

2nd AMENDMENT

WINNEBAGO COUNTY BOARD OF SUPERVISORS TUESDAY, SEPTEMBER 19, 2017

There will be an Adjourned Meeting of the Winnebago County Board of Supervisors on Tuesday, September 19, 2017, at 6:00 p.m., in the Supervisors' Room, Fourth Floor, Winnebago County Courthouse, 415 Jackson Street, Oshkosh, Wisconsin. At this meeting, the following will be presented to the Board for its consideration:

- Roll Call
- Pledge of Allegiance
- Invocation
- Adopt agenda

- ***Time will be allowed for persons present to express their opinion on any resolution or ordinance that appears on the agenda.***

- Communications, Petitions, etc.
 - Notices of Claim:
 - Trevor and Beth Krueger – damage to driveway after asphalt work was completed by the County Highway Department
 - Jon and Kirby Treleven – damage to driveway after asphalt work was completed by the County Highway Department
 - **Petitions for Zoning Amendments:**
 - **Jeff Eagloski, Town of Wolf River; tax parcel no. 032-0542-02**
 - **Alison Thompson, Town of Nekimi; tax parcel no. 012-0450(part)**
 - Resolutions from Other Counties:
 - Forest County – Resolution No. 28-2017, “Support Legislation to Allow Only Aggrieved Parties to Petition for a Recount...”
 - LaCrosse County – Resolution No. 24-8/17, “Creating a Non-Partisan Procedure for the Preparation of Legislative and Congressional Redistricting Plans ”
 - Outagamie County – Resolution No. 34-2017-18, “Support any Legislation Reducing the Forfeiture to \$100 for Possessing or Attempting to Possess not more than 10 grams of Marijuana....”
 - St. Croix County – Resolution # 34 (2017), “Opposing Sections 52 and 53 of Assembly Bill 456 and Senate Bill 374 Relating to Vehicle Registration Fees”
 - Reports from Committees, Commissions & Boards
 - Approval of the proceedings from the August 15, 2017 county board meeting
 - County Executive's Report
 - County Board Chairman's Report
 - Presentation on Possible Renovations/Modifications to the West Wing of the Current Airport Terminal – Mike Elder, Facilities Director

ZONING REPORTS & ORDINANCES

Report No. 001 – Nicolas and Robyn Schertz – Town of Algoma

Amendatory Ordinance No. 09/01/17 – Rezoning from R-2 Suburban Low Density Residential, Wetland to R-2 Suburban Low Density Residential, Non-Wetland for tax parcel no. 002-3300

Report No. 002 – Winnebago County Planning & Zoning Committee – Winnebago County

Amendatory Ordinance No. 09/02/17 – Land Use Plan Amendment to include a Farmland Preservation Plan as Mandated by Wisconsin State Statutes

Amendatory Ordinance No. 003 – Rick Steckling, Etal, Town of Clayton, Rezoning from A-2 to R-2 for tax parcel no. 006-0670-01

Amendatory Ordinance No. 004 – Jeremy Dassler, Etal, Town of Clayton, Rezoning from R-1 to R-2 for tax parcel nos. 006-0638 & 006-0638-01

Amendatory Ordinance No. 005 – Mark Luebke, Etal, Town of Clayton, Rezoning from R-1 to R-2 for tax parcel nos. 006-1790-03 & 006-1790-04

Amendatory Ordinance No. 006 – Barbara Bombinski, Town of Clayton, Rezoning from R-1 to R-2 for tax parcel nos. 006-0637-01 & 006-0638

RESOLUTIONS AND ORDINANCES

RESOLUTION NO. 189-92017: Disallow Claim of Jason Tesch

Submitted by:

PERSONNEL AND FINANCE COMMITTEE

RESOLUTION NO. 190-92017: Authorize Winnebago County to Become a Member of the Property Assessed Clean Energy (PACE) Commission

Submitted by:
INDUSTRIAL DEVELOPMENT BOARD
PERSONNEL AND FINANCE COMMITTEE

ORDINANCE NO. 191-92017: Create Section 3.15 of the General Code of Winnebago County: Property Assessed Clean Energy (PACE) Financing Ordinance

Submitted by:
PERSONNEL & FINANCE COMMITTEE

ORDINANCE NO. 192-92017: Amend Section 19.24(2)(a) of the General Code of Winnebago County to Reflect Fee Increases in Each Category of the Community Park Shelter Rental Fees Program and Eliminate the Small Group Open Air Shelter Rental Service

Submitted by:
PARKS AND RECREATION COMMITTEE

RESOLUTION NO. 193-92017: Authorize Transfer of \$150,000 from the General Fund Contingency Fund to the Equipment Budget of the Winnebago County Clerk of Courts 2017 Budget for the Purchase of File Shelving to be Installed During the Winnebago County Courthouse Relocation Project

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

RESOLUTION NO. 194-92017: Authorize Borrowing an Amount Not to Exceed \$9,860,000, and Authorize the Issuance and Sale of General Obligation Promissory Notes Therefore

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

RESOLUTION NO. 195-92017: Authorize the Winnebago County Finance Department to Enter Into a 5-Year Contract with Maximus to Prepare Winnebago County's Annual Cost Allocation Plan at a Cost of \$5,500 Per Year

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

RESOLUTION NO. 196-92017: Support Legislation to Allow an Individual Meeting Certain Requirements to File a Petition for Expungement of the Individual's Criminal Record with the Sentencing Court After the Individual Completes a Sentence

Submitted by:
LEGISLATIVE COMMITTEE

RESOLUTION NO. 197-92017: Support Legislation to Maintain Full Funding for the Great Lakes Restoration Initiative

Submitted by:
LEGISLATIVE COMMITTEE

ORDINANCE NO. 198-92017: Adopt Chapter 14 of the General Code of Winnebago County: Illicit Discharge and Illicit Connection Ordinance

Submitted by:
LAND CONSERVATION COMMITTEE
HIGHWAY COMMITTEE

RESOLUTION NO. 199-92017: Designate the Winnebago County Department of Human Services to Receive Coordinated Services Team (CST) Funding from the Wisconsin Department of Health Services for the Purpose of Providing Wrap-Around Services to Uninsured Youth and Families

Submitted by:
HUMAN SERVICES BOARD

Respectfully submitted,
Susan T. Ertmer
Winnebago County Clerk

Upon request, provisions will be made for people with disabilities.
(Times provided are estimates. Any item on the agenda may be taken up by the Board after 6:00 P.M.)

**PROCEEDINGS OF THE
WINNEBAGO COUNTY BOARD OF
SUPERVISORS**

**Adjourned Session
August 15, 2017**

**Winnebago County Courthouse
415 Jackson Street
Oshkosh, Wisconsin**

Printed by authority of the Winnebago County Board
David W. Albrecht, Chairman Susan T. Ertmer, Clerk

**WINNEBAGO COUNTY BOARD MEETING
TUESDAY, AUGUST 15, 2017**

Chairman David Albrecht called the meeting to order at 6:00 p.m. in the County Board Room, Fourth Floor, Courthouse, 415 Jackson Street, Oshkosh, Wisconsin.

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

The following Supervisors were present: Konetzke, Brunn, Harpt, Eisen, Powell, Roh, Smith, Long, Scherck, Albrecht, Gabert, Binder, Thompson, Wojciechowski, Gordon, Wingren, Lautenschlager, Norton, Warnke, Robl, Singstock, Brooks, Powers, Locke, Hegg, Finch, Youngquist, Farrey, Rasmussen, Keller, Egan, Ellis, Snider and Kriescher. Excused: Ramos and Olson,

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

PUBLIC HEARING

The following persons spoke in regard to "Resolution No. 180-82017: Disallow Claim of Carol Marwede and the Carol Marwede Trust Dated October 18, 2002":

- Andy Marwede, 1283 Edgewood Road, Lake Forest, IL
- Chuck Koehler, Attorney representing the Marwede Family, 800 N. Lynndale Drive, Appleton, WI

COMMUNICATIONS AND PETITIONS

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

- Notice of Claims:
 - Notice of Claim from Jason Tesch for damage to his boat during a stop by the Sheriff's Department's patrol boat was referred to the Personnel and Finance Committee.
 - Notice of Claim from Ronald Heidebrink for damage to his airplane at Wittman Regional Airport during EAA was referred to the Personnel and Finance Committee.
- Resolutions from Other Counties:
 - Door County – Resolution No. 2017-49, "In Opposition to the Aquila Resources, Inc. Proposed Back Forty Mine Project" was referred to the Legislative Committee.
 - Door County – Resolution No. 2017-51, "Maintain Funding for the Great Lakes Restoration Initiative" was referred to the Legislative Committee.
 - Door County – Resolution No. 2017-52, "Maintain Funding for the Coastal Management Program" was referred to the Legislative Committee
 - Outagamie County – Resolution No. 12 – 2017-18, "...oppose any legislation proposing the selling of the current Green Bay Correctional Institution and building a new, privately-owned facility..." was referred to the Legislative Committee
 - Wood County – Resolution # 17-7-6, "To oppose legislation to repeal Wisconsin's prevailing wage law" was referred to the Legislative Committee.
 - Wood County – Resolution # 17-7-7, "To support the creation of a bipartisan procedure at the state level for the preparation of legislative and congressional redistricting plans" was referred to the Legislative Committee.
- Petition for Zoning Amendment:
 - No. 001 – A zoning request from Nicolas M. Schertz, Town of Algoma, for tax parcel no. 002-3300, to change from R-2 Wetland to R-2 No Wetland was referred to the Planning and Zoning Committee.

REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS

Supervisor Egan reported that the Legislative Committee meeting will be August 28, 2017 at the James P. Coughlin Center at 8:30 a.m.

Supervisor Egan thanked all the Supervisors who attended and were judges at the 2017 Winnebago County Fair. The support is greatly appreciated.

Supervisor Lautenschlager reported on his attendance to the NACo Conference in Columbus, Ohio. The workshops were very informative. Topics discussed were human services, jails and correctional institutes, juvenile facilities that will offer treatment versus correction and legalizing marijuana.

Supervisor Finch announced that the Winnebago County Community Park will be celebrating its 50th Birthday on Saturday, August 19th from 2:00 p.m. to 6:00 p.m.

Supervisor Finch thanked the people for their time and effort to put on the Winnebago County Fair.

Motion by Supervisor Robl and seconded by Supervisor Konetzke to approve the proceedings from the July 18, 2017 county board meeting. CARRIED BY VOICE VOTE.

COUNTY EXECUTIVE'S REPORT

Executive Mark Harris spoke in support of Resolution No. 188-82017 – Authorizing Schenck Business Solutions to perform an audit of Winnebago County's Financial Statements for 2017, 2018 and 2019. It is a detailed process to select an auditor and he feels that the Finance Department has made the right decision in selecting this firm.

Executive Harris stated that the Bureau of Aeronautics has been in contact with Winnebago County in regard to the taxiway at the airport. They have indicated that there will be participation with the taxiway, but a tenant needs to put in writing that there is a need for the taxiway, before they would participate.

COUNTY EXECUTIVE'S APPOINTMENTS

AGING AND DISABILITY RESOURCE CENTER (ADRC) COMMITTEE

Executive Harris asked for the Board's approval of his appointment of Kathryn Pfaendtner, 5710 St. Ives Road, Oshkosh; to the Aging and Disability Resource Center Committee. This is a three year term will expire August 31, 2020.

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

BOARD OF HEALTH

Executive Harris asked for the Board's approval of his re-appointment of Paula McNiel, 800 Algoma Blvd., Oshkosh to the Board of Health. This is a two-year term which will expire July 1, 2019.

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

VETERANS SERVICE COMMISSION

Executive Harris asked for the Board's approval of his appointment of Roy Rogers, 821 Arthur Street, Menasha, to the Veterans Service Commission. Mr. Rogers will complete the term of Jim Romnek who resigned. This term will expire December 31, 2018.

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

WINNEBAGO COUNTY LAND RECORDS COUNCIL

Executive Harris asked for the Board's approval of his appointment and re-appointments of Natalie Strohmeier, Register of Deeds; Mary Krueger, Treasurer; Liz Nichols, Property Tax Lister; Jerry Bougie, County Land Information Officer; Linda Kollmann, Emergency Management Director; Jim Smith, Registered Land Surveyor Martenson – Eisele; Larry Kriescher County Board Supervisor; Paul Schmidt, 2220 Omro Road, Oshkosh; and Mike Zuege, East Central Regional Planning Commission; to the Winnebago County Land Records Council. These are three-year terms that will expire May 31, 2020.

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

COUNTY BOARD CHAIRMAN'S REPORT

Chairman Albrecht reported that Supervisor Ramos asked to be excused from this evenings meeting.

UPDATE ON COURTHOUSE WINDOW PROJECT

Mike Elder, Director of Facilities and Property Management, gave an update on the Courthouse window project. This project was approved last year. The project would include refurbishing the metal and replacing the glass with high efficiency glass for all the windows in the Courthouse. The building is historically listed, so they have to be replaced with windows that will match what is there. A study was done for the design for the new windows. The design was approved by the historical society. The project was sent out for bids. No bids were submitted. The project was submitted again for bids. Three bids were received at higher bids than anticipated. The contractor would be willing to spread the bid over a three year period. Mr. Elder will be coming to the next meeting to request an approval of an increase in the original amount requested for this project from \$1.2 million to \$3.4 million. Mr. Elder then took questions from the board.

ZONING REPORTS & ORDINANCES

No zoning to report for this month.

RESOLUTIONS AND ORDINANCES

RESOLUTION NO. 178-82017: Commendation for Rosaline Rowl

WHEREAS, Rosaline Rowl has been employed with Park View Health Center for the past twenty-five (25) years, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Rosaline Rowl 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 Rosaline Rowl 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 Rosaline Rowl.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 179-82017: Commendation for Michael Andre

WHEREAS, Michael Andre has been employed with Park View Health Center for the past twenty-eight (28) years, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Michael Andre 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 Michael Andre 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 Michael Andre.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 180-82017: Disallow Claim of Carol Marwede and the Carol Marwede Trust Dated October 18, 2002

WHEREAS, your Personnel and Finance Committee has had the claim of Carol Marwede and the Carol Marwede Trust Dated October 18, 2002, 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 Carol Marwede and the Carol Marwede Trust Dated October 18, 2002, filed with the County Clerk on May 10, 2017, 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 Rasmussen and seconded by Supervisor Ellis to adopt. CARRIED BY VOICE VOTE.
ABSTAIN: 2 – Farrey and Hegg.

RESOLUTION NO. 181-82017: Appropriate an Additional \$34,000 to the Capital Project to Complete the Resurfacing of the Facilities Department Parking Lot on Knapp Street

WHEREAS, a capital project had previously been approved to resurface the parking lot at the Facilities Department building on Knapp Street; and

WHEREAS, the original budget for the project was \$367,000; and

WHEREAS, the bids came in over budget and an additional \$100,000 was approved and appropriated to the project; and

WHEREAS, the Winnebago County Highway department was awarded the paving portion of the project; and

WHEREAS, there was correspondence from the Highway Department prior to the new management indicating they could pave the parking lot and stay within the project budget; and

WHEREAS, the Highway Department is under new supervision, and the current department head indicated an additional \$34,000 was needed to complete the paving project; and

WHEREAS, the Highway Department proceeded to complete the project; and
 WHEREAS, the Highway Department is now requesting payment of the additional \$34,000, the cost to complete the project.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates an additional \$34,000 to the capital project fund to pay for the remainder of the Facilities Department parking lot resurfacing project.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that funds to cover the additional cost be transferred from the General Fund Contingency Fund to the Capital Project Fund for the Facilities Department parking lot resurfacing project.

Submitted by:
 FACILITIES AND PROPERTY MANAGEMENT COMMITTEE
 PERSONNEL AND FINANCE COMMITTEE

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

ORDINANCE NO. 182-82017: Amend Section 19.24(2)(a) of the General Code of Winnebago County to Reflect an Increase of \$10.00 in Each Category of the Community Park Shelter Rental Fees and Eliminate the \$10.00 Fee for Small Group Open Air Shelters

WHEREAS, for nine (9) years there have been no increases in the rental fees for Community Park Shelters, while at the same time the cost of addressing the various support services related to the program have continued to rise; and

WHEREAS, there is a growing need for Winnebago County to seek additional compensation from the shelter rental program in order to address the increasing maintenance costs being incurred from the five structures, which average 45 years in age; and

WHEREAS, a comparison of the fees applied to similar facilities and services located at other municipalities demonstrates the appropriateness of instituting a \$10.00 increase in each fee category; and

WHEREAS, along with these fee changes, it is desirable to eliminate the shelter rental fee for the small group open air shelters due to an absence of public interest in renting these structures.

NOW, THEREFORE, BE IT ORDAINED by the Winnebago County Board of Supervisors that effective January 1, 2018, Section 19.24(2)(a) of the General Code of Winnebago County be amended to read as follows:

19.24 FEES AND CHARGES

(2)(a) Community Park Shelter Rental Fee Schedule

Shelters	Group Size	Weekday Charge	Weekend Charge
1 & 2	Up to 150	\$50.00	\$60.00
	151-300	\$80.00	\$80.00
	301-1000	\$140.00	\$140.00
	Over 1000	Negotiable Minimum \$220.00)	Negotiable (Minimum \$220.00)
3 & 4	Up to 50	\$40.00	\$45.00
	51-300	\$80.00	\$80.00
	301-1000	\$140.00	\$140.00
	Over 1000	Negotiable Minimum \$220.00)	Negotiable (Minimum \$220.00)
Pavilion	Up to 150	\$120.00	\$145.00
	151-300	\$180.00	\$180.00
	301-1000	\$220.00	\$220.00
	Over 1000	\$265.00	\$265.00

BE IT FURTHER ORDAINED by the Winnebago County Board of Supervisors that the \$10.00 shelter rental; fee for small group air shelters shall be eliminated.

Submitted by:
 PARKS AND RECREATION COMMITTEE

WITHDRAWN.

ORDINANCE NO. 183-82017: Amend Section 19.24(11)(d) of the General Code of Winnebago County to Reflect an Increase in the Various Boat Trailer Park Fee Program Rates and Introduce Additional Rates in the Supplemental Sticker Category

WHEREAS, there are a number of inflationary factors that are beginning to impact funding for the Winnebago County Parks Departments Boat Landing Parking Permit Program; and

WHEREAS, the Boat Trailer Parking Fee Program rates that correspond with the yearly permit fees have not been modified since the inception of the program in 2003, and the \$5.00 rate which reflects the daily permit fee has not been increased since 2009; and

WHEREAS, comparison of fees being charged for access at other county and city landings in the northeast area within the State of Wisconsin demonstrates the appropriateness of applying rate increases to each of the existing fees as well as the suitability of introducing a graduated rate schedule into the supplemental sticker category to reflect the distinction between paying residents v non-residents.

NOW, THEREFORE, BE IT ORDAINED by the Winnebago County Board of Supervisors that effective January 1, 2018, Section 19.24(11)(d) of the General Code of Winnebago County be re-written to read as follows:

19.24 FEES AND CHARGES

(11) BOAT LANDING TRAILER PARKING PERMIT FEES

(d) Fees. The annual boat trailer parking permit shall be \$35.00 for residents and \$45.00 for non-residents. The annual boat trailer permit fee for senior residents citizens age 55 years or older shall be \$30.00 for residents. A multi-year boat trailer parking permit shall be \$75.00 for residents and \$100.00 for non-residents. The multi-year (3-year) boat trailer parking permit fee for senior citizens age 55 or older shall be \$60.00 for residents. For purposes of this ordinance, "resident" status shall be considered as either one of the following:

1. An individual currently residing in Winnebago County as is indicated by that person's driver's license.
2. An individual currently owning property within Winnebago County as is indicated by a tax receipt for the prior year.

Along with the purchase of an initial boat trailer parking permit, an individual shall have the option of acquiring an additional permit for a second automobile, motor home, or truck registered to the same individual to use to pull a boat trailer. The additional one-year supplemental permit shall cost \$5.00 for residents and \$10.00 for non-residents. An additional multi-year supplemental permit shall cost \$10.00 for residents and \$20.00 for non-residents. At any time following the initial transaction, a supplemental permit or replacement permit may be acquired at the Winnebago County Parks Department or Winnebago County Clerk's Office for the corresponding permit period. Proof of vehicle registration shall be required for such transactions. Annual and multi-year stickers shall be prominently displayed and permanently affixed to the lower corner of the interior of the windshield on the driver's side of the automobile, motor home, or truck utilized to pull the boat trailer. The daily boat trailer parking permit fee shall be \$7.00. The side of the daily envelope stub displaying the vehicle license plate number shall be placed face up on the driver's side dash board such that it can be easily read from outside the vehicle.

Submitted by:
PARKS AND RECREATION COMMITTEE

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

RESOLUTION NO. 184-82017: Direct That Funding Used to Operate the Winnebago County Navigational Aids Program be Derived from Revenues Obtained from the Winnebago County Boat Trailer Parking Fee Program

WHEREAS, the Winnebago County Parks Department is responsible for Winnebago County's Navigation Aids Program involving the installation, removal, and maintenance of over one hundred and twenty-three (123) lighted and unlighted buoys within the Winnebago County lakes system.; and

WHEREAS, the purpose of the Navigational Aids Program is to assist boaters in reaching their destination; and

WHEREAS, since the inception of the Navigational Aids Program in 1988, costs associated with operating the program have been derived through the tax levy; and

WHEREAS, Winnebago County has arrived at a point in the program where a sizeable portion of the buoy inventory is beginning to need refurbishing and upgrades including replacement of stainless steel rigging, repair, painting, remarking the buoy shells, and the re-outfitting of analog bulb lanterns with digital LED fixtures; and

WHEREAS, Winnebago County's buoy inventory is in large part comprised of both nun and can buoys each costing up to \$5,000 to replace; and

WHEREAS, it has been determined that the most cost-effective manner in which to address the need for maintaining the buoy inventory would be to implement a phased approach whereby up to ten buoys per year are selected for renovation at an average cost of \$2,000 per unit; and

WHEREAS, Winnebago County has in place a Boat Trailer Parking Fee Permit Program in which revenues are collected from individuals who access the Winnebago County lakes system using any one of the County's seven boat landing facilities; and

WHEREAS, funds collected through the Boat Trailer Parking Fee Permit Program are regularly applied towards the maintenance and improvements performed at Winnebago County's boat landing sites; and

WHEREAS, a majority of Winnebago County' buoy inventory is dedicated towards providing boaters with a means for safe access into and out of boat landings located throughout the Winnebago lakes system; and

WHEREAS, Wisconsin NR1.91(11) BOAT LAUNCHING FEES allows for launch fees to be charged for the purpose of operating and maintaining facilities that directly support boating activities and that also rely on the use of buoys to aid in accessing such sites; and

WHEREAS, your Park and Recreation Committee has determined that because Winnebago County's Navigation Aids Program in large part exists for the purpose of enabling boaters to safely access facilities that directly support boating activities, and Wisconsin NR 1.91(11) does all for buoys to be included as an allowable expense for which boat launch fees can be applied towards, it would be appropriate for the funding required to operate Winnebago County's Navigation Aids Program to be derived from revenues collected from the County's Boat Trailer Parking Fee Permit Program.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes that beginning January 1, 2018, the Navigation Aids Program shall be funded through revenues collected through Winnebago County's Boat Trailer Parking Fee Permit Program instead of being supported by the tax levy.

Submitted by:
PARKS AND RECREATION COMMITTEE

Motion by Supervisor Finch and seconded by Supervisor Konetzke to adopt. VOTE ON RESOLUTION: AYES: 32; NAYES: 1 - Warnke; ABSTAIN: 1 – Hegg; ABSENT: 2 – Ramos and Olson. CARRIED.

RESOLUTION NO. 185-82017: Quit Claim Remnant Property to Menasha Joint School District (Highway 441-Racine Street Roundabout Project)

WHEREAS, Winnebago County, on behalf of the State of Wisconsin, acquired property for the Highway 441-Racine Street Roundabout Project in the City of Menasha and Village of Fox Crossing; and

WHEREAS, remnants of that property are no longer needed by Winnebago County for the construction or maintenance of said property; and

WHEREAS, it is statutorily required that remnant property be returned to its prior owner if the property is no longer needed for the project for which it was acquired.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby quit claims the following described remnant property from the Highway 441—Racine Street Roundabout Project to the Menasha Joint School District as is described below:

LEGAL DESCRIPTION: Part of the SE ¼ of the SE ¼ of Section 10, Village of Fox Crossing, and part of the SE ¼ of the SE ¼ of Section 10, and the SW ¼ of the SW ¼ of Section 11, City of Menasha, all in Township 20 North, Range 17 East, Winnebago County, Wisconsin;

More Particularly Described as: Commencing at the Southeast Corner of said Section 10; thence N 00°26'09" E along the East line of said Section 10, 703.90 feet; thence S 89°59'59" W 33.00 feet to the East line of Racine Road and the point of beginning; thence S 78°43'00" W 160.45 feet; thence N 31°58'26" W 37.01 feet; thence N 32°23'44" E 140.25 feet; thence N 08°12'08" E 372.96 feet to the South line of 12th Street; thence S 79°17'05" E along said South line, 100.99 feet to the East line of Racine Road; thence S 02°04'09" W along said East line, 128.46 feet to a point on a curve; thence 149.96 feet, along said East line and the arc of a curve to the right, with a radius of 908.83 feet and a chord bearing and length of S 06°47'46" W 149.79 feet; thence S 19°23'24" W along said line, 203.22 feet to the point of beginning.

Parcel contains 1.318 Acres, More or Less

Submitted by:
HIGHWAY COMMITTEE

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

RESOLUTION NO. 186-82017: Quit Claim Remnant Property to Parmjit Singh (Highway 441-Racine Street Roundabout Project)

WHEREAS, Winnebago County, on behalf of the State of Wisconsin, acquired property for the Highway 441-Racine Street Roundabout Project in the City of Menasha and Village of Fox Crossing; and

WHEREAS, remnants of that property are no longer needed by Winnebago County for the construction or maintenance of said property; and

WHEREAS, it is statutorily required that remnant property be returned to its prior owner if the property is no longer needed for the project for which it was acquired.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby quit claims the following described remnant property from the Highway 441—Racine Street Roundabout Project to Parmjit Singh as is described below:

LEGAL DESCRIPTION: Part of the SE ¼ of the SE ¼ of Section 10, Village of Fox Crossing, Township 20 North, Range 17 East, Winnebago County, Wisconsin;

More Particularly Described as: Commencing at the Southeast Corner of said Section 10; thence N 00°26'09" E along the East line of said Section 10, 703.90 feet; thence S 89°59'59" W 33.00 feet to the East line of Racine Road and the point of beginning and to a point on a curve; thence 164.12 feet along said East line and an arc of the curve to the right, with a radius of 627.42 feet and a chord bearing and length of S 35°05'24" W, 163.65 feet; thence S 42°35'04" W along said line, 51.22 feet; thence S 40°36'16" W along said line, 128.89 feet to a point on a curve; thence 98.30 feet, along said East line and the arc of a curve to the left, with a radius of 730.94 feet and a chord bearing and length of S 35°09'04" W 98.23 feet; thence N 88°50'43" W 72.09 feet; thence N27°18'27" E 145.14 feet; thence N 31°58'26" E 221.58 feet; thence N 78°43'00" E 160.45 feet to the point of beginning.

Parcel contains 0.853 Acre, More or Less

Submitted by:
HIGHWAY COMMITTEE

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

RESOLUTION NO. 187-82017: Quit Claim Remnant Property to EJJ Group (Highway 441-Racine Street Roundabout Project)

WHEREAS, Winnebago County, on behalf of the State of Wisconsin, acquired property for the Highway 441-Racine Street Roundabout Project in the City of Menasha and Village of Fox Crossing; and

WHEREAS, remnants of that property are no longer needed by Winnebago County for the construction or maintenance of said property; and

WHEREAS, it is statutorily required that remnant property be returned to its prior owner if the property is no longer needed for the project for which it was acquired.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby quit claims the following described remnant property from the Highway 441—Racine Street Roundabout Project to EJJ Group as is described below:

LEGAL DESCRIPTION: Part of the SE ¼ of the SE ¼ of Section 10, Township 20 North, Range 17 East, City of Menasha, Winnebago County, Wisconsin, more fully described as follows;

Commencing at the Southeast ¼ Corner of said Section 10; thence N 88 degrees 50 minutes 48 seconds West, along the South line of the Southeast ¼ of said Section, a distance of 384.69 feet; thence North 02 degrees 03 minutes 39 seconds East, 153.00 feet to the point of beginning; thence North 02 degrees 03 minutes 39 seconds East, 195.04 feet; thence South 88 degrees 50 minutes 48 seconds East, along the Westerly extension of the North line of Lot 2 of Certified Survey Map No 2522, a distance of 75.30 feet; thence 210.91 feet along an arc of a curve to the left, along the West line of said Lot 2 of Certified Survey Map No 2522, said curve having a radius of 730.94 feet and a chord that bears South 23 degrees 03 minutes 05 seconds West, 210.18 feet, to the point of beginning..

Parcel Contains 6,277 Square Feet.

Submitted by:
HIGHWAY COMMITTEE

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

RESOLUTION NO. 188-82017: Hire Schenck Business Solutions Accounting Firm to Audit Winnebago County's Financial Statements for the Years Ended December 31, 2017, 2018, and 2019.

WHEREAS, a request for proposals (RFP) was sent out to select accounting firms requesting bids to audit Winnebago County's financial books for the years 2017, 2018 and 2019; and

WHEREAS, three qualifying audit firms responded to the RFP; and

WHEREAS, an evaluation team consisting of three county staff was assigned the task of evaluating the proposals; and

WHEREAS, evaluators completed their reviews prior to knowing the pricing proposals of each firm; and

WHEREAS, after evaluators completed their reviews, price was added, the evaluations were compared and combined to determine which firm was to be recommended to the Personnel & Finance Committee and County Board; and

WHEREAS, Schenck Business Solutions was selected as the proposed firm to complete the audits; and

WHEREAS, Schenck Business Solutions is our current auditor and the Finance Department, County Executive and Personnel & Finance Committee have been happy with their past work.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Finance Department to contract with Schenck Business Solutions to audit Winnebago County's financial statements for the years 2017, 2018, and 2019 at the following all-inclusive costs:

Audit Fee Summary		
Audit year	Fee	Percent increase
2017	78,000	
2018	78,750	0.96%
2019	79,500	0.95%
Total over 3 years	236,250	

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Rasmussen and seconded by Supervisor Ellis to adopt. CARRIED BY VOICE VOTE.
Motion by Supervisor Robl and seconded by Supervisor Konetzke to adjourn until the September 5, 2017 Special Orders meeting at 6:00 p.m. The meeting was adjourned at 7:55 p.m.

Submitted by:
Julie A. Barthels
Winnebago County Deputy Clerk

State of Wisconsin)
County of Winnebago) ss

I, Julie A. 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 August 15, 2017.

Julie A. Barthels
Winnebago County Deputy Clerk

TO THE WINNEBAGO COUNTY BOARD SUPERVISORS

Your Planning and Zoning Committee begs leave to report:

WHEREAS, it has reviewed the Petition for Zoning Amendment 2017-ZC-4230 filed with the County Clerk by:

SCHERTZ, NICOLAS ; SCHERTZ, ROBYN, Town of ALGOMA and referred to the Planning and Zoning Committee on 8/15/2017 and

WHEREAS, a Public Hearing was held on 8/29/2017, pursuant to mailed and published notice as provided by as on the following:

PROPERTY INFORMATION:

Owner(s) of Property: SCHERTZ, NICOLAS ; SCHERTZ, ROBYN
Agent(s):

Location of Premises Affected: East of 1605 FLEUR DE LIS CT
OSHKOSH, WI 54904

Legal Description: Being a part of the Hecker Hollow subdivision, Lot 14, located in Government Lot 4, Section 9, Township 18 North, Range 16 East, Town of Algoma, Winnebago County, Wisconsin.

Tax Parcel No.: 002-3300

Sewer: Existing Required Municipal Private System
Overlay: Airport SWDD Shoreland
 Floodplain Microwave Wetlands

WHEREAS,
Applicant is requesting a rezoning to R-2 Suburban Low Density Residential,
And
WHEREAS, we received notification from the Town of ALGOMA recommending Approval
And
WHEREAS, your Planning and Zoning Committee, being fully informed of the facts, and after full consideration of the matter, making the following findings:

The Town of ALGOMA has Approved. Town action is advisory due to shoreland jurisdiction.
Town findings for Approval were as follows: 1. The requested zoning map amendment does agree with the adopted plan.

- 1. The Town of Algoma has approved.
- 2. There were objections to potential flooding and an effect on wildlife.
- 3. Proposed use is compatible with adjacent uses.

Findings were made in consideration of Section 23.7-5(b)(1),(2),&(3).

NOW THEREFORE BE IT RESOLVED, that this committee hereby reports our findings for your consideration and is hereby recommending Approval by a vote of .4-1 (C. Thompson - Nay)

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed Ordinance is hereby [ADOPTED] OR [DENIED].

For the Planning and Zoning Committee

AMENDATORY ORDINANCE # 09/01/17

The Winnebago County Board of Supervisors do ordain Zoning Amendment # 2017-ZC-4230 as follows:

Being a part of the Hecker Hollow subdivision, Lot 14, located in Government Lot 4, Section 9, Township 18 North, Range 16 East, Town of Algoma, Winnebago County, Wisconsin.

FROM: R-2 Suburban Low Density Residential, Wetland

TO: R-2 Suburban Low Density Residential, Non-Wetland

Adopted/ Denied this _____ day of _____, 20_____

David Albrecht, Chairperson

ATTEST:

Susan T. Ertmer, Clerk

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____, 20_____.

Mark Harris
County Executive

County Board Supervisory district 31-RASMUSSEN

TO THE WINNEBAGO COUNTY BOARD SUPERVISORS

Your Planning and Zoning Committee begs leave to report:

WHEREAS, it has reviewed the Petition for Comprehensive Land Use Plan amendment 17-LUPA-4220 filed with the County Clerk by:

Winnebago County Planning & Zoning Committee

WHEREAS, a Public Hearing was held on August 29th, 2017, pursuant to mailed and published notice as provided by as on the following:

PROPERTY INFORMATION:

Applicant(s): Winnebago County Planning & Zoning Committee
PO Box 2808
Oshkosh WI 54903-2808

WHEREAS,

Applicant is requesting a Land Use Plan amendment to include a Farmland Preservation Plan as mandated by Wisconsin State Statutes.

And

WHEREAS, your Planning and Zoning Committee, being fully informed of the facts, and after full consideration of the matter, making the following findings:

1. There were no objectors
2. Proposed amendment is to include a Farmland Preservation Plan in the Countys Future Land Use Plan as mandated by Wisconsin State Statutes.

NOW THEREFORE BE IT RESOLVED, that this committee hereby reports our findings for your consideration and is hereby recommending Approved. 5-0

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed Ordinance is hereby [ADOPTED] OR [DENIED].

For the Planning and Zoning Committee

AMENDATORY ORDINANCE # 09/02/17

The Winnebago County Board of Supervisors do ordain Comprehensive Land Use Plan Amendment # 11-LUPA-001 as follows:

Applicant is requesting a Land Use Plan amendment to include a Farmland Preservation Plan as mandated by Wisconsin State Statutes.

Adopted this _____ day of _____, 20____

David Albrecht, Chairperson

ATTEST:

Susan T. Ertmer, Clerk

APPROVED

VETOED

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____, 20____ .

Mark Harris
County Executive

DATE: 09/19/17

R E S O L U T I O N

No. 003

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE

WHEREAS, it is desirable to amend the Zoning Map of the TOWN OF Clayton in accordance with the petition of Rick Steckling et al and

WHEREAS, said request is in compliance with the adopted Winnebago County Land Use Plan.

NOW, THEREFORE, the County Board of Supervisors of Winnebago County do ordain that the Zoning Ordinance and the Zoning Map of the TOWN OF Clayton, be and the same, are amended to provide that the attached described property be changed from the classification of **A-2 - General Agricultural District** of said ordinance, which it now and heretofore had, to the zoned district of **R-2 - Suburban Residential District**.

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed Ordinance is hereby **ADOPTED** OR **DENIED**.

County Board Supervisor
(Town of)

PARCEL NO: **006-0670-01**; FROM **A-2** TO **R-2**

COUNTY DISCLAIMER:

County Board approval does not include any responsibility for County liability for the legality or effectiveness of the Town Zoning Amendment or the Town Zoning Ordinance.

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____, 2017.

Mark Harris

County Board Supervisory district **29 - Youngquist**



Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z MEETING AGENDA OF AUGUST 4, 2017

TO: Planning & Zoning Committee

FM: Zoning Administrator *CR*

RE: Review of Town Zoning Changes

1. Luebke - Town Zoning Change (Part of Tax ID Nos: 006-1790-03 & 006-1790-04) – Town of Clayton.

The town zoning change for Luebke is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from R-1 (Rural Residential District) to R-2 (Suburban Residential District) and Winnebago County's land use plan shows future land use as Agricultural and Rural.

*MG1, RK2
4-0*

RECOMMENDATION: Forward zone change to County Board for action.

2. Steckling - Town Zoning Change (Tax ID No: 006-0670-01) – Town of Clayton.

The town zoning change for Steckling is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Farming District) to R-2 (Suburban Residential District) and Winnebago County's land use plan shows future land use as Residential.

*RK1, MG2
4-0*

RECOMMENDATION: Forward zone change to County Board for action.

3. Dassler - Town Zoning Change (Tax ID Nos: 006-0638-01 & part of 006-0638) – Town of Clayton.

The town zoning change for Dassler is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from R-1 (Rural Residential District) to R-2 (Suburban Residential District) and Winnebago County's land use plan shows future land use as Residential.

*MG1, RK2
4-0*

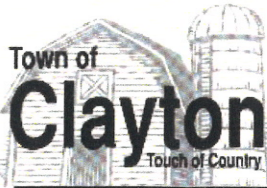
RECOMMENDATION: Forward zone change to County Board for action.

4. Bombinski - Town Zoning Change (Tax ID No: 006-0637-01 & part of 006-0638) –
Town of Clayton.

The town zoning change for Bombinski is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from R-1 (Rural Residential District) to R-2 (Suburban Residential District) and Winnebago County's land use plan shows future land use as Residential.

LK, MG₂
40

RECOMMENDATION: Forward zone change to County Board for action.



FLU: Res
A-2 to R-2

8348 County Road T
Larsen, WI 54947

Thursday, May 18th, 2017

County Zoning Office
Attn: Cary A. Rowe
112 Otter Avenue
Oshkosh, WI 54901

Re: Town Board approved amendment to the Town's Zoning Code of Ordinances Map.

Mr. Cary A. Rowe:

Enclosed please find the material relative to the following amendment(s) to the Zoning Code of Ordinances, Zoning Map in the Town of Clayton:

Rezoning Application submitted by Tracy and Rick Steckling of 3096 Rose Moon Way, Neenah, WI 54956 for property located at the western terminus of Rose Moon Way in the Town of Clayton and specifically described as Tax ID # 006-0670-01 being all of Lot 1 of Certified Survey Map No. 6930, being part of the southeast ¼ of the northwest ¼ of Section 26, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Application is to re-zone the property from A-2 (General Agricultural District) to R-2 (Suburban Residential District).

Should you have any questions relative to this request please feel free to call or E-mail me.

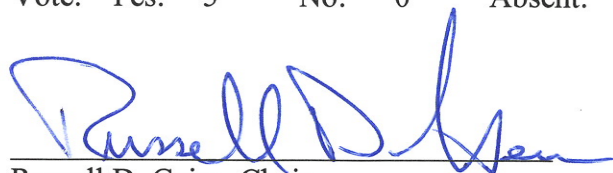
Sincerely,

Richard Johnston
Town Administrator/Clerk

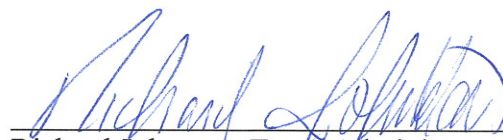
CC County Clerk, Sue Ertmer

Adopted this 17th, day of May, 2017

Vote: Yes: 5 No: 0 Absent: 0 ATTEST:



Russell D. Geise, Chair



Richard Johnston, Town Administrator

TOWN OF CLAYTON

ORDINANCE 2017-002

**ORDINANCE TO AMEND THE OFFICIAL TOWN OF CLAYTON ZONING
ORDINANCE MAP**

WHEREAS, One or more applications for amendments to the Map of the Town of Clayton Zoning Code of Ordinances have been filed with the Town Clerk as described herein; and

WHEREAS, following the requisite Notices and Public Hearings the proposed amendments have been reviewed and recommended to the Town Board by the Town's Plan Commission; and

WHEREAS, the applications for amendments to the Map of the Town of Clayton Zoning Code of Ordinances does comply with both the Town's existing land use and future land use elements of the CY 2015/16 update to the Town's Comprehensive Plan; and

WHEREAS, all other procedural requirements have been met for purposes of consideration of the amendment(s) as provided in Section 7 of the Town of Clayton Zoning Code of Ordinances; and

NOW, THEREFORE BE IT ORDAINED THAT, the Town Board of the Town of Clayton, County of Winnebago, State of Wisconsin, pursuant to Article 7 of the Town of Clayton Zoning Code of Ordinances, hereby adopts the following Amendment(s) to the Map of the Town's Zoning Code of Ordinances:

Section 1: The Official Zoning Map of the Town of Clayton is amended as follows:

A. Property Owner:

Tracy and Rick Steckling of 3096 Rose Moon Way, Neenah, WI 54956.

Legal description of property:

The property is located at the western terminus of Rose Moon Way in the Town of Clayton and specifically described as Tax ID # 006-0670-01 being all of Lot 1 of Certified Survey Map No. 6930, being part of the southeast ¼ of the northwest ¼ of Section 26, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. (See Attachment A)

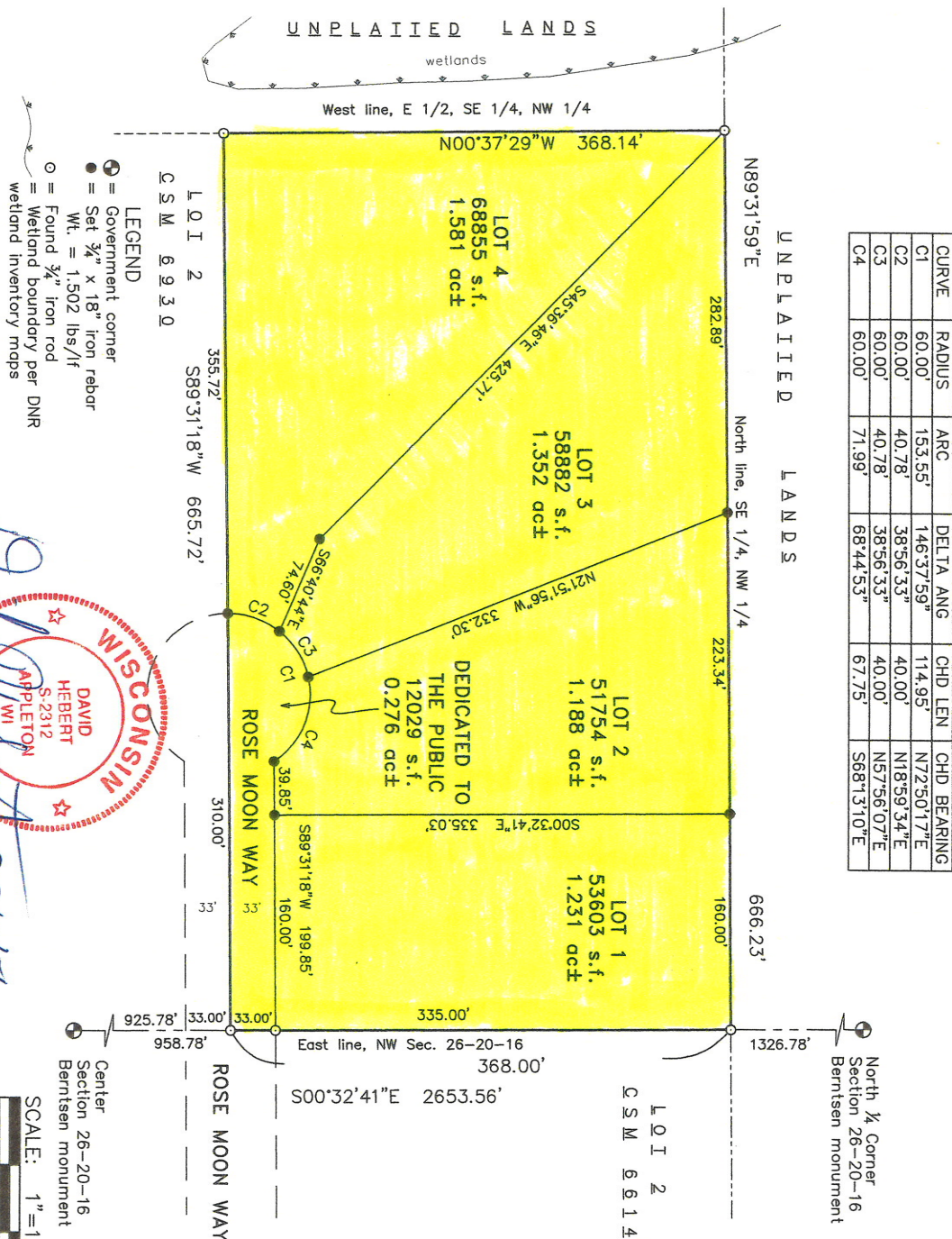
The above described property is hereby rezoned from:

A-2 (General Agricultural District) to R-2 (Suburban Residential District).

Section 2: This Ordinance shall be submitted to the Winnebago County Board for approval. This amendment to the Town of Clayton Zoning Code of Ordinances shall be effective upon approval by the Winnebago County Board.

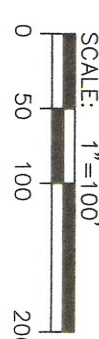
Certified Survey Map # _____

All of Lot 1 of Certified Survey Map 6930
 being part of the Southeast 1/4 of the
 Northwest 1/4, Section 26, T20N, R16E, Town
 of Clayton, Winnebago County, Wisconsin



WISCONSIN
 DAVID
 HEBERT
 S-2912
 APPLETON
 WI
 PLATD SURVEYOR

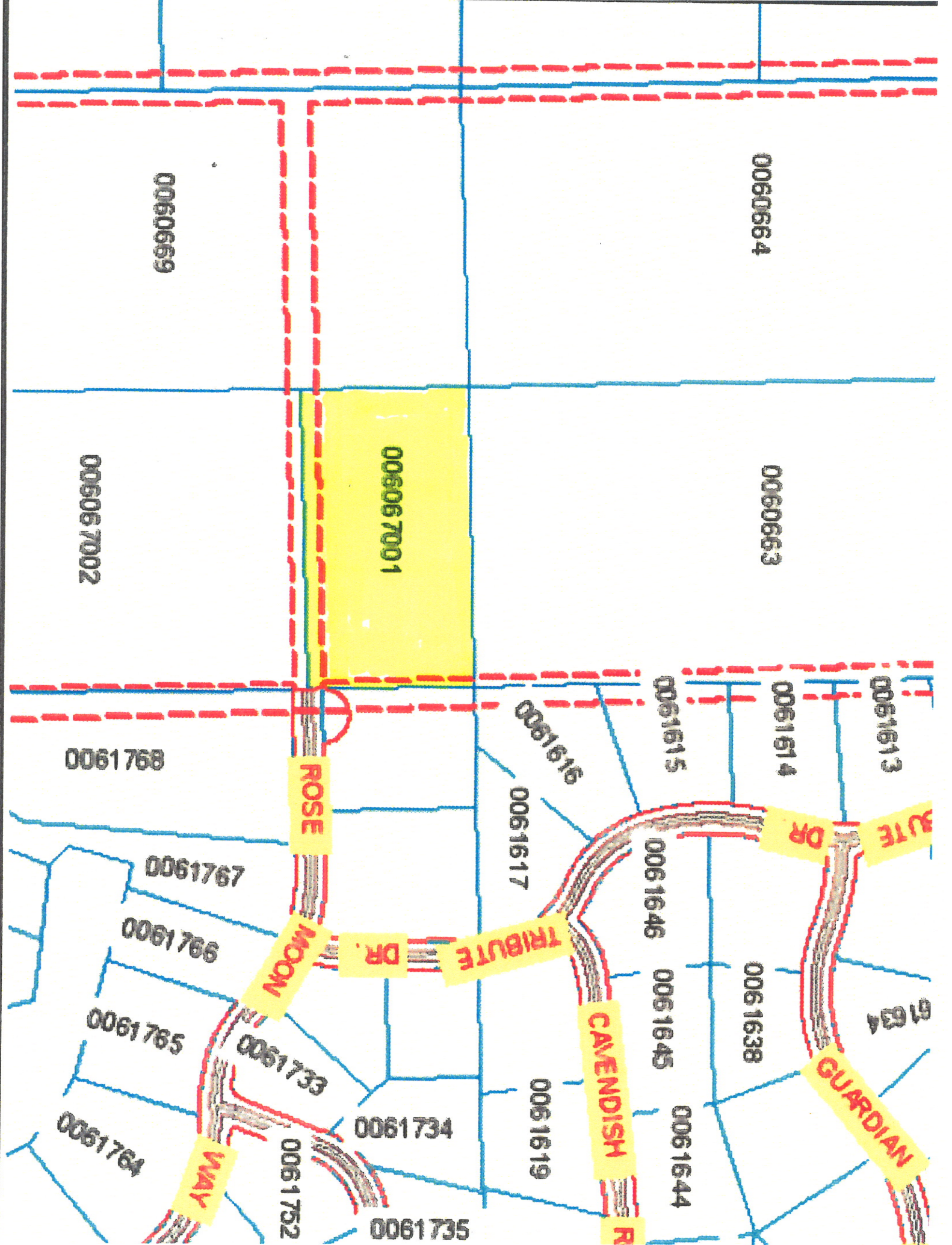
David Hebert
 date 3-21-17



North is referenced to the Wisconsin
 County Coordinate System, Winnebago
 County (NAD 1983/97 datum) and the
 east line of the Northwest 1/4 of Section
 26, T20N, R16E bears S00°32'41"E

Hebert Associates, Inc.
 Land Surveying • Soil Testing
 1110 W. Wisconsin Ave. 920-734-8373
 Appleton, WI 54914 Fax: 920-734-3968

PAGE # 1 of 3 FILE # 15016M02



0060664

0060669

0060663

006067001

006067002

0061768

0061613

0061614

0061615

0061616

0061617

0061767

9971900

0061766

0061765

0061733

0061734

0061619

0061646

0061645

0061638

0061644

0061752

0061735

ROSE

MOON

DR.

TRIBUTE

CAVENDISH

DR

ROUTE

GUARDIAN

WAY

DATE: 09/19/17

R E S O L U T I O N

No. 004

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE 4

WHEREAS, it is desirable to amend the Zoning Map of the TOWN OF Clayton in accordance with the petition of Jeremy Dassler, et al and

WHEREAS, said request is in compliance with the adopted Winnebago County Land Use Plan.

NOW, THEREFORE, the County Board of Supervisors of Winnebago County do ordain that the Zoning Ordinance and the Zoning Map of the TOWN OF Clayton, be and the same, are amended to provide that the attached described property be changed from the classification of **R-1 - Rural Residential District** of said ordinance, which it now and heretofore had, to the zoned district of **R-2 - Suburban Residential District**.

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed Ordinance is hereby **ADOPTED** OR **DENIED**.

County Board Supervisor
(Town of)

PARCEL NO: 006-0638-01 & 006-0638; FROM R-1 TO R-2

COUNTY DISCLAIMER:

County Board approval does not include any responsibility for County liability for the legality or effectiveness of the Town Zoning Amendment or the Town Zoning Ordinance.

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____, 2017.

Mark Harris

County Board Supervisory district **29 - Youngquist**



Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z MEETING AGENDA OF AUGUST 4, 2017

TO: Planning & Zoning Committee

FM: Zoning Administrator 

RE: Review of Town Zoning Changes

1. Luebke - Town Zoning Change (Part of Tax ID Nos: 006-1790-03 & 006-1790-04) – Town of Clayton.

The town zoning change for Luebke is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from R-1 (Rural Residential District) to R-2 (Suburban Residential District) and Winnebago County's land use plan shows future land use as Agricultural and Rural.

MG₁ RK₂
4-0

RECOMMENDATION: Forward zone change to County Board for action.

2. Steckling - Town Zoning Change (Tax ID No: 006-0670-01) – Town of Clayton.

The town zoning change for Steckling is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Farming District) to R-2 (Suburban Residential District) and Winnebago County's land use plan shows future land use as Residential.

RK₁ MG₂
4-0

RECOMMENDATION: Forward zone change to County Board for action.

3. Dassler - Town Zoning Change (Tax ID Nos: 006-0638-01 & part of 006-0638) – Town of Clayton.

The town zoning change for Dassler is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from R-1 (Rural Residential District) to R-2 (Suburban Residential District) and Winnebago County's land use plan shows future land use as Residential.

MG₁ RK₂
4-0

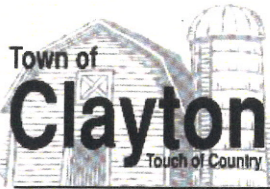
RECOMMENDATION: Forward zone change to County Board for action.

4. Bombinski - Town Zoning Change (Tax ID No: 006-0637-01 & part of 006-0638) – Town of Clayton.

The town zoning change for Bombinski is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from R-1 (Rural Residential District) to R-2 (Suburban Residential District) and Winnebago County's land use plan shows future land use as Residential.

LK, M62
40

RECOMMENDATION: Forward zone change to County Board for action.



FLU: Res
R-1 to R-2

8348 County Road T
Larsen, WI 54947

Thursday, June 22nd, 2017

County Zoning Office
Attn: Cary A. Rowe
112 Otter Avenue
Oshkosh, WI 54901

Re: Town Board approved amendment to the Town's Zoning Code of Ordinances Map.

Mr. Cary A. Rowe:

Enclosed please find the material relative to the following amendment(s) to the Zoning Code of Ordinances, Zoning Map in the Town of Clayton:

Re-zoning Application submitted by Jeremy and Amanda Dassler of 2615 Larsen Road, Neenah, WI 54956 for property located at 2615 Larsen Road, Neenah WI 54956 and 2603 Larsen Road, Neenah, WI 54956 in the Town of Clayton and specifically described as Tax ID # 006-0638-01, and Tax ID# 006-0638 being part of Lot-1, CSM # 4917, Volume 1, Page 4917, and a part of Lot-2, CSM #4917, Volume 1, Page 4917 being part of the Northwest ¼ of the Northeast ¼ of Section 25, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Application is to re-zone the property from R-1 (Rural Residential District) to R-2 (Suburban Residential District).

Should you have any questions relative to this request please feel free to call or E-mail me.

Sincerely,

Richard Johnston
Town Administrator/Clerk

CC County Clerk, Sue Ertmer

TOWN OF CLAYTON
ORDINANCE 2017-003
ORDINANCE TO AMEND THE OFFICIAL TOWN OF CLAYTON ZONING
ORDINANCE MAP

WHEREAS, One or more applications for amendments to the Map of the Town of Clayton Zoning Code of Ordinances have been filed with the Town Clerk as described herein; and

WHEREAS, following the requisite Notices and Public Hearings the proposed amendments have been reviewed and recommended to the Town Board by the Town's Plan Commission; and

WHEREAS, the applications for amendments to the Map of the Town of Clayton Zoning Code of Ordinances does comply with both the Town's existing land use and future land use elements of the CY 2015/16 update to the Town's Comprehensive Plan; and

WHEREAS, all other procedural requirements have been met for purposes of consideration of the amendment(s) as provided in Section 7 of the Town of Clayton Zoning Code of Ordinances; and

NOW, THEREFORE BE IT ORDAINED THAT, the Town Board of the Town of Clayton, County of Winnebago, State of Wisconsin, pursuant to Article 7 of the Town of Clayton Zoning Code of Ordinances, hereby adopts the following Amendment(s) to the Map of the Town's Zoning Code of Ordinances:

Section 1: The Official Zoning Map of the Town of Clayton is amended as follows:

A. Property Owner:

Jeremy and Amanda Dassler of 2615 Larsen Road, Neenah, WI 54956.

Legal description of property:

The property is located at 2615 Larsen Road, Neenah WI 54956 and 2603 Larsen Road, Neenah, WI 54956 in the Town of Clayton and specifically described as Tax ID # 006-0638-01, and Tax ID# 006-0638 being part of Lot-1, CSM # 4917, Volume 1, Page 4917, and a part of Lot-2, CSM #4917, Volume 1, Page 4917 being part of the Northwest ¼ of the Northeast ¼ of Section 25, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. (See Attachment A)

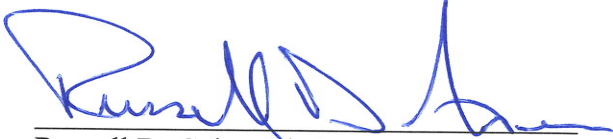
The above described property is hereby rezoned from:

R-1 (Rural Residential District) to R-2 (Suburban Residential District).

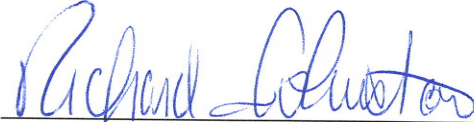
Section 2: This Ordinance shall be submitted to the Winnebago County Board for approval. This amendment to the Town of Clayton Zoning Code of Ordinances shall be effective upon approval by the Winnebago County Board.

Adopted this 21st, day of June, 2017

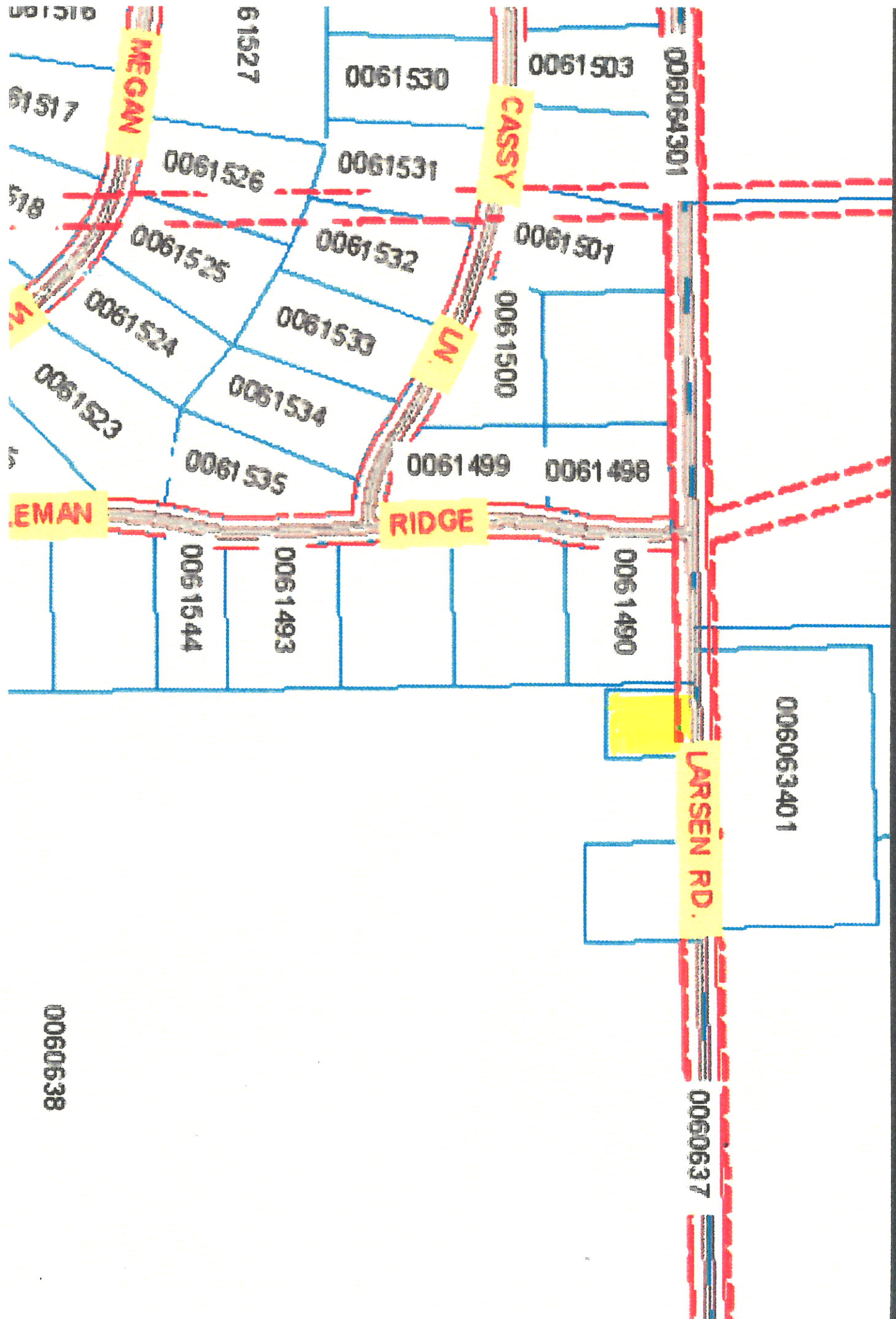
Vote: Yes: 5 No: 0 Absent: 0 ATTEST:



Russell D. Geise, Chair



Richard Johnston, Town Administrator



006064301

CASSY

MEGAN

RIDGE

EMAN

LARSÉN RD.

0060637

006063401

0061490

0061498

0061499

0061500

0061501

0061531

0061532

0061533

0061534

0061535

0061526

0061525

0061524

0061523

0061530

0061503

61527

61517

518

0061544

0061493

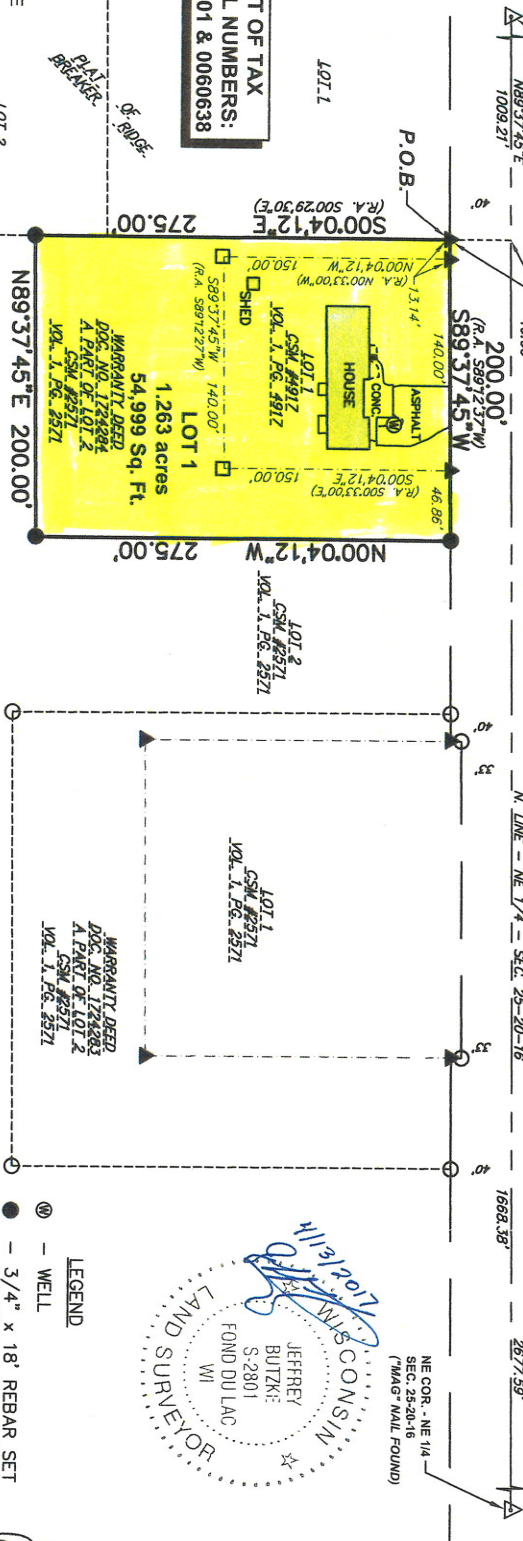
0060638

WINNEBAGO COUNTY CERTIFIED SURVEY MAP NO. _____

FOR
JEREMY A. DASSLER & AMANDA S. DASSLER
 LOT 1, CSM #4917, VOL 1, PG. 4917, AND A PART LOT 2, CSM #4917, VOL 1, PG. 4917,
 BEING A PART OF THE NW 1/4 OF THE NE 1/4, SECTION 25, T. 20 N.-R. 16 E.,
 TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN.

LARSEN ROAD

(RIGHT-OF-WAY WIDTH VARIES)

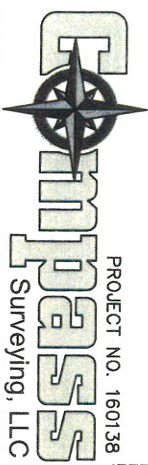


**PART OF TAX
 PARCEL NUMBERS:
 006063801 & 0060638**

SURVEYOR:
 JEFFREY S. BUTZKE
 611 KINGSWOOD AVENUE
 FOND DU LAC, WI 54935

OWNER/SUBDIVIDER:
 JEREMY A. DASSLER & AMANDA S. DASSLER
 2615 LARSEN ROAD
 NEENAH, WI 54956

PROJECT NO. 160138



611 Kingswood Avenue | Fond du Lac, WI 54935

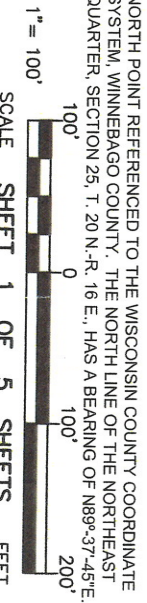
SURVEY NOTE:

- RIGHT TO FARM LANGAUGE:**
- THE LOT CREATED BY THIS CERTIFIED SURVEY MAP IS ADJACENT TO PROPERTY THAT, AS OF THE DATE OF THIS DOCUMENT, ARE BEING USED FOR AGRICULTURAL PURPOSES. SOME INDIVIDUALS BELIEVE THAT THE ACTIVITIES ASSOCIATED WITH THE AGRICULTURAL USE CONSTITUTE A NUISANCE OR CONFLICT WITH THEIR QUIET ENJOYMENT OF THEIR PROPERTY. THIS STATEMENT IS INTENDED TO PROVIDE THIRD PARTIES WITH NOTICE THAT AGRICULTURAL ACTIVITIES MAY EXIST ON THE ADJACENT PROPERTY.
 - THE OWNER AND SUBSEQUENT OWNERS OF LOT 1 OF THIS CERTIFIED SURVEY MAP HEREBY AGREE THAT THEY WILL NOT CAUSE UNNECESSARY INTERFERENCE WITH ADJOINING FARMING OPERATIONS PRODUCING AGRICULTURAL PRODUCTS AND USING ACCEPTED AGRICULTURAL PRACTICES, INCLUDING ACCESS TO ACTIVE FARMING OPERATIONS.



LEGEND

- - WELL
- - 3/4" x 18' REBAR SET WEIGHING 1.50 LB/FT.
- - 3/4" IRON ROD FOUND.
- ▲ - 1" IRON PIPE FOUND.
- - 1 1/4" IRON ROD FOUND.
- △ - "MAG" NAIL FOUND.



DATE: 09/19/17

R E S O L U T I O N

No. 005

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE 5

WHEREAS, it is desirable to amend the Zoning Map of the TOWN OF Clayton in accordance with the petition of Mark Luebke et al and

WHEREAS, said request is in compliance with the adopted Winnebago County Land Use Plan.

NOW, THEREFORE, the County Board of Supervisors of Winnebago County do ordain that the Zoning Ordinance and the Zoning Map of the TOWN OF Clayton, be and the same, are amended to provide that the attached described property be changed from the classification of **R-1 - Rural Residential District** of said ordinance, which it now and heretofore had, to the zoned district of **R-2 - Suburban Residential District**.

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed Ordinance is hereby **ADOPTED** OR **DENIED**.

County Board Supervisor
(Town of)

PARCEL NO: **006-1790-03, 006-1790-04; FROM R-1 TO R-2**

COUNTY DISCLAIMER:

County Board approval does not include any responsibility for County liability for the legality or effectiveness of the Town Zoning Amendment or the Town Zoning Ordinance.

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____, 2017.

Mark Harris

County Board Supervisory district **30 - Farrey**



Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z MEETING AGENDA OF AUGUST 4, 2017

TO: Planning & Zoning Committee

FM: Zoning Administrator 

RE: Review of Town Zoning Changes

1. Luebke - Town Zoning Change (Part of Tax ID Nos: 006-1790-03 & 006-1790-04) – Town of Clayton.

The town zoning change for Luebke is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from R-1 (Rural Residential District) to R-2 (Suburban Residential District) and Winnebago County's land use plan shows future land use as Agricultural and Rural.

MG₁, RK₂
4-0

RECOMMENDATION: Forward zone change to County Board for action.

2. Steckling - Town Zoning Change (Tax ID No: 006-0670-01) – Town of Clayton.

The town zoning change for Steckling is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Farming District) to R-2 (Suburban Residential District) and Winnebago County's land use plan shows future land use as Residential.

RK₁, MG₂
4-0

RECOMMENDATION: Forward zone change to County Board for action.

3. Dassler - Town Zoning Change (Tax ID Nos: 006-0638-01 & part of 006-0638) – Town of Clayton.

The town zoning change for Dassler is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from R-1 (Rural Residential District) to R-2 (Suburban Residential District) and Winnebago County's land use plan shows future land use as Residential.

MG₁, RK₂
4-0

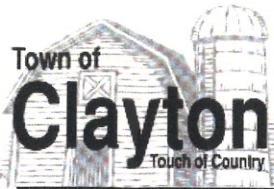
RECOMMENDATION: Forward zone change to County Board for action.

4. Bombinski - Town Zoning Change (Tax ID No: 006-0637-01 & part of 006-0638) – Town of Clayton.

The town zoning change for Bombinski is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from R-1 (Rural Residential District) to R-2 (Suburban Residential District) and Winnebago County's land use plan shows future land use as Residential.

LK, M62
40

RECOMMENDATION: Forward zone change to County Board for action.



FLU: Ag & Rural
R-1 to R-2

8348 County Road T
Larsen, WI 54947

Thursday, May 18th, 2017

County Zoning Office
Attn: Cary A. Rowe
112 Otter Avenue
Oshkosh, WI 54901

Re: Town Board approved amendment to the Town's Zoning Code of Ordinances Map.

Mr. Cary A. Rowe:

Enclosed please find the material relative to the following amendment(s) to the Zoning Code of Ordinances, Zoning Map in the Town of Clayton:

Re-zoning Application submitted by Laura C. and Mark E. Luebke, 8425 Whispering Meadows Drive, Larsen WI 54947 for property located at 8487 Whispering Meadow Drive, Larsen, WI 54947 in the Town of Clayton and is specifically described as Tax ID # 006-0561-02 in Section 21, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Application is to re-zone the property from R-1 (Rural Residential District) to R-2 (Suburban Residential District).

006-1790-03
006-1790-04

Should you have any questions relative to this request please feel free to call or E-mail me.

Sincerely,

Richard Johnston
Town Administrator/Clerk

CC County Clerk, Sue Ertmer

TOWN OF CLAYTON
ORDINANCE 2017-001
ORDINANCE TO AMEND THE OFFICIAL TOWN OF CLAYTON ZONING
ORDINANCE MAP

WHEREAS, One or more applications for amendments to the Map of the Town of Clayton Zoning Code of Ordinances have been filed with the Town Clerk as described herein; and

WHEREAS, following the requisite Notices and Public Hearings the proposed amendments have been reviewed and recommended to the Town Board by the Town's Plan Commission; and

WHEREAS, the applications for amendments to the Map of the Town of Clayton Zoning Code of Ordinances does comply with both the Town's existing land use and future land use elements of the CY 2015/16 update to the Town's Comprehensive Plan; and

WHEREAS, all other procedural requirements have been met for purposes of consideration of the amendment(s) as provided in Section 7 of the Town of Clayton Zoning Code of Ordinances; and

NOW, THEREFORE BE IT ORDAINED THAT, the Town Board of the Town of Clayton, County of Winnebago, State of Wisconsin, pursuant to Article 7 of the Town of Clayton Zoning Code of Ordinances, hereby adopts the following Amendment(s) to the Map of the Town's Zoning Code of Ordinances:

Section 1: The Official Zoning Map of the Town of Clayton is amended as follows:

A. Property Owner:

Laura C. and Mark E. Luebke, 8425 Whispering Meadows Drive, Larsen WI 54947

Legal description of property:

The property is located at 8487 Whispering Meadow Drive, Larsen, WI 54947 in the Town of Clayton and is specifically described as Tax ID # 006-0561-02 in Section 21, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. (See Attachment A)

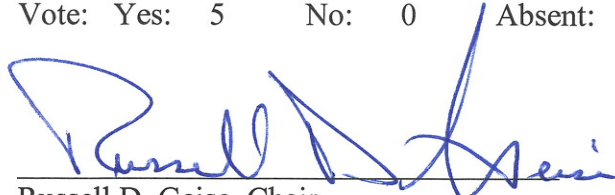
The above described property is hereby rezoned from:

R-1 (Rural Residential District) to R-2 (Suburban Residential District)

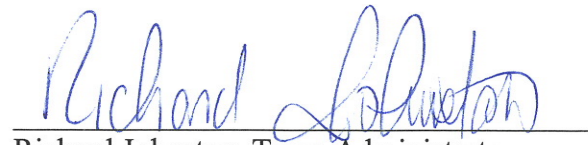
Section 2: This Ordinance shall be submitted to the Winnebago County Board for approval. This amendment to the Town of Clayton Zoning Code of Ordinances shall be effective upon approval by the Winnebago County Board.

Adopted this 19th, day of April, 2017

Vote: Yes: 5 No: 0 Absent: 0 ATTEST:



Russell D. Geise, Chair



Richard Johnston, Town Administrator

1302

COUNTY RD. II

1401

006056101

006055801

006056201

0060562

006055803

006055802

OLLING MEADOWS PL

0061781

0061780

0061782

0061789

0061783

0061788

0061784

0061787

0061785

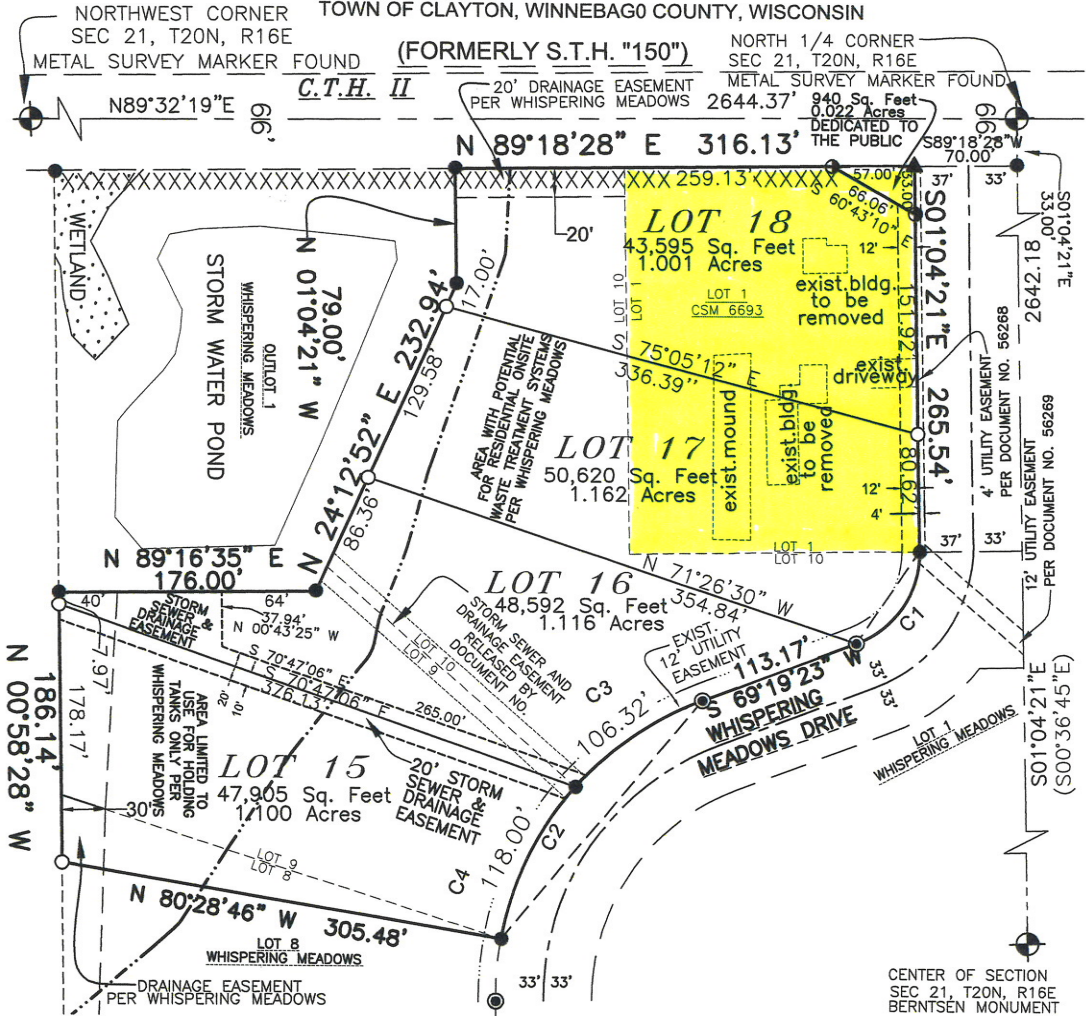
0061786

00605660402

006055804

CERTIFIED SURVEY MAP NO.

ALL OF LOT 1 OF CERTIFIED SURVEY MAP NO. 6693, PART OF LOT 8 AND ALL OF LOTS 9 AND 10, WHISPERING MEADOWS, ALL BEING LOCATED IN THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 21, TOWNSHIP 20 NORTH, RANGE 16 EAST,



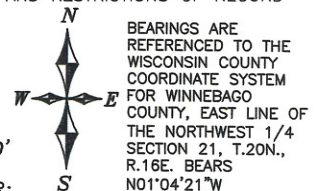
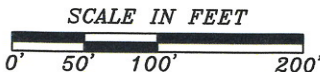
CURVE DATA TABLE

NUMBER	DELTA ANGLE	CHORD DIRECTION	RADIUS	ARC LENGTH	CHORD LENGTH	TANGENT IN	TANGENT OUT
C1	70°23'44"	S34°07'31"W	67.00'	82.32'	77.23'	S01°04'21"E	S69°19'23"W
C2	58°57'20"	S39°50'43"W	218.00'	224.32'	214.55'	S 69°19'23" W	S 10°22'03" E
C3	27°56'32"	S55°21'07"W	218.00'	106.32'	105.26'	S69°19'23" E	S41°22'51" E
C4	31°00'48"	S25°52'27"W	218.00'	118.00'	116.56'	S 41°22'51" W	S 10°22'03" W

NOTES: THE LOT(S) CREATED IN THIS DOCUMENT ARE ADJACENT TO PROPERTY THAT, AS OF THE DATE OF THIS DOCUMENT, ARE BEING USED FOR AGRICULTURAL PURPOSES, SOME INDIVIDUALS BELIEVE THAT THE ACTIVITIES ASSOCIATED WITH AGRICULTURAL USE CONSTITUTES A NUISANCE OR CONFLICT WITH THEIR QUIET ENJOYMENT OF THEIR PROPERTY. THIS STATEMENT IS INTENDED TO PROVIDE THIRD PARTIES WITH NOTICE THAT AGRICULTURAL ACTIVITIES MAY EXIST ON ADJACENT PROPERTY.

LEGEND

- = 1 1/4" DIA. ROUND X 18" LONG STEEL REBAR SUBJECT TO ALL EASEMENTS AND RESTRICTIONS ON WHISPERING MEADOWS AND ALL OTHER EASEMENTS AND RESTRICTIONS OF RECORD
- = 1" DIA. IRON PIPE FOUND
- = 1" DIA. ROUND X 24" LONG IRON PIPE WEIGHING 1.13 LBS./LIN. FOOT SET
- = 1 1/4" DIA. ROUND STEEL REBAR FOUND
- = UTILITY EASEMENT
- () = RECORDED AS
- - - = SOILS DEMARCATION LINE PER WHISPERING MEADOWS
- XXXXXX = RESTRICTED ACCESS
- ▲ = MAG NAIL SET



SCHULER & ASSOCIATES, INC.
 LAND SURVEYORS & ENGINEERS
 2711 N. MASON ST., SUITE F, APPLETON, WI 54914

PREPARED FOR:
WHISPERING MEADOWS DRIVE, LLC
 8425 WHISPERING MEADOWS DRIVE
 LARSEN, WI 54947

L-17-4166
 SHEET 1 OF 4

DATE: 09/19/17

R E S O L U T I O N

No. 006

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE 6

WHEREAS, it is desirable to amend the Zoning Map of the TOWN OF Clayton in accordance with the petition of Barbara Bombinski and

WHEREAS, said request is in compliance with the adopted Winnebago County Land Use Plan.

NOW, THEREFORE, the County Board of Supervisors of Winnebago County do ordain that the Zoning Ordinance and the Zoning Map of the TOWN OF Clayton, be and the same, are amended to provide that the attached described property be changed from the classification of **R-1 Residential District** of said ordinance, which it now and heretofore had, to the zoned district of **R-2 - Suburban Residential District**.

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed Ordinance is hereby **ADOPTED** OR **DENIED**.

County Board Supervisor
(Town of CLAYTON)

PARCEL NO: **006-0637-01 & 006-0638**; FROM R-1 TO R-2

COUNTY DISCLAIMER:

County Board approval does not include any responsibility for County liability for the legality or effectiveness of the Town Zoning Amendment or the Town Zoning Ordinance.

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____, 2017.

Mark Harris

County Board Supervisory district **29 - Youngquist**



Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z MEETING AGENDA OF AUGUST 4, 2017

TO: Planning & Zoning Committee

FM: Zoning Administrator 

RE: Review of Town Zoning Changes

1. Luebke - Town Zoning Change (Part of Tax ID Nos: 006-1790-03 & 006-1790-04) – Town of Clayton.

The town zoning change for Luebke is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from R-1 (Rural Residential District) to R-2 (Suburban Residential District) and Winnebago County's land use plan shows future land use as Agricultural and Rural.

MG₁, RK₂
4-0

RECOMMENDATION: Forward zone change to County Board for action.

2. Steckling - Town Zoning Change (Tax ID No: 006-0670-01) – Town of Clayton.

The town zoning change for Steckling is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Farming District) to R-2 (Suburban Residential District) and Winnebago County's land use plan shows future land use as Residential.

RK₁, MG₂
4-0

RECOMMENDATION: Forward zone change to County Board for action.

3. Dassler - Town Zoning Change (Tax ID Nos: 006-0638-01 & part of 006-0638) – Town of Clayton.

The town zoning change for Dassler is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from R-1 (Rural Residential District) to R-2 (Suburban Residential District) and Winnebago County's land use plan shows future land use as Residential.

MG₁, RK₂
4-0

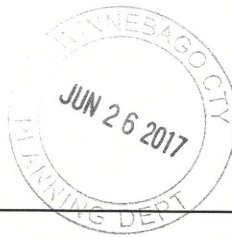
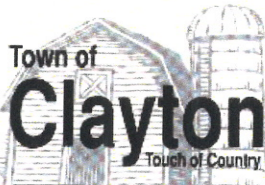
RECOMMENDATION: Forward zone change to County Board for action.

4. Bombinski - Town Zoning Change (Tax ID No: 006-0637-01 & part of 006-0638) – Town of Clayton.

The town zoning change for Bombinski is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from R-1 (Rural Residential District) to R-2 (Suburban Residential District) and Winnebago County's land use plan shows future land use as Residential.

LK, MG₂
40

RECOMMENDATION: Forward zone change to County Board for action.



FLU: Res
R-1 to R-2

8348 County Road T
Larsen, WI 54947

Thursday, June 22nd, 2017

County Zoning Office
Attn: Cary A. Rowe
112 Otter Avenue
Oshkosh, WI 54901

Re: Town Board approved amendment to the Town's Zoning Code of Ordinances Map.

Mr. Cary A. Rowe:

Enclosed please find the material relative to the following amendment(s) to the Zoning Code of Ordinances, Zoning Map in the Town of Clayton:

Re-zoning Application submitted by Barbara J. Bombinski of 2595 Larsen Road, Neenah, WI 54956 for property located at 2595 Larsen Road, Neenah, WI 54956, in the Town of Clayton and specifically described as Tax ID # 006-0637-01, and Tax ID# 006-0638 being part of Lot 1, CSM # 2571, Volume 1, Page 2571, and a part of Lot-2, CSM # 4917, Volume 1, Page 4917 and a Part of the Northeast ¼ of the Northeast ¼, and a Part of the Northwest ¼ of the Northeast ¼ of Section 25, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Application is to re-zone the property from R-1 (Rural Residential District) to R-2 (Suburban Residential District).

Should you have any questions relative to this request please feel free to call or E-mail me.

Sincerely,

Richard Johnston
Town Administrator/Clerk

CC County Clerk, Sue Ertmer

TOWN OF CLAYTON
ORDINANCE 2017-004
ORDINANCE TO AMEND THE OFFICIAL TOWN OF CLAYTON ZONING
ORDINANCE MAP

WHEREAS, One or more applications for amendments to the Map of the Town of Clayton Zoning Code of Ordinances have been filed with the Town Clerk as described herein; and

WHEREAS, following the requisite Notices and Public Hearings the proposed amendments have been reviewed and recommended to the Town Board by the Town's Plan Commission; and

WHEREAS, the applications for amendments to the Map of the Town of Clayton Zoning Code of Ordinances does comply with both the Town's existing land use and future land use elements of the CY 2015/16 update to the Town's Comprehensive Plan; and

WHEREAS, all other procedural requirements have been met for purposes of consideration of the amendment(s) as provided in Section 7 of the Town of Clayton Zoning Code of Ordinances; and

NOW, THEREFORE BE IT ORDAINED THAT, the Town Board of the Town of Clayton, County of Winnebago, State of Wisconsin, pursuant to Article 7 of the Town of Clayton Zoning Code of Ordinances, hereby adopts the following Amendment(s) to the Map of the Town's Zoning Code of Ordinances:

Section 1: The Official Zoning Map of the Town of Clayton is amended as follows:

A. Property Owner:

Barbara J. Bombinski of 2595 Larsen Road, Neenah, WI 54956.

Legal description of property:

The property is located at 2595 Larsen Road, Neenah, WI 54956, in the Town of Clayton and specifically described as Tax ID # 006-0637-01, and Tax ID# 006-0638 being part of Lot 1, CSM # 2571, Volume 1, Page 2571, and a part of Lot-2, CSM # 4917, Volume 1, Page 4917 and a Part of the Northeast ¼ of the Northeast ¼ , and a Part of the Northwest ¼ of the Northeast ¼ of Section 25, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. (See Attachment A)

The above described property is hereby rezoned from:

R-1 (Rural Residential District) to R-2 (Suburban Residential District).

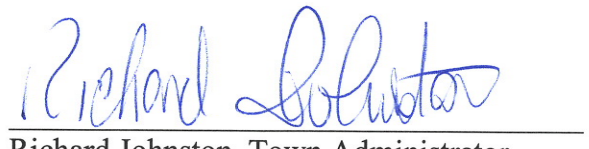
Section 2: This Ordinance shall be submitted to the Winnebago County Board for approval. This amendment to the Town of Clayton Zoning Code of Ordinances shall be effective upon approval by the Winnebago County Board.

Adopted this 21st, day of June, 2017

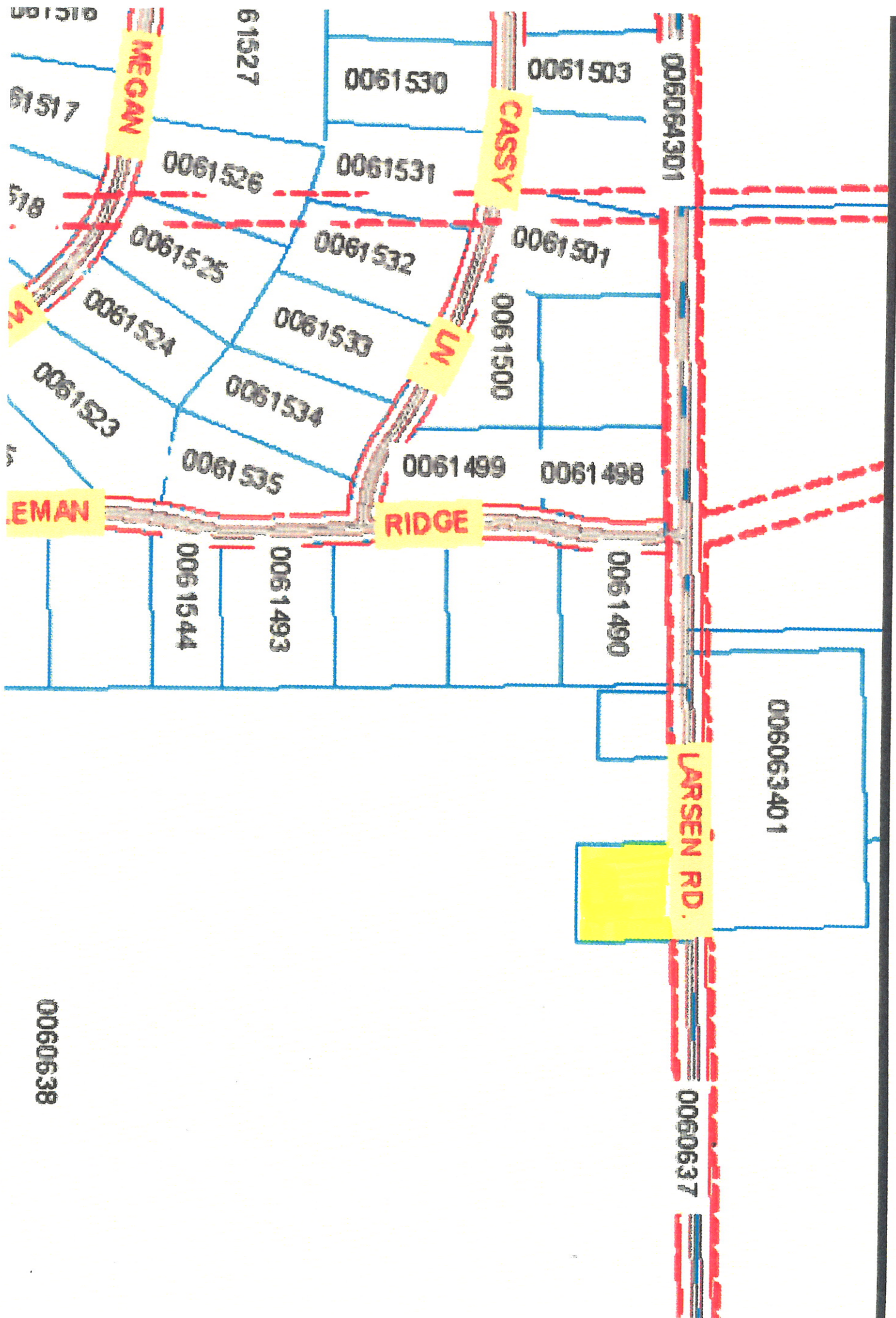
Vote: Yes: 5 No: 0 Absent: 0 ATTEST:



Russell D. Geise, Chair



Richard Johnston, Town Administrator



006064301

0061503

0061530

61527

CASSY

0061531

0061526

61517

0061501

0061532

0061525

518

0061500

0061533

0061524

UN

0061534

0061523

0061498

0061499

0061535

RIDGE

EMAN

0061490

0061493

0061544

006063401

LARSEN RD.

0060637

0060638

WINNEBAGO COUNTY CERTIFIED SURVEY MAP NO. _____

FOR
BARBARA J. BOMBINSKI

LOT 1, CSM #2571, VOL. 1, PG. 2571, AND A PART OF LOT 2, CSM #4917, VOL. 1, PG. 4917 AND A PART OF THE NE 1/4 OF THE NE 1/4, AND A PART OF THE NW 1/4 OF THE NE 1/4, SECTION 25, T. 20 N.-R. 16 E., TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN.

LARSEN ROAD

(RIGHT-OF-WAY WIDTH VARIES)

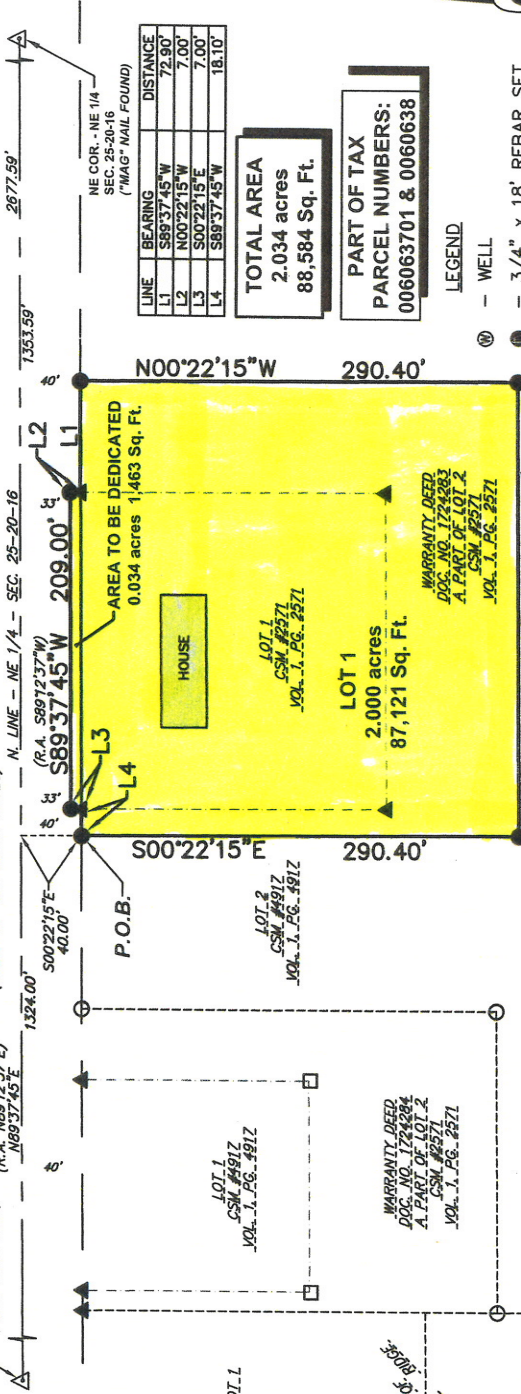
P.O.C.
NW COR. - NE 1/4
SEC. 25-20-16
("MAG" NAIL FOUND)

(R.A. N89°37'45"E)

(R.A. S89°37'45"W)

SEC. 25-20-16

NE COR. - NE 1/4
SEC. 25-20-16
("MAG" NAIL FOUND)



LINE	BEARING	DISTANCE
L1	S89°37'45"W	72.90'
L2	N00°22'15"W	7.00'
L3	S00°22'15"E	7.00'
L4	S89°37'45"W	18.10'

TOTAL AREA
2.034 acres
88,584 Sq. Ft.

PART OF TAX
PARCEL NUMBERS:
006063701 & 0060638

LEGEND

- ⊙ - WELL
- - 3/4" x 18' REBAR SET WEIGHING 1.50 LB/FT.
- - 3/4" IRON ROD FOUND.
- ▲ - 1" IRON PIPE FOUND.
- - 1 1/4" IRON ROD FOUND.
- △ - "MAG" NAIL FOUND.

LOT 2
CSM #4917
VOL. 1, PG. 4917

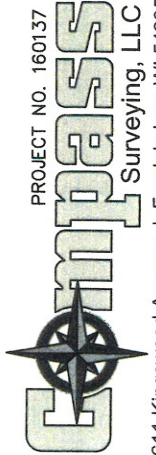
WARRANTY DEED
DOC. NO. 1724284
A PART OF LOT 2
CSM #2571
VOL. 1, PG. 2571

SURVEY NOTE:
RIGHT TO FARM LANGAUGE:

THE LOT CREATED BY THIS CERTIFIED SURVEY MAP IS ADJACENT TO PROPERTY THAT, AS OF THE DATE OF THIS DOCUMENT, ARE BEING USED FOR AGRICULTURAL PURPOSES. SOME INDIVIDUALS BELIEVE THAT THE ACTIVITIES ASSOCIATED WITH THE AGRICULTURAL USE CONSTITUTE A NUISANCE OR CONFLICT WITH THEIR QUIET ENJOYMENT OF THEIR PROPERTY. THIS STATEMENT IS INTENDED TO PROVIDE THIRD PARTIES WITH NOTICE THAT AGRICULTURAL ACTIVITIES MAY EXIST ON THE ADJACENT PROPERTY.

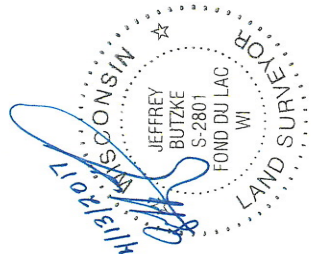
THE OWNER AND SUBSEQUENT OWNERS OF LOT 1 OF THIS CERTIFIED SURVEY MAP, HEREBY AGREE THAT THEY WILL NOT CAUSE UNNECESSARY INTERFERENCE WITH ADJOINING FARMING OPERATIONS PRODUCING AGRICULTURAL PRODUCTS AND USING ACCEPTED AGRICULTURAL PRACTICES, INCLUDING ACCESS TO ACTIVE FARMING OPERATIONS.

PROJECT NO. 160137



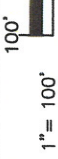
SURVEYOR:
JEFFREY S. BUTZKE
611 KINGSWOOD AVENUE
FOND DU LAC, WI 54935

OWNER / SUBDIVIDER:
BARBARA BOMBINSKI
2595 LARSEN ROAD
NEENAH, WI 54956



611 Kingswood Avenue | Fond du Lac, WI 54935

SCALE SHEET 1 OF 5 SHEETS FEET



1" = 100'

1 **189-92017**

2 **RESOLUTION: Disallow Claim of Jason Tesch**

3

4 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

5

6 **WHEREAS**, your Personnel and Finance Committee has had the claim of Jason Tesch referred to it for
7 attention; and

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

10

11 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that the claim
12 of Jason Tesch, filed with the County Clerk on August 1, 2017, be and the same is hereby disallowed for the reason
13 that there is no basis for liability on the part of Winnebago County.

14

15 Submitted by:

16 **PERSONNEL AND FINANCE COMMITTEE**

17 Committee Vote: **4-0**

18 Vote Required for Passage: **Majority of Those Present**

19

20 Approved by the Winnebago County Executive this ____ day of _____, 2017.

21

22

23

24

Mark L Harris
Winnebago County Executive



Winnebago County
Office of the County Clerk

The Wave of the Future

OSHKOSH (920) 236-4890
FOX CITIES (920) 727-2880
FAX (920) 303-3025
E-mail: countyclerk@co.winnebago.wi.us

NOTICE OF CLAIM

Date: August 1, 2017
To: Doug, Linda and Joan
Re: Claim from Jason Tesch for damage to his boat during an incident with the Sheriff's Department's patrol boat

This claim will be presented to the County Board at their August 15, 2017 meeting.

Incident Report



REPORTED BY: Jason Tesch
TITLE / ROLE: Boat Owner

DATE OF REPORT: 7/31/2017
INCIDENT NO.: _____

INCIDENT INFORMATION

INCIDENT TYPE: Damage to Property DATE OF INCIDENT: 07/04/2017
LOCATION: Wolf River
CITY: Fremont STATE: WI ZIP CODE: 54940
SPECIFIC AREA OF LOCATION (if applicable): _____

INCIDENT DESCRIPTION

While being issue a Natural Resources Citation on the water by Deputy Sheriff D. Luker damages occurred to my 2016 Yamaha AR192.

The Sheriff waved me in from the shoreline while not in the sheriff boat. He and a female deputy got in their boat and instructed me to pull up next to their boat. Due to the lack of proper buoys and equipment to deal with the river current while the sheriff boat was tied to land, the gunwale screws on the sheriff's boat struck and caused damage to the gel coat of my boat. Attached are pictures of the damage.

The boat was purchased new in June of 2016. I am very attentive to the care of my new boat and do not tie up to docks or shore to prevent this type of damage. I did not address the damages at the time with the Sheriff, as I feared for an argument could result in further complication.

NAME / ROLE / CONTACT OF PARTIES INVOLVED

1. D. Luker Winnebago Sheriff Deputy
2. Jason Tesch Boat owner 715-212-3641
3. _____

NAME / ROLE / CONTACT OF WITNESSES

1. Anikka Tesch co owner / occupant 218-213-4739
2. Scott Tesch occupant
3. Victoria Tesch occupant

FOLLOW-UP ACTION

Damage Estimate Pending

SUPERVISOR NAME: _____ SUPERVISOR SIGNATURE: _____ DATE: _____

Incident Report

Pictures

Damage Point 1.)



Damage Point 2.)

Incident Report



2 **RESOLUTION: Authorize Winnebago County to Become a Member of the Property**
3 **Assessed Clean Energy (PACE) Commission**

4
5
6 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

7 **WHEREAS**, pursuant to § 66.0301, Wis Stats, two or more municipalities in the State of Wisconsin may by
8 contract create a commission for the joint exercise of any power or duty required or authorized by law; and

9 **WHEREAS**, Winnebago County is a "municipality" as that term is defined in § 66.0301, Wis Stats, and a
10 political subdivision located in the State of Wisconsin; and

11 **WHEREAS**, Winnebago County is empowered by law to promote economic, cultural, and community
12 development including, without limitation, the promotion of opportunities for the creation or retention of employment,
13 the stimulation of economic activity, the increase of the tax base, and the promotion of opportunities for education,
14 cultural improvement, public health, safety, and general welfare which may be accomplished by various means; and

15 **WHEREAS**, § 66.0627(8), Wis Stats, authorizes a city, village, town, and county in this state to, among other
16 things, make a loan to or otherwise arrange, participate in, or facilitate the financing of an energy improvement, a
17 water efficiency improvement, or a renewable resource application to a real property within its jurisdiction and to
18 provide for such financing through the imposition of a special charge against the property benefitted by the energy or
19 water efficiency improvement or renewable resource project; and

20 **WHEREAS**, such financings are commonly referred to as "Property Assessed Clean Energy," or PACE,
21 financings; and

22 **WHEREAS**, Winnebago County has determined that it is in the public interest to provide real property
23 owners, lessees, lenders, and other transaction parties in Winnebago County with access to a
24 uniformly-administered program for PACE financing; and

25 **WHEREAS**, the Wisconsin Counties Association, League of Wisconsin Municipalities, Green Tier Legacy
26 Communities, and other stakeholders have studied the possibility of creating a commission pursuant to § 66.0301,
27 Wis Stats, to be known as the Wisconsin PACE Commission (Commission); and

28 **WHEREAS**, Winnebago County has evaluated joining the Commission and the benefits of PACE financing
29 and has determined that it is in the County's best interests to join the Wisconsin PACE Commission and authorize
30 the execution of the Commission Agreement; and

31 **WHEREAS**, the PACE Commission would be formed and operated in accordance with a Joint Exercise of
32 Powers Agreement Relating to Wisconsin PACE Commission; and

33 **WHEREAS**, it is the intent of this Resolution to authorize Winnebago County to become a member of the
34 Commission and authorize the Winnebago County Executive and Winnebago County Clerk to execute a Commission
35 Agreement.

36
37 **NOW, THEREFORE, BE IT RESOLVED** that the Winnebago County Board of Supervisors hereby supports
38 the Property Assessed Clean Energy (PACE) program, authorizes entering into the PACE Commission Agreement,
39 and authorizes the Winnebago County Executive and County Clerk to sign such document after receipt of preliminary
40 approval from the other participating municipalities, approval from the Winnebago County Treasurer, and approval of
41 the Corporation Counsel for Winnebago County.

42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64

BE IT FURTHER RESOLVED that the Winnebago County Executive is hereby directed to appoint himself or a Winnebago County Board Supervisor to act as Winnebago County's official representative in relation to the final approval of the form of the Commission Agreement and to otherwise take all action necessary to effectuate the intent of this Resolution.

BE IT FURTHER RESOLVED that the Winnebago County Executive is further directed to appoint an elected County Official as Representative Director of the Board of Directors of the Commission to conform with the Commission Agreement.

Respectfully submitted by:

INDUSTRIAL DEVELOPMENT BOARD

Board Vote: **7-0**

Respectfully submitted by:

PERSONNEL AND FINANCE COMMITTEE

Committee Vote: **3-1**

Vote Required for Passage: **Majority of Those Present**

Approved by the Winnebago County Executive this ____ day of _____, 2017.

Mark L Harris
Winnebago County Executive



Property Assessed Clean Energy (PACE) PACE Wisconsin Overview

Wisconsin Counties Association and WECC EFS





Partnership



GREENTIER



BETTER BUILDINGS CHALLENGE
ECO CITY OF MILWAUKEE

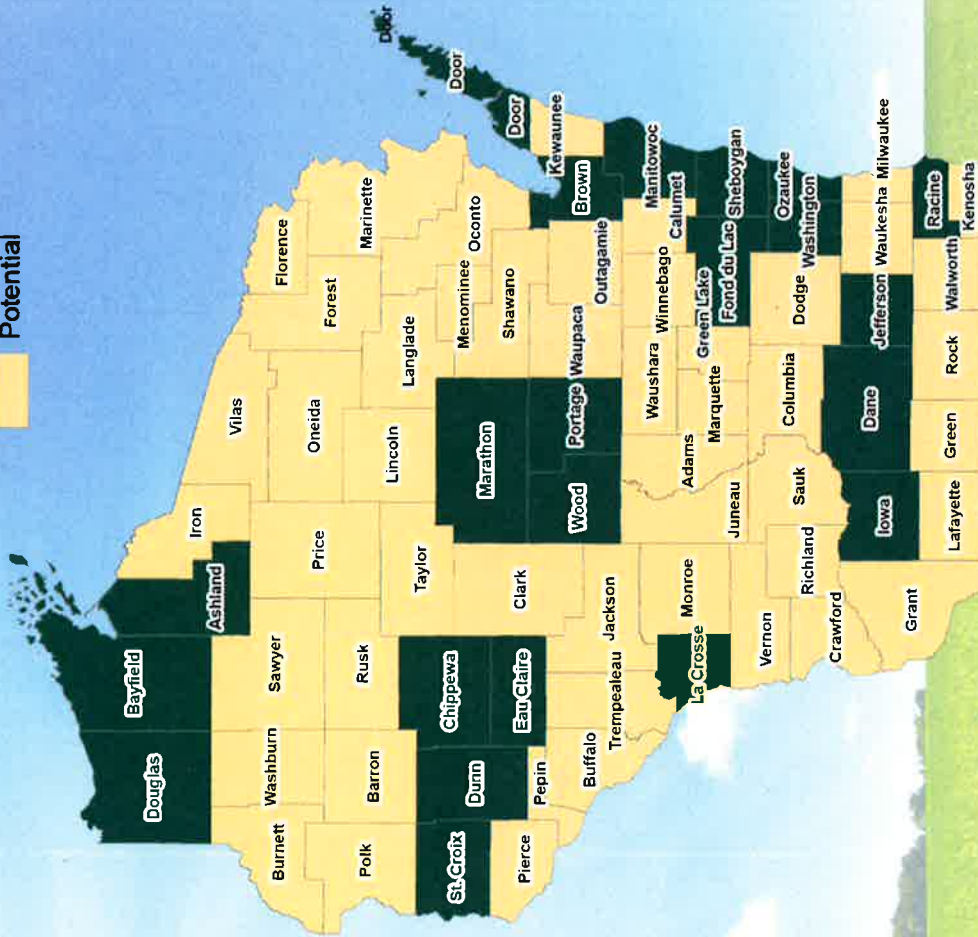




Member Counties

- Ashland
- Bayfield
- Brown
- Chippewa
- Dane
- Douglas
- Dunn
- Eau Claire
- Fond du Lac
- Iowa
- Jefferson
- La Crosse
- Manitowoc
- Marathon
- Ozaukee
- Portage
- Racine
- Sheboygan
- St. Croix
- Washington
- Wood

WI PACE Commission Status





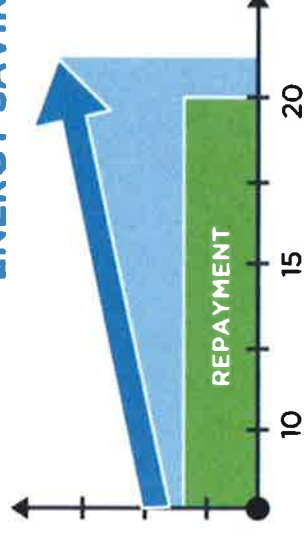
What is PACE?



Assists local businesses with financing

ENERGY SAVINGS

- Renewable energy
- Energy efficiency
- Water conservation



Loan payments covered by utility bill savings.



Enabled by State of Wisconsin Legislation
(Section 66.0627)



Financing is secured by a special charge



Eligible PACE Projects



COMMERCIAL
(Office Building and Retail)

MULTIFAMILY

NON-PROFIT

AGRICULTURE

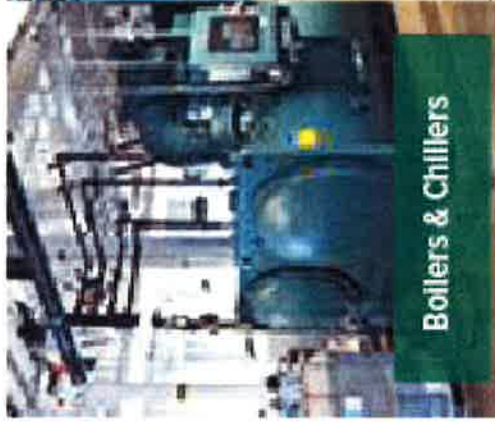
WAREHOUSING

HOSPITALS

**INDUSTRIAL/
MANUFACTURING**

HOSPITALITY

Eligible Improvements



Boilers & Chillers



Pumps & Motors



Automated Building Controls



Building Envelope Improvements



Efficient Lighting Systems



Heating & Cooling System Upgrades



Renewable Energy Systems



Hot Water Heating Systems



PACE Benefits Communities



Stimulate – job creation and economic activity

Revitalize - building stock and improve property values

Profitable – Lowers cost of doing business and boost bottom line of local enterprises

Sustain - achieve sustainability goals

Participate - 100% voluntary, only building owners that opt in pay for the special charge.



Property Owners Benefit



- Financing for 100% of PACE Project cost
- Exchange Equity w/ low cost debt
- Long Repayment Periods: up to 20 years.
- Positive Cash Flow
- Increase Net Operating Income & Property Value
- Energy Savings Performance Guarantees
- Transfers to new owner upon sale
- Tenants share cost & savings



PACE Commission Features



No Cost – PACE requires no credit exposure or general obligation funds from Member Counties.



Statewide Approach - uniform program, applied consistently, helps promote scalability by simplifying participation for stakeholders.



Single Point of Access– The 3rd party program administrator serves as the go-to contact for stakeholders who need program assistance. The administrator also ensures that projects comply with program requirements and services special charge repayment.



Open Market - qualified private lenders provide property owners competitive rates and financing terms. Any contractor or project developer can work on a qualified project.

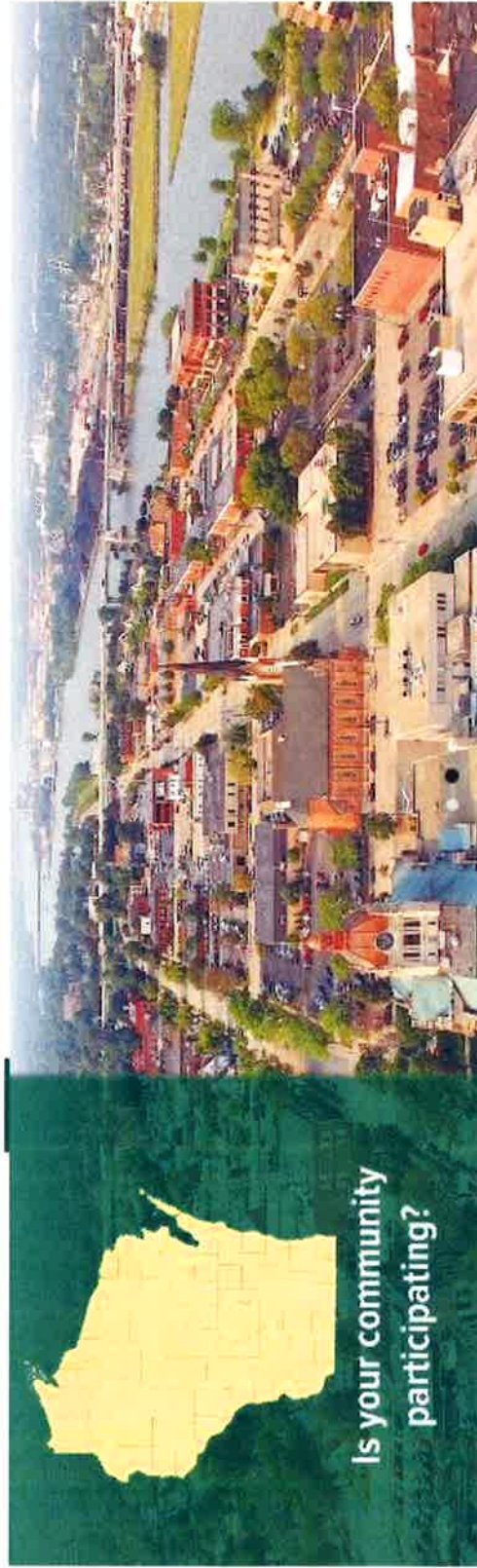


Lender Consent – any existing mortgage lender(s) are required to provide consent to any PACE Loan.



PACE Wisconsin - WWW.PACEWI.ORG

[Home](#) [About Us](#) [Property Owners](#) [Local Governments](#) [Lenders](#) [Contractors](#) [Project Center](#)



PROPERTY OWNERS



LOCAL GOVERNMENT



LENDERS



CONTRACTORS



For More Information

von Briesen & Roper, s.c.

Andy Phillips

414.287.1570

aphillips@vonbriesen.com

Andy Guzikowski

414.287.1438

aguzikow@vonbriesen.com

Michael Riopel

(414) 287-1564

mriopel@vonbriesen.com

Wisconsin Counties Association

Jon Hochkammer

866.404.2700

hochkammer@wicounties.org

WECC EFS

Jason Stringer

608.729.6854

jstringer@weccusa.org

Foley & Lardner, LLP

Lynn Parins

608.258.4339

lparins@foley.com

1 191-92017

2

3 **ORDINANCE: Create Section 3.15 of the General Code of Winnebago County: Property**
4 **Assessed Clean Energy (PACE) Financing Ordinance**

5

6

7 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

8

9 **WHEREAS**, the Winnebago County Board of Supervisors adopted a resolution on September 19, 2017,
10 which authorized Winnebago County to become a member of a Property Assessed Clean Energy (PACE)
11 Commission in order to provide real property owners, lessees, lenders, and other financial parties in
12 Winnebago County with access to a uniformly-administered program to provide PACE financing as authorized
13 by § 60.0627(8), Wis Stats, and

14

15 **WHEREAS**, in order to implement the authority provided in said resolution, it is necessary for
16 Winnebago County to enact an enabling ordinance;

17

18 **NOW, THEREFORE**, the Winnebago County Board of Supervisors does ordain as follows: That
19 Section 3.15 of the General Code of Winnebago County is hereby adopted to read as follows:

20

21 **3.15 PROPERTY ASSESSED CLEAN ENERGY (PACE) FINANCING**

22

23 (1) **PURPOSE:** Winnebago County finds that renovations or additions to premises located in Winnebago
24 County made to improve energy efficiency, improve water efficiency, and/or use renewable resource
25 applications, increase property values, stimulate local economic activity, provide local and global environmental
26 benefits, and promote the general welfare of Winnebago County residents. The purpose of this Ordinance is to
27 facilitate loans arranged by property owners or lessees to make such improvements by treating loan principal
28 and interest, fees, and other charges as special charges eligible for inclusion on the tax roll for these properties.

29

30 (2) **DEFINITIONS:** In this Chapter:

31

32 (a) **Annual Installment:** The portion of the PACE loan that is due and payable for a particular year
33 under the supplemental agreement.

34

35 (b) **Borrower:** The property owner or lessee of the subject property that borrows the proceeds on a
36 PACE loan.

37

38 (c) **Default Loan Balance:** The outstanding balance, whether or not due, of a PACE loan at the time
39 that the County receives foreclosure proceeds.

40

41 (d) **Foreclosure Proceeds:** The proceeds received by Winnebago County from the disposition of a
42 subject property through an *in rem* property tax foreclosure.

43

44 (e) **Loan Amount:** The principal, interest, administrative fees (including the Program Administrator's
45 fees), and other loan charges to be paid by the borrower under the PACE loan.

46

47 (f) **PACE:** Property Assessed Clean Energy.

48

49 (g) **PACE Default Provisions:**

50

51 1. The delinquent annual installment(s) due when Winnebago County initiates an *in rem* property
52 tax foreclosure on the subject property;

53

40 2. Any additional annual installment(s) that become due between the time that Winnebago
41 County initiates an *in rem* property tax foreclosure on the subject property and the date the County receives the
42 foreclosure proceeds.

43 3. Any default interest charges applied to unpaid annual installments referenced in Subsections
44 (2)(g)1. and 2., above, as provided in the supplemental agreement; and

45 4. Any default loan balance.

46 (h) **PACE Lender:** Any person that makes a PACE loan, which may include an affiliate of the
47 borrower.

48 (i) **PACE Loan:** A loan made by a PACE lender to a borrower under this Section for energy
49 efficiency improvements, water efficiency improvements, or renewable resource applications made to or
50 installed on a subject property.

51 (j) **Person:** Any individual, association, firm, corporation, partnership, limited liability company, trust,
52 joint venture, or other legal entity or a political subdivision as defined in § 66.0627, Wis Stats.

53 (k) **Program Administrator:** The person retained by the Wisconsin PACE Commission as provided
54 in Subsection (5)(b).

55 (l) **Subject Property:** Any premises located in Winnebago County on which energy efficiency
56 improvements, water efficiency improvements, or renewable resource applications are being or have been
57 made and financed through an outstanding PACE loan.

58 (m) **Supplemental Agreement:** A written agreement among a borrower, a PACE lender, and
59 Winnebago County as provided for in Subsection (7).

60 (n) **Wisconsin PACE Commission:** The Wisconsin PACE Commission formed under
61 § 66.0301, Wis Stats, as may be amended by Winnebago County, and one or more other political subdivisions
62 as defined in § 66.0627, Wis Stats, pursuant to a Joint Exercise of Powers Agreement relating to the Wisconsin
63 PACE Commission as provided hereafter.

64 (3) **STATUTORY AUTHORITY:** This Section is enacted pursuant to § 66.0627, Wis Stats, as may be
65 amended, which authorizes a county to make a loan or enter into an agreement regarding loan repayments to a
66 third party for owner-arranged or lessee-arranged financing to an owner or a lessee of a premises located in the
67 county for making or installing an energy efficiency improvement, a water efficiency improvement, or a
68 renewable resource application to a premises..

69 (4) **PACE LOANS AS SPECIAL CHARGES; DELINQUENT AMOUNTS AS LIENS:** Any PACE loan
70 made and secured pursuant to this Chapter shall be considered a special charge on the subject property. Any
71 installment or portion of a PACE loan made and secured pursuant to this Chapter that becomes delinquent
72 according to the terms of the PACE loan shall be a lien against the subject property and placed on the tax roll
73 as permitted pursuant to § 66.0627, Wis Stats, as may be amended.

74 (5) **WISCONSIN PACE COMMISSION:**

75 (a) In the event a Wisconsin PACE Commission is formed and Winnebago County becomes the
76 originator of such PACE Commission and any Joint Exercise of Powers Agreement thereunder, any of the
77 powers and duties of Winnebago County under this Chapter, except for those under Subsection (9) may (but
78 are not required to) be delegated to the Wisconsin PACE Commission.

79 (b) The Wisconsin PACE Commission shall further be authorized to retain a Program Administrator to
80 act as its agent and administer the PACE program, subject to adherence with PACE program requirements
81 consistent with this Chapter and § 66.0627, Wis Stats, as may be amended.

82 (6) LOAN APPROVAL:

83 (a) A prospective borrower applying for a PACE loan shall comply with the loan application process
84 set forth in the program manual approved by Winnebago County.

85 (b) The financing arrangements between a borrower and PACE lender shall be subject to the
86 approval of Winnebago County.

87 (7) SUPPLEMENTAL AGREEMENT:

88 (a) The County, the borrower, and the PACE lender shall execute the supplemental agreement
89 which, without limitation:

90 1. Shall inform the participants that the PACE loan amount shall, if requested by the Program
91 Administrator, be imposed as and considered a special charge, and any year's annual installment, if delinquent,
92 may be included on the property tax roll of the subject property as a special charge, and an annual installment
93 that is delinquent shall be a lien against the subject property pursuant to § 66.027, Wis Stats, as may be
94 amended;

95 2. Shall recite the amount and the term of the PACE loan;

96 3. Shall provide for the amount or a method for determining the amount of the annual installment
97 due each year;

98 4. Shall provide whether default interest shall be applied to unpaid annual installments;

99 5. Shall require the PACE lender and the borrower to comply with all federal, state, and local
100 lending and disclosure requirements;

101 6. Shall provide for any fees payable to Winnebago County and/or the Program Administrator;

102 7. Shall recite that the supplemental agreement is a covenant that runs with the land;

103 8. May provide for prepayments of annual installments by the borrower with a resulting reduction
104 in the special charge for the prepayment, subject to any prepayment premium charged by the PACE lender, if
105 any; and

106 9. May allow for amendment by the parties.

107 (b) Prior to executing the supplemental agreement, the owner of the subject property, if different from
108 the borrower, and any existing mortgage holder(s) on the subject property, must have executed a separate
109 writing acknowledging the borrower's use of PACE financing for the subject property and the special charge
110 that will be imposed under this Chapter and its consequences, including the remedies for collecting the special
111 charge.

112 (c) Each PACE loan shall be amortized over the term of the PACE loan as provided in the
113 supplemental agreement.

114 (d) The annual payments of a PACE loan may be payable in installments as authorized by
115 § 66.0627, Wis Stats, as may be amended.

116 (8) ANNUAL INSTALLMENTS ADDED TO TAX ROLLS: Upon the request of the Program Administrator,
117 Winnebago County shall place any year's annual installment, if delinquent, on the tax roll for the subject
118 property as permitted pursuant to § 66.0627, Wis Stats, as may be amended.

119 (9) REMITTANCE OF SPECIAL CHARGES: Winnebago County shall promptly remit to the Wisconsin
120 PACE Commission any payment(s) it receives with respect to any special charge imposed under this
121 Subsection including penalties and charges thereon it may receive from any taxing district or the Winnebago
122 County Treasurer pursuant to Chapter 74, Wis Stats, as amended, subject to Winnebago County retaining any
123 agreed-upon portion thereof for its own costs and expenses attributable to administering the PACE loan and its
124 collection.

125 (10) PROPERTY TAX FORECLOSURE PROCEDURES:

126 (a) If a subject property owner fails to pay any special charges imposed on the subject property under
127 this Section as required, Winnebago County may proceed in collecting the special charge pursuant to the
128 General Code for Winnebago County.

129 (b) Winnebago County shall begin an *in rem* property tax foreclosure proceeding on the subject
130 property at the earliest time allowed under the Wisconsin Statutes unless the County determines that that
131 subject property is a "brownfield" (as defined in § 75.106, Wis Stats, as may be amended) or that *in rem*
132 property tax foreclosure is not in the best interests of the County due to the condition of the property or other
133 reasons.

134 (c) If Winnebago County has determined that it will not commence an *in rem* property tax foreclosure
135 proceeding, then the PACE lender may request that the County, pursuant to § 75.106, Wis Stats, as may be
136 amended, assign the County's right to take judgment against the subject property, provided that the PACE
137 lender and the County fully comply with all provisions of § 75.106, Wis Stats, as may be amended, concerning
138 the subject property, and the PACE lender agrees to pay the amounts required by § 75.36(3)(a)1 and 1m,
139 Wis Stats, as may be amended.

140 (11) EFFECTIVE DATE: The herein Ordinance shall take effect on October 15, 2017.

141
142 Respectfully submitted by:

143 **PERSONNEL AND FINANCE COMMITTEE**

144 Committee Vote: **3-1**

145 Vote Required for Passage: **Majority of Those Present**

146
147 Approved by the Winnebago County Executive this ____ day of _____, 2017.

148
149
150 _____
151 Mark L Harris
152 Winnebago County Executive

2
3
4
5
6
7
8
9

ORDINANCE: Amend Section 19.24(2)(a) of the General Code of Winnebago County to Reflect Fee Increases in Each Category of the Community Park Shelter Rental Fees Program and Eliminate the Small Group Open Air Shelter Rental Service

TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:

10 **WHEREAS**, for nine (9) years there have been no increases in the rental fees for Community Park Shelters,
11 while at the same time the cost associated with maintaining and servicing each of the 45+-year-old shelter facilities
12 has continued to rise; and

13 **WHEREAS**, a comparison of the fees applied to similar facilities and services located in other municipalities
14 demonstrates the appropriateness of instituting a \$10.00 increase in fees affecting Shelter 1, Shelter 2, and the
15 Pavilion, as well as a \$5.00 increase in fees affecting Shelter 3 and Shelter 4; and

16 **WHEREAS**, along with these fee changes, it is desirable to eliminate the shelter rental fee for the small
17 group open air shelters due to an absence of public interest in renting these structures.

18 **NOW, THEREFORE, BE IT ORDAINED** by the Winnebago County Board of Supervisors that effective
19 January 1, 2018, Section 19.24(2)(a) of the General Code of Winnebago County be amended to reflect an increase
20 of \$10 in each of the fee categories affecting Community Park Shelter 1, Shelter 2, and the Pavilion, as well as an
21 increase of \$5 in each of the fee categories affecting Shelter 3 and Shelter 4, and that Section 19.24(2)(a) shall
22 thereupon read as follows:
23

24 **19.24 FEES AND CHARGES**

25 (2)(a) **Community Park Shelter Rental Fee Schedule**

Shelters	Group Size	Weekday Charge	Weekend Charge
1 & 2	Up to 150	\$50.00	\$60.00
	151-300	\$80.00	\$80.00
	301-1000	\$140.00	\$140.00
	Over 1000	Negotiable Minimum \$220.00)	Negotiable (Minimum \$220.00)
3 & 4	Up to 50	\$35.00	\$40.00
	51-300	\$80.00	\$80.00
	301-1000	\$140.00	\$140.00
	Over 1000	Negotiable Minimum \$220.00)	Negotiable (Minimum \$220.00)
Pavilion	Up to 150	\$120.00	\$145.00
	151-300	\$180.00	\$180.00
	301-1000	\$220.00	\$220.00
	Over 1000	\$265.00	\$265.00

28
29 **BE IT FURTHER ORDAINED** by the Winnebago County Board of Supervisors that the rental fee for small
30 group open air shelters shall be eliminated.
31
32

33 **Fiscal Note:** It is estimated that increases of \$10 and \$5 in the various shelter fee categories will net the program an
34 additional \$1,200 over and above the average annual income of \$11,000.

35
36
37
38
39
40
41
42
43
44
45

Respectfully submitted by:
PARKS AND RECREATION COMMITTEE

Committee Vote: **5-0**
Vote Required for Passage: **Majority of Those Present**

Approved by the Winnebago County Executive this ____ day of _____, 2017.

Mark L Harris
Winnebago County Executive

1 193-92017

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

RESOLUTION: Authorize Transfer of \$150,000 from the General Fund Contingency Fund to the Equipment Budget of the Winnebago County Clerk of Courts 2017 Budget for the Purchase of File Shelving to be Installed During the Winnebago County Courthouse Relocation Project.

TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:

WHEREAS, the Winnebago County Clerk of Courts office is being relocated as part of the Courthouse relocation project; and

WHEREAS, new file shelving is needed as part of the department’s move; and

WHEREAS, originally, the Clerk of Courts believed that the funds for the file shelving were included as part of the relocation project budget; and

WHEREAS, there are no funds included in the relocation project budget for furniture, fixtures, or equipment for any departments in the department relocation project; and

WHEREAS, there are not sufficient funds within the Clerk of Courts 2017 Budget to cover the cost of the new filing shelving; and

WHEREAS, the cost of the built-in shelving along with relocating the files currently housed on the 2nd and 4th floor of the Courthouse is estimated at \$150,000; and

WHEREAS, this cost does not include the movement or storage of the files currently on the 3rd floor of the Courthouse.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes a transfer of \$150,000 from the General Fund Contingency Fund to the Equipment Budget of the Winnebago County Clerks of Courts 2017 Budget for the purpose of purchasing and installing file shelving and relocating the above referenced files.

Respectfully submitted by:
JUDICIARY AND PUBLIC SAFETY COMMITTEE

Committee Vote: **5-0**

Respectfully submitted by:
PERSONNEL AND FINANCE COMMITTEE

Committee Vote: **4-0**

Vote Required for Passage: **Two-Thirds of Membership**

Approved by the Winnebago County Executive this ____ day of _____, 2017.

Mark L Harris
Winnebago County Executive

2 **RESOLUTION: Authorize Borrowing an Amount Not to Exceed \$9,860,000, and Authorize**
3 **the Issuance and Sale of General Obligation Promissory Notes Therefore**

4
5
6 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

7 **WHEREAS**, the Winnebago County Board of Supervisors (the "County") hereby finds and determines that it
8 is necessary, desirable and in the best interest of the County to raise funds for the purpose of paying the cost of
9 constructing, remodeling, and improving roads, highways, bridges, buildings, and sites, including projects at the
10 University of Wisconsin—Fox Valley campus, and acquiring and installing furnishings, fixtures, and equipment (the
11 "Project"), and there are insufficient funds on hand to pay said costs; and

12 **WHEREAS**, the County Board of Supervisors hereby finds and determines that the Project is within the
13 County's power to undertake and, therefore, serves a "public purpose" as that term is defined in § 67.04(1)(b),
14 Wis Stats; and

15 **WHEREAS**, counties are authorized by the provisions of § 67.12(12), Wis Stats, to borrow money and to
16 issue general obligation promissory notes for such public purposes; and

17 **WHEREAS**, the Winnebago County Board of Supervisors hereby finds and determines that general
18 obligation promissory notes in the aggregate amount of not to exceed \$9,860,000 should be issued, and it is now
19 necessary and desirable to authorize their issuance and sale.

20
21 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that:

22 Section 1. Authorization of the Notes. For the purpose of paying costs of the Project, there shall be borrowed
23 pursuant to § 67.12(12), Wis Stats, a principal sum not to exceed NINE MILLION EIGHT HUNDRED SIXTY
24 THOUSAND DOLLARS (\$9,860,000) from a purchaser or purchasers to be determined by competitive sale (the
25 "Purchaser").

26 Section 2. Sale of the Notes. To evidence such indebtedness, the Winnebago County Board Chairman,
27 Winnebago County Executive, and Winnebago County Clerk are hereby authorized, empowered, and directed to
28 make, execute, issue, and sell to the Purchaser for, on behalf of and in the name of Winnebago County, general
29 obligation promissory notes aggregating a principal amount not to exceed NINE MILLION EIGHT HUNDRED SIXTY
30 THOUSAND DOLLARS (\$9,860,000) (the "Notes"). There be and there hereby is levied on all the taxable property
31 in Winnebago County a direct, annual tax in such years and in such amounts as are sufficient to pay when due the
32 principal and interest on the Notes.

33 Section 3. Notice of Sale. The Winnebago County Finance Director (in consultation with the County's
34 financial advisor, Robert W. Baird & Co. Incorporated) is hereby authorized and directed to cause notice of the sale
35 of the Notes to be disseminated at such times and in such manner as the Finance Director may determine.

36 Section 4. Official Notice of Sale. The County Finance Director (in consultation with the County's financial
37 advisor, Robert W. Baird & Co. Incorporated) shall also cause an Official Notice of Sale to be prepared and
38 distributed and may prepare or cause to be prepared and distributed an Official Statement or other form of offering
39 circular.

40 Section 5. Award of the Notes. Following receipt of bids for the Notes, the Winnebago County Board of
41 Supervisors shall consider taking further action to provide the details of the Notes and to award the Notes to the
42 lowest responsible bidder or bidders therefore.

43 Section 6. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of
44 the County Board of Supervisors or any parts thereof in conflict with the provisions hereof shall be, and the same are,
45 hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for
46 any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The
47 foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

48 Adopted and recorded this 19th day of September, 2017.

49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

David W Albrecht, Chairman
Winnebago County Board of Supervisors

ATTEST:

Susan T Ertmer,
Winnebago County Clerk

Mark L Harris
Winnebago County Executive

(SEAL)

Respectfully submitted by:
PERSONNEL AND FINANCE COMMITTEE

Committee Vote: **4-0**

Vote Required for Passage: **Three-Fourths of Membership**

Approved by the Winnebago County Executive this ____ day of _____, 2017.

Mark L Harris
Winnebago County Executive

Bonding 2017			
		Amount	Authorizing Resolution
Current year projects approved:			
	CTH GG - CTH T to CTH A	800,000	137-42017
	CTH II traffic signals	350,000	137-42017
	CTH N - STH 26 to CTH FF	847,000	137-42017
	CTH N Bridge	10,000	137-42017
	CTH T - CTH G to Pioneer Rd	1,367,000	137-42017
	Waukau Ave	250,000	137-42017
	Mental health crisis service center	250,000	110-22017
	Courthouse roof and parapet	410,000	107-22017
	CAD / RMS replacement	1,150,000	170-72017
Existing projects approved in prior years:			
	Courthouse security	250,000	024-62016
	Department relocation / bldg remodeling	3,300,000	219-102015
	UW Fox Valley - boiler replacement	215,000	64-102016
	CTH A - Indian Pt Rd to CTH GG	150,000	050-92016
	CTH CB / Oakridge intersection	150,000	62-102016
	Taxiway B reconstruction phase II	310,000	276-32016
	Debt issue costs	51,000	
Total projected bonding 2017		\$ 9,860,000	

BAIRD

Winnebago County

2017 Capital Financing

September 7, 2017

Bradley D. Viegut, Managing Director

bviegut@rwbaird.com

777 East Wisconsin Avenue

Milwaukee, WI 53202

Phone 414.765.3827

Fax 414.298.7354





September 2017							October 2017							November 2017						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
					1	2	1	2	3	4	5	6	7				1	2	3	4
3	4	5	6	7	8	9	8	9	10	11	12	13	14	5	6	7	8	9	10	11
10	11	12	13	14	15	16	15	16	17	18	19	20	21	12	13	14	15	16	17	18
17	18	19	20	21	22	23	22	23	24	25	26	27	28	19	20	21	22	23	24	25
24	25	26	27	28	29	30	29	30	31					26	27	28	29	30		

AMOUNT OF BORROWING/STRUCTURE

- **\$9,860,000** General Obligation Promissory Notes
 - Funds: Capital Projects approved by County Board
 - Term: 10 Year Repayment
 - Optional Redemption: 2025 and thereafter callable in 2024

PROCEDURE

- Personnel and Finance Committee considers Plan of FinanceSeptember 7, 2017
- County Board considers Finance Committee recommendation and adopts Initial Resolution..... September 19, 2017
- Baird and County staff prepares necessary information and submits it to Moody’s for credit rating
- Preparations are made for the issuance (compilation of Preliminary Official Statement, marketing)
- Bids accepted until 10:00 AM..... October 17, 2017
- County Board considers bids and adopts the Award Resolution..... October 17, 2017
- Settlement (funds available) November 7, 2017



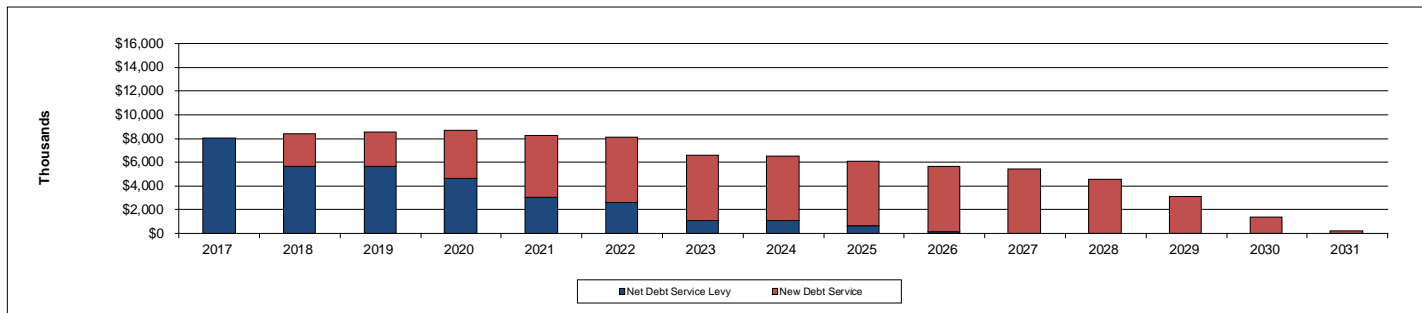
FUTURE FINANCING PLAN: 2017-2021

LEVY YEAR	YEAR DUE	NET LEVY EXISTING DEBT SERVICE (A)	EXISTING MILL RATE (B)	PRELIMINARY - Bank Qualified Levy Supported CIP \$9,860,000 General Obligation Promissory Notes Dated: November 7, 2017				Levy Supported Future Borrowings				COMBINED DEBT SERVICE	COMBINED MILL RATE (B)	IMPACT OVER PRIOR YEAR	YEAR DUE	
				PRINCIPAL (4/1)	INTEREST (4/1 & 10/1) TIC= 2.13%	POTENTIAL BID PREMIUM	TOTAL	G.O. Notes Dated: 10/1/18 Est. AVG= 3.50%	G.O. Notes Dated: 10/1/19 Est. AVG= 4.00%	G.O. Notes Dated: 10/1/20 Est. AVG= 4.50%	G.O. Notes Dated: 10/1/21 Est. AVG= 4.50%					
2016	2017	Actual Levy: \$8,026,000	\$0.68													2017
2017	2018	\$5,612,437	\$0.46	\$2,810,000	\$179,215	(\$179,215)	\$2,810,000						\$8,422,437	\$0.68	\$0.00	2018
2018	2019	\$5,678,270	\$0.45	\$725,000	\$166,900	(\$10,989)	\$880,911	\$1,989,100					\$8,548,280	\$0.68	\$0.00	2019
2019	2020	\$4,629,973	\$0.36	\$730,000	\$152,350		\$882,350	\$1,487,463	\$1,680,600				\$8,680,385	\$0.68	\$0.00	2020
2020	2021	\$3,017,221	\$0.23	\$745,000	\$137,600		\$882,600	\$1,488,088	\$1,678,700	\$1,196,475			\$8,263,083	\$0.64	(\$0.04)	2021
2021	2022	\$2,632,900	\$0.20	\$760,000	\$122,550		\$882,550	\$1,487,313	\$1,679,900	\$1,195,588	\$199,975		\$8,078,225	\$0.62	(\$0.02)	2022
2022	2023	\$1,104,013	\$0.08	\$775,000	\$107,200		\$882,200	\$1,485,138	\$1,679,100	\$1,198,013	\$203,900		\$6,552,363	\$0.49	(\$0.13)	2023
2023	2024	\$1,099,763	\$0.08	\$795,000	\$87,525		\$882,525	\$1,486,475	\$1,681,200	\$1,198,638	\$202,488		\$6,551,088	\$0.49	\$0.00	2024
2024	2025	\$640,825	\$0.05	\$815,000	\$63,375		\$878,375	\$1,486,238	\$1,676,200	\$1,197,463	\$200,850		\$6,079,950	\$0.44	(\$0.05)	2025
2025	2026	\$167,063	\$0.01	\$840,000	\$38,550		\$878,550	\$1,489,338	\$1,679,000	\$1,199,375	\$198,988		\$5,612,313	\$0.40	(\$0.04)	2026
2026	2027			\$865,000	\$12,975		\$877,975	\$1,485,775	\$1,679,400	\$1,199,263	\$201,788		\$5,444,200	\$0.39	(\$0.01)	2027
2027	2028							\$1,485,550	\$1,677,400	\$1,197,125	\$199,250		\$4,559,325	\$0.32	(\$0.07)	2028
2028	2029									\$1,197,850	\$201,375		\$3,077,125	\$0.21	(\$0.11)	2029
2029	2030										\$203,050		\$1,399,375	\$0.10	(\$0.11)	2030
2030	2031										\$199,388		\$199,388	\$0.01	(\$0.09)	2031
				\$9,860,000	\$1,068,240	(\$190,204)	\$10,738,036	\$15,370,475	\$16,789,400	\$11,976,113	\$2,011,050		\$89,493,536			

(A) Net of subsidy reductions and non-levy supported debt.

(B) Mill rate based on 2016 & 2017 Equalized Valuation (TID-OUT) of \$11,798,032,500 & \$12,315,791,000, respectively, with 1.50% annual growth thereafter.

Note: This information is provided for information purposes only. It does not recommend any future issuances and is not intended to be, and should not be regarded as, advice.



1 195-92017

2 **RESOLUTION: Authorize the Winnebago County Finance Department to Enter Into a**
3 **5-Year Contract with Maximus to Prepare Winnebago County’s Annual**
4 **Cost Allocation Plan at a Cost of \$5,500 Per Year**

7 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

8 **WHEREAS**, the Winnebago County Finance Department contracts with a company to prepare a cost
9 allocation plan; and

10 **WHEREAS**, the cost allocation plan is a document that allocates administrative and other costs to various
11 departments such as Child Support, Public Health, Human Services, and others; and

12 **WHEREAS**, these indirect costs are included in Federal and State grant reporting; and

13 **WHEREAS**, these indirect costs are funded by Federal and State grant programs bringing in additional
14 revenue in amounts in excess of \$130,000 per year; and

15 **WHEREAS**, the contract with the current contractor expired in 2016; and

16 **WHEREAS**, the Winnebago County Finance Department sought quotes from companies who prepare cost
17 allocation plans, and Maximus offered the lowest price; and

18 **WHEREAS**, after interviewing several staff members from Maximus and contacting other counties, the
19 Winnebago County Finance Department believes that Maximus is qualified and, therefore, the Finance Director is
20 recommending that Winnebago County enter into a 5-year contract with Maximus at an annual cost of \$5,500.

21 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
22 authorizes the Winnebago County Finance Department to contract with Maximus to provide cost allocation plans to
23 Winnebago County for 5 years, from the years 2017 through 2021.

26 Respectfully submitted by:

27 **PERSONNEL AND FINANCE COMMITTEE**

28 Committee Vote: **4-0**

29 Vote Required for Passage: **Majority of Those Present**

31 Approved by the Winnebago County Executive this ____ day of _____, 2017.

33 _____
34 Mark L Harris
35 Winnebago County Executive

WINNEBAGO COUNTY
PURCHASE OF SERVICES AGREEMENT

RE: Cost Allocation Plan

THIS AGREEMENT made and entered into this 16 day of **August, 2017**, by and between Winnebago County, hereinafter referred to as "COUNTY" (whether a department, board, or agency thereof), and Maximus Consulting Services Inc, hereinafter referred to as "PROVIDER."

WITNESSETH:

WHEREAS the COUNTY, whose address is 415 Jackson Street, Oshkosh, WI 54901, desires to purchase services from the PROVIDER for the purpose of **Cost Allocation Plan**; and

WHEREAS the PROVIDER whose address is One West Old State Capital Plaza, Suite 502, Springfield IL 62701, is able and willing to provide such services;

NOW, THEREFORE, in consideration of the above premises and the mutual covenants of the parties hereinafter set forth, the receipt and sufficiency of which is acknowledged by each party for itself, the COUNTY and the PROVIDER do agree as follows:

1. **TERM:** The term of this Agreement be for the years ended December 31, 2017, 2018, 2019, 2020, and 2021, work to be performed during 2018, 2019, 2020, 2021, and 2022, and shall terminate as of the 31st day of August 2022, unless sooner agreed upon by the parties. In any event, the PROVIDER shall complete its obligations under this Agreement not later than the 31st day of August 2022, and upon its failure to do so, the COUNTY may invoke the penalties set forth in Schedule A. The COUNTY shall not be liable for any services performed by PROVIDER other than during the term of this Agreement.

2. **SERVICE TO BE PROVIDED:** PROVIDER agrees to provide the following:

- services detailed in the bid specifications, if any;
- request for proposals (RFP) and the PROVIDER's response thereto, if any;
- X Schedule A, attached hereto, and incorporated herein by reference.

In the event of a conflict between or among any of the above-checked provisions, it is agreed that the terms of Schedule A, to the extent of any conflict, will be controlling.

3. **ASSIGNMENT**: PROVIDER shall not assign any interest or obligation in this Agreement and shall not transfer any interest or obligation in this Agreement, whether by assignment or novation, without the prior written consent of the COUNTY.
4. **TERMINATION**: If, through any cause, the PROVIDER shall fail to fulfill in a timely and proper manner its obligations under this Agreement or if the PROVIDER shall violate any of the covenants or stipulations of this Agreement, the COUNTY shall thereupon have the right to terminate this Agreement by giving a thirty (30) day written notice to the PROVIDER of such termination and specifying the effective date thereof. There shall be no other termination or cancelation of this Agreement during its term, without the prior written consent of both parties unless specifically permitted otherwise by Schedule A.
5. **UNFINISHED WORK**: In the event the COUNTY exercises its unilateral right to terminate this Agreement for cause in the manner provided for in Paragraph 4, above, all finished or unfinished documents, services, papers, data, products, or the like prepared, produced, or made by the PROVIDER under this Agreement shall, at the option of the COUNTY, become the property of the COUNTY, and the PROVIDER shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents, services, papers, data, products, or the like. Notwithstanding the above, the PROVIDER shall not be relieved of liability to the COUNTY for damages sustained by the COUNTY by virtue of any breach of this Agreement by the PROVIDER, and the COUNTY may withhold any payments to the PROVIDER for the purpose of set-off.
6. **FAILURE TO APPROPRIATE FUNDS**: The failure of the Winnebago County Board of Supervisors to appropriate sufficient funds in any year covered by this Agreement shall automatically terminate this Agreement.
7. **TERMS OF PAYMENT**: The COUNTY will pay the PROVIDER for all the aforementioned work the sum of **listed on Schedule "A"** upon satisfactory completion of the work and performance of this contract. All goods and services delivered prior to December 31st must be invoiced to COUNTY by January 31st of the subsequent year or the invoice will be subject to a 10% deduction for late billing.
8. **WISCONSIN LAW CONTROLLING**: It is expressly understood and agreed to by the parties hereto that in the event of any disagreement or controversy between the parties, Wisconsin law shall be controlling.

9. **ARBITRATION:**

- A. This Agreement shall be covered by the laws of the State of Wisconsin.
- B. Claims, disputes, and other matters in question between the parties to this Agreement arising out of, or relating to, this Agreement or the breach thereof shall be decided by arbitration in accordance with the Rules of the American Arbitration Association then pertaining, upon the express written consent of all parties of this Agreement. In the event the parties proceed to arbitration, the proceedings shall be governed by the following:
 - 1) The American Arbitration Association shall submit a panel of five (5) arbitrators to the parties. The parties shall alternate strikes until one arbitrator remains who shall arbitrate the dispute. The party initiating the first strike shall be determined by the winner of a coin flip.
 - 2) The costs of the arbitration proceeding (except for the filing fee, which shall be paid by the party initiating the proceeding) shall be borne equally by the parties. Each party shall pay his own legal fees and expenses incurred in connection with the proceeding.
 - 3) Any arbitration shall take place in the City of Oshkosh, Winnebago County, Wisconsin.
 - 4) Unless otherwise agreed upon by the parties, the arbitration hearing shall be limited to one day in length with the arbitrator providing each side equal time to present its case during that day.
 - 5) Any discovery proceeding shall be limited to the thirty (30) day period prior to the date of the arbitration hearing. The party requesting the discovery shall pay for all costs incurred by the opposite party, except for attorney's fees, relating to the discovery procedure including, but not limited to, witness, reporter's fees for depositions, photocopying fees, postage fees, and delivery fees.
 - 6) In issuing any ruling regarding any arbitration matter, the arbitrator shall issue a written decision which shall include written findings of fact and conclusions of law.
 - 7) The proceeding and arbitration shall be governed by the laws of the State of Wisconsin including, specifically, Chapter 788, Wis Stats.

10. **PROVIDER EFFICIENCY:** PROVIDER shall commence, carry on, and complete its obligations under this Agreement with all deliberate speed and in a sound, economical, and efficient manner, in accordance with this Agreement and all applicable laws. In

providing services under this Agreement, the PROVIDER agrees to cooperate with the various departments, agencies, employees, and officers of the COUNTY.

11. **INDEPENDENT CONTRACTOR STATUS:** The parties agree that the PROVIDER is an independent contractor and that the PROVIDER, its employees, and agents are not employees of COUNTY. PROVIDER agrees to secure at PROVIDER's own expense all personnel necessary to carry out PROVIDER's obligations under this Agreement. Such personnel shall not be deemed to have any direct contractual relationship with the COUNTY.

15. **DELIVERY BY MAIL:** Notices, bills, invoices, and reports required by this Agreement shall be deemed delivered as of the date of postmark if deposited in a United States mailbox, first class postage attached, addressed to a party's address as set forth above. It shall be the duty of a party changing its address to notify the other party in writing within a reasonable time.

16. **HOLD HARMLESS:** At all times during the term of this Agreement, PROVIDER agrees to indemnify, save harmless, and defend the COUNTY, its boards, commissions, agencies, officers, employees, and representatives against any and all liability, losses, damages, costs, or expenses, whether personal injury or property damage, that the COUNTY, its officers, employees, agencies, boards, commissions, and representatives may sustain, incur, or be required to pay by reason of the PROVIDER furnishing the services or goods required to be provided under this Agreement, provided, however, that the provisions of this section shall not apply to liabilities, losses, charges, costs, or expenses caused by or resulting from the acts or omissions of the COUNTY, its agencies, boards, commissions, officers, employees, or representatives.

17. **INSURANCE:**
 - A. Prior to commencing work, PROVIDER shall, at its own cost and expense, furnish COUNTY with a Certificate of Insurance indicating proof of the following insurance from companies licensed in the State of Wisconsin:
 - 1) **Workers' Compensation:** (Statutory) In compliance with the Compensation Law of the State of Wisconsin and Employers' Liability Insurance with a limit not less than \$100,000 each accident.

- 2) **Comprehensive or Commercial General Liability Insurance** with a minimum limit of \$1,000,000 per occurrence/\$1,000,000 aggregate combined Single Limit for bodily injury and property damage. This insurance shall include, but not be limited to, the following coverages:
 - a) Premises—Operations
 - b) Products and Completed Operations
 - c) Broad Form Property Damage
 - d) Contractual
 - e) Personal Injury
- 3) **Professional Liability**: (If applicable) Insurance with a minimum limit of \$1,000,000 per occurrence/\$1,000,000 aggregate.
- 4) **Automobile Liability**: Insurance with a minimum limit of \$1,000,000 per occurrence/\$1,000,000 aggregate Combined Single Limit for bodily injury and property damage. This insurance shall include bodily injury and property damage coverage for all of the following:
 - a) Owned Automobiles
 - b) Hired Automobiles
 - c) Non-Owned Automobiles

B. The certificate shall list the **Certificate Holder and Address** as follows:

WINNEBAGO COUNTY
ATTENTION INSURANCE ADMINISTRATOR
PO BOX 2808
OSHKOSH WI 54903-2808

The Winnebago County Department(s) involved shall be listed under “**Description of Operations.**”

- C. Such insurance shall include, under the **General Liability and Automobile Liability Policies**, Winnebago County, its employees, elected officials, representatives, and members of its boards and/or commissions as “**Additional Insureds.**”
- D. Such Insurance Certificate shall include a thirty (30) day notice prior to cancelation or material policy change, which notice shall be given to:

WINNEBAGO COUNTY
ATTENTION INSURANCE ADMINISTRATOR
PO BOX 2808
OSHKOSH WI 54903-2808

All such notices shall name the contractor and identify the contract project. All of the above coverages, limits, and conditions are required unless waived in writing by the COUNTY’s Safety Insurance Coordinator.

E. The Winnebago County Insurance Coordinator must approve any exception to these requirements. Submit any requests in writing to:

WINNEBAGO COUNTY
ATTENTION INSURANCE ADMINISTRATOR
PO BOX 2808
OSHKOSH WI 54903-2808

or email to: dpetraszak@co.winnebago.wi.us.

18. **LIMITATION EFFECT ON PAYMENTS BY COUNTY**: In no event shall the making of any payment required by this Agreement constitute or be construed as a waiver by the COUNTY of any breach of the covenants of this Agreement or a waiver of any default of the PROVIDER, and the making of any such payment by the COUNTY while any such default or breach shall exist in no way shall impair or prejudice the right of the COUNTY with respect to recovery of damages or other remedies as a result of such breach or default.
19. **DISCRIMINATION**: During the term of this Agreement, the PROVIDER agrees not to discriminate against any person, whether a recipient of services (actual or potential), an employee, or an applicant for employment on the basis of race, religion, sex, handicap, national origin, age, cultural differences, sexual preference, marital status, or physical appearance. Such equal opportunity shall include but not be limited to the following: employment, upgrading, demotion, transfer, recruitment, advertising, layoff, termination, training, rates of pay, or any other form of compensation. The PROVIDER agrees to post in conspicuous places, available to all employees and applicants for employment, notices setting forth the provisions of this Agreement as they relate to affirmative action and nondiscrimination.
20. **AFFIRMATIVE ACTION**: PROVIDER may be required to file an Affirmative Action Plan with the COUNTY if the PROVIDER receives \$10,000 in annual aggregate contracts or other such consideration of comparable worth, and PROVIDER has ten (10) or more employees. Such plan must be filed within fifteen (15) days of the effective date of this Agreement, and failure to do so by said date shall constitute grounds for immediate termination of this Agreement by the COUNTY.

21. **EQUAL OPPORTUNITY EMPLOYER:** PROVIDER shall, in all solicitations for employment placed on PROVIDER's behalf, state that PROVIDER is an "Equal Opportunity Employer."
22. **COMPLIANCE INFORMATION:** PROVIDER agrees to furnish all information and reports required by the COUNTY as they relate to affirmative action and nondiscrimination, which may include any books, records, or accounts deemed appropriate to determine such compliance.
23. **PROVIDER'S LEGAL STATUS:** PROVIDER warrants that it has complied with all necessary requirements to do business in the State of Wisconsin, that the persons executing this Agreement on its behalf are authorized to do so and, if a corporation, that the name and address of PROVIDER's registered agent is as set forth opposite the heading REGISTERED AGENT on the last page of this Agreement. PROVIDER shall notify COUNTY immediately, in writing, of any change in its registered agent, his or her address, and the PROVIDER's legal status.
24. **ENTIRE AGREEMENT:** The entire Agreement of the parties is contained herein, and this Agreement supersedes any and all oral agreements and negotiations between the parties relating to the subject matter hereof.

IN WITNESS WHEREOF, the COUNTY and the PROVIDER have executed this Agreement and its Schedules as of the day and date first set forth above.

FOR THE PROVIDER:

FOR WINNEBAGO COUNTY:

Mark L Harris
Winnebago County Executive

Susan T Ertmer
Winnebago County Clerk

REGISTERED AGENT:

Name

Address

City/State/Zip

Drafted by:
John A Bodnar
Corporation Counsel for
Winnebago County

Its
Revised: 3/2012

Schedule A



August 8, 2017
via email: Dpetraszak@co.winnebago.wi.us

Mr. Douglas Petraszak, Assistant Finance Director
Winnebago County Finance Department
112 Otter Ave
PO Box 2808
Oshkosh, WI 54901

RE: Request for Quote on Cost Allocation Plan Services

Dear Mr. Petraszak:

MAXIMUS Consulting Services, Inc., a wholly-owned subsidiary of MAXIMUS, Inc., is pleased to respond to your request for a price quote to prepare an Indirect Cost Allocation Plan (CAP) for Winnebago County. MAXIMUS will provide advice and consultation on structuring the plan that will be in compliance with generally acceptable accounting practices and 2 CFR Part 200 (Formerly OMB A-87).

MAXIMUS understands the challenges facing local governments today. We have been providing cost allocation plan services 40 years and have assisted thousands of state and local governments and public entities with recovering millions of dollars. We would offer to extend a contract to you at \$5,500 annually for five years. Listed below is our not-to-exceed quote you requested for five years. This is a fixed price proposal inclusive of any travel expenses and time on the job. MAXIMUS submits this quote based on certain assumptions. That is, MAXIMUS assumes that the County will negotiate in good faith certain terms and conditions upon award of the contract. For your consideration, a sample contract of our requested terms and conditions is attached.

Year 1 Price - 2017 Actual Costs	\$5,500
Year 2 Price - 2018 Actual Costs	\$5,500
Year 3 Price - 2019 Actual Costs	\$5,500
Year 4 Price - 2020 Actual Costs	\$5,500
Year 5 Price - 2021 Actual Costs	\$5,500
5-Year not-to-exceed	\$27,500

Mr. Douglas Petraszak
August 8, 2017
Page 2

MAXIMUS completes more CAPs nationally than any other firm, resulting in multiple benefits to Winnebago County:

- Our national network of practitioners is constantly looking for new ways to generate greater recoveries for our clients and sharing strategies with each other to benefit our clients.
- Our internal review process constantly keeps us abreast of changing U.S. Department of Health and Human Services (DHHS) Division of Cost Allocation Services (CAS) rulings across the country better enabling us to help you achieve your objectives.
- Any one of our 40 financial services consultants could potentially assist on your project, giving us the ability to bring in subject matter expertise and additional resources, if and when needed.
- Our years of experience providing cost allocation services and human services program consulting to government agencies ensures that not only do we understand cost allocation methodologies, but we understand how these methods apply to the various federal and state programs. This results in enhanced cost recoveries and a thorough understanding of how costs are structured in the County.
- Our first-hand knowledge of strategies that have been approved or denied in other states will not waste the County's time pursuing strategies that we already know will not be acceptable to CAS.
- Our strong financial position affords us the viability required to ensure that the objectives of your project are not threatened by the economic risks that could befall less stable contractors who may depend on lines of equity or venture capital investments to keep their doors open.

Thank you for the opportunity to provide you with a price quote. If you have any questions, please contact me at michaelholmes@maximus.com or 217.416.0433. MAXIMUS looks forward to working with you on this very important assignment.

Sincerely,



Michael Holmes
Vice President
MAXIMUS Consulting Services, Inc.

Attachment

2 **RESOLUTION: Support Legislation to Allow an Individual Meeting Certain Requirements**
3 **to File a Petition for Expungement of the Individual’s Criminal Record**
4 **with the Sentencing Court After the Individual Completes a Sentence**

7 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

8 **WHEREAS**, under current law, a Court may order an individual’s criminal record expunged of certain crimes
9 that a person committed before the age of 25; and

10 **WHEREAS**, under current law, the expungement may only be ordered at sentencing and the record may not
11 be expunged until the completion of the sentence; and

12 **WHEREAS**, a proposal to amend the law is currently be considered that would allow an individual to file a
13 petition for expungement with the sentencing court after the individual completes his or her sentence; and

14 **WHEREAS**, according to the proposal, upon receipt of such a petition, the court shall review the petition at a
15 hearing unless the victim of the crime waives a hearing, then order the record be expunged or deny the petition; and

16 **WHEREAS**, according to the proposal, if the court denies the petition, the individual may not file another
17 petition for two years; and

18 **WHEREAS**, your undersigned Committee recommends that the Winnebago County Board of Supervisors
19 adopt this Resolution.

20 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
21 supports proposed legislation to allow an individual meeting certain requirements to file a petition for expungement
22 with the sentencing court after he or she completes his or her sentence.
23

24 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that it hereby supports
25 permitting a person whose petition is denied to file another petition in two years.
26

27 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that the Winnebago County
28 Clerk be directed to forward a copy of this Resolution to the Wisconsin Counties Association, the Office of Governor
29 Scott Walker, all state legislators that serve constituents within Winnebago County, and the Winnebago County
30 District Attorney.
31

32 Respectfully submitted by:

33 **LEGISLATIVE COMMITTEE**

34 Committee Vote: **7-2**

35 Vote Required for Passage: **Majority of Those Present**

36
37 Approved by the Winnebago County Executive this ____ day of _____, 2017.

38
39 _____
40 Mark L Harris
41 Winnebago County Executive

1 197-92017

2 **RESOLUTION: Support Legislation to Maintain Full Funding for the Great Lakes**
3 **Restoration Initiative**

6 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

7 **WHEREAS**, the Trump Administration has proposed cutting funding for the Great Lakes Restoration Initiative
8 (GLRI); and

9 **WHEREAS**, the Federal government currently appropriates \$330 million in funding to multiple Federal
10 agencies, which in turn makes competitive grants available to local units of government to protect and improve water
11 quality in the Great Lakes; and

12 **WHEREAS**, since the initiative began, Winnebago County and surrounding counties which make up portions
13 of the Lower Fox River Basin have successfully installed several million dollars of conservation practices on the
14 landscape and have seen measurable improvements in water quality in watercourses flowing to and through Lake
15 Winnebago, Lake Butte des Morts, Lake Poygan, and other waterways flowing to the Fox River and Lake Michigan;
16 and

17 **WHEREAS**, if funding for this initiative is eliminated, it will have significant impacts on local programs
18 working towards improving water quality locally and overall within the Great Lakes region. Currently, GLRI funding
19 accounts for approximately 30% of the Land Conservation Department budget annually; and

20 **WHEREAS**, the Legislative Committee requests supporting full funding of the Great Lakes Restoration
21 Initiative in the Federal budget; and

22 **WHEREAS**, your undersigned Committee recommends that the Winnebago County Board of Supervisors
23 adopt this Resolution.

24 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
25 supports full funding of \$300 million for the Great Lakes Restoration Initiative (GLRI) in the upcoming Federal budget.
26

27 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that the Winnebago County
28 Clerk is hereby directed to forward a copy of this Resolution to the Wisconsin Counties Association, the Office of
29 Governor Scott Walker, and all U.S. Congressman and U.S. Senators that serve constituents within Winnebago
30 County.
31

32
33 Respectfully submitted by:

34 **LEGISLATIVE COMMITTEE**

35 Committee Vote: **9-0**

36 Vote Required for Passage: **Majority of Those Present**

37
38 Approved by the Winnebago County Executive this ____ day of _____, 2017.

39
40 _____
41 Mark L Harris
42 Winnebago County Executive

1 **198-92017**

2

3 **ORDINANCE: Adopt Chapter 14 of the General Code of Winnebago County: Illicit Discharge**
4 **and Illicit Connection Ordinance**

5

6

7 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

8

9 **WHEREAS**, the Winnebago County Board of Supervisors finds that the uncontrolled discharge of pollutants
10 to its Municipal Separate Storm Sewer System (MS4) has an adverse impact on the water quality of receiving waters;
11 and

12 **WHEREAS**, the United States Environmental Protection Agency (EPA) has promulgated regulations
13 implementing the National Pollution Discharge Elimination System (NPDES) program; and

14 **WHEREAS**, the EPA has authorized the State of Wisconsin to issue NPDES permits under the Wisconsin
15 Pollutant Discharge Elimination System (WPDES) permit system; and

16 **WHEREAS**, the WPDES regulations require Winnebago County to control the contribution of pollutants to its
17 regulated MS4 by prohibiting illicit discharges, and to inspect, monitor, and enforce the prohibitions of illicit
18 discharges to its regulated MS4 via an Illicit Discharge and Illicit Connection Ordinance.

19

20 **NOW, THEREFORE, BE IT ORDAINED** by the Winnebago County Board of Supervisors that Chapter 14 of
21 the General Code of Winnebago County is hereby adopted to read as follows:

22 ***See attached Document***

23

24 Respectfully submitted by:

25 **LAND CONSERVATION COMMITTEE**

26 Committee Vote: **6-1**

27 Respectfully submitted by:

28 **HIGHWAY COMMITTEE**

29 Committee Vote: **5-0**

30 Vote Required for Passage: **Majority of Those Present**

31

32

33 Approved by the Winnebago County Executive this ____ day of _____, 2017.

34

35

36

37

38

Mark L Harris
Winnebago County Executive

Chapter 14

Illicit Discharge and Illicit Connection Ordinance

Ch. 14 of the Winnebago County code entitled "Illicit Discharge and Illicit Connection Ordinance" relating to illicit discharge and connection and response procedure is hereby created to provide control over illicit discharges, connections and associated pollutants reaching waters of the state. Use of this ordinance by Winnebago County will foster the consistent statewide application of illicit discharge and connection standards in NR 151, Wis. Adm. Code.

14.01 AUTHORITY.

- (1) This ordinance is adopted under the authority granted by s. 59.693, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under s. 59.69 Wis. Stats., that relate to construction site erosion control and/or stormwater management. Except as otherwise specified in s. 59.693 Wis. Stats., s. 59.69 Wis. Stats., applies to this ordinance and to any amendments to this ordinance.
- (2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the County.
- (3) Winnebago County hereby designates the County Highway Commissioner or designee of that office, to administer and enforce the provisions of this ordinance.
- (4) The requirements of this ordinance do not pre-empt more stringent illicit discharge and connection requirements that may be imposed by any of the following:
 - (a) Wisconsin Department of Natural Resources administrative rules, permits or approvals.
 - (b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources.

14.02 PURPOSE AND INTENT.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Winnebago County through the regulation of non-storm- water discharges to the Winnebago County owned municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the Winnebago County owned MS4 in order to comply with requirements of the Wisconsin Pollutant Discharge Elimination System (WPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the MS4 by stormwater discharges by any user.
- (2) To prohibit illicit connections and illicit discharges to the MS4.
- (3) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

14.03 APPLICABILITY.

- (1) This ordinance applies to all water and/or discharges entering the Winnebago County owned MS4 located within the boundaries and jurisdiction of the Urbanized Area (UA) unless explicitly exempted by Winnebago County. (The UA boundaries shall apply until amended and then shall apply as amended.)

14.04 RESPONSIBILITY FOR ADMINISTRATION.

- (1) The County Highway Commissioner shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the County Highway Commissioner may be delegated in writing by the County Highway Commissioner to persons, agents and/or entities acting in the beneficial interest of or in the employ of the County.

14.05 COMPATIBILITY WITH OTHER REGULATIONS

- (1) This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of

any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

14.06 SEVERABILITY.

- (1) The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

14.07 ULTIMATE RESPONSIBILITY.

- (1) The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

14.08 DEFINITIONS.

For the purposes of this ordinance, the following shall mean:

- (1) “Administering Authority” means the governmental employees or their designees empowered under S. 59.693, Wisconsin Statutes to administer this ordinance. For the purpose of this ordinance the administering authority is the Winnebago County Highway Commissioner’s Office or their designees, under guidance from the Highway Committee.
- (2) “Best Management Practices or BMPs” means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment, or pollutants carried in runoff to waters of the state or the MS4.
- (3) “Contaminated stormwater” means stormwater that comes into contact with any pollutant, material handling equipment or activities, raw materials, intermediate products, final products, waste materials,

byproducts or industrial machinery in the source areas listed in NR 216.

- (4) “Department” or “WDNR” means the Wisconsin Department of Natural Resources.
- (5) “Discharge” when used without qualification includes a discharge of any pollutant.
- (6) “Discharge of pollutant” or “discharge of pollutants” means any addition of any pollutant to the waters of the state or MS4 from any point source.
- (7) “Illicit Connections” means any drain or conveyance, whether on or above the surface or in the subsurface, that allows an illicit discharge to enter the MS4. For the purpose of this ordinance, illicit connections include channels, subsurface conduits, seepages, or preferential flow paths resulting from damaged or leaking drains, pipe or other conveyances and/or properties that allow an illicit discharge to the MS4.
- (8) “Illicit Discharge” means any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater; except discharges authorized by a WPDES permit and those discharges allowed in Section 14.09(1)(c) of this ordinance.
- (9) “Industrial Activity” means activities subject to WPDES Industrial Permits per NR 216 and Wisconsin Statute 283.
- (10) “Municipality” means any city, town, village, county, county utility district, town sanitary district, town utility district, school district or metropolitan sewage district or any other public entity created pursuant to law.
- (11) “Municipal Separate Storm Sewer System (MS4)” (as defined in WI admin Code NR 216) means a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all the following criteria:
 - i. Owned or operated by a municipality.
 - ii. Designed or used for collecting or conveying stormwater.
 - iii. Which is not a combined sewer conveying both sanitary and stormwater.
 - iv. Which is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.

- (12) “Non-Stormwater Discharge” means any discharge that is not composed entirely of stormwater.
- (13) “Notice of Violation” means a written order issued by the administering authority that informs the recipient of a violation(s) to the ordinance, and furthermore states requirements and schedule to achieve compliance with the ordinance.
- (14) “Operator” means any person operating, leasing, renting, or performing work on behalf of the owner, or having made arrangements with the landowner by which the landowner authorizes use of his or her land. For the purpose of this ordinance, the term operator includes contractors performing activities on behalf of the landowner.
- (15) “Owner” or “landowner” means any person holding fee title, an easement or other interest in property.
- (16) “Person” means an individual, owner, operator, corporation, organization, firm, partnership, association, municipality, interstate agency, state agency or federal agency or other entity recognized by law and acting as either the owner or as the owner’s agent.
- (17) “Pollutant” means any constituent, chemical, substance, contaminant or material that causes or contributes to pollution. Pollutants may include, but not be limited to: dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil and other automotive fluids, paints, varnishes, solvents, sewage sludge, munitions, chemical wastes, pesticides, herbicides, fertilizers, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, animal, and agricultural waste.
- (18) “Pollution” as defined in Wisconsin Statute 283, man-made or man-induced alteration of the chemical, physical, biological or radiological integrity of water.
- (19) “Pollution prevention” means taking measures to eliminate or reduce pollution.
- (20) “Premises” means any building, lot, residence, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

or
land.

- (21) “Runoff” means that portion of precipitation (rain, snow, or ice melt) other material/liquid that moves or has flowed on the surface of the
- (22) “Stormwater” means the water which results from, and which occurs during and immediately following a rainfall, snow or ice melt event.
- (23) “Stormwater Management Plan/ Stormwater Pollution Prevention Plan” (SWPPP) means a document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.
- (24) “Urbanized Area” means a place and the adjacent densely settled surrounding territory that together have a minimum population of 50,000 people, as determined by the U.S. Bureau of the Census on the latest decennial federal census. For the purpose of this ordinance, the urbanized area is the area located within Winnebago County which is regulated under a WDNR permit issued pursuant to subch. I of NR 216, Wis. Adm. Code.
- (25) “Wastewater” means any water or other liquid, other than uncontaminated stormwater, discharged from a facility or manufacturing process.
- (26) “Waters of the state” as defined in Wisconsin Statute 283 (November 1, 2005), means those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface water or groundwater, natural or artificial, public or private within the state or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person.
- (27) “Wisconsin Pollutant Discharge Elimination System (WPDES) Storm Water Discharge Permit” means a Wisconsin pollutant discharge elimination system permit issued pursuant to Wisconsin Statute 283.

14.09 DISCHARGE PROHIBITIONS.

- (1) ILLICIT DISCHARGES. Any direct or indirect non-stormwater discharges to the MS4 are prohibited unless exempted below in section c.

- a. Direct Discharges. No person, municipality, or entity shall discharge (throw, dump, spill, drain, leak, or otherwise discharge) or cause to be discharged or allow others under its control to discharge to the MS4 any substances or materials, including but not limited to pollutants, wastewater, or waters containing any pollutants, other than stormwater.
- b. Indirect Discharges. Runoff from any activity, operation, premises or facility which causes or contributes to pollution or contamination to the MS4 is prohibited.
- c. Exemptions. The following discharges/activities are exempt from the provisions of this section unless found to have an adverse impact on the MS4 and/or stormwater:
 - 1. Stormwater that contains no pollutants.
 - 2. Discharges authorized by a WPDES permit issued by WDNR.
 - 3. Discharges resulting from fire fighting activities.
 - 4. Discharges from uncontaminated groundwater, potable water sources, roof drains, foundation drain and sump pump, air conditioning condensation, springs, lawn watering, individual residential car washing, and dechlorinated swimming pool discharges.
 - 5. Discharges associated with dye testing, however this activity requires verbal notification to the administering authority and WDNR a minimum of one day prior to the time of the test.

(2) ILLICIT CONNECTIONS.

- a. The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.
- b. This prohibition expressly includes, without limitation, illicit connections made prior to the adoption of this ordinance, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- c. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.
- d. Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved

onsite wastewater management system or the sanitary sewer system upon approval of the Winnebago County and/or its authorized agents.

- e. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the Winnebago County and/or its authorized agents requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Winnebago County and/or its authorized agents.

14.10 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

- (1) The owner or operator of any activity, operation, premises, or facility which may cause or contribute to pollution or contamination of stormwater, the MS4, or waters of the state shall provide, at their own expense, reasonable protection from discharge of prohibited materials or other wastes into the municipal MS4 or waters of the state through the use of structural and nonstructural BMPs. Further, any person responsible for a property or premise that is, or may be, the source of an illicit discharge may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid WPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section. Additionally, the holder of the WPDES permit shall comply with all provisions of such permit. If applicable, the BMPs shall be part of a Stormwater Management Plan (SWMP)/Stormwater Pollution Prevention Plan (SWPPP) as necessary for compliance.

14.11 COMPLIANCE MONITORING

- (1) Right of Entry: Inspecting and Sampling.
 - a. The administering authority shall be permitted to enter and inspect facilities/premises subject to 14.14 under this ordinance as often as may be necessary to determine compliance with this ordinance.
 - (1) The discharger shall make all necessary arrangements to allow the administering authority and/or its representatives access to all parts of the premises for the purposes of inspection, monitoring (including the right to set up at any facility/premises such devices as are necessary in the opinion of the administering authority to conduct monitoring and/or sampling [of the facility's discharge]), sampling, examination and copying of records.
 - (2) The administering authority has the right to require the discharger to install monitoring equipment or provide analytical results of the discharge(s) as necessary. The facility's or premises sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
 - (3) Any temporary or permanent obstruction to safe and easy access to the facility/premises to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the administering authority and shall not be replaced. The costs of clearing such access shall be borne by the operator.
 - (4) Unreasonable delays in allowing the administering authority access to a facility/premises is a violation. An owner or operator of a facility commits an offense if the person denies the administering authority reasonable access to the facility or at the premises for the purpose of conducting any activity authorized or required by this ordinance.
- (2) Special Inspection Warrant.

- a. If the administering authority has been refused access to any part of the premises from which a discharge(s) has occurred, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the administering authority may seek issuance of a special inspection warrant per state statute 66.0119.

14.12 NOTIFICATION OF SPILLS.

- (1) Notwithstanding other requirements of law, as soon as any person responsible for a facility, premises, or activity, or responsible for emergency response for a facility, premises, or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the MS4, or waters of the State, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the administering authority in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the administering authority within 3 business days of the phone notice. If the discharge of materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 7 years.
- (2) Failure to provide notification of a release as provided above is a violation of this ordinance.

14.13 SUSPENSION OF MS4 ACCESS

- (1) In the event the violation is a result of an emergency situation, Winnebago County and/or its authorized agents may, without prior notice, suspend MS4 discharge access to a person(s) when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to

the environment, or to the health or welfare of persons, or to the MS4 or waters of the state. If a person(s) fails to comply with a suspension order issued in an emergency, the administering authority and/or its agents may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the state, or to minimize danger to persons.

a. The County may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

- (a) Immediately comply with all ordinance requirements; and
- (b) Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

(2) In the event the violation is detected as a result of an illicit discharge/connection, when [in the event] the source of a violation is unknown, the administering authority may suspend MS4 discharge access to a person(s) until the source of the violation is determined and/or the discharge has been corrected.

(3) Any person notified of an emergency order directed to it under this subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the Winnebago County and/or its authorized agents may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal utility services. The Winnebago County and/or its authorized agents may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the Winnebago County and/or its authorized agents that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this ordinance. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the Winnebago County and/or its authorized agents within 10 days of receipt of the prerequisite for, taking any other action against the violator.

a. Suspension due to Illicit Discharges in Emergency Situations

- (a) Winnebago County and/or its authorized agents may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the Winnebago County and/or its authorized agents may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the State, or to minimize danger to persons
- (4) Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. Winnebago County and/or its authorized agents will notify a violator of the proposed termination of its MS4 access. The violator may petition Winnebago County and/or its authorized agents for a reconsideration and hearing.
- (5) A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of Winnebago County and/or its authorized agents.

14.14 VIOLATIONS, ENFORCEMENT, AND PENALTIES.

- (1) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.
- (2) In the event the violation constitutes an immediate or imminent danger to public health or public safety or to the environment, the administering authority and/or its agents are authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation. The administering authority is authorized to seek costs of the abatement as outlined in 14.15.

- (3) The administering authority shall serve the responsible owner or operator with a notice of violation of any non-complying activity(ies). Such notice of violation may require without limitation:
- the elimination of illicit connections or discharges;
 - that violating discharges, practices, or operations shall cease and desist;
 - the performance of monitoring, analyses, and reporting; the elimination of illicit connections or discharges;
 - the abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - payment of a fine to cover administrative, monitoring, and remediation costs; and the implementation of BMPs.

Investigation and/or resolution of the matter in response to the notice of violation in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the notice.

(4) If the owner or operator does not comply with ordinance requirements and/or a notice of violation from the administering authority, the administering authority and/or its agents are authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation. The administering authority is authorized to seek costs of the abatement as outlined in 14.15 of this ordinance.

- (5) Any person that continues discharging to the MS4 in violation of this ordinance or notice of violation may have their MS4 access terminated if such termination would abate or reduce an illicit discharge.
- (6) Any person who does not comply with the provisions of this ordinance, or fails to cease activity as required in a cease and desist order posted under this section, or fails to comply with any approved plan or permit, shall be subject to a forfeiture in accordance with section 25.04 of the Winnebago County Code. Every violation of this ordinance is a public nuisance and each day that the violation exists shall constitute a separate offense. The administering authority may impose upon a violator additional compensatory actions, such as storm drain stenciling, attendance at compliance workshops, and cleanup of MS4s or watercourses.

- (7) Compliance with this ordinance may be enforced by injunctive order by Winnebago County pursuant to S. 59.69(11), Wisconsin Statutes. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

14.15 COST OF ABATEMENT OF THE VIOLATION.

1. Within 60 days after abatement of the violation, the owner or operator of the property will be notified of the cost of abatement, including administrative costs. If the amount due is not paid by the date determined by the municipal authority, the charges shall become a special charge against the property and shall constitute a lien on the property.
2. In the event an owner or operator fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect the amount plus any interest thereupon as a special charge against the property pursuant to Section 66.60(16), Wisconsin Statutes.

14.16 VIOLATIONS DEEMED A PUBLIC NUISANCE.

- (1) Any condition in violation of any of the provisions of this ordinance and declared and deemed a nuisance, may be summarily abated or restored at the violator's expense.

14.17 REMEDIES NOT EXCLUSIVE.

- (1) The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the administering authority to seek cumulative remedies.
- (2) The administering authority may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

14.18 ORDINANCE EFFECTIVE DATE

- (1) This ordinance shall become effective upon passage and publication.

14.19 AMINISTRATIVE REVIEW PROCEDURE

- (1) Any person aggrieved by a decision of the administering authority in relationship to this ordinance shall be provided a review of said decision pursuant to the provisions of Chapter 68, Wisc. Stats.

1 199-92017

2 **RESOLUTION: Designate the Winnebago County Department of Human Services to**
3 **Receive Coordinated Services Team (CST) Funding from the Wisconsin**
4 **Department of Health Services for the Purpose of Providing Wrap-Around**
5 **Services to Uninsured Youth and Families**

6
7
8 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

9 **WHEREAS**, the goal of Coordinated Services Teams (CST) is to keep individuals with multiple needs in their
10 communities (home, schools, work, etc) through the establishment of a comprehensive, coordinated, and community-
11 based system of care centered on the individuals; and

12 **WHEREAS**, the Wisconsin Department of Health Services has offered Winnebago County \$60,000 per year
13 in funding to provide wrap-around services to uninsured youth and families through a coordinated service team; and

14 **WHEREAS**, the Wisconsin Department of Health Services requires that the Winnebago County Board of
15 Supervisors designate a County agency to receive CST funding prior to such funding being provided; and

16 **WHEREAS**, such funding will be provided to Winnebago County commencing in the 2018 budget year.

17
18 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
19 designates the Winnebago County Department of Human Services as the appropriate agency to receive Coordinated
20 Services Team (CST) funding from the Wisconsin Department of Health Services for the purpose of providing wrap-
21 around services to uninsured youth and families within Winnebago County.

22
23 Respectfully submitted by:

24 **HUMAN SERVICES BOARD**

25 Board Vote: **7-0**

26 Vote Required for Passage: **Majority of Those Present**

27

28 Approved by the Winnebago County Executive this ____ day of _____, 2017.

29

30

31

32

Mark L Harris
Winnebago County Executive