clerk on February 25, 2020, is hereby disallowed since there is no basis for liability on the part of Winnebago County.

Submitted by:  
PERSONNEL & FINANCE COMMITTEE

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

**RESOLUTION NO. 011-052020: Disallow Claim of Progressive Insurance by Artisan and Truckers Casualty Company as Subrogee for Alexander Hussein**

WHEREAS, your Personnel and Finance Committee has had the claim of Progressive Insurance by Artisan and Truckers Casualty Company as Subrogee for Alexander Hussein referred to it for review; and

WHEREAS, your Committee has investigated the claim and recommends it be disallowed by Winnebago County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the claim of Progressive Insurance by Artisan and Truckers Casualty Company as Subrogee for Alexander Hussein, filed with the County Clerk on March 5, 2020, is hereby disallowed since there is no basis for liability on the part of Winnebago County.

Submitted by:  
PERSONNEL & FINANCE COMMITTEE

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

**RESOLUTION NO. 012-052020: Disallow Claim of Heather and Steven Ebert**

WHEREAS, your Personnel and Finance Committee has had the claim of Heather and Steve Ebert referred to it for review; and

WHEREAS, your Committee has investigated the claim and recommends it be disallowed by Winnebago County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the claim of Heather and Steve Ebert, filed with the County Clerk on March 30, 2020, is hereby disallowed since there is no basis for liability on the part of Winnebago County.

Submitted by:  
PERSONNEL & FINANCE COMMITTEE

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

**RESOLUTION NO. 013-052020: Commendation for Daniel Poeschl**

WHEREAS, Daniel Poeschl has been employed with Park View Health Center for the past twenty-nine (29) years, and during that time has been a most conscientious and devoted County employee; and

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

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

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

Submitted by:  
PERSONNEL & FINANCE COMMITTEE

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

**RESOLUTION NO. 014-052020: Commendation for Ruth Sheveland**

WHEREAS, Ruth Sheveland has been employed with the Winnebago County Child Support Agency for the past twenty (20) years, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Ruth Sheveland 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 Ruth Sheveland 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 Ruth Sheveland.

Submitted by:  
PERSONNEL & FINANCE COMMITTEE

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

**RESOLUTION NO. 015-052020: Authorize the Transfer of \$121,000 for Park View Health Center Between Revenue and Expense Categories in Fiscal Year 2019**

WHEREAS, Park View Health Center used contracted agency nursing staff to fill staffing shortages, thus creating an overrun in the professional services account, which was offset by a decrease in labor costs in the amount of \$85,000; and

WHEREAS, there was additional Medicare Advantage revenue received in the amount of \$38,000, which is being used to offset overruns in medical supplies, food and other medical costs. These overruns are mostly due to more complex needs of the residents.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$121,000 for Park View Health Center between revenue and expense categories in fiscal year 2019.

Submitted by:  
PARK VIEW HEALTH CENTER COMMITTEE  
PERSONNEL & FINANCE COMMITTEE

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

**RESOLUTION NO. 016-052020: Authorize Five-Year Contract with AT&T for Centrex Services**

WHEREAS, Winnebago County wishes to renew its contract with AT&T for Centrex Services, used to call out to 911 in elevators, facility alarms lines, faxes, and credit card machine modems for wireless services pursuant to the same terms and conditions as the previous contract, and which is charged to the State of Wisconsin; and

WHEREAS, your undersigned Committee has reviewed said contract and recommends its approval.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the five-year contract with AT&T for Centrex Services as is indicated in the attached contract, incorporated herein by reference and made a part of this Resolution.

Submitted by:  
PERSONNEL & FINANCE COMMITTEE

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

**RESOLUTION NO. 017-052020: Authorize Two-Year Contract with US Cellular (Wireless Service)**

WHEREAS, Winnebago County wishes to renew its contract with U.S. Cellular for wireless services pursuant to the same pricing, which is charged to the State of Wisconsin; and

WHEREAS, your undersigned Committees have reviewed said contract and recommend its approval.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the two-year service contract with U.S. Cellular for Wireless Services as is indicated in the attached contract, incorporated herein by reference and made a part of this Resolution.

Submitted by:  
INFORMATION SYSTEMS COMMITTEE  
PERSONNEL & FINANCE COMMITTEE

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

**RESOLUTION NO. 018-052020: Approve Four Small Multi-Year Certificates Related to Information Security**

WHEREAS, the Winnebago County Information Systems Department configures three secure sockets layer certificates to protect "outside-facing" servers; and

WHEREAS, Dynamsoft is a library related to imaging which requires recompilation of all programs that use it with every renewal; and

WHEREAS, each setup for Dynamsoft and the three secure sockets layer certificates is time-intensive to ensure data is being handled securely; and

WHEREAS, the multi-year options for these four (4) certificates are offered with reduced pricing; and  
WHEREAS, there is no alternative for the desired security.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves the four listed contracts.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that funds to pay for said improvements were budgeted in the Information Systems Department's operational budget.

Submitted by:  
INFORMATION SYSTEMS COMMITTEE  
PERSONNEL & FINANCE COMMITTEE

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

**RESOLUTION NO. 019-052020: Authorize Execution of Airport Ground Lease Between Winnebago County and Dennis Moehn**

WHEREAS, Dennis Moehn, an existing tenant of Wittman Regional Airport, desires to enter into a new ground lease agreement at Wittman Regional Airport to construct a new aircraft storage hangar and associated improvements; and

WHEREAS, the cost of all improvements and maintenance thereof shall be borne by Lessee; and

WHEREAS, the initial term of said lease shall begin on June 1, 2020, and end on May 31, 2020-2040, followed by three option terms of ten (10) years each thereafter; and

WHEREAS, the Aviation Committee believes that said ground lease agreement is in the best interests of Winnebago County and has approved said lease.

WHEREAS, the Personnel and Finance Committee believes that said ground lease agreement is in the best interests of Winnebago County and has approved said lease.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves a ground lease agreement between Winnebago County and Dennis H. Moehn to construct a new aircraft storage hangar and associated improvements, encompassing 7,350 square feet of bare aeronautical use land adjacent to Taxiway Kilo at Wittman Regional Airport pursuant to those terms as stated above. A complete copy of said ground lease is available upon request from the Wittman Regional Airport Manager.

Submitted by:  
AVIATION COMMITTEE  
PERSONNEL & FINANCE COMMITTEE

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

**Amended**

**RESOLUTION NO. 052020: Authorize a Taxation District to Waive Interest on Property Tax Payment Installments Due on or After April 1, 2020**

WHEREAS, in December, 2019, a novel strain of coronavirus known as COVID-19 was detected, and COVID-19 has continued to spread throughout the world, including to the United States and the State of Wisconsin ("COVID-19 Pandemic"); and

WHEREAS, the federal government, state governments, and local governments are working together to contain the further spread of the disease and treat existing cases; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services declared a Public Health Emergency; on March 11, 2020, the World Health Organization declared COVID-19 a pandemic; on March 12, 2020, the Governor of the State of Wisconsin declared a Health Emergency in the State; and on March 20, 2020, Winnebago County, through Winnebago County Executive Mark Harris, declared a local state of emergency pursuant to Chapter 323, Wisconsin Statutes; and

WHEREAS, the federal government has enacted various laws and regulations in response to the COVID-19 pandemic including, without limitation, the Families First Coronavirus Response Act and the Coronavirus Aid, Relief, and Economic Security Act; and

WHEREAS, because of the COVID-19 pandemic, on March 24, 2020, Secretary-designee Andrea Palm of the Wisconsin Department of Health Services issued Emergency Order #12, Safer at Home Order ("Safer at Home Order") requiring that everyone in Wisconsin stay at their home or place of residence, except in limited circumstances, until April 24, 2020; and

WHEREAS, on April 16, 2020, Secretary-designee Palm extended the Safer at Home Order, with certain modifications, to May 26, 2020, pursuant to Emergency Order #28; and

WHEREAS, federal, state, local, and individual responses to the COVID-19 pandemic, and the uncertainty as to the effectiveness of those responses in mitigating the duration of the COVID-19 pandemic, have created economic hardship and uncertainty in the County's business community, households throughout the County, and for every County property taxpayer; and

WHEREAS, prominent economists have predicted record level unemployment rates for the coming months and this prediction suggests that Winnebago County residents will also experience record-level unemployment rates in the coming months, and an unprecedented number of businesses and employers throughout the State and in Winnebago County have been required to suspend operations; and

WHEREAS, in response to the COVID-19 Pandemic, the various federal laws and regulations implemented as a result of the COVID-19 pandemic, and the various emergency orders and regulations implemented by state and local governments, on April 15, 2020, the Wisconsin Legislature enacted 2019 Wisconsin Act 185 ("Act 185"), which Governor Evers signed on April 16, 2020; and

WHEREAS, Section 105(25) of Act 185 authorizes, among other things, the County to adopt a resolution enabling taxation districts in the County to waive interest and penalties on 2020 property tax installment payments due and payable after April 1, 2020, until October 1, 2020; and

WHEREAS, a resolution authorizing the above referenced waiver must also establish criteria for determining hardship that would qualify a property taxpayer for the waiver; and

WHEREAS, Winnebago County's authorization for a taxation district to implement the above referenced waiver is contingent upon a taxation district adopting a resolution in similar form and content as to Winnebago County's resolution; and

WHEREAS, this Resolution (1) serves as Winnebago County's enabling resolution for purposes of Section 105(25) of Act 185; (2) authorizes any taxation district located in Winnebago County to waive interest on installment payments of property taxes due and payable after April 1, 2020, in a manner consistent with Act 185, provided the taxation district adopts a similar resolution and otherwise satisfies all conditions precedent to waiver contained in Act 185 and this Resolution; and (3) declares that all property taxpayers in Winnebago County are experiencing hardship as a result of the economic conditions associated with the COVID-19 pandemic, the various federal laws and regulations implemented as a result of the COVID-19 pandemic, the various emergency orders and regulations implemented by state and local governments, and Act 185; and

WHEREAS, while the plain language of Section 105(25) of Act 185 allows for either a general or a "case-by-case" finding of hardship to qualify for the above-referenced waiver of interest, the County intends, by this Resolution, to authorize a taxation district to waive interest for all property taxpayers in the County otherwise eligible for waiver under Section 105(25) of Act 185 on a finding of general hardship based upon the economic conditions described in this Resolution, which the Board determines has adversely affected all taxpayers in the County; and

WHEREAS, this Resolution is not intended to be construed as authorizing any sort of "case-by-case" finding of hardship by a taxation district.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that, pursuant to Section 105(25) of Act 185, it hereby finds and authorizes the following:

1. Because of the COVID-19 Pandemic, the various federal laws and regulations implemented as a result of the COVID-19 Pandemic, the various emergency orders and regulations implemented by state and local governments, and Act 185, the Board finds that all property taxpayers are experiencing hardship as that term is used in Section 105(25) of Act 185.
2. A taxation district is authorized to waive interest for property taxes payable in 2020 for an installment payment that is due and payable after April 1, 2020. This Resolution authorizes a taxation district to waive interest as provided in Section 105(25) of Act 185 for all property taxpayers in the taxation district such that if a taxation district authorizes the waiver under Section 105(25) of Act 185, it must offer the waiver to all property taxpayers in the taxation district. Notwithstanding the foregoing, nothing in this Resolution authorizes a taxation district to waive interest for property taxes payable in 2020 for an installment payment that was due and payable prior to April 1, 2020, except as otherwise permitted under applicable law.
3. As provided under Section 105(25) of Act 185, the County shall deviate from the settlement procedure set forth in §74.29, Wis. Stat., and instead the County shall settle property taxes and interest collected on or before July 31, 2020, on August 20, 2020, as provided under §74.29(1), Wis. Stats., and settle the remaining unpaid taxes and interest on September 20, 2020. The August 20, 2020, settlement shall be distributed proportionally to the underlying taxing jurisdictions according to payments collected on or before July 31, 2020.
4. Notwithstanding §74.57, Wis. Stats., the County Treasurer is authorized, but not required, to omit from the tax certificate delivered to the County on September 1, 2020, all parcels of real property for which a taxation district has waived interest and penalties as provided in this Resolution.
5. The County Treasurer is directed to consult with the Wisconsin Department of Revenue, all taxation districts in the County, and Corporation Counsel regarding the implementation of this Resolution and the procedures associated with, or contemplated by, this Resolution.
6. Other County officers are authorized and directed to assist the Treasurer in the interpretation, application, and implementation of this Resolution and Section 105(25) of Act 185.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that all actions heretofore taken by the Board and other appropriate public officers and agents of Winnebago County with respect to the matters contemplated under this Resolution are hereby ratified, confirmed and approved.

Submitted by:  
STEPHANIE J SPELLMAN, District 10  
MICHAEL NORTON, District 20  
BRIAN DEFFERDING, District 6  
STEVEN LENZ, District 7

Motion by Supervisor Spellman and seconded by Supervisor Defferding to adopt.

Motion by Supervisor Spellman and seconded by Supervisor Norton to amend the resolution to read as follows: Lines 53 – 56 “WHEREAS, this resolution is intended to help those businesses and households facing severe economic hardship. This resolution implores the citizens of Winnebago County to act in good faith by not abusing the intended purpose of this program which is to provide short term property tax relief and encourages those who are able, to pay their tax installments on the regularly scheduled due dates; and

Lines 63 – 70 “This resolution authorizes taxation districts to waive interest for property taxes as defined in this resolution after the taxpayer signs and returns a form made available by the taxation district to include the language: “I attest, under penalty of law, that I, my immediate family, or my business has experienced financial hardship due to the COVID-19 public health emergency such that paying my property taxes at this time would place significant financial strain on me, my immediate family, or my business. I therefore request a deferment of those taxes, interest, and penalty fees, until October 1, 2020. I understand that my signature on this affidavit, swearing financial hardship under the above defined circumstances, is considered a public record and as such can be requested under a public records request in accordance with Wisconsin’s open government laws.”

Discussion pursued regarding if this resolution could be brought forward by an individual supervisor after it had been discussed at the Personnel and Finance Committee. Motion by Supervisor Snider and seconded by Supervisor Farrey to suspend County Board Rule No. 13.1 to allow further discussion and action of this resolution. Vote to Suspend Rules: AYES: 24; NAYES: 10 – Albrecht, Finch, Gabert, Keller, Konrad, Locke, Nussbaum, Rasmussen, Schorse and Warnke. ABSENT: 2 – Konetzke and Bolante. CARRIED.

After further discussion, Vote on Supervisor Spellman’s amendment: AYES: 6 – Binder, Defferding, Lenz, Neuhoff, Norton and Spellman; NAYES: 28; ABSENT: 2 - Konetzke and Bolante. FAILED.

Vicky Fitzgerald, Director of Finance, offered a friendly amendment to change Line 96 to read “September” instead of “August”.

Corporation Counsel, Mary Anne Mueller, commented that verbiage was omitted from the Wisconsin Counties Association template. Line 38 should read, “Whereas, Section 105(25) of Act 185 authorized, among other things, the County to adopt a resolution enabling taxation districts in the County to waive interest and penalties on 2020 property taxes installment payments due and payable after April 1, 2020, until October 1, 2020”.

Supervisor Spellman noted that she agrees with the friendly amendments offered to the resolution, all Supervisors were in agreement.

Vote on Resolution: AYES: 24; NAYES: 10 – Albrecht, Finch, Gabert, Keller, Konrad, Locke, Nussbaum, Rasmussen, Schorse and Warnke. ABSENT: 2 – Konetzke and Bolante. CARRIED.

Motion by Supervisor Albrecht and seconded by Supervisor Defferding to adjourn until the June 16, 2020 business meeting at 6:00 p.m. The meeting was adjourned at 10:59 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 May 19, 2020.

Susan T. Ertmer  
Winnebago County Clerk