

**WINNEBAGO COUNTY BOARD OF SUPERVISORS
TUESDAY, OCTOBER 18, 2016**

There will be an Adjourned Meeting of the Winnebago County Board of Supervisors on Tuesday, October 18, 2016, 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.
 - Zoning Petitions:
 - No. 001 – Adam B. Fuss, Town of Poygan; tax parcel no. 020-0074-01; rezone from R-1 to A-2
 - No. 002 – Ken Ruedinger, Town of Rushford; tax parcel no. 022-0824-02; rezone from A-2 to R-1
- Reports from Committees, Commissions & Boards
- Approval of the proceedings from the September 20, 2016 meeting
- County Executive's Report
- County Executive's Appointments:
 - Winnebago County Housing Authority – Rodney Cross
 - Winnefox Library System Board of Trustees – Jill Enos
- County Board Chairman's Report

ZONING REPORTS & ORDINANCES

Report No. 001 – Michael S. Yingling, Town of Wolf River

Amendatory Ordinance No. 10/01/16– Rezoning from R-1 to R-1 without wetland for tax parcel no. 032-0730-19

Report No. 002 – Oshkosh Realty Corp., Town of Nekimi

Amendatory Ordinance No. 10/02/16 – Rezoning from A-2 to R-1 for tax parcel no. 012-0319-03

RESOLUTIONS AND ORDINANCES

- ORDINANCE NO. 055-92016: Repeal and Recreate Chapter 27 of the General Code of Winnebago County Entitled, "Shoreland Zoning Code"
Submitted by:
PLANNING & ZONING COMMITTEE
- RESOLUTION NO. 057-102016: Commendation for Rodney Schraufnagel
Submitted by:
PERSONNEL & FINANCE COMMITTEE
- RESOLUTION NO. 058-102016: Commendation for Gladys Farr
Submitted by:
PERSONNEL & FINANCE COMMITTEE
- RESOLUTION NO. 059-102016: Disallow Claim of Brian L. Hoey
Submitted by:
PERSONNEL & FINANCE COMMITTEE
- RESOLUTION NO. 060-102016: Disallow Claim of David G. Madell, Jr.
Submitted by:
PERSONNEL & FINANCE COMMITTEE
- RESOLUTION NO. 061-102016: Disallow Claim of Karen J. Hottinger
Submitted by:
PERSONNEL & FINANCE COMMITTEE

- RESOLUTION NO. 062-102016: Appropriate \$1,900,000 to a Capital Project for the Improvement/Reconstruction of the CTH CB and Oakridge Road Intersection Located in the Town of Neenah
Submitted by:
HIGHWAY COMMITTEE
PERSONNEL & FINANCE COMMITTEE
- RESOLUTION NO. 063-102016: Appropriate a Total of \$570,918 as a Capital Project to Complete Upgrades and Repairs to the Exterior of the UW-Fox Valley Campus Library Building
Submitted by:
UW-FOX VALLEY BOARD OF TRUSTEES
FACILITIES & PROPERTY MANAGEMENT COMMITTEE
PERSONNEL & FINANCE COMMITTEE
- RESOLUTION NO. 064-102016: Authorize a Capital Project to Replace an Aging Steam Boiler System at the UW Fox Valley Campus with an Integrated Hot Water System and Appropriate \$430,000 to be Split Equally Between Winnebago and Outagamie Counties to Cover the Costs of the Project
Submitted by:
UW-FOX VALLEY BOARD OF TRUSTEES
FACILITIES & PROPERTY MANAGEMENT COMMITTEE
PERSONNEL & FINANCE COMMITTEE
- RESOLUTION NO. 065-102016: Appropriate an Additional \$30,000 to the Taxiway B Reconstruction Project at Wittman Regional Airport
Submitted by:
AVIATION COMMITTEE
PERSONNEL & FINANCE COMMITTEE
- RESOLUTION NO. 066-102016: Authorize a Transfer of \$9,995 From the Airport Grounds Maintenance Account to the Capital Outlay Account for the Purchase of a Woods Batwing Mower
Submitted by:
AVIATION COMMITTEE
PERSONNEL & FINANCE COMMITTEE
- RESOLUTION NO. 067-102016: Authorize the Borrowing of an Amount Not to Exceed \$3,940,000 and the Issuance and Sale of General Obligation Promissory Notes
Submitted by:
PERSONNEL & FINANCE COMMITTEE

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
September 20, 2016**

**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, SEPTEMBER 20, 2016**

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, Barker, Harpt, Eisen, Ramos, Blank, Roh, Smith, Long, Scherck, Albrecht, Gabert, Binder, Thompson, Olson, Wojciechowski, Gordon, Wingren, Lautenschlager, Norton, Warnke, Robl, Singstock, Brooks, Locke, Hegg, Finch, Youngquist, Farrey, Rasmussen, Keller, Egan, Ellis, Snider and Kriescher. Excused: Powers

Motion by Supervisor Robl and seconded by Supervisor Finch to adopt the agenda with one exception, presentation of the 4-H Key Awards will be after adoption of the agenda. CARRIED BY VOICE VOTE.

PRESENTATION OF 2016 WISCONSIN KEY AWARD

Kayla Oberstadt, 4-H Youth Development Educator, explained the Wisconsin Key Award and reported that this year's recipients are:

- Stephany Beck
- T. J. Beck
- Julia Behm
- Casey Buehler

Ms. Oberstadt explained that this is the highest award that a 4-H member can achieve. Stephany Beck was the only one present to accept her certificate. Ms. Oberstadt read statements from the other three recipients. The Key Award is sponsored by Wisconsin Farm Bureau and Rural Mutual Insurance.

Chairman Albrecht called for a motion to suspend County Board Rule 6.5 to allow the public to speak on the CTH CB and Oakridge Road Project Presentation.

John Bodnar, Corporation Counsel, explained that this motion was out of order because the motion to suspend Rule 6.5 was is not on tonight's agenda.

PUBLIC HEARING

John Doemel, 455 Zarling Avenue, Oshkosh; spoke in support of the Oshkosh Speedzone Raceway.

The following people spoke about the CTH CB and Oakridge Road presentation:

- Harriet Martin, 918 Leeward Court, Oshkosh
- Chris Mack, 1000 Grand Street, Oshkosh

Chairman Albrecht announced that the Board could not entertain any more comments from the public on the CTH CB and Oakridge Road project because, according to Sec. 6.5 of the Winnebago County Board's rules, the public can only comment on resolutions and ordinances that appear on the agenda. This project is on the agenda, but only as a presentation—not as a resolution or ordinance.

Numerous members of the public who had wanted to speak on this issue expressed their disappointment and frustration about this rule.

The following persons spoke in support of the Oshkosh Speedzone Raceway:

- Jeff Lemiesz, 2230 Plymouth Street, Oshkosh
- Patricia Diener, 1316 Broad Street, Oshkosh

COMMUNICATIONS AND PETITIONS

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

- Communications, petitions, etc.
 - Notice of Claim:
 - Notice of Claim from Karen Hottinger for damage to her car caused by a buckle in the road on Highway 45 was referred to the Personnel and Finance Committee.
 - Notice of Claim from Patrick Hansen for tar removal from his vehicle caused by a road construction project on Highway 45 was referred to the Personnel and Finance Committee.
 - Notice of Claim from David G. Madell, Jr. for damage to his car's windshield caused by a Winnebago County dump truck was referred to the Personnel and Finance Committee.
 - Notice of Claim from Brian Hooley for damage to his car's windshield caused by loose blacktop on Highway 45 was referred to the Personnel and Finance Committee.
 - Notice of Claim from Mark Kaufmann requesting reimbursement for a vehicle rental charge due to an accident with a Land and Water vehicle was referred to the Personnel and Finance Committee.

- Zoning Petitions:
 - No. 001 – A zoning request from Oshkosh Realty Corp, Town of Nekimi; tax parcel no. 012-0319-03(p); to rezone from A-2 to R1 for a single family residence was referred to the Planning and Zoning Committee.
 - No. 002 – A zoning request from Michael S. Yingling, Town of Wolf River; tax parcel no. 032-0730-19; to rezone from R-1 with wetlands to R-1 without wetlands for an off-site residential garage was referred to the Planning and Zoning Committee.
- Resolutions from other counties:
 - Richland County – Resolution No. 16-114 – regarding their opposition to the UW-Cooperative Extension Reorganization Plan was referred to the Legislative Committee.

REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS

Supervisor Farrey reported that the Land Conservation Committee will be holding a public hearing on the proposed amendments to Chapter 13--Livestock Waste Management of the county's General Code on September 26, 2016 at 7:00 p.m. at the Vinland Town Hall.

Supervisor Egan reported that there will not be a Legislative Committee meeting in September because of a lack of agenda items.

Motion by Supervisor Finch and seconded by Supervisor Norton to approve the August 16, 2016 proceedings. CARRIED BY VOICE VOTE.

COUNTY EXECUTIVE'S REPORT

Executive Mark Harris expressed his support of "Resolution No. 050-92016: Appropriate \$4,200,000 to a Capital Project to Reconstruct CTH A from Indian Point Road North to CTH GG in the Town of Vinland". He explained that the State of Wisconsin has awarded Winnebago County a \$3.3 Million grant for this project. This is a significant contribution from the state and he hopes that this will encourage the Board to approve this project.

Executive Harris expressed his concerns about "Resolution No. 054-92016: Request the Winnebago County Executive to Offer the Original 2016 Contract Renewal to Impact Motorsports, LLC" and asked that the Board not pass this resolution as written. Executive Harris explained that because of on-going negotiations with the LifeFest organization and the possibility of the county offering Impact Motorsports, LLC, a one-year contract, he recommends that the Board not pass this resolution.

Executive Harris then took questions from the board.

COUNTY EXECUTIVE'S APPOINTMENTS

Mississippi Valley Health Services Commission and The Marsh County Health Alliance

Executive Harris asked for approval of his appointment of Supervisor Mike Norton, 1029B S. Main Street, Oshkosh; to the Mississippi Valley Health Services Commission and the Marsh County Health Alliance. These are two-year terms which will expire on June 30, 2018.

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

Aging and Disability Resource Center Committee

Executive Harris asked for approval of his re-appointments of Deb Hogue, 4390 Lakeland Drive, Oshkosh; Donna Lohry, 511 W. Bent Street, Oshkosh; Supervisor Harold Singstock, 229 N. Meadow Street, Oshkosh; and Claire Steger, 237 Stevens Street, Neenah; to the Aging and Disability Resource Center Committee. These are three-year terms which will expire on August 31, 2019.

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

EXPLANATION OF COMMITTEE QUORUMS

John Bodnar, Corporation Counsel, spoke to the Board about the problem of committees forming quorums at another committee's noticed and posted meeting. He explained that this situation has been an issue in the past. In an effort to remedy these situations, the County Clerk was instructed to list the names of all the county's standing committees, boards and commissions on all meeting agendas and add the following "boiler plate" language: "Should a quorum of any of the listed committees or boards occur at the above-noticed meeting, this notice of meeting and the agenda shall also serve as a notice of meeting and agenda for any committee or board for which a quorum is present."

Atty. Bodnar explained that he also requested an opinion from the Wisconsin Attorney General's Office on this problem and on the use of boiler plate language on agendas. In a letter dated July 26, 2016, Atty. Paul M. Ferguson,

Assistant Attorney General, explained that the “boiler plate” language being used on our agendas, “is not sufficient notice” and does not comply with Wisconsin’s open meetings law.

Atty. Bodnar stated that the Attorney General’s opinion, although not definitive, should be accepted and followed. He further explained that this means whenever there is a potential of another committee forming a quorum at another committee’s meeting, notice of that committee must be posted at least 24-hours in advance. And, if members of one committee also form a quorum of a second committee, a meeting agenda/notice must be posted for both those committees. It is permissible to use one meeting agenda/notice for both committees.

Atty. Bodnar also advised that if a committee inadvertently forms a quorum that wasn’t posted at another committee’s meeting, someone needs to leave that meeting or risk being in violation of Wisconsin’s open meetings law.

Atty. Bodnar then took questions from the Board.

CTH CB AND OAKRIDGE ROAD PROJECT PRESENTATION

Ernie Winters, Winnebago County Highway Commissioner; and Mike Scarman, of KL Engineering of Fitchburg, Wisconsin; explained the results of the Intersection Control Evaluation (ICE) of the CTH CB and Oakridge Road project.

Mr. Winters stated that because of the history of accidents and fatalities at this intersection, the county has done two traffic warrant analyses over the years, the last one was completed in 2012. He explained that both analyses showed that traffic signals were not warranted at this intersection. However, Mr. Winters stated that these weren’t “hard warrants” that had any legal ramifications, but were used as guidelines when considering what to do at this intersection.

Because accidents have continued to occur at this location, the county requested that an “Intersection Control Evaluation” (ICE) be done. Mr. Winters explained that this is a more detailed analysis that looks at the complex geometrics of the intersection, such as the slight rise in the road to the south of the intersection. With more details, the county can make smarter decisions on short-term and long-term improvements to the intersection. Also, a more detailed analysis increases the county’s chances of being awarded funds from the Wisconsin Department of Transportation’s (DOT) Highway Safety Improvement Program. Mr. Winters stated that the timing of the ICE and funds from the DOT worked out very well for the county.

Mr. Winters then explained that based on the results of the ICE, the recommendations from the consultant and Mr. Winters’ opinion, a round-about is the best and safest remedy for this intersection. He said that he has submitted an application for funds from the DOT’s Highway Safety Improvement Program for this project. The cost for a round-about is estimated to be between \$1.7 and \$1.8 Million.

Mr. Winters explained that signals at this intersection, along with significant changes to the configuration of the lanes, would be the second best option at a cost of approximately \$1.2 Million. Adjusting the rise in CTH CB south of this intersection would not be addressed in either of these two projects.

Mr. Winters then reported that just today, he learned that the state has approved the county’s application for funds and will provide the county with approximately \$1.6 Million. This amount is based on 90-10 cost share—the state will cover 90% of the cost and the county will be responsible for 10% of the cost. He further explained that if the county decides to install signals at this intersection instead of a round-about, the county will have to submit a new application for DOT funds.

Mr. Winters then introduced Mike Scarman who gave more technical and specific details of the ICE process and the outcome of the evaluation. Mr. Scarman explained that they began the evaluation in May and completed it in August. In the first phase of the evaluation they look at the current design and geometrics of the intersection, the topography of the area and the intersection’s crash history. In the second phase, they make their recommendation after looking at improvement options, estimating costs and determining the impact of the changes on surrounding properties.

Mr. Scarman then presented the Board with more specifics of the study and explained why a round-about is the best long-term option for this intersection. A copy of this report is on file in the County Clerk’s Office with the minutes of this meeting.

Mr. Winters and Mr. Scarman took questions from the Board following their presentation.

ZONING REPORTS & ORDINANCES

Report No. 001 – A report from the Planning and Zoning Committee regarding a requested zoning change from Peter G. & Cindy Weyenberg, Town of Neenah to change from A-2 General Agriculture to R-1 Rural Residential for parcel no. 010-0088-04(p). Motion by Supervisor Farrey and seconded by Supervisor Hegg to accept. CARRIED BY VOICE VOTE.

Amendatory Ordinance No. 09/01/16– A requested zoning change from A-2 to R-1 for tax parcel no. 010-0088-04(p). Motion by Supervisor Farrey and seconded by Supervisor Finch to adopt. CARRIED BY VOICE VOTE.

Report No. 002 – A report from the Planning and Zoning Committee regarding a requested zoning change from Craig L. & Pamela J. Kuepper, Town of Wolf River to change from R-1 Rural Residential to R-1 Rural Residential without

wetlands for parcel no. 032-0730-16. Motion by Supervisor Kriescher and seconded by Supervisor Gabert to accept. CARRIED BY VOICE VOTE.

Amendatory Ordinance No. 09/02/16 – A requested zoning change from R-1 to R-1 without wetlands for tax parcel no. 032-0730-16. Motion by Supervisor Kriescher and seconded by Supervisor Ellis to adopt. CARRIED BY VOICE VOTE.

Report No. 003 – A report from the Planning and Zoning Committee regarding a requested zoning change from William Heberer, Town of Wolf River to change from B-2 Community Business to I-1 Light Industrial for parcel no. 032-0100-05. Motion by Supervisor Kriescher and seconded by Supervisor Gabert to accept. CARRIED BY VOICE VOTE.

Amendatory Ordinance No. 09/03/16 – A requested zoning change from B-2 to I-1 for tax parcel no. 032-0100-05. Motion by Supervisor Kriescher and seconded by Supervisor Gabert to adopt. CARRIED BY VOICE VOTE.

RESOLUTIONS AND ORDINANCES

RESOLUTION NO. 049-92016: Authorize Two-Year Contract with US Cellular (Wireless Service)

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

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

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the two-year service contract with US Cellular for Wireless Services as is indicated in the contract, herewith attached to this Resolution.

Submitted by:
INFORMATION SYSTEMS COMMITTEE
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 050-92016: Appropriate \$4,200,000 to a Capital Project to Reconstruct CTH A from Indian Point Road North to CTH GG in the Town of Vinland

WHEREAS, CTH A from Indian Point Road to CTH GG is showing signs of deterioration, is classified as a major collector, and is traveled upon by approximately 8,000 cars per day; and

WHEREAS, CTH A was originally built as a concrete roadway and the original concrete is still underneath the asphalt pavement. The existence of this original concrete tends to contribute to the poor condition of the roadway, causing defects to migrate upwards to the road surface; and

WHEREAS, this project has been identified in the Highway Capital Improvement Plan for a number of years. In 2008, a design project was completed to include the entire alignment from Indian Point Road to CTH GG, and to apply for project funding when it became available; and

WHEREAS, before reconstruction can begin, Winnebago County will need to determine how to treat the bicycle/pedestrian pathway which currently stops at Indian Point Road. Winnebago County will need to decide whether to continue the current pathway by constructing a separate pathway adjacent to the roadway, to widen and build bike/pedestrian friendly shoulders on the roadway, or to not extend the path beyond Indian Point Road; and

WHEREAS, in Spring 2016 Winnebago County was awarded \$3.3 Million by the State of Wisconsin Department of Transportation for the project to reconstruct CTH A from Indian Point to CTH GG, with Winnebago County's out-of-pocket costs to design and construct this segment, including any bicycle/pedestrian pathway, being approximately \$900,000.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the appropriation of \$4.2 Million for the reconstruction of CTH A from Indian Point Road to CTH GG, with the State of Wisconsin Department of Transportation to fund \$3.3 million and Winnebago County to fund the remaining \$900,000.

BE IT FURTHER RESOLVED that Winnebago County will advance its \$900,000 share from the General Fund Balance with that Balance being reimbursed with a subsequent bond issue.

Submitted by:
HIGHWAY COMMITTEE
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 051-92016: Authorize the Office of Corporation Counsel for Winnebago County to Represent the City of Neenah Police Commission in Reciprocity for the City Attorney for the City of Neenah Representing Winnebago County's Grievance Review Board

WHEREAS, for many years, the City Attorney for the City of Neenah has represented the Winnebago County Grievance Review Board in matters involving employee grievances filed with that Board; and

WHEREAS, in reciprocity, Winnebago County's Corporation Counsel has represented the City of Neenah's Police Commission regarding grievances and other matters filed with that Commission; and

WHEREAS, upon inquiry, Winnebago County's insurer has advised the Corporation Counsel that it is necessary for the Winnebago County Board of Supervisors to formally authorize the Corporation Counsel to provide mutual assistance to the City of Neenah's Police Commission in order for the County's Corporation Counsel to be fully insured by the County's insurer in matters involving said representation; and

WHEREAS, in the past this Agreement has allowed both municipalities to avoid considerable legal expenses.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Office of Corporation Counsel for Winnebago County to represent the City of Neenah Police Commission regarding grievances and other matters in reciprocity for the City Attorney for the City of Neenah representing the Winnebago County Grievance Review Board regarding employee grievances filed with that Board.

Submitted by:

JUDICIARY AND PUBLIC SAFETY COMMITTEE

Motion by Supervisor Wingren and seconded by Supervisor Scherck to adopt. Ayes: 17 – Konetzke, Barker, Ramos, Blank, Smith, Long, Scherck, Albrecht, Binder, Thompson, Brooks, Locke, Finch, Rasmussen, Keller, Ellis and Snider. Nays: 17 – Harpt, Eisen, Roh, Gabert, Wojciechowski, Olson, Gordon, Wingren, Lautenschlager, Norton, Wanke, Singstock, Hegg, Youngquist, Farrey, Egan and Kriescher. Excused: Robl and Powers. LOST.

RESOLUTION NO. 052-92016: Support Increased Funding in the Children and Family Aids Allocation

WHEREAS, the State of Wisconsin Department of Children and Families provides funding to counties through the Children and Family Aids allocation for the provision of child abuse and neglect services, including prevention, investigation, treatment, and out-of-home placement costs; and

WHEREAS, base funding for child welfare services has not increased since 2009 when the Department of Children and Families was created; and

WHEREAS, over the past few years, the child welfare workload has increased in all counties across the State of Wisconsin; and

WHEREAS, since 2007, the number of child protective services (CPS) referrals has increased by 30%: from 55,895 in 2007 to 72,698 in 2014; and

WHEREAS, the number of children in out-of-home care has increased from 7,653 in 2011 to 8,258 in 2015; and

WHEREAS, the number of screened-in CPS reports has increased from 18,706 in 2011 to 20,384 in 2015; and

WHEREAS, between 2008 and 2015 the number of Children in Need of Protection or Services (CHIPS) petitions filed with the court has increased 12.5%; and

WHEREAS, counties are struggling to recruit and retain child welfare workers; and

WHEREAS, the stress of increasing caseloads is taking its toll on CPS workers causing many experienced child welfare workers to leave the profession; and

WHEREAS, the leading cause of these increases is the use of heroin, opiates, and methamphetamines; and

WHEREAS, it is critical that counties have the resources necessary to ensure the safety of children in every corner of the state; and

WHEREAS, counties are struggling to identify resources to increase child welfare staff, especially given the significant overmatch counties already put in the human services system.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby requests that the State of Wisconsin, in its 2017-2019 State Biennial Budget, increase funding to counties in the Children and Family Aids Allocation to assist counties in serving the increasing number of children and families in the child welfare system.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that a copy of this resolution be forwarded to Governor Scott Walker, Department of Children and Families Secretary Eloise Anderson, Department of Administration Secretary Scott Neitzel, area legislators, and the Wisconsin Counties Association.

Submitted by:

HUMAN SERVICES BOARD

Motion by Supervisor Lautenschlager and seconded by Supervisor Norton to adopt.

Supervisor Eisen called for a point of order to ask Corporation Counsel Bodnar if this resolution requires a 3/4 vote of membership for passage based on Winnebago County Board Rule 7.7 which states, "Any resolution that is presented for the purpose of expressing support or opposition regarding any pending or proposed State or Federal legislation shall require a Three-Quarter vote of the membership of the Board of passage." Corporation Counsel Bodnar stated that this Resolution would require a Three-Quarter vote of the membership for passage. Chairman Albrecht called for the vote. Ayes: 27. Nays: 3 – Barker, Albrecht and Olson. Abstain: 5 – Ramos, Gabert, Hegg, Farrey and Rasmussen. Excused: 1 – Powers. CARRIED.

RESOLUTION NO. 053-92016: Direct Chancellor Sandeen and the UW Extension Administration to Re-Examine the Proposed nEXT Generation Model and the Multi-County Unit that Includes Winnebago County to Determine its Impact on Programming and Outreach

WHEREAS, Winnebago County highly values the work of the Winnebago County UW-Extension faculty and staff in supporting individuals, families, businesses, communities, and government; and

WHEREAS, the Winnebago County UW-Extension Department provides a direct link to university research and resources that are used on a daily basis; and

WHEREAS, Winnebago County has provided strong support for UW Extension programming for over ninety (90) years, providing financial support for faculty positions, educator positions, facilities, and operations; and

WHEREAS, Winnebago County is committed to maintaining funding for the UW Extension office in 2017; and

WHEREAS, Winnebago County is concerned with the proposed nEXT Generation Model with its multi-county units due to the population, geographic area, and diverse settings of the four counties, and what impact this Model will have on local programming; and

WHEREAS, Winnebago County desires greater involvement in the final decisions regarding the multi-county unit, staffing, and programming; and

WHEREAS, Winnebago County UW Extension faculty and staff already successfully work across county lines on programs that are more regional in nature, and the Winnebago County Extension Committee supports exploring a shared model that is equitable and meets local and regional needs.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby directs Chancellor Sandeen and the UW Extension Administration to re-examine and determine what impact the proposed nEXT Generation Model and its multi-county unit that includes Winnebago County will have on programming and outreach.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the Winnebago County Extension Committee is opposed to a four-county model due to the potential impact on existing UW Extension faculty and staff.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that fiscal and programmatic changes of the reorganization be examined for long-term impact to UW Extension programs and services.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that Chancellor Sandeen and UW Extension Administration work with Winnebago County to determine the most advantageous county configuration to meet local needs.

Submitted by:
UW EDUCATION, EXTENSION & AGRICULTURE COMMITTEE

Motion by Supervisor Snider and seconded by Supervisor Gordon to adopt. CARRIED BY VOICE VOTE.
(Supervisor Hegg abstained from voting on this Resolution.)

RESOLUTION NO. 054-92016: Request the Winnebago County Executive to Offer the Original 2016 Contract Renewal to Impact Motorsports LLC

WHEREAS, the Winnebago County Board of Supervisors desires automobile racing to continue at the Winnebago County Expo and Fair Grounds.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby requests that the Winnebago County Executive re-offer the original 2016 contract renewal proposal to Impact Motorsports LLC, and provide 10 business days of Impact Motorsports LLC to accept and sign the proposed contract.

Submitted by:
Paul Eisen, District 4

Motion by Supervisor Eisen and seconded by Supervisor Gabert to adopt.

Motion by Supervisor Lautenschlager and seconded by Supervisor Norton to amend Lines 11 and 12 of this Resolution to read: "...Winnebago County Executive grant a one-year single race season lease to Impact Motorsports LLC based on the March 2016 lease offer and to include whatever changes that are necessary to reflect that single race season which is to terminate on September 30, 2017." Ayes: 24. Nays: 10 – Eisen, Smith, Albrecht,

Wojciechowski, Wingren, Brooks, Locke, Farrey, Keller and Snider. Abstain: 1 – Egan. Excused: 1 – Powers. CARRIED.

Motion by Supervisor Wingren and seconded by Supervisor Norton to table this Resolution. Ayes: 21. Nays: 12 – Ramos, Roh, Long, Scherck, Albrecht, Gabert, Olson, Lautenschlager, Warnke, Brooks, Farrey and Snider. Abstain: 1 – Egan. Absent: 1 – Eisen. Excused: 1 – Powers. CARRIED. (Supervisor Eisen opted not to vote on this Resolution, so he had to be listed as absent.)

ORDINANCE NO. 55-92016: Repeal and Recreate Chapter 27 of the General Code of Winnebago County Entitled “Shoreland Zoning Code”

WHEREAS, Winnebago County has adopted rules and regulations as required by the State of Wisconsin relating to shoreland areas adjacent to navigable waterways; and

WHEREAS, such rules and regulations are currently contained in Chapter 27 of the General Code of Winnebago County; and

WHEREAS, NR 15.06 requires a county to amend its shoreland and subdivision ordinance to meet the minimum standards in this chapter within two (2) years after October 1, 2014; and

WHEREAS, the Planning and Zoning Committee of the Winnebago County Board of Supervisors has determined that it is desirable to amend such rules and regulations; and

WHEREAS, a public notice was published on August 16, 2016, and on August 23, 2016, in the *Oshkosh Northwestern* relating to the public hearing; and

WHEREAS, the Planning and Zoning Committee conducted a public hearing on August 30, 2016, at the Winnebago County Courthouse to accept public input regarding the proposed ordinance; and

WHEREAS, after such public hearing, the Planning and Zoning Committee made revisions to the proposed ordinance which it considered appropriate; and

WHEREAS, the Winnebago County Board of Supervisors considered the ordinance as recommended by the Planning and Zoning Committee at its September 20, 2016, meeting.

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

That Chapter 27 of the General Code of Winnebago County is hereby repealed and recreated to read as outlined in Exhibit A, attached to this Ordinance and made a part of this Ordinance as if fully set forth at length.

BE IT FURTHER ORDAINED by the Winnebago County Board of Supervisors that any ongoing enforcement action relating to Chapter 27 of the General Code of Winnebago County shall continue under the enforcement provisions outlined within said Chapter.

BE IT FURTHER ORDAINED by the Winnebago County Board of Supervisors that any sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of other provisions, sections, or portions of the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other Ordinances whose terms conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

Note: This Ordinance shall be in full force and effect upon publication of this Ordinance as of the date following its date of publication.

Submitted by:
PLANNING AND ZONING COMMITTEE

This resolution was WITDRAWN from tonight’s agenda.

ORDINANCE NO. 56-92016: Amend Section 5.05 of General Code of Winnebago County: Fees of Sheriff (Fees for Civil Process and Travel-Related Costs)

WHEREAS, § 814.705(1)(a), Wis Stats, authorizes the Winnebago County Board of Supervisors to establish fees higher than that level set by State Statute for various services performed by the Winnebago County Sheriff’s Department; and

WHEREAS, § 814.70, Wis Stats, authorizes the Winnebago County Sheriff’s Department to collect necessary expenses incurred with respect to Writ of Restitution/Eviction proceedings; and

WHEREAS, Section 5.05(2) of the General Code of Winnebago County, which establishes fees related to service of process and evictions, was last amended in December 2005; and

WHEREAS, at this time it is appropriate to establish a new fee schedule for service of process by the Sheriff’s Department and for expenses related to the time a deputy sheriff spends in removal of a tenant pursuant to Writ of Restitution in an eviction proceeding that more closely reflects the actual cost of providing that service.

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

That Section 5.05(2) of the General Code of Winnebago County is hereby amended to read as follows:

5.05 FEES OF SHERIFF

(1) Authority: This Ordinance is enacted pursuant to the authority provided in § 814.70 and 814.705, Wis Stats.

(2) Fees For Civil Process And Travel Related Costs: For the service of any summons, writ, or other process, except criminal warrants and for travel related costs related to said process service, the following fees shall be charged by the Winnebago County Sheriff's Department:

- (a) Service of civil process:
 - ~~Each First three (3) attempts of service of process~~
 - (including mileage)..... ~~\$45.00~~ \$75.00
 - ~~Actual Service..... \$45.00~~
 - ~~Plus mileage at the rate established pursuant to~~
 - ~~Section 3.05(4)(a)(1) of this Code.~~
- (b) Service of civil process on each additional ~~person~~ defendant at the same address (up to three (3) attempts) (including mileage)..... ~~\$25.00~~ \$30.00
- (c) Additional service attempts in excess of the three (3) initial attempts \$30.00
- ~~(d)~~ (d) Service of civil process accomplished at the Winnebago County Sheriff's Department \$45.00
- (e) Writs of Assistance/Evictions (includes all parties at one address. In the case of evictions, the fee shall include one hour of officer standby time for removal if necessary. Additional officer time would be at an officer hourly rate to include wages and benefits) \$100.00
- (f) Writs of Replevin (includes all attempts necessary to accomplish Writ) \$100.00
- ~~(g)~~ (g) Sheriff's Foreclosure Sale:
 - 1. Posting of Notice \$75.00
 - 2. Holding of Sale \$75.00
- ~~(h)~~ (h) Notice of Sheriff's Sale:
 - 1. Posting of Notice \$75.00
 - 2. Occurrence of Sale..... \$75.00
- ~~(i)~~ (i) Executions—Tax Warrants:
 - 10% of 1st \$300
 - 5% of 2nd \$300
 - 3% of remaining balance, with a maximum charge of \$60.00
- ~~(g) Presence of Sheriff's Deputy during execution Of Writ..... \$31.00/per Hour~~
- ~~(h) Post Office Address Requests..... Actual Labor Costs~~
- ~~(i) Copy Fee (Photocopies or telephone Facsimiles)..... \$ 1.00 per Page~~
- ~~(j) Presence of Contracted Deputy during Execution of Writ..... Actual Labor Costs~~

BE IT FURTHER ORDAINED by the Winnebago County Board of Supervisors that this Ordinance shall take effect of January 1, 2017.

Submitted by:
JUDICIARY AND PUBLIC SAFETY COMMITTEE

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

Motion by Supervisor Robl and seconded to adjourn until the October 18, 2016 meeting at 6:00 p.m. The meeting was adjourned at 9:35 p.m.

Submitted by:
Susan T. Ertmer
Winnebago County Clerk

State of Wisconsin)
County of Winnebago) ss

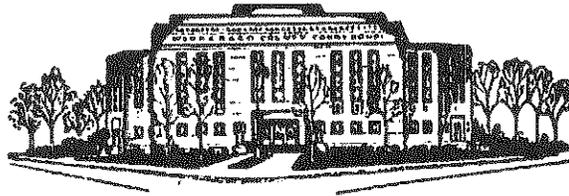
I, Susan T. Ertmer, do hereby certify that the foregoing is a true and correct copy of the Journal of the Winnebago County Board of Supervisors for their regular meeting held September 20, 2016.

Susan T. Ertmer
Winnebago County Clerk

MARK L. HARRIS
County Executive

112 OTTER AVE., P. O. BOX 2808
OSHKOSH, WISCONSIN 54903-2808

OSHKOSH (920) 232-3450
FOX CITIES (920) 727-2880
FAX (920) 232-3429



Winnebago County
Office of the County Executive

TO: Members of the Winnebago County Board
FROM: Mark L. Harris
DATE: October 18, 2016
SUBJECT: Appointment to the **WINNEFOX LIBRARY SYSTEM BOARD OF TRUSTEES.**

Subject to your approval, I am hereby making the following appointment to the **WINNEFOX LIBRARY SYSTEM BOARD OF TRUSTEES.**

Jill Enos
732 Nicolet Blvd.
Menasha, WI. 54952

Ms. Enos will complete the unexpired term of Christine Kaup which will expire December 31, 2016.

Thank you in advance for your favorable consideration of this appointment.


Mark L. Harris, County Executive

MLH/jpf
CC: County Clerk
Winnebago County Housing Authority

MARK L. HARRIS
County Executive

112 OTTER AVE., P. O. BOX 2808
OSHKOSH, WISCONSIN 54903-2808



OSHKOSH (920) 232-3450
FOX CITIES (920) 727-2880
FAX (920) 232-3429

Winnebago County
Office of the County Executive

TO: Members of the Winnebago County Board
FROM: Mark L. Harris
DATE: October 18, 2016
SUBJECT: Appointment to the **WINNEBAGO COUNTY HOUSING AUTHORITY**

Subject to your approval, I am hereby making the following appointment to the **WINNEBAGO COUNTY HOUSING AUTHORITY**.

Rodney Cross
541 ½ 2nd St.
Menasha, WI. 54952

Mr. Cross will complete the unexpired term of Pat Bird. This term will expire April 21, 2020.

Thank you in advance for your favorable consideration of this appointment.



Mark L. Harris, County Executive

MLH/jpf
CC: County Clerk
Winnebago County Housing Authority

TO THE WINNEBAGO COUNTY BOARD SUPERVISORS

Your Planning and Zoning Committee begs leave to report:

WHEREAS, it has reviewed the Petition for Zoning Amendment 2016-ZC-3750 filed with the County Clerk by:

YINGLING, MICHAEL S, Town of WOLF RIVER and referred to the Planning and Zoning Committee on 9/20/2016 and

WHEREAS, a Public Hearing was held on 9/27/2016, pursuant to mailed and published notice as provided by as on the following:

PROPERTY INFORMATION:

Owner(s) of Property: YINGLING, MICHAEL S
Agent(s): SCHMIDT, JASON R - JR SCHMIDT BUILDERS LLC

Location of Premises Affected: ACROSS THE STREET FROM 7479 RICHTER LN, LARSEN, WI 54947

Legal Description: Being a part of Government Lot 3, Section 36, Township 20 North, Range 14 East, Town of Wolf River, Winnebago County, Wisconsin.

Tax Parcel No.: 032-073019

Sewer:	<input checked="" type="checkbox"/>	Existing	<input type="checkbox"/>	Required	<input type="checkbox"/>	Municipal	<input checked="" type="checkbox"/>	Private System
Overlay:	<input type="checkbox"/>	Airport	<input type="checkbox"/>	SWDD	<input checked="" type="checkbox"/>	Shoreland		
	<input checked="" type="checkbox"/>	Floodplain	<input type="checkbox"/>	Microwave	<input checked="" type="checkbox"/>	Wetlands		

WHEREAS,
Applicant is requesting a rezoning to R-1 Rural Residential, without wetland,

And

WHEREAS, we received notification from the Town of WOLF RIVER 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:

1. The Town of WOLF RIVER has Approved. Town action is advisory due to shoreland jurisdiction. Town findings for Approval were as follows: 1) Town does have an adopted land use plan. 2) Action does agree with Town adopted Town plan.
2. There were no objectors.
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 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 # 10/01/16

The Winnebago County Board of Supervisors do ordain Zoning Amendment # 2016-ZC-3750 as follows:

Being a part of Government Lot 3, Section 36, Township 20 North, Range 14 East, Town of Wolf River, Winnebago County, Wisconsin.

FROM: R-1 Rural Residential,

TO: R-1 Rural Residential, without wetland

Adopted/ Denied this _____ day of _____, 20_____

David Albrecht, Chairperson

ATTEST:

Susan T. Ertmer, County Clerk

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

Mark Harris
County Executive

County Board Supervisory district **36**

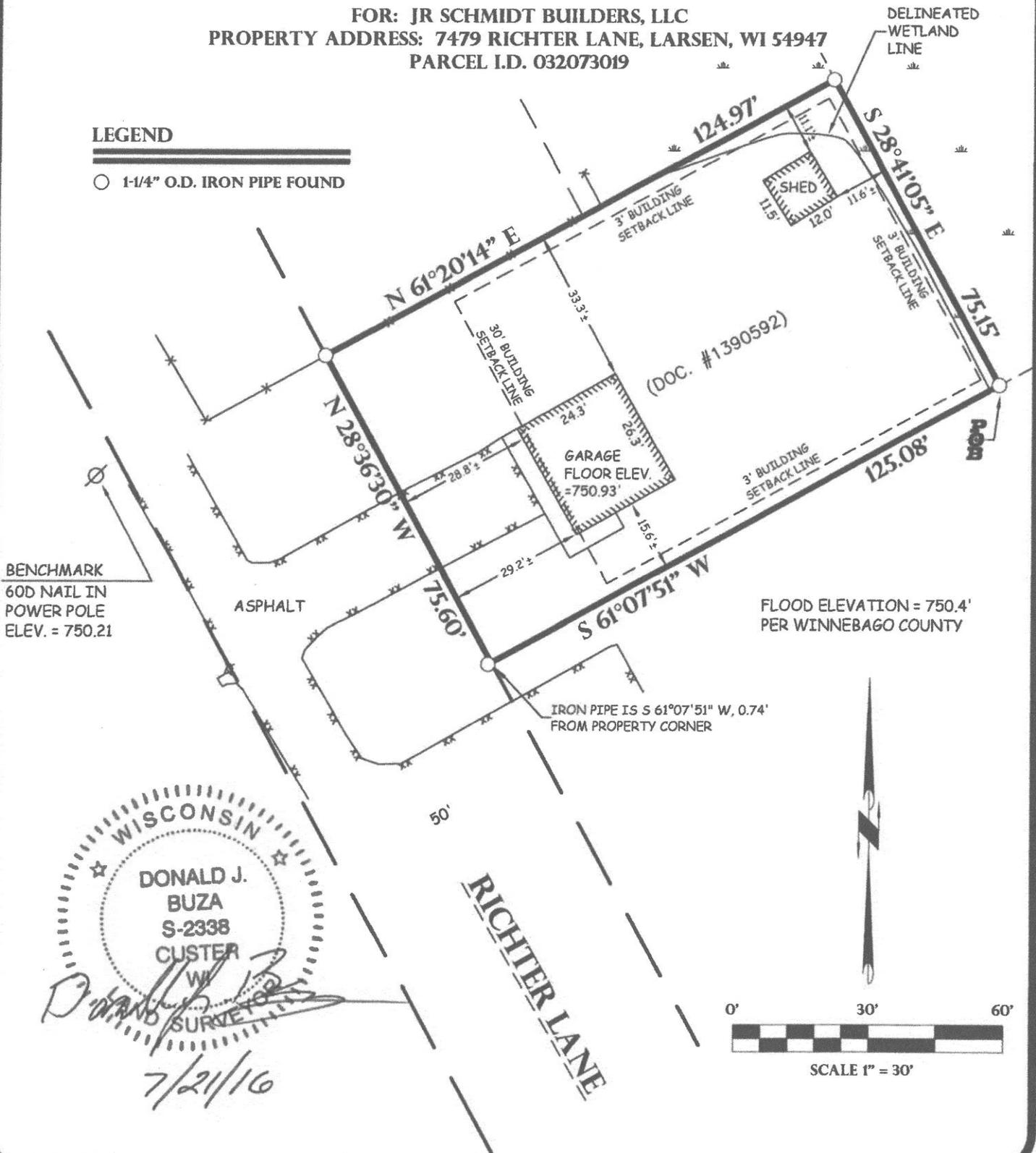
SITE PLAN

(EXISTING CONDITIONS)

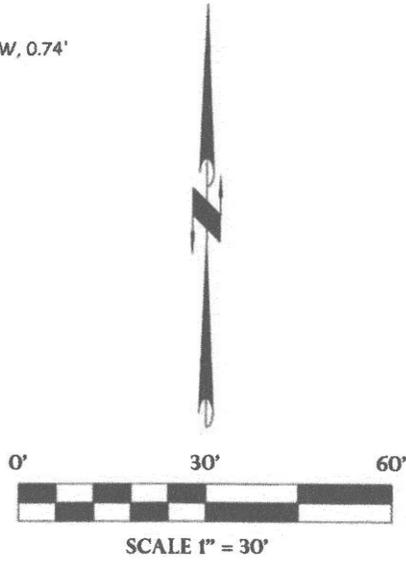
FOR: JR SCHMIDT BUILDERS, LLC
 PROPERTY ADDRESS: 7479 RICHTER LANE, LARSEN, WI 54947
 PARCEL I.D. 032073019

LEGEND

○ 1-1/4" O.D. IRON PIPE FOUND



WISCONSIN
 DONALD J. BUZA
 S-2338
 CLUSTER
 LAND SURVEYOR
 7/21/16



Civil Engineering
 Land Surveying
 Landscape Architecture
Donald J. Buza, PLS #2338
 5709 Windy Drive, Suite D
 Stevens Point, WI 54482
 715.344.9999(Ph) 715.344.9922(Fx)

THIS INSTRUMENT WAS DRAFTED BY DONALD BUZA
 AND DRAWN BY TRAVIS OLDS

FIELD BOOK 61 PAGE 22
 JOB # 16.450

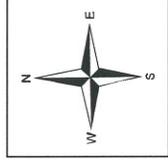
SHEET 1 OF 2 SHEETS

Application #16-ZC-3750

Date of Hearing:
September 27, 2016

Owner(s):
Yingling, Michael S.

Subject Parcel(s):
032073019



Winnemago County
WINGS Project

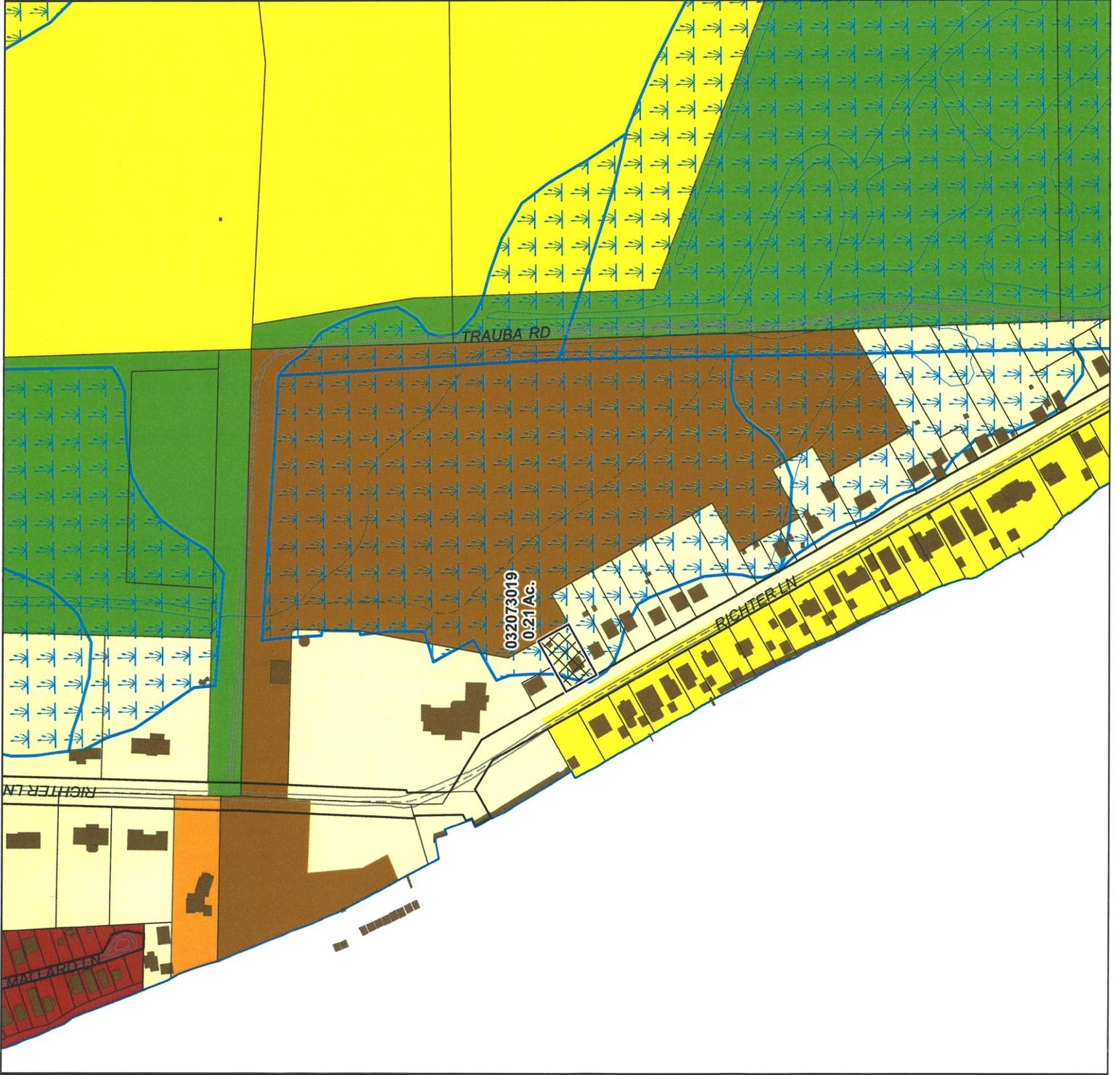
Scale
1 inch : 300 feet

County Zoning Districts

R-1	PDD	B-1
R-2	A-1	B-2
R-3	A-2	B-3
R-4	I-1	M-1
R-8	I-2	Town Zoning

City of Oshkosh Extraterritorial
Zoning Jurisdiction

Incorporated Area



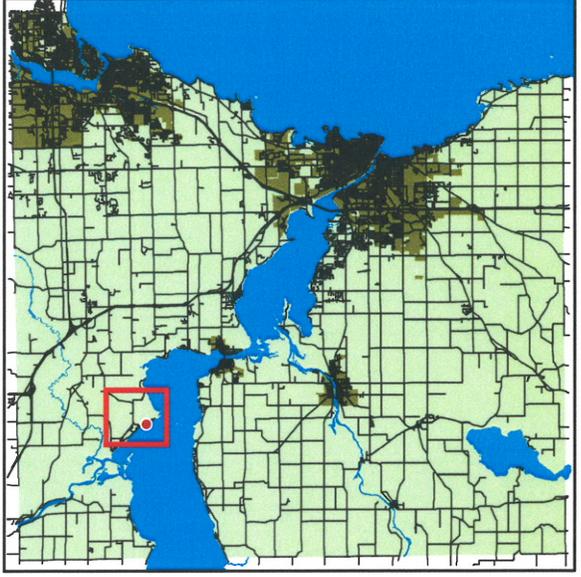
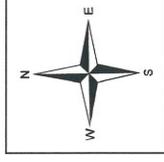
Application #16-ZC-3750

Date of Hearing:
September 27, 2016

Owner(s):
Yingling, Michael S.

Subject Parcel(s):
032073019

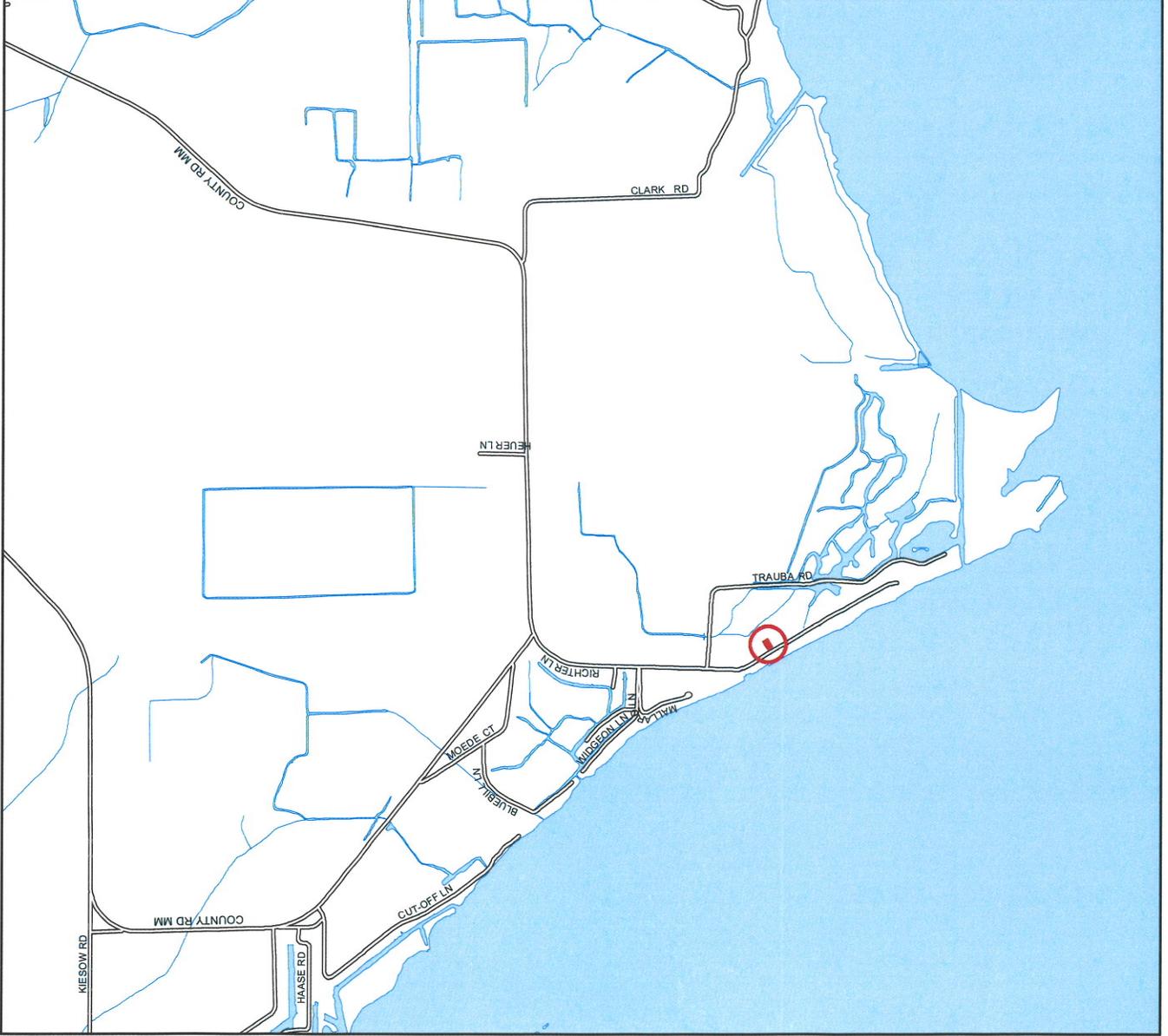
*Winnebago County
WINGS Project*



● = SITE

WINNEBAGO COUNTY

○ = SITE



1 inch : 2,000 feet

TO THE WINNEBAGO COUNTY BOARD SUPERVISORS

Your Planning and Zoning Committee begs leave to report:

WHEREAS, it has reviewed the Petition for Zoning Amendment 2016-ZC-3740 filed with the County Clerk by:

OSHKOSH REALTY CORP, Town of NEKIMI and referred to the Planning and Zoning Committee on 9/20/2016 and

WHEREAS, a Public Hearing was held on 9/27/2016, pursuant to mailed and published notice as provided by as on the following:

PROPERTY INFORMATION:

Owner(s) of Property: OSHKOSH REALTY CORP,
Agent(s):

Location of Premises Affected: EAST OF NEKIMI AVE, OSHKOSH, WI 54904

Legal Description: Being a part of the SE 1/4 of the SE 1/4, Section 18, Township 17 North, Range 16 East, Town of Nekimi, Winnebago County, Wisconsin.

Tax Parcel No.: 012-031903

Sewer:	<input type="checkbox"/> Existing	<input type="checkbox"/> Required	<input type="checkbox"/> Municipal	<input checked="" type="checkbox"/> Private System
Overlay:	<input type="checkbox"/> Airport	<input type="checkbox"/> SWDD	<input checked="" type="checkbox"/> Shoreland	
	<input type="checkbox"/> Floodplain	<input type="checkbox"/> Microwave	<input type="checkbox"/> Wetlands	

WHEREAS,
Applicant is requesting a rezoning to R-1 Rural Residential,

And

WHEREAS, we received notification from the Town of NEKIMI 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:

1. The Town of NEKIMI has Approved. Town has right of approval or denial per terms of zoning ordinance. Town findings for Approval were as follows: 1. The requested zoning map amendment does agree with the adopted plan.
2. The Town of Nekimi approved.
3. There were no objectors.
4. Proposed use is compatible with adjacent uses.
5. Zoning map amendment/zoning change is required as a condition of plat/CSM approval and will place development in appropriate zoning district.

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 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 #10/02/16

The Winnebago County Board of Supervisors do ordain Zoning Amendment # 2016-ZC-3740 as follows:

Being a part of the SE 1/4 of the SE 1/4, Section 18, Township 17 North, Range 16 East, Town of Nekimi, Winnebago County, Wisconsin.

FROM: A-2 General Agriculture,

TO: R-1 Rural Residential,

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

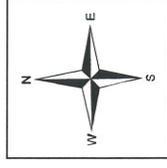
County Board Supervisory district **32**

Application #16-ZC-3740

Date of Hearing:
September 27, 2016

Owner(s):
Oshkosh Realty Corp

Subject Parcel(s):
012031903(P)



Winnebago County
WINGS Project

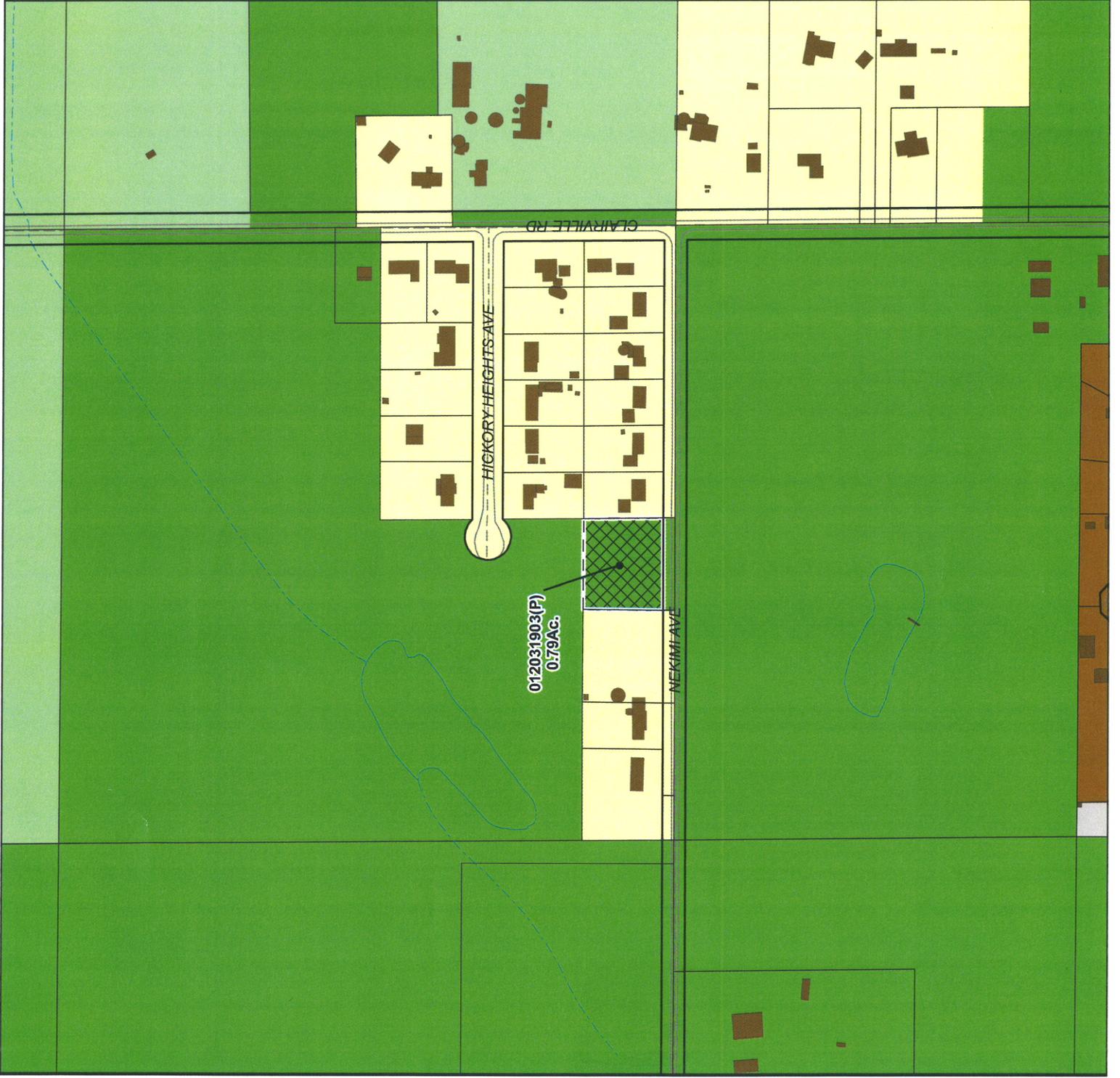
Scale
1 inch : 300 feet

County Zoning Districts

R-1	PDD	B-1
R-2	A-1	B-2
R-3	A-2	B-3
R-4	I-1	M-1
R-8	I-2	Town Zoning

City of Oshkosh Extraterritorial
Zoning Jurisdiction

Incorporated Area



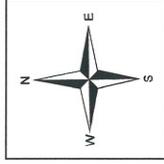
Application #16-ZC-3740

Date of Hearing:
September 27, 2016

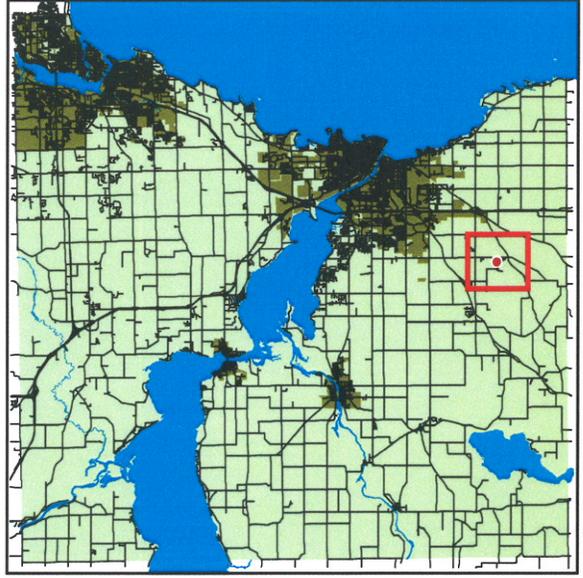
Owner(s):
Oshkosh Realty Corp

Subject Parcel(s):
012031903(P)

*Winnebago County
WINGS Project*

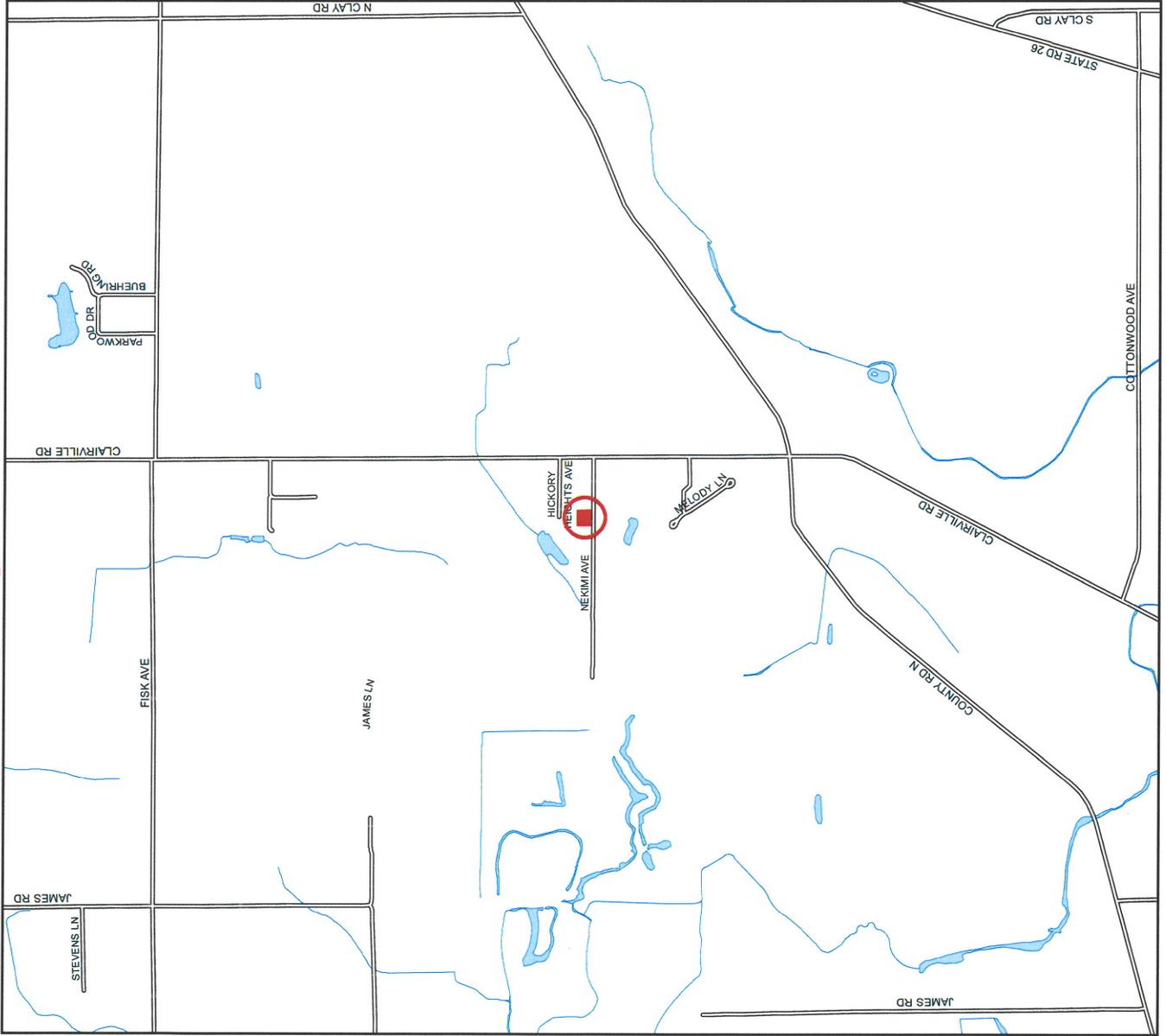


● = SITE



WINNEBAGO COUNTY

○ = SITE



1 inch : 2,000 feet

1 055-92016

2 **ORDINANCE: Repeal and Recreate Chapter 27 of the General Code of Winnebago County**
3 **Entitled "Shoreland Zoning Code"**

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

7 **WHEREAS**, Winnebago County has adopted rules and regulations as required by the State of Wisconsin
8 relating to shoreland areas adjacent to navigable waterways; and

9 **WHEREAS**, such rules and regulations are currently contained in Chapter 27 of the General Code of
10 Winnebago County; and

11 **WHEREAS**, NR 15.06 requires a county to amend its shoreland and subdivision ordinance to meet the
12 minimum standards in this chapter within two (2) years after October 1, 2014; and

13 **WHEREAS**, the Planning and Zoning Committee of the Winnebago County Board of Supervisors has
14 determined that it is desirable to amend such rules and regulations; and

15 **WHEREAS**, a public notice was published on August 16, 2016, and on August 23, 2016, in the *Oshkosh*
16 *Northwestern* relating to the public hearing; and

17 **WHEREAS**, the Planning and Zoning Committee conducted a public hearing on August 30, 2016, at the
18 Winnebago County Courthouse to accept public input regarding the proposed ordinance; and

19 **WHEREAS**, after such public hearing, the Planning and Zoning Committee made revisions to the proposed
20 ordinance which it considered appropriate; and

21 **WHEREAS**, the Winnebago County Board of Supervisors considered the ordinance as recommended by the
22 Planning and Zoning Committee at its September 20, 2016, meeting.

23
24 **NOW, THEREFORE, BE IT ORDAINED** by the Winnebago County Board of Supervisors as follows:

25 That Chapter 27 of the General Code of Winnebago County is hereby repealed and recreated to read as
26 outlined in Exhibit A, attached to this Ordinance and made a part of this Ordinance as if fully set forth at length.

27
28 **BE IT FURTHER ORDAINED** by the Winnebago County Board of Supervisors that any ongoing enforcement
29 action relating to Chapter 27 of the General Code of Winnebago County shall continue under the enforcement
30 provisions outlined within said Chapter.

31
32 **BE IT FURTHER ORDAINED** by the Winnebago County Board of Supervisors that any sections of this
33 Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent
34 jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion
35 thereof directly specified in the decision and shall not affect the validity of other provisions, sections, or portions of
36 the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other Ordinances whose
37 terms conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

38 *Note: This Ordinance shall be in full force and effect upon publication of this Ordinance as of the date following its*
39 *date of publication.*

40 Respectfully submitted by:

41 **PLANNING AND ZONING COMMITTEE**

42 Committee Vote: **4-0**

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

44

45

Approved by the Winnebago County Executive this ____ day of _____, 2016.

46

47

48

49

50

Mark L Harris
Winnebago County Executive



Chapter 27

Shoreland Zoning Code

2016

**WINNEBAGO COUNTY
SHORELAND ZONING CODE**

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SHORELAND ZONING CODE

1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE AND TITLE.

1.1 STATUTORY AUTHORIZATION. This ordinance is adopted pursuant to the authorization in s. 59.692, Stats, to implement 59.692 and 281.31, Stats.

1.2 FINDING OF FACT. Uncontrolled use of the shorelands and pollution of the navigable waters of Winnebago County will adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by Winnebago County, Wisconsin.

1.3 PURPOSE AND INTENT. (NR 115.01) For the purpose of promoting the public health, safety, convenience and welfare, and promote and protect the public trust in navigable waters this ordinance has been established to:

(1) FURTHER THE MAINTENANCE OF SAFE AND HEALTHFUL CONDITIONS AND PREVENT AND CONTROL WATER POLLUTION THROUGH:

- (a) Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
- (b) Establishing minimum lot sizes to provide adequate area for private on-site waste treatment systems.
- (c) Controlling filling and grading to prevent soil erosion problems.
- (d) Limiting impervious surfaces to control runoff which carries pollutants.

(2) PROTECT SPAWNING GROUNDS, FISH AND AQUATIC LIFE THROUGH:

- (a) Preserving wetlands and other fish and aquatic habitat.
- (b) Regulating pollution sources.
- (c) Controlling shoreline alterations, dredging and lagooning.

(3) CONTROL BUILDING SITES, PLACEMENT OF STRUCTURES AND LAND USES THROUGH:

- (a) Prohibiting certain uses detrimental to the shoreland-wetlands.
- (b) Setting minimum lot sizes and widths.
- (c) Setting minimum building setbacks from waterways.
- (d) Setting the maximum height of near shore structures.

(4) PRESERVE AND RESTORE SHORELAND VEGETATION AND NATURAL SCENIC BEAUTY THROUGH:

- (a) Restricting the removal of natural shoreland cover.
- (b) Preventing shoreline encroachment by structures.
- (c) Controlling shoreland excavation and other earth moving activities.
- (d) Regulating the use and placement of boathouses and other structures.

1.4 TITLE. Shoreland Zoning Code for Winnebago County, Wisconsin.

2.0 GENERAL PROVISIONS.

2.1 AREAS TO BE REGULATED. Areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the unincorporated areas of Winnebago County which are:

(1) Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. (NR 115.03(8)) Lakes, ponds or flowages in Winnebago County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication FH-800 2009 "Wisconsin Lakes" book available electronically at the following web site: <http://dnr.wi.gov/lakes/lakebook/wilakes2009bma.pdf> or are shown on United States Geological Survey quadrangle maps (1:24,000 scale), or other zoning base maps.

(2) Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. (NR 115.03(8)) Rivers and streams in Winnebago County shall be presumed to be navigable if they are designated as perennial waterways or intermittent waterways on United States Geological Survey quadrangle maps (1:24,000). Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, county soil survey maps or other existing county floodplain zoning maps shall be used to delineate floodplain areas

(3) The provisions of this chapter apply to regulation of the use and development of unincorporated shoreland areas. Unless specifically exempted by law, all cities, villages, towns, counties and, when s. 13.48 (13), Stats, applies, state agencies are required to comply with, and obtain all necessary permits under, local shoreland ordinances. The construction, reconstruction, maintenance or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation is not subject to local shoreland zoning ordinances if s. 30.2022 (1), Stats, applies. (NR 115.02) Shoreland zoning requirements in annexed or incorporated areas are provided in s. 61.353 and s. 62.233, Stats.

(4) Determinations of navigability and ordinary high-water mark location shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate office of the Department for a final determination of navigability or ordinary high-water mark. The county may work with surveyors with regard to s. 59.692(1h).

(5) Under s. 281.31(2m), Stats, notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to:

(a) Lands adjacent to farm drainage ditches if:

1. Such lands are not adjacent to a natural navigable stream or river;
2. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and

(b) Lands adjacent to artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

2.2 SHORELAND-WETLAND MAPS. The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer is made part of this ordinance. The maps can be viewed at <http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland>.

2.3 COMPLIANCE. The use of any land; the size, shape and placement of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste disposal facilities; the filling, grading, lagooning, and dredging of any lands; the cutting of shoreland vegetation; and the subdivision of lots shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. Property owners, builders and contractors are responsible for compliance with the terms of this ordinance.

(1) Zoning permit required. A zoning permit shall be required, when applicable, for those uses specified in sections 3.0 and 11.0 of this code.

(2) Erosion control permit required. An erosion control permit shall be required, when applicable, under section 8.0 of this code.

(3) Impervious surface zoning permit required. An impervious surface zoning permit shall be required under the following instances:

- (a) The addition of any impervious surface within 300 ft. of a navigable body of water, except those structures specifically exempted in section 9.8.
- (b) The relocation or modification of an existing impervious surface with a similar or different impervious surface.

A zoning permit under the Shoreland Zoning Code may not be required in several instances of development; however, that development may require permits or approvals under a different code adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.

2.4 MUNICIPALITIES AND STATE AGENCIES REGULATED. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply when s. 13.48(13), Stats, applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when s. 30.2022(1), Stats, applies.

2.5 ABROGATION AND GREATER RESTRICTIONS. (s. 59.692(5), Stats) The provisions of this ordinance supersede any provisions in a county zoning ordinance that solely relate to shorelands. In other words if a zoning standard only applies to lands that lie within the shoreland and applies because the lands are in shoreland, then this ordinance supersedes those provisions. However, where an ordinance adopted under a statute other than s. 59.692, Stats, does not solely relate to shorelands and is more restrictive than this ordinance, for example a floodplain ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions.

(1) (s. 59.692(2)(a), Stats) This ordinance shall not require approval or be subject to disapproval by any town or town board.

(2) (s. 59.692(2)(b), Stats.) If an existing town ordinance relating to shorelands is more restrictive than this ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise.

(3) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(4) The following provisions of the Winnebago County Town/County Zoning Code are hereby incorporated by reference. These provisions shall only apply to the shoreland area where they impose greater restrictions than this ordinance otherwise imposes.

(5) (s. 59.692(1d)(b), Stats) This ordinance may establish standards to regulate matters that are not regulated in NR 115, but that further the purposes of shoreland zoning as described in section 1.3 of this ordinance,

(6) (s. 59.692(1k)(a)1, Stats) Counties may not establish shoreland zoning standards in a shoreland zoning ordinance that requires any of the following:

- (a) Approval to install or maintain outdoor lighting in shorelands, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibits or regulates outdoor lighting in shorelands if the lighting is designed or intended for residential use.

- (b) Requires any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.

(7) (s.59.692(7), Stats) The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if:

- (a) The department has issued all required permits or approvals authorizing the construction or maintenance under ch. 30, 31, 281, or 283.

A "facility" means any property or equipment of a public utility, as defined in s. 196.01 (5), or a cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat, light, or power.

2.6 INTERPRETATION. (59.69(13), Stats) In their interpretation and application, the provisions of this ordinance shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this ordinance is required by statute and a standard in ch. NR 115, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the statute and ch. NR 115 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

2.7 ADDITIONAL LOCAL REGULATIONS.

(1) In addition to meeting the regulations contained in this chapter, development shall comply with all applicable regulations in the general code for Winnebago County, including the following chapters:

- (a) Chapter 18 Subdivision and Platting
- (b) Chapter 20 Non-Metallic Mining Reclamation
- (c) Chapter 23 Town/County Zoning Code
- (d) Chapter 24 Wittman Regional Airport Zoning Code
- (e) Chapter 26 Floodplain Zoning Code
- (f) Chapter 28 Stormwater Management and Construction Site Erosion Control

In all cases, the strictest of the applicable provisions shall apply.

(2) Land located in the vicinity of the Outagamie County Regional Airport may also be subject to additional land use regulations as may be adopted by Outagamie County under s. 114.136, Wis. Stats.

2.8 SEVERABILITY. If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

3.0 SHORELAND-WETLAND DISTRICT. (NR 115.04)

3.1 DESIGNATION. The Final Wisconsin Wetlands Inventory Maps for Winnebago County, dated July 5, 1986 and subsequently amended, were utilized to assist in the preparation and identification of wetlands identified on the aerial photographs and accordingly are made a part of this Ordinance and are adopted by reference. The review and adoption of amendments to the Wisconsin Wetland Inventory Map shall be completed in accordance with Section NR 115.04(2) Wis. Admin. Code. The most recent Wisconsin Wetland Inventory Maps are also depicted on the Department of Natural Resources Surface Water Data Viewer (<http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland>). All the notations, references and other information shown thereon shall be as much a part of this Ordinance as if the matters and

information set forth by said maps were all fully described herein. Said maps shall be kept on file in the offices of the County Zoning Department and are periodically updated as amendments are made, and are for general informational purposes only. All other wetlands subsequently identified, or removed, by the Zoning Administrator, County Zoning Department, ACOE or the WDNR within the shoreland boundaries but not noted on the Wisconsin Wetland Inventory Maps, are subject to regulations contained in the Shoreland-Wetland District. Said newly determined areas shall be noted on the Shoreland Ordinance Zoning Maps as appropriately designated within six (6) months of said determination.

(1) **LOCATING SHORELAND-WETLAND BOUNDARIES.** (NR 115.04(b)2.note) Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory and actual field conditions, the county shall contact the Department to determine if the map is in error. If the Department determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the county shall have the authority to immediately grant or deny a shoreland zoning permit in accordance with the applicable regulations based on the Department determination as to whether the area is wetland. In order to correct wetland mapping errors on the official zoning map, an official zoning map amendment must be initiated within a reasonable period of time.

3.2 **PURPOSE.** This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

3.3 **PERMITTED USES.** (NR 115.04(3)) The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of chs. 30, 31, and 281.36, Stats, and the provisions of other applicable local, state and federal laws:

- (1) Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating:
 - (a) Hiking, fishing, trapping, hunting, swimming, and boating;
 - (b) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - (c) The pasturing of livestock;
 - (d) The cultivation of agricultural crops;
 - (e) The practice of silviculture, including the planting, thinning, and harvesting of timber; and
 - (f) The construction or maintenance of duck blinds.
- (2) Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:
 - (a) Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;
 - (b) The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries,
 - (c) The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible;

- (d) The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
- (e) The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and
- (f) The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

(3) Uses which require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:

- (a) The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:
 - 1. The road cannot as a practical matter be located outside the wetland;
 - 2. The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in section 3.5(2);
 - 3. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use; and
 - 4. Road construction activities are carried out in the immediate area of the roadbed only.
- (b) The construction or maintenance of nonresidential buildings, provided that:
 - 1. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district;
 - 2. The building cannot, as a practical matter, be located outside the wetland;
 - 3. Such building is not designed for human habitation and does not exceed 500 sq. ft. in floor area; and
 - 4. Only limited filling or excavating necessary to provide structural support for the building is authorized.
- (c) The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:
 - 1. Any private development is used exclusively for the permitted use and the applicant has received a permit or license under ch. 29, Stats, where applicable;
 - 2. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in section 3.3(3)(a); and
 - 3. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
- (d) The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the

purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines provided that:

1. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
2. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in section 3.5(2).

3.4 PROHIBITED USES. (NR 115.04(4)) Any use not listed in sections 3.3(1), 3.3(2) or 3.3(3) is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with section 3.5 of this ordinance and s. 59.69(5)(e), Stats.

3.5 REZONING OF LANDS IN THE SHORELAND-WETLAND DISTRICT. (NR 115.04(2))

(1) For all proposed text and map amendments to the shoreland-wetland provisions of this ordinance, the appropriate office with the Department shall be provided with the following:

- (a) A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this ordinance, within 5 days of the filing of such petition with the county clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland;
- (b) Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to such hearing;
- (c) A copy of the county zoning agency's findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the county board; and
- (d) Written notice of the county board's decision on the proposed amendment within 10 days after it is issued.

(2) A wetland, or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

- (a) Storm and flood water storage capacity;
- (b) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
- (c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (d) Shoreline protection against soil erosion;
- (e) Fish spawning, breeding, nursery or feeding grounds;
- (f) Wildlife habitat; or
- (g) Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04, Wis. Adm. Code, which can be accessed at the following web site: <http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>.

(3) If the Department notifies the county zoning agency that a proposed text or map amendment to the shoreland-wetland provisions of this ordinance may have a significant adverse impact upon any

of the criteria listed in section 3.5(2) of this ordinance, that amendment, if approved by the county board, shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed after written notice of the county board's approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period the Department of Natural Resources may notify the county board that it will adopt a superseding shoreland ordinance for the county under s. 59.692(6), Stats. If the Department does so notify the county board, the effect of this amendment shall be stayed until the s. 59.692(6), Stats, adoption procedure is completed or otherwise terminated."

4.0 LAND DIVISION REVIEW AND SANITARY REGULATIONS. (NR 115.05(2))

4.1 LAND DIVISION REVIEW. (NR 115.05(2)) The county shall review, pursuant to s. 236.45, Stats, all land divisions in shoreland areas which create 3 or more parcels or building sites of 5 acres each or less within a 5-year period. In such review all of the following factors shall be considered:

- (1) Hazards to the health, safety or welfare of future residents.
- (2) Proper relationship to adjoining areas.
- (3) Public access to navigable waters, as required by law.
- (4) Adequate stormwater drainage facilities.
- (5) Conformity to state law and administrative code provisions.

4.2 PLANNED UNIT DEVELOPMENT (PUD). (NR 115.05(1)(a)4)¹

(1) **PURPOSE.** The Planned Unit Development is intended to permit smaller non-riparian lots where the physical layout of the lots is so arranged as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the Planned Unit Development at the time of its approval. A condition of all Planned Residential Unit Development is the preservation of certain open space, preferably on the shoreland, in perpetuity.

(2) **REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT.** The county Planning and Zoning Committee may at its discretion, upon its own motion or upon petition, approve a Planned Unit Development Overlay District upon finding, after a public hearing, that all of the following facts exist:

- (a) **Area.** The area proposed for the Planned Unit Development shall be at least 2 acres in size or have a minimum of 200 feet of frontage on a navigable water.
- (b) **Lots.** Any proposed lot in the Planned Unit Development that does not meet the minimum size standards of sections 5.2 and 5.3 shall be a non-riparian lot.
- (c) **Lot sizes, widths, setbacks, and vegetation removal.** When considering approval of a Planned Unit Development the governing body shall consider whether proposed lot sizes, widths, and setbacks are of adequate size and distance to prevent pollution or erosion along streets or other public ways and waterways. Increased shoreland setbacks shall be a condition of approval as a way of minimizing adverse impacts of development. Shore

¹ Planned unit development standards, as written, grant back lot access (key holing) without applying frontage requirement standards to determine overall density. This comports to NR115.05(1)(a)4. Counties may optionally include requirements to limit overall density based upon minimum frontage standards as well. These types of developments may also be known as conservation subdivisions or planned residential development. The provisions of NR 115.05(1)(a)4 apply to these types of developments where there may be a combination of a density bonus, smaller lot size and preservation of open space.

cover provisions in section 7.2 shall apply except that maximum width of a lake frontage opening shall be 100 feet and minimum vegetative buffer depth shall be increased to offset the impact of the proposed development.

4.3 SANITARY REGULATIONS. (NR 115.05(3)) The county shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality.

(1) Where public water supply systems are not available, private well construction shall be required to conform to ch. NR 812, Wis. Adm. Code.

(2) Where a public sewage collection and treatment system is not available, design and construction of private on-site waste treatment system shall, prior to July 1, 1980, be required to comply with ch. SPS Comm 383, Wis. Adm. Code, and after June 30, 1980 be governed by a private sewage system ordinance adopted by the county under s. 59.70(5), Stats.

5.0 MINIMUM LOT SIZE. (NR 115.05(1))

5.1 PURPOSE. (NR115.05(1)(a)) Minimum lot sizes in the shoreland area shall be established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water.

5.2 SEWERED LOTS. (NR 115.05(1)(a)1) MINIMUM AREA AND WIDTH FOR EACH LOT. The minimum lot area shall be 10,000 sq. ft. and the minimum average lot width shall be 65 feet.

5.3 UNSEWERED LOTS. (NR 115.05(1)(a)2) MINIMUM AREA AND WIDTH FOR EACH LOT. The minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall be 100 feet.

5.4 SUBSTANDARD LOTS. (NR 115.05(1)(a)3)² A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:

(1) The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.

(2) The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel. (Lots that have had development over the lot lines should be combined with a legal description and recorded with a new deed prior to new development occurring.)

(3) The substandard lot or parcel is developed to comply with all other ordinance requirements.

5.5 OTHER SUBSTANDARD LOTS. Except for lots which meet the requirements of section 5.4 a zoning permit for the improvement of a lot having lesser dimensions than those stated in sections 5.2 and 5.3 shall be issued only if a variance is granted by the board of adjustment.

² Substandard lots that have been reconfigured by a certified survey map or consolidated into one legal description with the Register of Deeds, which result in a larger (closer to conforming) lot should be allowed to be utilized as a building site. Lots that have a legal description for each substandard lot on record with the Register of Deeds but have one tax parcel number assigned by the Real Property Lister or Assessor for taxing/assessing purposes should be considered separate building sites and should not be considered consolidated.

6.0 BUILDING SETBACKS. (NR 115.05(1)(b)) Permitted building setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution.

6.1 SHORELAND SETBACKS. (NR115.05(1)(b)1) Unless exempt under section 6.1(1), or reduced under section 6.2, a setback of 75 feet from the ordinary high-water mark of any navigable water to the nearest part of a building or structure shall be required for all buildings and structures.

(1) EXEMPT STRUCTURES. (NR 115.05(1)(b)1m) and s. 59.692(1k)(a)(6). All of the following structures are exempt from the shoreland setback standards in section 6.1:

- (a) Boathouses that meet the special standards for boathouses within the Town/County Zoning Code, are located entirely above the ordinary high water mark and entirely within the access and viewing corridor, that do not contain plumbing, and are not used for human habitation. The roof of a boathouse may be used as a deck provided that:
 - 1. The boathouse has a flat roof.
 - 2. The roof has no side walls or screens.
 - 3. The roof may have a railing that meets the Department of Safety and Professional Services standards.
- (b) Open-sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in s. 59.692(1v), Stats:
 - 1. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary-high water mark.
 - 2. The floor area of all the structures in the shoreland setback area will not exceed 200 square feet.
 - 3. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
 - 4. The county must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water. The design of the vegetative buffer zone shall follow the standards for the establishment of a primary buffer, as described in section 13 of this ordinance.³
- (c) Fishing rafts that are authorized on the Wolf River and Mississippi River under s. 30.126, Stats.
- (d) Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.
- (e) Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with ch. SPS Comm 383, Wis. Adm. Code, retaining walls used solely for the purpose of retaining soil required for floodplain compliance, retaining walls when used solely for the purpose of controlling erosion on shorelines with greater than 20% slope, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.
- (f) Walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline, that provide the minimum relief necessary by being constructed in a straight line between the principal structure and the shoreline, and are a maximum of 60-inches in width.

³ The statutory requirements under s. 59.692(1v) which require the establishment of a vegetative buffer for the construction of open sided structures is not superseded by s. 59.692(1f)(a).

(g) Devices or systems used to treat runoff from impervious surfaces.

(2) EXISTING EXEMPT STRUCTURES. (s.59.692(1k)(a)2m, Stats)⁴ Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

6.2 REDUCED PRINCIPAL STRUCTURE SETBACK. (s.59.692(1n), Stats) A setback less than the 75 feet required setback from the ordinary high water mark shall be permitted for a proposed principal structure and shall be determined as follows:

(1) Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:

- (a) Both of the existing principal structures are located on adjacent lot to the proposed principal structure.
- (b) Both of the existing principal structures are located within 250 feet of the proposed principal structure and are the closest principal structure.
- (c) Both of the existing principal structures are located less than 75 feet from the ordinary high water mark.
- (d) The average setback shall not be reduced to less than 35 feet from the ordinary high water mark of any navigable water.⁵

(2) Where this is an existing principal structure in only one direction, the setback shall equal the distance the existing principal structure is set back from the ordinary high water mark and the required setback of 75 feet from the ordinary high water mark provided all of the following are met:

- (a) The existing principal structure is located on adjacent lot to the proposed principal structure.
- (b) The existing principal structure is located within 250 feet of the proposed principal structure and is the closest principal structure.
- (c) The existing principal structure is located less than 75 feet from the ordinary high water mark.
- (d) The average setback shall not be reduced to less than 35 feet from the ordinary high water mark of any navigable water.

6.3 RESERVED

6.4 FLOODPLAIN STRUCTURES. (NR 115.05(1)(b)2) Buildings and structures to be constructed or placed in a floodplain shall be required to comply with any applicable floodplain zoning ordinance.

⁴ Section 59.692(1k)(a)2m, Stats, prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 6.1(2). However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.

⁵ s. 59.692(1d)(a), Stats, requires counties to adopt the standards consistent with section 6.2(1) for reducing the shoreland setback.

7.0 VEGETATION. (NR 115.05(1)(c))

7.1 PURPOSE. (NR 115.05(1)(c)1) To protect natural scenic beauty, fish and wildlife habitat, and water quality, a county shall regulate removal of vegetation in shoreland areas, consistent with the following: The county shall establish ordinance standards that consider sound forestry and soil conservation practices, as well as the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients.

7.2 ACTIVITIES ALLOWED WITHIN A VEGETATIVE BUFFER ZONE. (NR 115.05(1)(c)2)⁶ To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, the county ordinance shall designate land that extends from the ordinary high water mark to a minimum of 35 feet inland as a vegetative buffer zone and prohibit removal of vegetation in the vegetative buffer zone except as follows:

- (1) The county may allow routine maintenance of vegetation.
- (2) The county may allow removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors. Per s. 59.692(1f)(b), Stats, the viewing corridor may be at least 35 feet wide for every 100 feet of shoreline frontage. The viewing corridor may run contiguously for the entire maximum width of shoreline frontage owned.
- (3) The county may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with “generally accepted forestry management practices” as defined in s. NR 1.25 (2) (b), Wis. Adm. Code, and described in Department publication “Wisconsin Forest Management Guidelines” (publication FR-226), provided that vegetation removal be consistent with these practices.
- (4) The county may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable.
- (5) The county may authorize by permit additional vegetation management activities in the vegetative buffer zone. The permit issued under this subd. par. shall require that all management activities comply with detailed plans approved by the county and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.

8.0 FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING. (NR115.05(1)(d))

8.1 GENERAL STANDARDS. Filling, grading, lagooning, dredging, ditching or excavating which does not require a permit under section 8.2 may be permitted in the shoreland area provided that:

- (1) It is not done within the vegetative buffer zone unless necessary for establishing or expanding the vegetative buffer.
- (2) It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.

⁶ Section 59.692(1f)(a), Stats, prohibits counties from requiring a property owner to establish a vegetative buffer zone on previously developed land or expand an existing vegetative buffer zone. However, as part of a counties shoreland mitigation standards, the establishment or expansion of the vegetative buffer may remain an option.

(3) Filling, grading, lagooning, dredging, ditching or excavating in a shoreland-wetland district meets the requirements of sections 3.3 and 3.4 of this ordinance.

(4) All applicable federal, state and local authority is obtained in addition to a permit under this ordinance.

(5) Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover or a bulkhead.

8.2 PERMIT REQUIRED. An erosion control permit is required for any shoreland filling, grading, lagooning, dredging, ditching, and excavating within the shoreland district which meets or exceeds any of the following limits:

(1) Shoreland lots 43,000 sq. ft. or less in size:

(a) Land disturbance of 2,000 sq. ft. or more.

(2) Shoreland lots greater than 43,000 sq. ft. in size:

(a) Land disturbance of 4,000 sq. ft. or more.

(b) Excavation or filling of 400 cubic yards or more.

(c) Installation or construction of a driveway over 125 ft. in length.

8.3 PERMIT CONDITIONS. In granting a permit under section 8.2, the County shall attach the following conditions, where appropriate:

(1) The smallest amount of bare ground shall be exposed for as short a time as feasible.

(2) Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.

(3) Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.

(4) Lagoons shall be constructed to avoid fish trap conditions.

(5) Fill shall be stabilized according to accepted engineering standards.

(6) Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.

(7) Channels or artificial watercourses shall be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical or flatter which shall be promptly vegetated, unless bulkheads or riprap are provided.

9.0 IMPERVIOUS SURFACE STANDARDS. (NR 115.05(1)(e))

9.1 PURPOSE. Establish impervious surface standards to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters. County impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface on a riparian lot or parcel and any nonriparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.

9.2 CALCULATION OF PERCENTAGE OF IMPERVIOUS SURFACE. (NR 115.05(1)(e)1) Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surface area of that lot or parcel, and multiplied by 100. Impervious surfaces described in sections 9.6 and 9.8 shall be excluded from the calculation of impervious surface on the lot or parcel.

(1) If an outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.

(2) If there is an outlot, parcel or road that is owned by some other entity, for example a hydroelectric facility or a town or county, then it should be determined what level of control the property owner has over that portion of the lot. If a property owner has no or little say over development on that portion of the lot then impervious surfaces on that portion of the lot should be calculated separately.

(3) For properties that have been “condominiumized”, the impervious surface calculations apply to the entire property. The property is still under one legal description and the proposed expansion to a unit is not the only impervious surface calculated since the regulation states lot or parcel and not a unit. Mitigation applies to the property as a whole and not just to the portion of the frontage that might be in front of the unit impacted.

Determining which lots or what portions of lots are within 300 feet of the ordinary high water mark of a navigable body of water shall be completed by staff utilizing Winnebago County GIS, staff onsite, or survey which references staff delineation of the ordinary high-water mark. Staff shall determine the amount of existing and proposed impervious surface area and percentage of the subject parcel. The square footage of an impervious surface shall be measured from an above viewpoint around the exterior of the surface, including overhangs of any building.

9.3 GENERAL IMPERVIOUS SURFACE STANDARD. (NR 115.05(1)(e)2) Except as otherwise allowed in sections 9.4 through 9.6, the county shall allow up to 15% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.

9.4 IMPERVIOUS SURFACE STANDARD FOR HIGHLY DEVELOPED SHORELINES. (NR 115.05(1)(e)2m and s. 59.692(1k)(am)2, Stats) The county at its discretion may adopt an ordinance for highly developed shorelines allowing up to 30% for residential land use and up to 40% for commercial, industrial or business land uses for lands that meets one of the following standards:

(1) The highly developed shoreline is identified as an Urbanized Area or Urban Cluster in the 2010 US Census or has a commercial, industrial, or business land use as of January 31, 2013.

(2) After conducting a hearing and receiving approval by the department of natural resources, the county has mapped additional areas of highly developed shorelines that are at least 500 feet in length and meet at least one of the following criteria:

- (a) The majority of the lots are developed with more than 30% of impervious surface area.
- (b) Located on a lake served by a sewerage system as defined in NR 110.03(30), Wis. Adm. Code.

1. These areas are depicted on the official Winnebago County “Active Sanitary Sewer Districts” map.

- (c) The majority of the lots contain less than 20,000 square feet in area.

9.5 MAXIMUM IMPERVIOUS SURFACE STANDARD. (NR 115.05(1)(e)3) A property may exceed the impervious surface standard under 9.3 or 9.4 provided the following standards are met:

- (1) For properties where the general impervious surface standard applies under section 9.3, a property owner may have more than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.
- (2) For properties on shorelands where the impervious surface standard for highly developed shorelines applies under 9.4, a property owner may have more than 30% impervious surface but not more than 40% impervious surface for residential land uses. For commercial, industrial or business land uses a property owner may have more than 40% impervious surface but not more than 60% impervious surface.
- (3) For properties that exceed the standard under 9.3 or 9.4 but do not exceed the maximum standard under 9.5(1) or 9.5(2), a permit can be issued for development with a mitigation plan that meets the standards found in section 13.0.

9.6 TREATED IMPERVIOUS SURFACES. (NR115.05(1)(e)3m and s. 59.692(1k)(a)5, Stats)^{7,8} Impervious surfaces that can be documented to demonstrate they meet either of the following standards by a professional engineer or architect shall be excluded from the impervious surface calculations under section 9.2:

- (1) The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
- (2) The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.

To qualify for the statutory exemption, property owners shall submit a complete zoning permit application that includes the following:

- (1) Calculations showing how much runoff is coming from the impervious surface area;
- (2) Documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device, or internally drained area; and
- (3) An implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment system, treatment devices, or internally drained area. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the permit.

⁷ The provisions in section 9.6 are an exemption from the impervious surface standards and as such should be read and construed narrowly. As such, a property owner is entitled to this exemption only when the runoff from the impervious surface is being treated by a sufficient (appropriately sized) treatment system, treatment device or internally drained. Property owners that can demonstrate that the runoff from an impervious surface is being treated consistent with section 9.6 will be considered pervious for the purposes of implementing the impervious surface standards in this ordinance. If a property owner or subsequent property owner fails to maintain the treatment system, treatment device or internally drained area, the impervious surface is no longer exempt under section 9.6.

⁸ The impervious surface standards in this ordinance shall not be construed to supersede other provisions in the county shoreland ordinance. All of the provisions of the county shoreland ordinance still apply to new or existing development.

9.7 EXISTING IMPERVIOUS SURFACES. (NR 115.05(1)(e)4) For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in sections 9.3 or 9.4 or the maximum impervious surface standard in section 9.5, the property owner may do any of the following:

- (1) Maintain and repair the existing impervious surfaces;
 - (2) Replace existing impervious surfaces with similar surfaces within the existing building envelope;
- or
- (3) Relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the county shoreland ordinance, and the impervious surface meets the applicable setback requirements in sections 6.1 or 6.2.

9.8 EXEMPT STRUCTURES FROM IMPERVIOUS SURFACE CALCULATION. Generally, and with the approval of the Zoning Administrator, the surface area of the following and similar structures shall not be included when calculating a property's impervious surface total due to their unique size, shape, or limited addition of impervious surfaces:

- (1) Birdhouses
- (2) Fences
- (3) Mailboxes
- (4) Flagpoles and utility poles
- (5) Propane tanks
- (6) Well casings
- (6) Retaining walls
- (7) Basketball hoops
- (8) Air conditioning and heating units when situated on a pad no larger than the unit
- (9) Children's play structures (swing sets), except those portions with roofs or floors/foundations
- (10) Fire pit rings with no base and less than 4 feet in diameter

10.0 HEIGHT. (NR 115.05(1)(f))

To protect and preserve wildlife habitat and natural scenic beauty, on or after February 1, 2010, a county may not permit any construction that will result in a structure taller than 35 feet within 75 feet of the ordinary high-water mark of any navigable waters.

11.0 NONCONFORMING USES AND STRUCTURES. (NR 115.05(1)(g))⁹

11.1 DISCONTINUED NONCONFORMING USE. (NR 115.05(1)(g)3) If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to the ordinance.

11.2 MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF NONCONFORMING STRUCTURES. (s. 59.692(1k)(a)2,4 and (b), Stats)¹⁰ An existing structure that was lawfully placed when

⁹ NR115.05(1)(b)1m lists structures that are exempt from the shoreland setback. These structures are considered conforming structures and are not considered nonconforming structures. Structures that were granted variances or illegally constructed structures are not considered nonconforming structures.

¹⁰ Sections 59.692(1k)(a) 2,4 and (b), Stats, prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 11.2. However, it is important to note that property owners

constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level or change the primary use of the structure, such as the vertical expansion of a deck or patio into a covered or enclosed sunroom. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

11.3 LATERAL EXPANSION OF NONCONFORMING PRINCIPAL STRUCTURES WITHIN THE SETBACK. (NR 115.05(1)(g)5) An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per section 6.1 may be expanded laterally, provided that all of the following requirements are met:

- (1) The use of the structure has not been discontinued for a period of 12 months or more if a non-conforming use.
- (2) The existing principal structure is at least 35 feet from the ordinary high-water mark.
- (3) Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.
- (4) The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 13.0.
- (5) All other provisions of the shoreland ordinance shall be met.

11.4 EXPANSION OF A NONCONFORMING PRINCIPAL STRUCTURES BEYOND SETBACK. (NR 115.05(1)(g)5m) An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under section 6.1 may be expanded horizontally, landward, or vertically provided that the expanded area meets the building setback requirements per section 6.1 and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this paragraph, but may be required per section 9.0.

11.5 RELOCATION OF NONCONFORMING PRINCIPAL STRUCTURES. (NR 115.05(1)(g)6) An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per section 6.1 may be relocated on the property provided all of the following requirements are met:

- (1) The use of the structure has not been discontinued for a period of 12 months or more if a non-conforming use.
- (2) The existing principal structure is at least 35 feet from the ordinary high-water mark.
- (3) No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.

may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even storm-water erosion control.

(4) The county determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirement per section 6.1.

(5) The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 13.0, and include enforceable obligations of the property owner to establish or maintain measures that the county determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.

(6) All other provisions of the shoreland ordinance shall be met.

12.0 MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF STRUCTURES THAT WERE AUTHORIZED BY VARIANCE. (s. 59.692(1k)(a)2. and (a)4.)¹¹

A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 15, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

13.0 MITIGATION. (NR 115.05 (1)(e)3, (g)5, (g)6)

When the county issues a permit requiring mitigation under sections 9.5, 11.3 and 11.5 the property owner must submit a complete permit application that is reviewed and approved by the county. The application shall include the following:

- (1) A site plan that describes the proposed mitigation measures.
 - (a) The site plan shall be designed and implemented to restore natural functions lost through development and human activities.
 - (b) The mitigation measures shall be proportional in scope to the impacts on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty.
- (2) An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation measures.
 - (a) The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds.
- (3) Additional information specific to the type of mitigation, as described in the following sections.

13.1 MITIGATION REQUIRED

¹¹ Section 59.692(1k)(a)2. prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 12. However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.

The number of mitigation points required for certain types of development are described in Table 13-1. If proposed development falls under multiple categories, then the number of mitigation points required shall accumulate.

Table 13-1

Proposed Development Condition	Mitigation Required
Impervious surface coverage greater than 15% but less than 20%	2 points
Impervious Surface coverage between 20% to 30%	3 Points
Lateral Expansion of nonconforming principal structure within the shoreland setback	3 points
Re-location of a nonconforming principal structure within the shoreland setback	1 point
Highly Developed Shorelines – Residential impervious surface coverage between 30% and 40%, Commercial, industrial, or business impervious coverage between 40% and 60%	3 points

13.2 MITIGATION OPPORTUNITIES

The mitigation options available are described in Table 13-2 and described further in this section. Several types of mitigation opportunities may be utilized in order to meet the number of mitigation points required. Points used to satisfy one mitigation requirement may not contribute to the points needed to satisfy another mitigation requirement.

Table 13-2

Opportunities for Mitigation	Mitigation Points Earned
Sea wall removal and bank stabilization	3 points
Replacement of an existing non-compliant POWTS (septic system) with a compliant system	3 points
Removal of a structure within the shoreland setback	Up to 3 points
Establishment of a primary buffer	3 points
Existing compliant primary buffer	3 points
Installation of or an existing Recreational Buffer Area	2 points
Bank Stabilization of an unprotected shoreline	2 points
Reduction of allowable viewing and access corridor	Up to 2 points
Removal of a boat slip	1 point
Removal of boathouse allowance	2 points

(1) **Sea wall removal and bank stabilization:** Removal of an existing sea wall followed by stabilization of the bank using rip-rap, boil-logs, native vegetation, or other suitable stabilization practices. A sea wall is a vertical shoreline stabilization structure usually constructed of railroad ties, wood beams, or concrete, located at the OHWM, and constructed to deflect wave-action and armor the bank. This mitigation option shall meet the following standards:

- (a) All components of the existing sea wall must be removed and followed with the installation of approved bank stabilization measures.
- (b) Permitting and approval of this project and determination of appropriate design standards will be handled by the Wisconsin DNR.

- (c) Written confirmation of DNR concurrence of the project must be provided to the Zoning Office prior to permit issuance.
- (d) Completion of the sea wall removal and bank stabilization shall occur within one (1) year of permit issuance, with the property owner providing the Zoning Office written confirmation of the DNR's approval of the work that was completed.

(2) Replacement of an existing non-compliant POWTS (septic system) with a compliant system: Replacement of an existing POWTS that is non-compliant with the current plumbing codes with a code compliant system. The system must be non-compliant by discharging sewage or partially treated sewage to surface water, groundwater, a zone of seasonal saturation, a drain tile, a zone of bedrock, the ground surface, or into the structure served. This mitigation option must meet the following standards:

- (a) A Certified Soil Tester or Master Plumber shall confirm the failure of the system as specified above; this confirmation shall be provided to the Zoning Office in writing.
- (b) Prior to zoning permit issuance a sanitary permit shall be issued by the Zoning Office in accordance with Chapter 16 of the Winnebago County Sanitary Ordinance as well as SPS 383 of the Wisconsin Administrative Code.
- (c) Installation of the replacement POWTS shall occur within one (1) year of the date of the issuance of the zoning permit.

(3) Removal of a structure within the shoreland setback: Removal of a structure or an accumulation of structures, as defined in this ordinance, which does not comply with applicable setback for the specific structure. Size of the structure(s) removed shall determine the amount of points earned as described in table 13-3. This mitigation option shall meet the following standards:

- (a) The area proposed for removal must be described by a registered land surveyor for both building footprint and the proximity to the OHWM.
- (b) The structure must be removed and the area of removal shall be revegetated with native plants.
- (c) Survey showing location and sizes of proposed structure being removed shall be submitted prior to permit issuance.
- (d) Structure shall be removed and vegetation shall be established within one (1) year of permit issuance.

Table 13-3

Structure Size Being Removed	Mitigation Points Earned
0-250 square feet	1 point
250-500 square feet	2 points
Greater than 500 square feet	3 points

(4) Establishment of a primary buffer: A buffer shall be installed extending from the OHWM inland a minimum of 35 feet. The buffer must include trees, shrubs, and ground cover. Mowing in this area is expressly prohibited. This mitigation option shall meet the following standards:

- (a) A vegetative buffer plan shall be designed and submitted by an engineer, landscape architect, or surveyor.
- (b) The vegetative buffer plan, once approved by the Zoning Office, as well as an implementation schedule with enforceable obligation on the property owner to establish and maintain the mitigation measures shall be recorded with the Winnebago County Register of Deeds.
- (c) The minimum plantings for an approved buffer are: one (1) tree per 200 square feet and 2 shrubs per 100 square feet of buffer area. Ground cover shall be provided to establish complete coverage of the exposed soil in one (1) growing season.

- (d) Plantings shall be located as to provide coverage except for viewing and access corridors as allowed in section 7.2.
- (e) Plantings shall be selected from the document provided in Appendix A or any other appropriate non-invasive species.
- (f) A vegetative buffer plan shall be approved by the Zoning Office and appropriate agreement recorded with the Register of Deeds prior to permit issuance.
- (g) The professional who designed the plan shall submit confirmation on installation of approved plan within one (1) year of permit issuance.

(5) **Existing compliant primary buffer:** An existing vegetative buffer that meets the density standards for trees, shrubs, and ground cover and extends from the OHWM inland a minimum of 35 feet. This mitigation option must meet the following standards:

- (a) An engineer, landscape architect, or surveyor shall confirm the existing buffer meets the standards described in section 13.2(4) and submit written documentation of the buffer to the Zoning Office.
- (b) The written documentation of the buffer as well as an implementation schedule with enforceable obligation on the property owner to establish and maintain the mitigation measures shall be recorded with the Winnebago County Register of Deeds. These documents must be recorded with the Register of Deeds prior to permit issuance.

(6) **Establishment of or having an existing recreational buffer area:** A buffer shall be installed or maintained extending from the OHWM inland a minimum of 15 feet. The buffer must include trees, shrubs, and ground cover. Mowing in this area is expressly prohibited. This mitigation option shall meet the following standards:

- (a) A Recreational Buffer being installed shall be installed in accordance with the Standards for the Establishment of a primary buffer (section 13.2(4)).
- (b) An Existing Recreational Buffer shall be approved in accordance with the Standards for Existing Compliant Primary Buffers (section 13.2(5)).

(7) **Bank stabilization of an unprotected shoreline:** Installation of stabilization measures such as rip-rap, boil-logs, native vegetation, or other suitable stabilization practices on a bank that is otherwise unprotected to erosion from wave action or current. This mitigation option shall meet the following standards:

- (a) This option is only applicable on shorelines that are previously unprotected.
- (b) Permitting and approval of this project and determination of appropriate design standards will be approved by the Wisconsin DNR. Written confirmation of DNR concurrence of the project must be provided to the Zoning Office prior to permit issuance.
- (c) Completion of the bank stabilization shall occur within one (1) year of permit issuance, with the property owner providing the Zoning Office written confirmation of the DNR's approval of the work that was completed.

(8) **Reduction of allowable viewing and access corridor:** The allowable viewing and access corridor shall be reduced by 15 feet in width and planted into an approved shoreland buffer. The buffer must include trees, shrubs, and ground cover. Mowing in this area is expressly prohibited. This mitigation option shall meet the following standards:

(9) **Removal of a boat slip:** The installation of bank stabilization methods for the removal of a boat slip to return the shoreline to its natural location. This mitigation option shall meet the following standards:

- (a) The installation of DNR approved bank stabilization measures to remove a boat slip and return the shoreline to its natural location. The boat slip must have been manmade and for

the purpose of launching watercraft; Zoning Staff shall have final determination of applicability.

- (b) Permitting and approval of this project and determination of appropriate design standards will be handled by the Wisconsin DNR. Written confirmation of DNR concurrence of the project must be provided to the Zoning Office prior to permit issuance.
- (c) Completion of the bank stabilization shall occur within one (1) year of permit issuance, with the property owner providing the Zoning Office written confirmation of the DNR's approval of the work that was completed.
- (d) This option can be utilized alone or with either of the other bank stabilization mitigation options.
- (e) One point shall be granted for each boat slip removed.

(10) **Removal of Boathouse Allowance:** The property owner agrees to permanently defer their right to a boathouse on the property. This mitigation option shall meet the following standards:

- (a) The property owner shall draft and record a document with the Winnebago County Register of Deeds Office, which has been approved by Zoning Staff, stating that they are waiving their right to a boathouse on the subject property.
- (b) This document must be maintained in perpetuity or until written release is granted from the Winnebago County Zoning Department.

14.0 ADMINISTRATIVE PROVISIONS. (NR 115.05(4))

The shoreland zoning ordinance adopted by each county shall require all of the following:

14.1 ZONING ADMINISTRATOR.

- (1) **Designation.** The zoning administrator designated under ch. 23 (Town/County Zoning Code) of the general code shall serve as the zoning administrator referred to in this chapter.
- (2) **Duties and powers.** The zoning administrator is authorized to administer this chapter and shall have the following duties and powers:
 - (a) Develop and maintain a system for issuing permits for all new construction, development, reconstruction, structural alteration or moving of buildings and structures.
 - (b) Conduct on-site inspections of approved projects to ensure compliance with this chapter and terms of approval.
 - (c) Administer the procedure for variances and conditional uses.
 - (d) Maintain a complete record of all proceedings before the board of adjustment and the Planning and Zoning Committee.
 - (e) Make determinations regarding navigability of streams and other water bodies and keep a written record of such decisions.
 - (f) Establish the location of ordinary high-water marks and keep written a record of such decisions.
 - (g) Maintain a list of nonconforming uses and structures.
 - (h) Provide written notice to the appropriate regional office of the Department of Natural Resources as required by this chapter, including variance applications and decisions, conditional use applications and decisions, administrative appeals, proposed amendments to

this chapter (text and map), interpretations, and proposed land divisions. Upon written request, the zoning administrator shall provide a copy of any permit issued under this chapter to the appropriate regional office of the Department of Natural Resources.

- (i) Maintain the shoreland-wetland map as described in sections 2.2 and 3.1, along with all approved map amendments.
- (j) The establishment of appropriate penalties for violations of various provisions of the ordinance, including forfeitures. Compliance with the ordinance shall be enforceable by the use of injunctions to prevent or abate a violation, as provided in s. 59.69(11), Wis. Stats.
- (k) The prosecution of violations of this chapter.
- (l) Any other duty or power necessary in the administration of this chapter.

14.2 PLANNING AND ZONING COMMITTEE.

The Planning and Zoning Committee established under ch. 23 (Town/County Zoning Code) of the general code shall have the following duties and responsibilities:

- (1) Oversee the activities of the zoning administrator.
- (2) Review and advise the Winnebago County board of county supervisors on all proposed amendments to this chapter.
- (3) Hear and decide conditional uses.

14.3 BOARD OF ADJUSTMENT.

- (1) **Establishment.** The board of adjustment created under ch. 23 (Town/County Zoning Code) of the general code shall serve as the board of adjustment referred to in this chapter.
- (2) **Powers and duties.** The board of adjustment shall have the authority to hear and decide administrative appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this chapter and hear and decide dimensional variances according to Division 12 of Article 7 ch. 23 Town/County Zoning Code.

14.4 ADMINISTRATIVE APPEALS.

Any person aggrieved by a final decision of the zoning administrator may file an administrative appeal pursuant to the procedures and requirements in ch. 23 (Town/County Zoning Code) of the general code.

14.5 PERMITS.

- (1) **When required.** A zoning permit or erosion control permit shall be obtained as required before any new development is initiated.
- (2) **Expiration.** A zoning permit or erosion control permit issued under the authority of this chapter shall expire 12 months from date of issuance if no substantial work has commenced. Upon written petition, the zoning administrator may grant a one-time extension for a maximum of 180 days for good and sufficient cause.

14.6 CERTIFICATE OF COMPLIANCE.

- (1) **When required.** No land shall be occupied or used and no building hereafter erected, altered or moved shall be occupied, until a certificate of compliance is issued by the zoning administrator.

- (a) The certificate of compliance shall certify that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this ordinance.
 - (b) Application for such certificate shall be concurrent with the application for a zoning permit.
 - (c) The certificate of compliance shall be issued within 10 days after notification of the completion of the work specified in the zoning permit, if the building or premises or proposed use thereof conforms with all the provisions of this chapter.
- (2) **Temporary certificates.** The zoning administrator may issue a temporary certificate of compliance for part of a building, pursuant to rules and regulations established by the county board.
- (3) **Request for certificate.** Upon written request from the owner, the zoning administrator shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this chapter, certifying after inspection the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this chapter.

14.7 CONDITIONAL USES.

- (1) **General procedures.** The procedures and requirements enumerated in ch. 23 (Town/County Zoning Code) of the general code shall be followed. In addition, the zoning administrator shall send a copy of the public hearing notice to the appropriate district office of the Department of Natural Resources at least 10 days prior to the public hearing. Within 10 days of issuing the final decision, the zoning administrator shall send a copy of the written decision to the appropriate regional office of the Department of Natural Resources.
- (2) **Application materials.** In addition to the application materials required under ch. 23, the zoning administrator, may require the applicant to furnish the following information:
- (a) A plan of the area showing surface contours, soil types, ordinary high-water marks, ground water conditions, subsurface geology and vegetative cover.
 - (b) Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space and landscaping.
 - (c) Plans of buildings, sewage disposal facilities, water supply systems and arrangement of operations.
 - (d) Specifications for areas of proposed filling, grading, lagooning or dredging.
 - (e) Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.
 - (f) Rationale for why the proposed special exception meets all of the special exception criteria listed in the ordinance
- (3) **Review criteria.** In addition to the review criteria for conditional uses specified in ch. 23, the Planning and Zoning Committee shall evaluate the effect of the proposed use upon:
- (a) The maintenance of safe and healthful conditions.
 - (b) The prevention and control of water pollution including sedimentation.
 - (c) Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage.
 - (d) The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.
 - (e) The location of the site with respect to existing or future access roads.
 - (f) The need of the proposed use for a shoreland location.
 - (g) The compatibility of the proposed use with uses on adjoining parcels.

- (h) The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems.

(4) **Imposition of conditions.** In approving a conditional use, the Planning and Zoning Committee may not impose a condition that is more restrictive than any of the specific standards in the chapter. Where this chapter is silent as to the extent of restriction, the committee may impose conditions of approval deemed necessary to carry out the purpose of this chapter. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking and signs; and type of construction.

14.8 VARIANCES.

(1) **Generally.** The Board of Adjustment may, upon appeal, grant a variance from the standards of this chapter if an applicant convincingly demonstrates that (1) literal enforcement of this chapter will cause unnecessary hardship; (2) the hardship is due to unique property conditions, not common to adjacent lots or premises; (3) the variance is not contrary to the public interest; and (4) the variance is consistent with the purpose of this chapter.

(a) **Relaxation of standards for persons with disabilities.** The zoning administrator may issue a special permit to relax the standards of this ordinance in order to provide reasonable accommodations as required by provisions of federal and state law. Such relaxation shall be the minimum necessary to be consistent with federal guidelines for accommodation of persons with disabilities and shall, where practicable, be terminated when the facility is no longer used by the disabled person. A person applying for a permit for construction under this section shall establish the nature and extent of the disability and that the relaxation requested is the minimum necessary to provide reasonable use of the facility. A deed restriction or affidavit for the reasonable accommodation shall be filed with the register of deeds.

(2) **General procedures.** The procedures and requirements enumerated in ch. 23 (Town/County Zoning Code) of the general code shall be followed. In addition, the zoning administrator shall send a copy of the public hearing notice to the appropriate district office of the Department of Natural Resources at least 10 days prior to the public hearing. Within 10 days of issuing the final decision, the zoning administrator shall send a copy of the written decision to the appropriate regional office of the Department of Natural Resources.

(3) **Additional criteria.** In addition to the criteria in subsection (a), to qualify for a variance under FEMA regulations, the following criteria must be met:

- (a) The variance shall not cause any increase in the regional flood elevation;
- (b) Variances can only be granted for lots that are less than 0.5 acres and are contiguous to existing structures constructed below the regional flood elevation;
- (c) Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts, and shall not be contrary to the purpose of the chapter.

(4) **Limitations.** A variance shall not (1) grant, extend, or increase any use prohibited in the shoreland district; (2) be granted for a hardship based solely on an economic gain or loss; or (3) be granted for a hardship which is self-created.

(a) **Imposition of conditions.** In granting a variance, the Board of Adjustment may not impose a condition that is more restrictive than any of the specific standards in the chapter. Where this chapter is silent as to the extent of restriction, the board may impose conditions of approval deemed necessary to affect the purpose of this chapter.

14.9 AMENDMENTS.

(1) **General procedure.** Amendments to this chapter shall follow the procedures and requirements in ch. 23 (Town/County Zoning Code) of the general code. In addition, the zoning administrator shall send a copy of the public hearing notice to the appropriate district office of the Department of Natural Resources at least 10 days prior to the public hearing. Within 10 days of issuing the final decision, the zoning administrator shall send a copy of the written decision to the appropriate regional office of the Department of Natural Resources

(2) **Rezoning prohibited.** A wetland, or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

- (a) storm and flood water storage capacity;
- (b) maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
- (c) filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (d) shoreline protection against soil erosion;
- (e) fish spawning, breeding, nursery or feeding grounds;
- (f) wildlife habitat; or
- (g) wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04, Wis. Admin. Code, which can be accessed at the following website: <http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>.

(3) **Required provision.** If the Department of Natural Resources notifies the Planning and Zoning Committee that a proposed text or map amendment to the shoreland-wetland provisions of this chapter may have a significant adverse impact upon any of the criteria listed above, that amendment, if approved by the county board, shall contain the following provision:

“This amendment shall not take effect until more than 30 days have elapsed after written notice of the county board's approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period, the department may notify the county board that it will adopt a superseding shoreland ordinance for the county under s. 59.971(6), Wis. Stats. If the department notifies the county board, the effect of this amendment shall be stayed until the s. 59.971(6), Wis. Stats., adoption procedure is completed or otherwise terminated.”

14.10 RECORD OF NONCONFORMING USES AND STRUCTURES.

The zoning administrator shall maintain a list of those properties that contain a nonconforming use and/or structure.

14.11 APPLICATION FEES AND OTHER CHARGES.

(1) **Assessment of fees.** From time to time, the Board of County Supervisors may by resolution establish application fees and other charges it deems necessary in the administration of this chapter.

(2) **Timing for payment.** Application fees shall be paid at the time the application is submitted for review.

(3) **Doubling of application fee.** If an activity which requires prior authorization under this chapter is started before the authorization is granted, the application fee is automatically doubled unless the Board of County Supervisors specifically establishes a different fee by resolution. Payment of such fee shall not release the applicant from full compliance with this chapter nor from prosecution for violation of this chapter.

(4) **Refunds.** Application fees are nonrefundable, except when the application and fee were accepted by the zoning administrator or county staff in error.

14.12 ENFORCEMENT AND PENALTIES.

Any development, any building or structure constructed, moved or structurally altered, or any use established after the effective date of this ordinance in violation of the provisions of this ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The zoning administrator or the Planning and Zoning Committee shall refer violations to the county's corporation counsel who shall expeditiously prosecute violations. Any person, firm, association or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$10.00 nor more than \$200.00 per offense, together with the taxable costs of action. Each day which the violation exists shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated pursuant to s. 59.97(11), Wis. Stats.

15.0 DEFINITIONS.

For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.

The following terms used in this ordinance mean:

(1) "Access and viewing corridor" (NR 115.03(1d)) means a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

(2) "Accessory structure" means a subordinate structure on the same property as the principal structure which is devoted to a use incidental to the principal use of the property. Accessory structures include, but are not limited to, detached garages, sheds, barns, gazebos, patios, decks, swimming pools, hot tubs, fences, retaining walls, driveways, parking lots, sidewalks, detached stairways and lifts.

(3) "Boathouse" (NR 115.03(1h)) means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.

(4) "Building envelope" (NR 115.03(1p)) means the three dimensional space within which a structure is built. (Still used in Section 9 – Impervious surface section)

(5) "County zoning agency" (NR 115.03(2)) means that committee or commission created or designated by the county board under s. 59.69(2)(a), Stats, to act in all matters pertaining to county planning and zoning. The County zoning agency for Winnebago County is the Planning and Zoning Committee, also known as the "P&Z".

(6) "Department" (NR 115.03(3)) means the Department of Natural Resources.

(7) "Drainage system" means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

(8) "Existing development pattern" (NR 115.03(3m)) means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.

(9) "Floodplain" (NR 115.03(4)) means the land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in ch. NR 116, Wis. Adm. Code.

(10) "Footprint" means the land area covered by a structure at ground level measured on a horizontal plane. The footprint of a residence or building includes the horizontal plane bounded by the furthest exterior wall and eave if present, projected to natural grade. For structures without walls (decks, stairways, patios, carports) – a single horizontal plane bounded by the furthest portion of the structure projected to natural grade. Note: For the purposes of replacing or reconstructing a nonconforming building with walls, the footprint shall not be expanded by enclosing the area that is located within the horizontal plane from the exterior wall to the eaves projected to natural grade. This constitutes a lateral expansion under NR 115 and would need to follow NR 115.05 (1)(g)5.

(11) "Generally accepted forestry management practices" (NR 1.25(2)(b), Wis. Adm. Code) means forestry management practices that promote sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent version of the department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.

(12) "Impervious surface" (NR 115.03(4g)) means an area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in s. 340.01(54), Wis. Adm. Code, or sidewalks as defined in s. 340.01(58), Wis. Adm. Code, are not considered impervious surfaces.

(13) "Lot" means a continuous parcel of land, not divided by a public right-of-way, and sufficient in size to meet the lot width and lot area provisions of this ordinance.

(14) "Lot area" means the area of a horizontal plane bounded by the front, side, and rear lot lines of a lot, but not including the area of any land below the ordinary high water mark of navigable waters.

(15) "Lot of record" means any lot, the description of which is properly recorded with the Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

(16) "Mitigation" (NR 115.03(4r)) means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.

(17) "Navigable waters" (NR 115.03(5)) means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under s. 281.31(2)(d), Stats, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under s. 59.692, Stats, and ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to:

- (a) Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and

- (b) Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body
- (18) "Ordinary high-water mark" (NR 115.03(6)) means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.
- (19) "Previously developed" means a lot or parcel that was developed with a structure legally placed upon it.
- (20) "Regional flood" (NR 115.03(7)) means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.
- (21) "Retaining wall" means a structure designed to restrain soil to unnatural slopes.
- (22) "Routine maintenance of vegetation" (NR 115.03(7m)) means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.
- (23) "Shoreland" (NR 115.03(8)) means lands within the following distances from the ordinary highwater mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
- (24) "Shoreland setback" also known as the "Shoreland setback area" in s. 59.692(1)(bn), Stats, means an area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under section 59.692, Stats.
- (25) "Shoreland-wetland district" (NR 115.03(9)) means a zoning district, created as a part of a county zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory maps prepared by the department.
- (26) "Special exception (conditional use)" (NR 115.03(10)) means a use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the board of adjustment or, where appropriate, the planning and zoning committee or county board.
- (27) "Structure" (s.59.692(1)(e), Stats) means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or firepit.
- (28) "Substandard lots" means a legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current requirements for a new lot.
- (29) "Unnecessary hardship" (NR 115.03(11)) means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.
- (30) "Variance" means an authorization granted by the board of adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this ordinance.

(31) "Wetlands" (NR 115.03(13)) means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

(32) "Zoning administrator" means the individual so designated by the county executive for Winnebago County to perform those duties enumerated in chapters 23 (Town/County Zoning Code) and 27 (Shoreland Zoning Code) of the general code of Winnebago County.

Appendix A



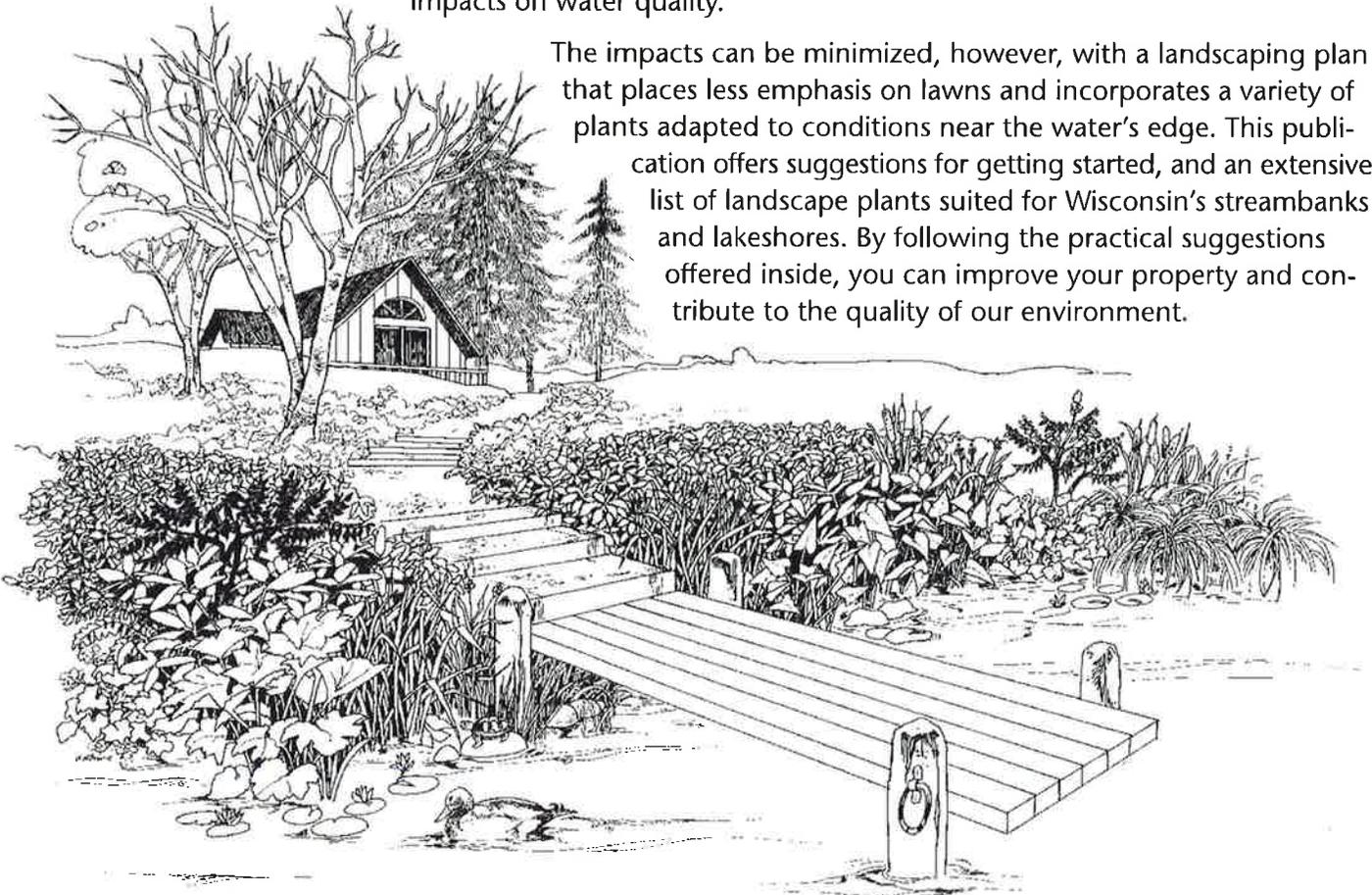
Shoreline Plants and Landscaping

A SERIES OF WATER QUALITY FACT SHEETS FOR RESIDENTIAL AREAS

Wisconsin's lakes and streams offer an escape for residents and visitors alike. From northwoods flowages to southeastern glacial lakes laced throughout the state, our waters provide abundant recreational opportunities, as well as a chance to simply get away from the sights and sounds of an urbanizing society.

The escape has become so popular that many lakeshores and streambanks are now growing more houses than trees, often with more consequences than meet the eye. Soil exposed during construction can wash into the water, and the development itself permanently alters a portion of the natural landscape. Buildings and access drives replace vegetation, increasing the amount of storm water runoff and pollutants entering the lake or stream. Owners of the new home often bring with them traditional landscaping ideas centered on the conventional yard. Too often that means manicured lawns extending to the water's edge, along with the fertilizer and pesticide applications that are the norm in the cities and villages left behind. Over time, and combined with other sources of pollution, shoreline development can have profound impacts on water quality.

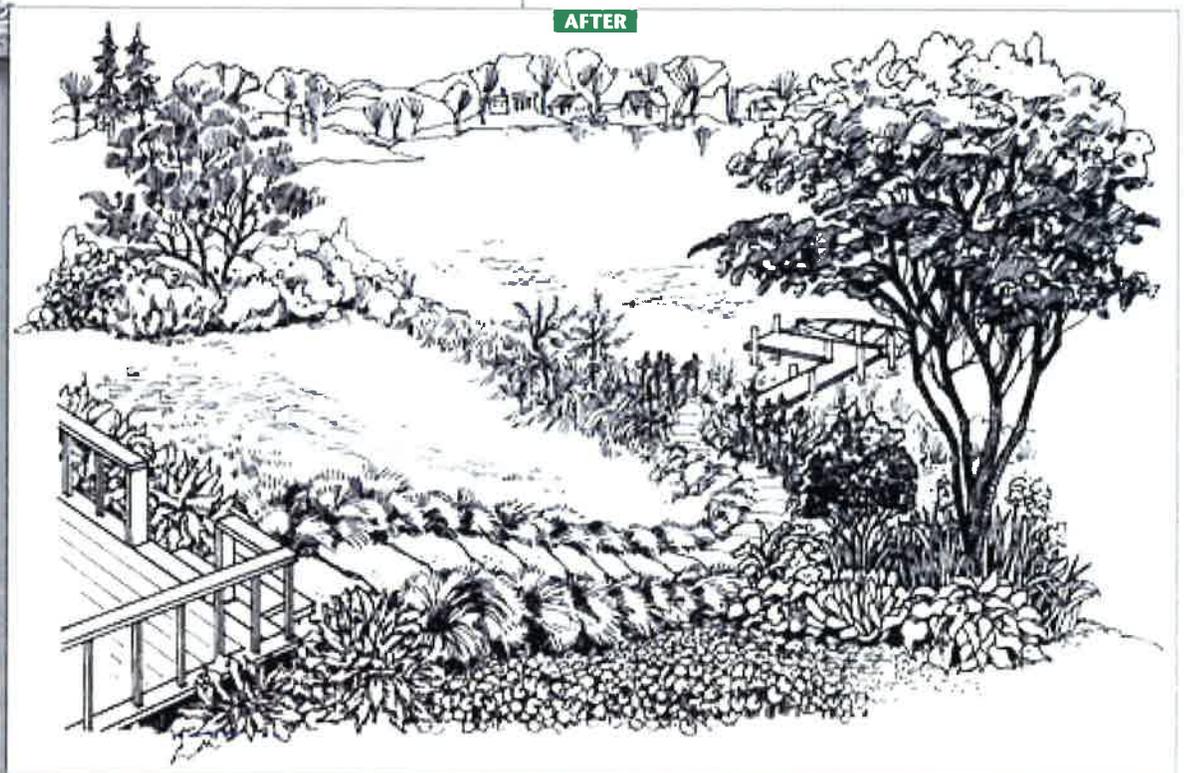
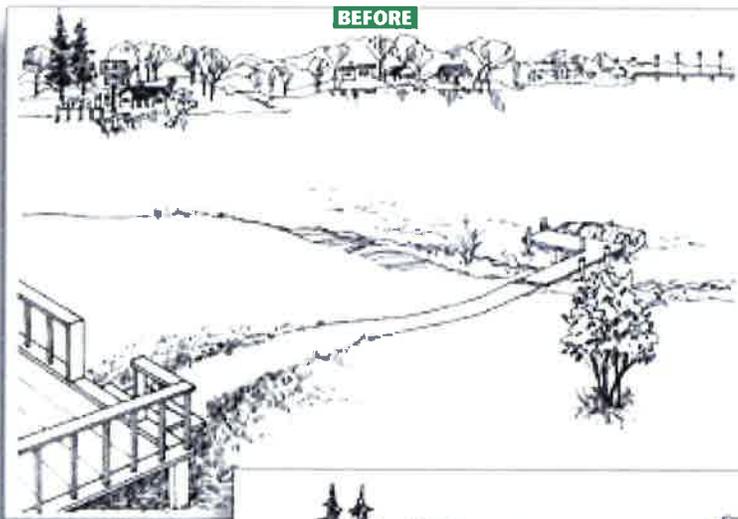
The impacts can be minimized, however, with a landscaping plan that places less emphasis on lawns and incorporates a variety of plants adapted to conditions near the water's edge. This publication offers suggestions for getting started, and an extensive list of landscape plants suited for Wisconsin's streambanks and lakeshores. By following the practical suggestions offered inside, you can improve your property and contribute to the quality of our environment.



BEFORE & AFTER: ALTERNATIVES TO THE TRADITIONAL LAWN

Grass planted to the water's edge (top illustration) is seldom the best choice, from either an esthetic or water quality standpoint. Why not try an alternative (bottom illustration)? Substituting a variety of plants for at least parts of the lawn has numerous advantages:

- ✓ Screens undesirable views while framing good ones.
- ✓ Reduces the time spent on lawn maintenance and reliance on fertilizers and other lawn chemicals.
- ✓ Helps filter pollutants that wash off roofs, driveways and other hard surfaces.
- ✓ Preserves the natural appearance of the shoreline.
- ✓ Offers better protection against shoreline erosion and requires less formal repair.
- ✓ Provides increased diversity and improved habitat for wildlife.



GETTING STARTED – LANDSCAPING AND PLANT SELECTION

Protecting the Water During Construction

With development comes bare soil, but careful planning can minimize erosion and the resulting water quality problems.

- The further the construction site is from the lake or stream and the less ground that is disturbed, the better for water quality. Greater setbacks from the water can also help overcome site limitations such as wet soils or steep slopes.
- Indiscriminate removal of trees during construction promotes soil erosion and is also a questionable practice from the standpoint of property values. A better alternative is to carefully trim trees to frame views of the lake and screen undesirable views.
- During construction, use filter fabric fences or straw bales as temporary sediment barriers along the shoreline.
- Immediately after construction of any soil-disturbing activity, the soil should be seeded, sodded or planted to natural vegetation and mulched. Once established, the vegetation becomes a permanent sediment filter. A fact sheet on Lawn Establishment (A3434) is available from county UW-Extension offices.

Landscaping for Established Yards

Proper landscape design and selection of plant material can greatly reduce the effects of shoreline development on water quality. Lawns groomed right up to the water's edge can be redesigned to allow a buffer zone along the lake or stream. Banks can be planted to stabilize the soil and eliminate lawn mowing and fertilizing.

Treatments can vary from low-cost, limited alterations to moderate-cost, significant changes. The specific treatment chosen depends on the site and desires of the property owner, but here are a few basics:

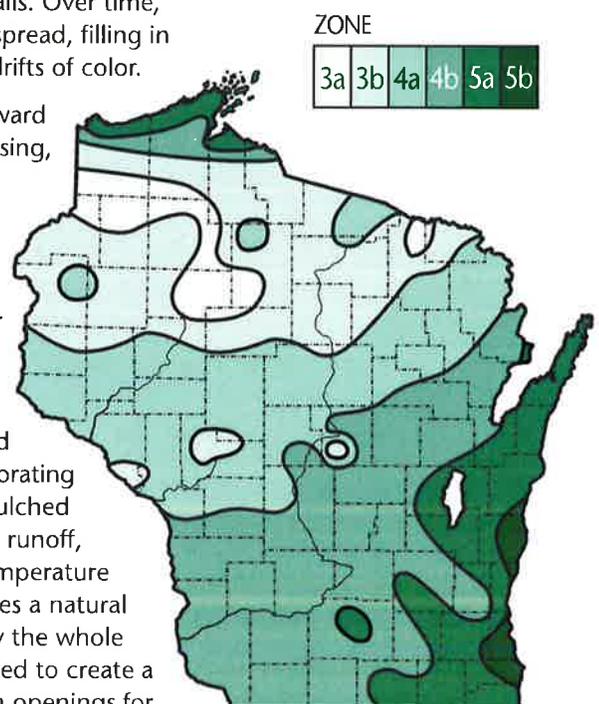
- Leaving a 35-foot (or wider) buffer of unmowed turf along shorelines is the first step in reducing runoff of soil, fertilizer and pesticides. The grasses

will grow 12-24" tall before going to seed. Mow the buffer zone's inland edge along a natural-looking curve. Also, use a smooth-flowing curve when mowing pathways through the buffer zone to the water's edge.

- Planting appropriate bulbs, perennial flowers, and groundcovers in the grasses of a buffer zone will add seasonal diversity. Working up small areas and mulching around new plantings will reduce competition from the grasses and reduce runoff of rainfall or melting snow.
- Native plants are best adapted to Wisconsin's climate and blend in well with the natural shoreline landscape.
- Planted through the grass in the buffer zone, native flowers can provide an ever-changing foreground to the view of the water. The buffer zone can be planted to native shore plants and prairie by gradually working up small areas (to reduce potential erosion) and seeding or transplanting shallow water plants or wet prairie grasses and forbs. UW-Extension's Prairie Primer (G2736) provides prairie restoration and maintenance details. Over time, the native plants will spread, filling in the buffer zone with drifts of color.
- Although the view toward the water is often pleasing, there may be visual elements that are unappealing. The noise of lake activities may also be disruptive. Trees and shrubs in the buffer zone can frame good views, screen poor views, and reduce sounds. Incorporating trees and shrubs in mulched planting beds reduces runoff, improves moisture/temperature conditions and provides a natural appearance. Gradually the whole shoreline can be planted to create a woodland setting with openings for visual and physical access to the water.

LANDSCAPE PLANT HARDINESS ZONES:

When selecting shoreline landscape plants from the list that follows, be sure they are identified as hardy for your area. While some plants may survive in a sheltered spot north of their recommended zone, it is usually best to plant reliable hardy species.



A Guide to Shoreline Landscape Plants

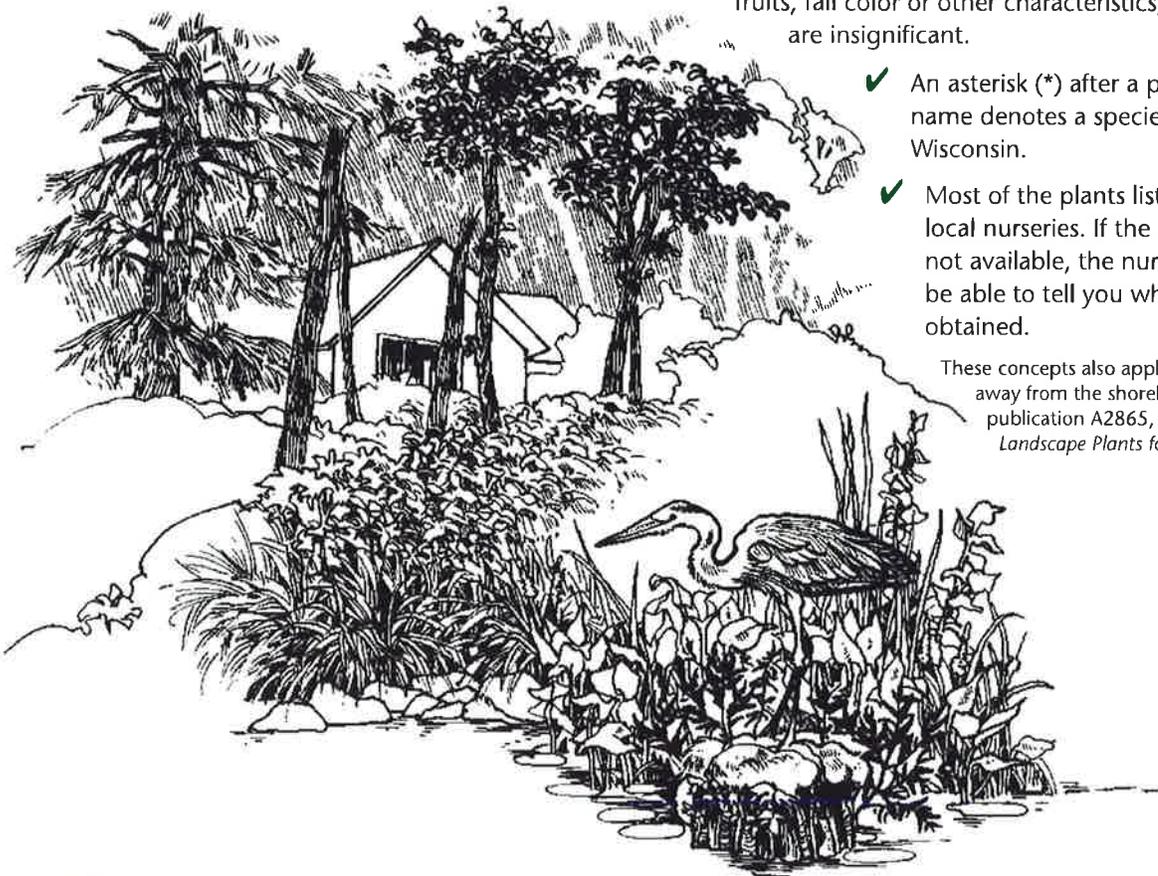
The list of plants on the following pages includes most of the better ornamental plant species and cultivars (cultivated varieties) that are usually available for sale in Wisconsin. The list includes the botanical and common names of recommended plants, growth rate (F = fast, M = medium, S = slow), hardiness zone and plant characteristics. When selecting plants, please keep the following points in mind:

- ✓ Wisconsin is divided into six zones based on minimum winter temperatures. (See map on previous page.) Always try to select plants that are hardy in your area.
- ✓ Be sure to review all the plant characteristics before you select trees, shrubs and ground covers for your situation. Many plants are sensitive to poorly drained soil conditions. Use only species tolerant of poor drainage in low, wet spots. Where shade is indicated as one of the plant characteristics, it refers to tolerance, not a requirement for shade.
- ✓ When selecting plants, one often tends to consider the flower display first. However, it is also important to consider the year-round interest the plant will provide in the landscape. Remember that a flower display often lasts only a week or two, while other interesting features such as the bark or fruits may be noticeable for several months. Where the list includes no mention of flowers, fruits, fall color or other characteristics, those features are insignificant.

- ✓ An asterisk (*) after a plant's botanical name denotes a species native to Wisconsin.

- ✓ Most of the plants listed are available at local nurseries. If the plant you desire is not available, the nursery dealer should be able to tell you where it can be obtained.

These concepts also apply to landscape plants away from the shoreline. Refer to Extension publication A2865, *A Guide to Selecting Landscape Plants for Wisconsin*.



— Evergreen Trees

The evergreen trees and shrubs listed on this page are recommended because they generally do well in moist or wet soil conditions. Some do best in sun; others do best in partial or full shade.

PLANT NAMES		GROWTH RATE	HARDINESS ZONE	PLANT CHARACTERISTICS
botanical	common			
<i>Picea glauca</i> *	White Spruce	M	3a	Moist soil; sun. Insignificant flowers; fruits are 2" cones; 70' height; light green foliage.
<i>Pinus strobus</i> *	Eastern White Pine	M	3a	Moist soil; sun. Insignificant flowers; fruits are 5-8" cones; 75' height; picturesque; soft, green foliage; subject to blister rust.
<i>Thuja occidentalis</i> *	American Arborvitae	M	3a	Moist soil; partial shade. Insignificant flowers; fruits are 1/2" cones; 40' height; light green, soft, scale-like foliage.
<i>Thuja occidentalis</i> 'Techny'	Techny American Arborvitae	S	3b	Moist soil; partial shade. Insignificant flowers; fruits are 1/2" cones; 20' height; deep green foliage.
<i>Tsuga canadensis</i> *	Canadian Hemlock	M	3a	Moist soil; shade. Insignificant flowers; fruits are 3/4" cones; 75' height; soft, feathery foliage.



— Evergreen Shrubs

PLANT NAMES		GROWTH RATE	HARDINESS ZONE	PLANT CHARACTERISTICS
botanical	common			
<i>Juniperus chinensis</i> 'Pfitzerana'	Pfitzer Juniper	F	4a	Dry soil; sun. No flowers or fruits; 6' height; wide spreading; green foliage.
<i>Juniperus chinensis procumbens</i>	Japanese Garden Juniper	M	4b	Dry soil; sun. No flowers or fruits; 18" height; creeping; blue-green foliage.
<i>Juniperus communis depressa</i> *	Oldfield Common Juniper	M	3a	Dry soil; sun. Insignificant flowers; light green fruits; 4' height; spreading; light green foliage.
<i>Juniperus horizontalis</i> *	Creeping Juniper	M	3a	Dry soil; sun. Insignificant flowers; light green to silvery fruit; 4"-18" height; creeping; gray-green to blue-green foliage.
<i>Taxus cuspidata</i> 'Espansa'	Spreading Japanese Yew	M	4b	Moist soil; shade. Insignificant flowers; fruits; 6' height; spreading; dark green foliage.
<i>Thuja occidentalis</i> 'Hetz Midget'	Hetz Midget Arborvitae	S	3a	Moist soil; half-shade. Insignificant flowers; fruits; 18" height; globe; bright green foliage.
<i>Thuja occidentalis</i> 'Woodwardii'	Woodward Globe Arborvitae	M	3a	Moist soil; half-shade. Insignificant flowers and fruits; 6' height; globe; bright green foliage.



— Deciduous Trees

The deciduous trees and shrubs recommended here generally do well in moist or wet soil conditions. Some do best in sun, others do best in partial or full shade.

TALL DECIDUOUS TREES (40-100' HEIGHT)

PLANT NAMES		GROWTH RATE	HARDINESS ZONE	PLANT CHARACTERISTICS
botanical	common			
<i>Acer rubrum</i> *	Red Maple	F	3a	Moist, acid soil; tolerates poor drainage; sun to semi-shade. Red flowers; fruits are winged samaras; yellow, orange, or red fall color; salt sensitive.
<i>Acer saccharinum</i> *	Silver Maple	F	3a	Moist soil; tolerates poor drainage; sun. Red flowers; fruits are winged samaras; yellowish or no fall color; competitive roots; weak wooded.
<i>Acer saccharum</i> *	Sugar Maple	M	3a	Rich, moist soil; shade. Yellow flowers; fruits are winged samaras; yellow, orange, or red fall color; salt and stress sensitive.
<i>Fraxinus americana</i> *	White Ash	M	3a	Moist soil; tolerates poor drainage; sun. Insignificant flowers; fruits are winged samaras; orange to purple fall color; dioecious (male and female plants).
<i>Fraxinus pennsylvanica</i> *	Green Ash	F	3a	Dry to wet soil; tolerates poor drainage; sun. Insignificant flowers; fruits are winged samaras; yellow fall color; salt tolerant; weak wooded.
<i>Gleditsia triacanthos</i> *	Common Honeylocust	F	4a	Moist soil; tolerates poor drainage; sun. Dioecious; insignificant flowers; female produces seed pods; yellow fall color; thorns; salt tolerant.
<i>Quercus bicolor</i> *	Swamp White Oak	S	4a	Moist to wet soil; tolerates poor drainage; sun. Insignificant flowers; fruits are acorns; no fall color.
<i>Tilia americana</i> *	Basswood	M	3a	Rich, moist soil; sun or shade. Fragrant, tiny white flowers in early summer; nut-like pea-sized fruits; yellowish or no fall color; salt sensitive.



MEDIUM DECIDUOUS TREES (30-40' HEIGHT)

PLANT NAMES		GROWTH RATE	HARDINESS ZONE	PLANT CHARACTERISTICS
botanical	common			
<i>Alnus glutinosa</i>	European Alder	F	4a	Wet soil; tolerates poor drainage; sun to partial shade. Catkins; cone-like fruits; no fall color.
<i>Betula nigra</i> *	River Birch	M	4b	Wet to dry acid soil; tolerates poor drainage; sun. Catkins; small, cone-like fruits; yellow fall color; cinnamon-colored, peeling bark
<i>Betula platyphylla japonica</i> 'Whitespire'	Whitespire Birch	M	3a	Moderate soils; tolerates hot sites; sun. Catkins; small cone-like fruits; yellow fall color; resistant to bronze birch borer.
<i>Ostrya virginiana</i> *	Ironwood	S	3b	Dry to moist soil; shade. Catkins; hop-like fruits; yellowish fall color; elm-like leaves.

LOW DECIDUOUS TREES (15-30' HEIGHT)

PLANT NAMES		GROWTH RATE	HARDINESS ZONE	PLANT CHARACTERISTICS
botanical	common			
<i>Alnus rugosa</i> *	Speckled Alder	M	4a	Wet soil; tolerates poor drainage; sun. Catkins; small, cone-like fruits; no fall color.
<i>Amelanchier laevis</i> *	Allegheny Serviceberry	S	3a	Moist soil; partial shade. White flowers; edible red to blue-black fruits; orange to red fall color.
<i>Carpinus caroliniana</i> *	American Hornbeam	S	3b	Moist soil; shade. Catkins; fruits are small nutlets; orange fall color; smooth gray muscle-like trunk.
<i>Cornus alternifolia</i> *	Pagoda Dogwood	M	3a	Cool, moist soil; shade. White flowers; blue-black fruits on red stalks; maroon fall color.
<i>Crataegus species</i> *	Hawthorns	M	4a	Dry to moist soils; sun. White flowers; red fruits; yellow to orange fall color; thorns.
<i>Salix pentandra</i>	Laurel Willow	M	3a	Wet soil; sun. Catkins; insignificant fruits; yellowish fall color; dense habit.



— Deciduous Shrubs

These deciduous shrubs are recommended because they generally do well in moist or wet soil conditions. Some do best in sun, others do best in partial or full shade.

TALL DECIDUOUS SHRUBS (8-14' HEIGHT, PLANT 5-7' APART)

PLANT NAMES		GROWTH RATE	HARDINESS ZONE	PLANT CHARACTERISTICS
botanical	common			
<i>Cornus racemosa</i> *	Gray Dogwood	F	3a	Dry to wet soil; partial shade to shade. White flowers; white fruits; purple fall color.
<i>Cornus sericea</i> *	Redosier Dogwood	F	3a	Moist to wet soil; tolerates poor drainage; sun. White flowers; white fruits; red twigs; purple leaves in fall.
<i>Euonymus atropurpurea</i> *	Eastern Wahoo	F	4b	Moist soil; shade. Tiny purplish flowers; bittersweet fruits; orange to purple fall color.
<i>Hamamelis virginiana</i> *	Common Witchhazel	F	4a	Moist soil; shade. Yellow flowers in October; insignificant fruits; yellow fall color.
<i>Physocarpus opulifolius</i> *	Eastern Ninebark	F	3a	Dry to moist soil, partial shade. White flowers; red, capsular fruits; yellowish fall color; shredded bark.
<i>Viburnum dentatum</i>	Arrowwood Viburnum	F	4a	Moist soil; shade. White flowers; blue fruits; maroon fall color.
<i>Viburnum lentago</i> *	Nannyberry Viburnum	F	3a	Dry to moist soil; sun or shade. White flowers; black fruits; maroon fall color.
<i>Viburnum prunifolium</i> *	Blackhaw Viburnum	F	4a	Dry to moist soil; partial shade. White flowers; black fruits; maroon fall color.
<i>Viburnum trilobum</i> *	Cranberrybush Viburnum	F	3a	Moist soil; shade. Lacy, white flowers; persistent, edible red fruits; maroon fall color.



MEDIUM DECIDUOUS SHRUBS (5-8' HEIGHT, PLANT 3-4' APART)

PLANT NAMES		GROWTH RATE	HARDINESS ZONE	PLANT CHARACTERISTICS
botanical	common			
<i>Aronia arbutifolia</i>	Red Chokeberry	F	4b	Wet soil; tolerates poor drainage; shade. White flowers; red fruits; red fall color.
<i>Corylus americana</i> *	American Filbert (Hazelnut)	M	3a	Dry soil; shade. Catkins; fruits are hazelnuts; orange fall color.
<i>Ilex verticillata</i> *	Winterberry	F	4a	Wet, acid soil; tolerates poor drainage; sun to partial shade. Dioecious; red fruits; yellowish fall color.
<i>Viburnum cassinoides</i> *	Withrod Viburnum	M	4a	Wet, acid soil; tolerates poor drainage; partial sun to shade. White flowers; pink-to-red-to-blue fruits; red fall color.

LOW DECIDUOUS SHRUBS (2-5' HEIGHT, PLANT 2½' APART)

PLANT NAMES		GROWTH RATE	HARDINESS ZONE	PLANT CHARACTERISTICS
botanical	common			
<i>Amelanchier stolonifera</i> *	Running Serviceberry	M	3a	Dry soil; shade. White flowers; edible red fruits; orange fall color; suckering habit.
<i>Aronia melanocarpa</i> *	Black Chokeberry	M	3b	Wet soil; shade. White flowers; black fruits red fall color.
<i>Rhododendron</i> x 'PJM'	PJM Hybrid Rhododendron	S	4a	Moist, acid soil; sun. Lavender flowers; insignificant fruits; evergreen leaves turn purple in fall.
<i>Ribes alpinum</i>	Alpine Currant	F	3a	Dry to moist soil; partial sun to shade. Insignificant flowers and fruits; yellowish fall color; good hedge plant.
<i>Spirea japonica</i> Little Princess	Little Princess Spirea	M	4a	Dry to moist soil; sun. Pale pink flowers; insignificant fruits; yellowish fall color; compact habit.
<i>Viburnum acerifolium</i> *	Mapleleaf Viburnum	M	3a	Moist soil; shade. White flowers; black fruits; maroon fall color.
<i>Viburnum opulus</i> 'Nanum'	Dwarf European Cranberrybush	M	3a	Moist soil; shade. No flowers or fruits; maroon fall color; twiggy.



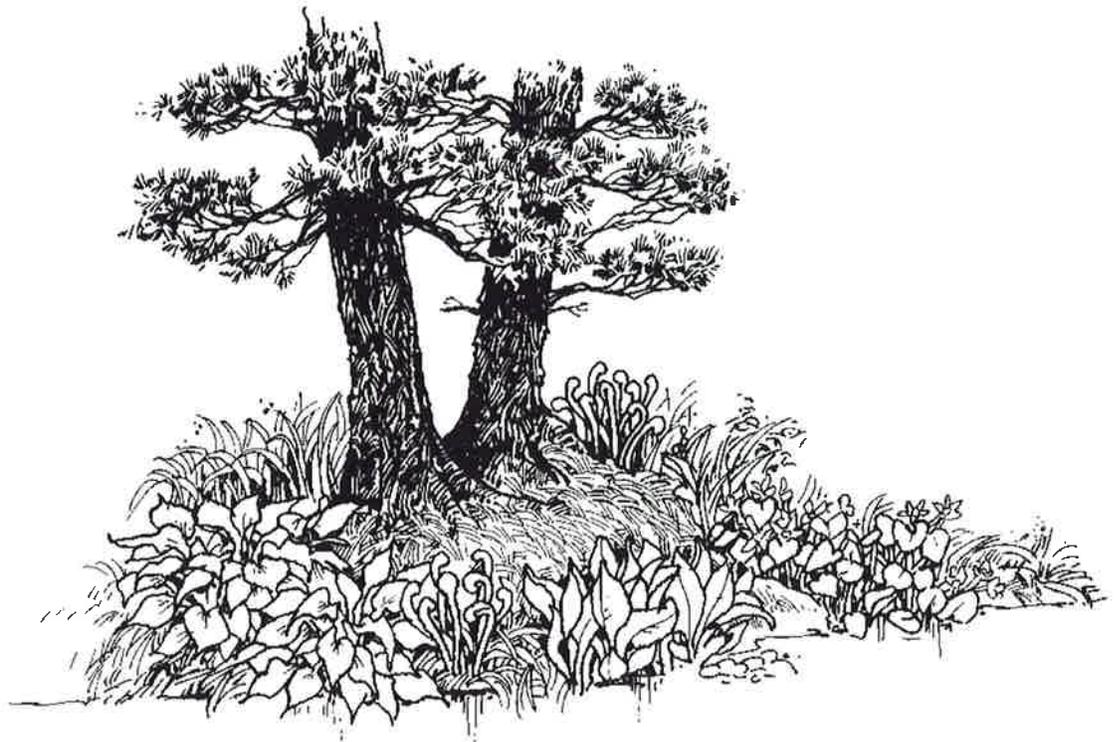
Wet Forest Groundlayer Plants

After a shade pattern is established by trees and shrubs, these plants can be incorporated in the ground layer.

PLANT NAMES		GROWTH RATE	HARDINESS ZONE	PLANT CHARACTERISTICS
botanical	common			
<i>Amphicarpa bracteata</i> *	Hog Peanut	—	3a	Moist soil; shade. Pea-like lilac flowers in late summer; fleshy one-seeded fruit pods; delicate twining vine.
<i>Arisaema dracontium</i> *	Green Dragon	—	4a	Moist soil; shade. Green flowers in spring; insignificant fruits; 1-4' height; leaves divided into 5-15 pointed segments.
<i>Aster lateriflorus</i> *	Calico Aster	—	3a	Moist soil; shade. White flowers with purple centers in fall; insignificant fruits; 1-4' height; coarsely toothed leaves.
<i>Caltha pulustris</i> *	Marsh Marigold (Cowslip)	—	3a	Moist soil; partial shade. Large yellow flowers in early spring; insignificant fruits; 1-2' height; glossy, roundish leaves; thick hollow stems.
<i>Geum canadense</i> *	White Avens	—	3a	Moist soil; shade. White flowers in summer; bristly seed receptacles; 1½-2½' height; lower leaves usually divided into 3's.
<i>Impatiens capensis</i> *	Spotted Jewelweed	—	3a	Wet soil; shade. Spotted orange pendulant flowers in summer; ripe seed pods pop when touched; 2-5' height; succulent, juicy stems.
<i>Matteuccia struthiopteris pennsylvanica</i> *	Ostrich Fern	—	3a	Moist soil; shade. Insignificant flowers and fruits; 4-5' height; large, coarse textured fronds.
<i>Menispermum canadense</i> *	Moonseed	—	4b	Moist soil; shade. Clusters of small white flowers in early summer; black fruits resemble grapes; woody climber; large variable leaves (nearly round to 3-7 shallow lobes).
<i>Mertensia virginica</i> *	Virginia Bluebells	—	3a	Moist soil; shade. Nodding trumpet-like blue flowers in spring; insignificant fruits; 1-2' height; smooth strongly veined, oval leaves; succulent stems.
<i>Onoclea sensibilis</i> *	Sensitive Fern	—	3a	Moist soil; shade to sun. Insignificant flowers and fruits; 1-2½' height; large leaflets on fronds.
<i>Pedicularis canadensis</i> *	Wood Betony	—	3a	Moist soil; shade. Yellow or red flowers in spring; insignificant fruits; ½ - 1' height; long, soft-hairy, often reddish leaves.

(WET FOREST GROUND LAYER PLANTS – CONTINUED)

PLANT NAMES		GROWTH RATE	HARDINESS ZONE	PLANT CHARACTERISTICS
botanical	common			
<i>Pilea pumila</i> *	Clearweed	—	3a	Moist soil; shade. Small green flowers in leaf axils in late summer; insignificant fruits; ½-1½' height; nettle-like (non-stinging) leaves; smooth translucent stems.
<i>Ranunculus septentrionalis</i> *	Swamp Buttercup	—	3a	Wet soil; shade. Yellow flowers in spring; insignificant fruit; 1-3' height; leaves in 3 segments; weak, hollow stems.
<i>Symplocarpus foetidus</i> *	Skunk Cabbage	—	3a	Wet soil; partial shade. Green/purple shell-like sheath covers green flowers in very early spring; insignificant fruit; 1-3' height; large, broad leaves appear after flowers; leaves have fetid odor if crushed.
<i>Viola pedata</i> *	Marsh Blue Violet	—	4a	Wet soil; shade. Dark violet flowers in spring; flower stems taller than leaves; insignificant fruits; ½-1' height; heart-shaped leaves.

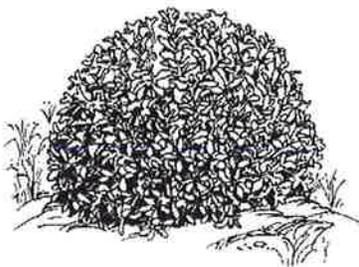


— Groundcover & Bankcover Plants

Groundcover and bankcover plants can replace conventional grasses, and the fertilizing and mowing involved.

GROUNDCOVERS

PLANT NAMES		GROWTH RATE	HARDINESS ZONE	PLANT CHARACTERISTICS
botanical	common			
<i>Ajuga reptans</i>	Bugleweed or Carpet Bugle	—	4a	Moist soil; shade. White, red, purple, or blue flowers in late spring; 4-6" height; green to purplish evergreen foliage; ground cover.
<i>Arctostaphylos uva-ursi</i> *	Bearberry	—	3a	Dry, acid soil; sun to partial shade. Small, terminal, white flowers in spring; small red berry; 6" height; paddle-shaped, evergreen leaves; trailing shrub; ground cover.
<i>Asarum canadense</i> *	Canada Wildginger	—	3a	Rich, moist soil; shade. Ground-level, cup-shaped, 3-pointed red-brown flowers in spring; 6" height; large, heart-shaped leaves; ground cover.
<i>Convallaris majalis</i>	Lily-of-the-valley	—	3a	Moist soil; shade. Fragrant white flowers in spring; 8" height; dark green foliage; ground cover.
<i>Euonymus fortunei</i> 'Colorata'	Purpleleaf Wintercreeper	—	4b	Moist soil; shade. Insignificant flowers; 6-18" height; evergreen leaves turn purple in winter; only fully hardy in SE Wisconsin, needs shelter from winter sun and wind; ground cover.
<i>Hosta</i> cultivars	Hosta or Plantainlily	—	3a	Moist soil; shade. White or lavender flowers in summer or early fall; 6-24" height; green, blue, gold and variegated leaves; ground cover.
<i>Juniperus</i> species	Juniper	—	3-4	Dry soil; sun. Insignificant flowers; some have berry-like fruits; 6-24" height; needled evergreen; ground or bank cover.
<i>Lycopodium clayatum</i> *	Running Pine	—	3a	Moist, acid soil; shade. Insignificant flowers; 2-6" height; creeping or erect stems; ground cover.
<i>Pachysandra terminalis</i>	Japanese Pachysandra	—	4b	Moist soil; shade. White flowers in summer; 6-8" height; evergreen foliage; only fully hardy in SE Wisconsin, needs shelter from winter sun and wind; ground cover.
<i>Phlox subulata</i>	Moss Phlox	—	3a	Dry, infertile soil; sun. Small clustered, pink or white flowers in spring; 6" height; needle-like, semi-evergreen leaves; ground cover.
<i>Potentilla tridentata</i> *	Wineleaf Cinquefoil	—	3a	Dry soil; sun. White flowers in early summer; 6" height; wine-red fall color; ground cover.
<i>Rhus aromatica</i> 'Gro-Low'	Gro-Low Fragrant Sumac	—	3a	Dry soil; sun. Insignificant flowers; 30" height; fragrant foliage; orange-maroon fall color; ground or bank cover.
<i>Sedum</i> species	Sedum or Stonecrop	—	3-5	Dry, infertile soil; sun. White, yellow, pink, or purple flowers in spring, summer or fall; 2-10" height; succulent plant; ground cover.



DECIDUOUS BANKCOVER SHRUBS

PLANT NAMES		GROWTH RATE	HARDINESS ZONE	PLANT CHARACTERISTICS
botanical	common			
<i>Amelanchier stolonifera</i> *	Running Serviceberry	M	3a	Dry soil; shade. White flowers; edible red fruits; 3-4' height; orange fall color; suckering habit.
<i>Cornus sericea</i> *	Redosier Dogwood	F	3a	Moist to wet soil; tolerates poor drainage; sun. White flowers; white fruits; 8' height; purple fall color; red twigs; spreading habit.
<i>Diervilla lonicera</i> *	Dwarf Bushhoneysuckle	M	3a	Dry soil; shade. Yellow flowers; insignificant fruits; 3' height; mounded habit.
<i>Rhus aromatica</i> *	Fragrant Sumac	F	3a	Dry soil; sun. Greenish-yellow flowers; red fruits; 4' height; orange-maroon fall color; fragrant foliage; mounded habit.
<i>Rosa virginiana</i>	Virginia Rose	F	4a	Moist to dry soil; sun. Pink flowers; persistent red fruits (hips); 4' height; red stems; suckering habit.
<i>Salix repens</i> var. <i>nitida</i>	Silver Creeping Willow	F	4b	Moist soil; sun. Insignificant flowers and fruits; 2' height; silvery foliage; spreading habit.
<i>Symphoricarpos orbiculatus</i>	Indiancurrant Coralberry	M	3b	Dry soil; shade. White flowers; pink fruits; 3' height; suckering habit.

EVERGREEN BANKCOVER SHRUBS

PLANT NAMES		GROWTH RATE	HARDINESS ZONE	PLANT CHARACTERISTICS
botanical	common			
<i>Juniperus chinensis</i> 'Pfitzerana'	Pfitzer Juniper	M	4a	Dry soil; sun. No flowers or fruits; 6' height; rich green foliage; wide spreading.
<i>Juniperus chinensis procumbens</i>	Japanese Garden Juniper	M	4b	Dry soil; sun. No flowers or fruits; 18" height; blue-green foliage; creeping.
<i>Juniperus communis depressa</i> *	Oldfield Common Juniper	M	3a	Dry soil; sun to partial shade. Insignificant flowers; berry-like blue-green fruits; light green foliage turns brown in winter.
<i>Juniperus horizontalis</i> *	Creeping Juniper	M	3a	Dry soil; sun. Insignificant flowers; some have berry-like fruits; variable foliage color; subject to blight disease.
<i>Juniperus Sabina</i> 'Calgary Carpet'	Calgary Carpet Savin Juniper	M	3a	Dry soil; sun. No flowers or fruits; 8" height; soft green foliage; low spreading.
<i>Taxus cuspidata</i> 'Espansa'	Spreading Japanese Yew	M	4b	Dry to moist soil; shade. Insignificant flowers; red fruits; 6' height; dark green foliage; only fully hardy in SE Wisconsin.



— Grasses, Forbs & Aquatics

Most aquatic plants have not been extensively studied for landscape purposes. However, landowners can help establish stable, diverse plant communities by encouraging these plants along the water's edge.

MOIST SHORE AREAS (MOIST TO WET SOILS IN FULL SUN)



PLANT NAMES		GROWTH RATE	HARDINESS ZONE	PLANT CHARACTERISTICS
botanical	common			
<i>Andropogon gerardi</i> *	Big Bluestem Grass	—	3a	Flowers/seed heads branch into three parts, looks like a turkey's foot in fall; 3-8' height; lush green leaves turn to reddish fall color; stems blue/purple; most prevalent of all prairie grasses.
<i>Asclepias incarnata</i> *	Swamp Milkweed	—	3a	Pink flowers in midsummer; 2-4' height; narrow, lance-shaped, smooth-edged leaves.
<i>Aster novae-angliae</i> *	New England Aster	—	3a	Bright violet, rose, or magenta flowers with yellow centers in late fall; 3-6' height; important late-season nectar source for a variety of butterflies.
<i>Aster simplex</i> *	Panicled Aster	—	3a	White flowers in fall; 3-6' height; short, stalked willow-like leaves.
<i>Calamagrostis canadensis</i> *	Canada Bluejoint Grass	—	3a	Typical grass flowers and seeds in fall; 2-4' height; grows in heavy clumps.
<i>Cicuta maculata</i> *	Cowbane or Water Hemlock	—	3a	White flowers in large umbel in summer; 3-6' height; twice- or thrice-compound leaves; stem streaked with purple; poisonous.
<i>Dodecatheon meadia</i> *	Shooting Star	—	3a	Pink flowers with swept-back petals in spring; 1-2' height; leaves in rosette at ground level.
<i>Eupatorium maculatum</i> *	Spotted Joe-Pye Weed	—	3a	Flat-topped clusters of pale purple flowers in late summer; 4-6' height; stem is deep purple.
<i>Galium boreale</i> *	Northern Bedstraw	—	3a	Tiny white clustered flowers in early summer; 1-3' height; narrow leaves in whorls of four.
<i>Gentiana andrewsii</i> *	Bottle Gentian	—	3a	Bright blue flowers in late fall never fully open; 1-2' height.
<i>Hypoxis hirsuta</i> *	Stargrass	—	4a	Six-pointed star-like yellow flowers in summer; 3-7" height; narrow, grass-like leaves.
<i>Iris versicolor</i> *	Blue Flag (Wild Iris)	—	3a	Showy lavender flowers in late spring; 2-3' height; graceful, sword-like leaves.
<i>Lilium superbum</i> *	Turk's-Cap Lily	—	4a	Large, nodding, bright orange flowers with maroon-spotted petals in summer; 3-6' height.
<i>Panicum virgatum</i> *	Switch Grass	—	3a	Typical grass flowers and seeds in fall; 3-6' height; can be aggressive; thick stands make good winter and early spring wildlife cover.
<i>Phlox pilosa</i> *	Downy Phlox	—	3a	Pale purple flowers in late spring; 2-3' height; narrow, pointed leaves.
<i>Pycnanthemum species</i> *	Mountain Mint	—	3a	Flat-topped, branching clusters of white flowers in late summer; 1-3' height; square stems; mint-like odor if crushed.

(MOIST SHORE AREAS – CONTINUED)

PLANT NAMES		GROWTH RATE	HARDINESS ZONE	PLANT CHARACTERISTICS
botanical	common			
<i>Rudbeckia hirta</i> *	Black-eyed Susan	—	3a	Showy, big single yellow flowers with chocolate-colored center disks in summer; 1-3' height; easy to grow.
<i>Sorghastrum nuans</i> *	Indian Grass	—	3a	Flower clusters filled with short, soft, golden-brown hairs; typical grass seed head in fall; 4-8' height; grows rapidly.
<i>Spartina pectinata</i> *	Prairie Cordgrass	—	3a	Flowers and seed heads arranged on one side of stem in fall; 3-5' height; gracefully arching narrow leaves; bright yellow fall color.
<i>Thalictrum dasycarpum</i> *	Meadowrue	—	3a	Delicate white dioecious flowers in spring; 2-5' height; lacy bluish-green leaves.
<i>Veronicastrum virginicum</i> *	Culver's Root	—	3a	White tube-like flowers in mid-summer; 2-5' height; slender, sharp-toothed leaves in whorls of 3-7.
<i>Viola cucullata</i> *	Marsh Blue Violet	—	3a	Violet flowers taller than leaves in spring; 5-10" height.
<i>Zizia aurea</i> *	Golden Alexanders	—	3a	Tiny golden flowers in spring; 1-3' height; doubly compound leaves; red-tinged stems.

SHALLOW WATER TO WET SHORE PLANTS

PLANT NAMES		GROWTH RATE	HARDINESS ZONE	PLANT CHARACTERISTICS
botanical	common			
<i>Acorus calamus</i> *	Sweet Flag	—	3a	Flowers are spadix of small greenish-yellow florets in early summer; 1-4' height; rigid, sword-like leaves; flat, blade-like stem.
<i>Phragmites communis</i> *	Giant Reed Grass	—	4a	Graceful, plumed tan flowers and fruiting heads in late summer; 8-12' height; aggressive once established.
<i>Sagittaria latifolia</i> *	Arrowhead	—	3b	White flowers in whorls of three in summer; 1-3' height; lance-like to broad, arrow-shaped leaves.
<i>Scirpus species</i> *	Bulrushes	—	3-4	Solitary or clustered spikelet flowers in summer; 6-8' height; grass-like leaves at base of plant.
<i>Sparaganium eurycarpum</i> *	Giant Bur-Reed	—	3b	Green to brown flowers; fruits are bur-like balls; 4-6' height; linear iris-like leaves.
<i>Typha latifolia</i> *	Cattail	—	3a	Brown head of tightly packed flowers; fruits are attached to fluffy, cotton-like material; 3-9' height; erect, blade-like leaves.



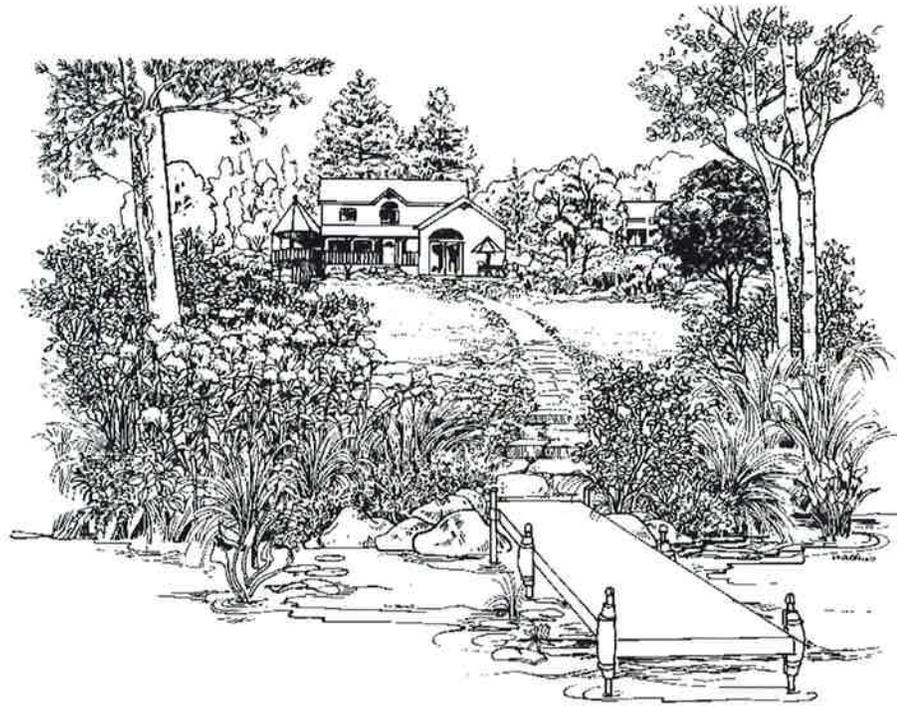
A FEW FINAL THOUGHTS

Some factors affecting shoreline development are beyond an individual's control. The property may have been developed and landscaped long ago; zoning code requirements may offer little flexibility for preserving vegetation on the lot; or options may be limited by surrounding properties. However, there are probably some shoreline landscaping or plant selection tips described inside that can improve both your property and water quality.

If you are proceeding with plans and permits to build, proper construction site practices are summarized in the fact sheet, *Erosion Control for Home Builders (GWQ001)*, available in county UW-Extension offices.

Remember, most Wisconsin lakeshores started out being wooded, and such lots today are the ones often commanding high selling prices. If you want to maintain some conventional lawn away from the shoreline, refer to other facts sheets in the *Yard Care and the Environment* series for management suggestions.

If you have any questions about the suitability of a particular plant for your landscaping situation, contact your county UW-Extension office or a local nursery.



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Illustrations: Carol Watkins

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and Landscaping**

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**UW
Extension**

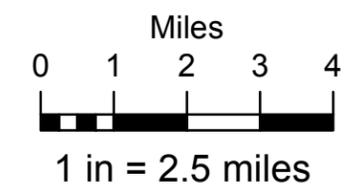


Active Sanitary Sewer Districts Map

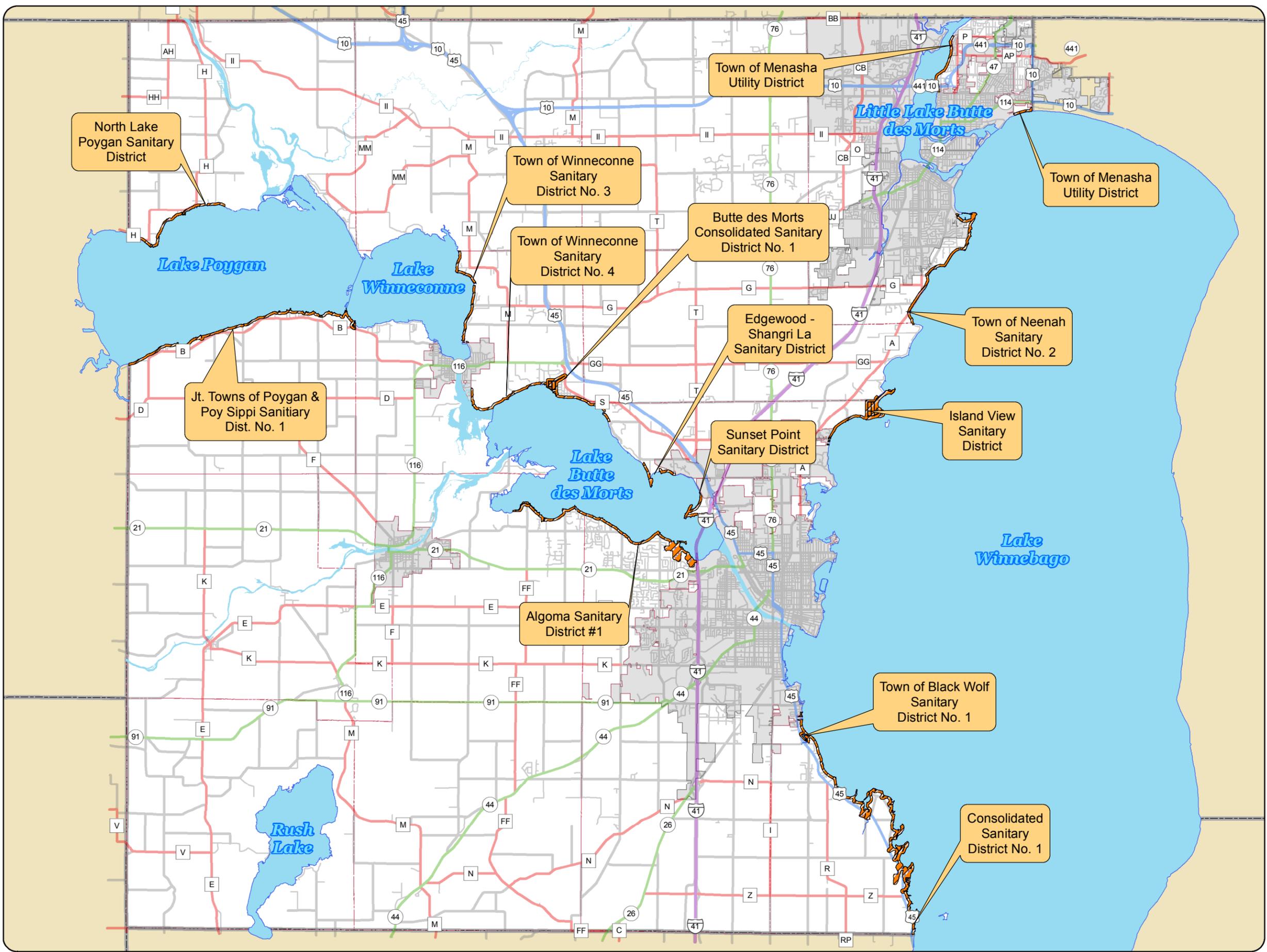


Legend

-  Sewered Sanitary Districts
-  Lakes
-  County Boundary



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1 057-102016

2 **RESOLUTION: Commendation for Rodney Schraufnagel**

3

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

5

6 **WHEREAS**, Rodney Schraufnagel has been employed with the Winnebago County Department of Human
7 Services for the past twenty-two (22) years, and during that time has been a most conscientious and devoted County
8 employee; and

9 **WHEREAS**, Rodney Schraufnagel has now retired from those duties, and it is appropriate for the
10 Winnebago County Board of Supervisors to acknowledge his years of service.

11 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that sincere
12 appreciation and commendation be and is hereby extended to Rodney Schraufnagel for the fine services he has
13 rendered to Winnebago County.
14

15 **BE IT FURTHER RESOLVED** that the Winnebago County Clerk send a copy of this Resolution to
16 Rodney Schraufnagel.
17

18 Respectfully submitted by:

19 **PERSONNEL AND FINANCE COMMITTEE**

20

21 Committee Vote: **4-0**

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

23

24

25 Approved by the Winnebago County Executive this _____ day of _____, 2016.

26

27

28

29

Mark L Harris
Winnebago County Executive

1 058-102016

2 **RESOLUTION: Commendation for Gladys Farr**

3

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

5

6 **WHEREAS**, Gladys Farr has been employed with the Winnebago County Department of Human Services
7 for the past thirty-six (36) years, and during that time has been a most conscientious and devoted County employee;
8 and

9 **WHEREAS**, Gladys Farr has now retired from those duties, and it is appropriate for the Winnebago County
10 Board of Supervisors to acknowledge her years of service.

11 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that sincere
12 appreciation and commendation be and is hereby extended to Gladys Farr for the fine services she has rendered to
13 Winnebago County.
14

15 **BE IT FURTHER RESOLVED** that the Winnebago County Clerk send a copy of this Resolution to
16 Gladys Farr.
17

18 Respectfully submitted by:

19 **PERSONNEL AND FINANCE COMMITTEE**

20

21 Committee Vote: **4-0**

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

23

24

25 Approved by the Winnebago County Executive this _____ day of _____, 2016.

26

27

28

29

Mark L Harris
Winnebago County Executive

1 **059-102016**

2 **RESOLUTION: Disallow Claim of Brian L Hooey**

3

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

5 **WHEREAS**, your Personnel and Finance Committee has had the claim of Brian L. Hooey referred to it for
6 attention; and

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

9 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that the claim of
10 Brian L. Hooey, filed with the County Clerk on August 29, 2016, be and the same is hereby disallowed for the reason
11 that there is no basis for liability on the part of Winnebago County.

12

13

Submitted by:

14

PERSONNEL AND FINANCE COMMITTEE

15 Committee Vote: **4-0**

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

17

18 Approved by the Winnebago County Executive this ____ day of _____, 2016.

19

20

21

22

Mark L Harris
Winnebago County Executive



Winnebago County

Office of the County Clerk

The Wave of the Future

NOTICE OF CLAIM

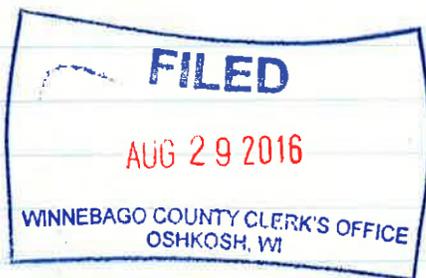
Date: August 29, 2016
To: Doug, Linda and Joan
Re: Claim from Brian Hooey for damage to his car's windshield caused by loose blacktop from traveling south on Hwy 45 towards Oshkosh on 08/22/2016.

This claim will be presented to the County Board at their September 20, 2016 meeting.

: Aug 25, 2016

To Whom It My Concern:

ON MONDAY Aug. 22nd AROUND 12:30
MY GIRLFRIEND AND I WERE HEADING
SOUTH ON Hwy 415 TOWARDS OSHKOSH
WI. WHEN OUT OF NO WHERE, MYSELF
AND A SEMI JUST AHEAD OF ME
ENCOUNTERED LOOSE DEBRIS
ALL OVER THE HIGHWAY., BUT BEFORE
BOTH MYSELF AND THE SEMI DRIVER
COULD REACT TO THIS, IT WAS TOO
LATE. MY VEHICLE WINDSHIELD GOT
HIT TWICE.. ONE OF THE HITS
STARTED A CRACK THAT TRAVELED
HALFWAY ACROSS THE WINDSHIELD
THE OTHER WAS A STAR CRACK
CHIP. TRULY NO ACT OF GOD
HERE. I REPORTED THIS RIGHT
AWAY TO THE 911 OPERATOR
WHO THANKED ME AND SAID HE
WOULD GET SOMEONE OUT THERE
RIGHT AWAY. THIS HAPPENED
RIGHT AROUND THE WINCHESTER
AREA. AND WAS SPREAD FOR
ABOUT 1/2 MILES LONG.



Sincerely,
Damon L. Kooy

WISCONSIN GLASS PLUS...INC.

HOME OFFICE

214 WATER STREET, WAUPACA, WISCONSIN 54981
715-258-7006 TOLL FREE 800-564-1519 FAX 715-258-7019

2004 GMC ENVY

W/S DW 1584 GBN —

M/D 666 1448 /

Installed IN
SHOP
\$ 300.00 + TX



HOME-BUSINESS-AUTO
SALES- INSTALLATION-REPAIR-REPLACEMENT
GLASS-MIRRORS-PLEXIGLASS-WINDOWS-SCREENS-SHOWER DOORS PLUS....
"SINCE 1975"

1 **060-102016**

2 **RESOLUTION: Disallow Claim of David G Madell Jr**

3

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

5 **WHEREAS**, your Personnel and Finance Committee has had the claim of David G. Madell Jr. referred to it
6 for attention; and

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

9 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that the claim of
10 David G. Madell Jr., filed with the County Clerk on August 26, 2016, be and the same is hereby disallowed for the
11 reason that there is no basis for liability on the part of Winnebago County.

12

13

Submitted by:

14

PERSONNEL AND FINANCE COMMITTEE

15 Committee Vote: **4-0**

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

17

18 Approved by the Winnebago County Executive this ____ day of _____, 2016.

19

20

21

22

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 29, 2016
To: Doug, Linda and Joan
Re: Claim from David G. Madell Jr. for damage to his car's windshield caused by a county Winnebago County Dump Truck vehicle.

This claim will be presented to the County Board at their September 20, 2016 meeting.

On August 1, 2016 at approximately 3:15, I was following behind Winnebago County Dump Truck #19, license plate number 66362. A rock flew off/up from the truck and struck my windshield causing my windshield to have a crack in it. I spoke with the driver of the truck who gave me the number to the County Clerk. I have spoken with the county and they asked that I get an estimate and write a statement and send it in. I have also enclosed two photos. One of the photos is of the truck and the other is of my windshield. If you have any questions, please let me know. If you could call me and keep me informed on what is going on I would appreciate it as well.

Thank you

David G Madell JR
196 E Waushara St
Berlin, WI 54923
920-572-0940
dmadelljr@yahoo.com





Q01-0805-24168

Quotation

100 W. Northland Ave.
 Appleton, WI 54911
 920.731.8176
 800.521.5221
 f 920.731.5028

2801 N. Roemer Rd.
 Appleton, WI 54911
 920.734.9164
 800.449.8081
 f 920.734.1096

1811 E. Mason St.
 Green Bay, WI 54302
 920.468.7820
 800.242.8177
 f 920.468.5337

Quote for:

100 QUOTE MASTER
 Cash Customer
 00000-0000

Insured/Customer:

DAVID MADELL JR

(000)000-0000

(000)000-0000

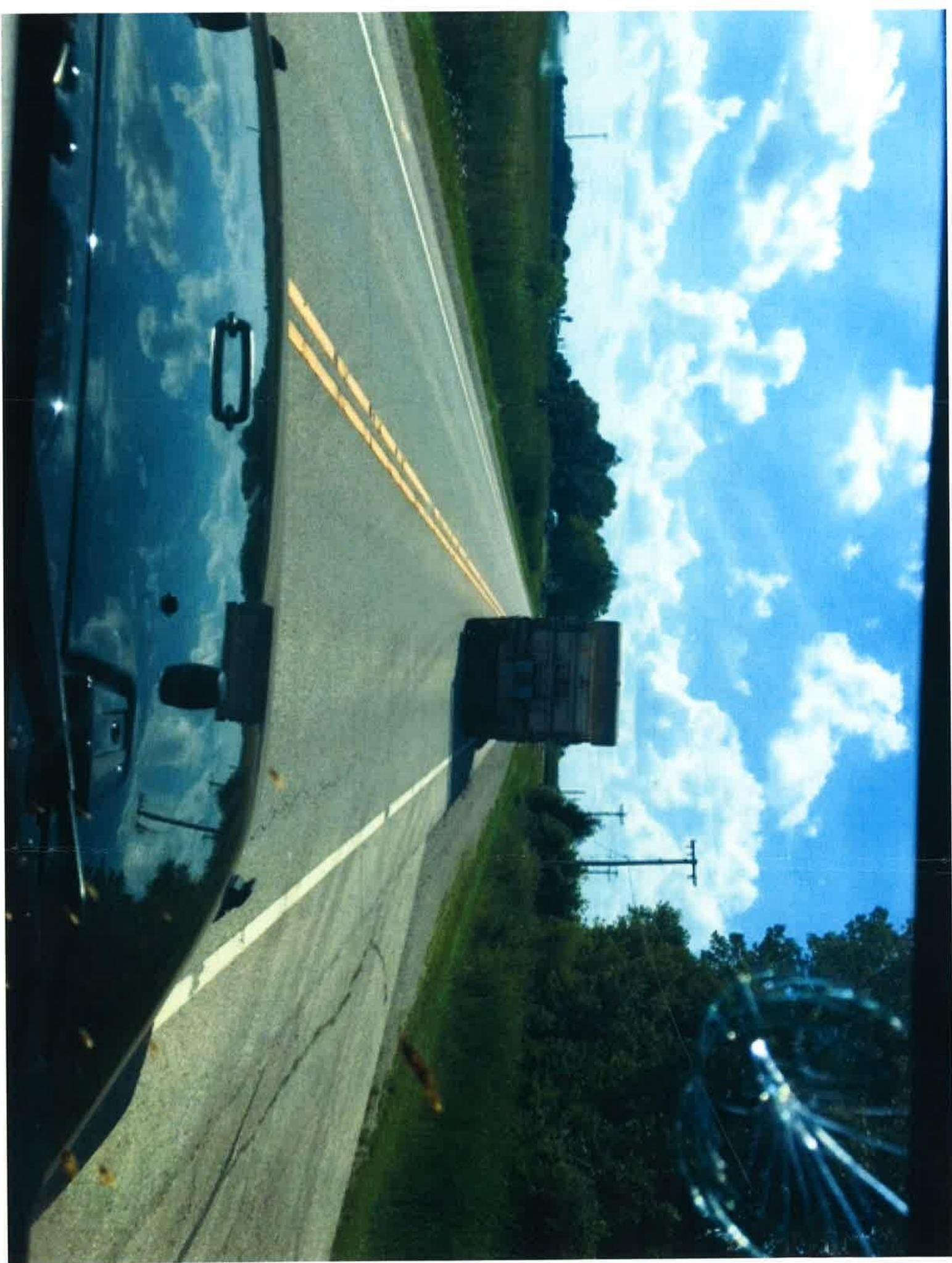
2016 Jeep Wrangler 4 Door Utility

Qty	Part ID	Description	List	Price	Total
1.50	URETH/PRIMER	URETHANE & PRIMER	30.00	30.00	30.00
1.00	LABOR	Labor hours	85.00	85.00	85.00
1.00	DW01881GTNN	Windshield	635.05	330.23	330.23

Instructions:

Subtotal	\$445.23
Tax 5.000%	\$22.26
Deductible	\$0.00
QuoteTotal	\$467.49





1 **061-202016**

2 **RESOLUTION: Disallow Claim of Karen J Hottinger**

3

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

5 **WHEREAS**, your Personnel and Finance Committee has had the claim of Karen J. Hottinger referred to it for
6 attention; and

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

9 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that the claim of
10 Karen J. Hottinger, filed with the County Clerk on August 24, 2016, be and the same is hereby disallowed for the
11 reason that there is no basis for liability on the part of Winnebago County.

12

13

Submitted by:

14

PERSONNEL AND FINANCE COMMITTEE

15 Committee Vote: **4-0**

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

17

18 Approved by the Winnebago County Executive this ____ day of _____, 2016.

19

20

21

22

Mark L Harris
Winnebago County Executive



Winnebago County

Office of the County Clerk

The Wave of the Future

NOTICE OF CLAIM

Date: August 24, 2016
To: Doug, Linda and Joan
Re: Claim from Karen Hottinger for damage (tire replacement and front end alignment) to her car caused by a buckle in the road on Highway 45.

This claim will be presented to the County Board at their September 20, 2016 meeting.

On August 3, 2016 there was an incident on hwy 45 which caused the road to buckel from the heat

I was involved. I have tried to put a claim in with my insurance company but I have a \$250 deductable. They suggested trying to go directly to you. The total of my bill was \$170.66 which I have included a copy of the bill from the garage I had the tire replaced and the fron end alignment done. I also included a copy of the sheriffs report from that incident.

Thank you

Karen Hottinger



Incident Report

WINNEBAGO COUNTY SHERIFF'S OFFICE
4311 JACKSON STREET
OSHKOSH, WISCONSIN 54901
9202367300Q

Incident Number: WI16-002625

Incident Summary

Incident Type: DAMAGE TO PROPERTY	Report Type: INCIDENT
Inc Occurred Address: HY 45 SB & CTY TK G, WINNECONNE (TOWN), WISCONSIN 54958	Sector/Beat: 02/WTW2
Inc Occurred Start: 08/03/2016 16:26	Inc Occurred End: 08/03/2016 17:42
Domestic: N	Blas Motivation:
Other Agency:	Gang Related: N
Reporting Officer: BECK, KYLE	Primary Assigned Officer:
Case Status:	Clearance:
Jurisdiction:	Clearance Date/Time:
Approved by: FILLMORE, NANCY	Approved date/time: 08/10/2016 13:56
	Approve status: Approved

Offenses

Statute Code: DAMVEH
 Enhancers:
 Statute Desc: DAMAGE TO VEHICLE
 Counts: 1 Statute Severity:

Officers

Event Association	Emp#	Badge#	Name	Squad#
BACKUP UNIT	W47	W47	JOHNSON, ROSS	
PRIMARY REPORTING OFFICER	W51	W51	BECK, KYLE	
SUPERVISOR	W9	W9	SEILER, LORI	

Persons Involved

Person#: 0001
 Event Association: VICTIM
 Name: OSMAN, TAMI J
 Contact Date/Time: 08/03/2016 16:30
 DOB: 10/20/1976 Age: 39 - 39 Sex: FEMALE Race: WHITE
 Height: 5' 6" - 5' 6" Weight: 170 - 170 lbs Eye Color: BLUE Hair Color: BLONDE
 Phone Type 1: Phone# 1: (920) 789-8583 Ext 1: 2011
 Phone Type 2: Phone# 2: Ext 2:
 Occupation: Employer/School:

Person address(es)

Address: HOME ADDRESS, E4310 GALILEE RD, WEYAUWEGA, WISCONSIN 54983

Person#: 0002
 Event Association: VICTIM
 Name: HOTTINGER, KAREN J
 Contact Date/Time: 08/03/2016 16:38
 DOB: 06/22/1949 Age: 67 - 67 Sex: FEMALE Race: WHITE
 Height: Weight: Eye Color: Hair Color:
 Phone Type 1: CELL Phone# 1: (414) 671-3546 Ext 1: CELL
 Phone Type 2: Phone# 2: Ext 2:
 Occupation: Employer/School:

Person address(es)

Address: HOME ADDRESS, 1775 S PEARL ST, MILWAUKEE, WISCONSIN 53204

WINNEBAGO COUNTY SHERIFF'S OFFICE
4311 JACKSON STREET
OSHKOSH, WISCONSIN 54901
9202367300Q

Incident Number: WI16-002625

Vehicles Involved

Vehicle#: 0001

Event Assoc: DAMAGED

Vehicle Type: A

VIN: 1B3ES42Y7WD590288

Style:

Status Dt/Tm: 08/03/2016 16:26 Status Value:

NCIC Date:

NCIC#:

Year: 1998

License#: 554SVH

Prim Color: RED

Vehicle Status: DESTROYED/DAMAGED/VANDALIZED

Make: DODGE

State: WI

Sec Color:

Recovered Date:

NCIC Reported By:

NCIC Cancelled:

Model: NEON

Expires On:

Ter Color:

Recovered Value:

Vehicle#: 0002

Event Assoc: DAMAGED

Vehicle Type: A

VIN: KNDMB233396308755

Style: VAN/MINI VAN

Status Dt/Tm: 08/03/2016 16:26 Status Value:

NCIC Date:

NCIC#:

Year: 2009

License#: 32519

Prim Color:

Vehicle Status: DESTROYED/DAMAGED/VANDALIZED

Make: KIA

State: WI

Sec Color:

Recovered Date:

NCIC Reported By:

NCIC Cancelled:

Model: SEDONA

Expires On:

Ter Color:

Recovered Value:

WINNEBAGO COUNTY SHERIFF'S OFFICE
4311 JACKSON STREET
OSHKOSH, WISCONSIN 54901
9202367300Q

Incident Number: WI16-002625

Narratives

ENTERED DATE/TIME: 8/10/2016 12:46:20

NARRATIVE TYPE: INITIAL NARRATIVE

SUBJECT: INITIAL - BECK - 08/03/16

AUTHOR: BECK, KYLE

DAMAGE TO VEHICLE

08/03/16 16:26 HOURS DEP. K. BECK W51

On Wednesday, 8/3/16 at 16:26 hours I was dispatched to HY 45 southbound, just north of CTY TK G in the Winnebago Co. Township of Winneconne in regard to a hazard complaint. I was notified by dispatch that it appears that the highway has started to buckle in this location, crossing both of the southbound lanes.

As I was traveling northbound on HY 45, past CTY TK G, I noticed 6 - 7 vehicles on the shoulders of the southbound lanes of HY 45. Approximately 500' north of CTY TK G, as I passed the area, I noticed that the highway appeared to have buckled in both lanes.

It appeared that the highway shop was already out working on the lanes. Myself and Dep. Johnson W47 arrived on scene and had to shut down the left lane (lane #1) because this lane appeared to be most severely buckled. I then placed my squad car in lane #1 to shut this lane down and set up cones. Dep. Johnson provided lights north of my location.

Lt. Seiler W9 arrived on scene and advised to start making contact with the vehicles on the shoulder of the road. I observed a family of three walking northbound on the southbound lane side on the shoulder of the road toward our location. I met with them halfway and met with Tami J. Osman, F/W, DOB 10/20/76 of E4310 Galilee Rd., Weyauwega, WI 54983 with a phone number of (920) 594-1088. Tami advised that she was driving southbound on HY 45, near the location of the buckled roadway in her 1998 Dodge Neon, bearing WI registration 554SVH with a VIN of 1B3ES42Y7WD590288. Tami advised that when traveling southbound, she hit the buckled roadway which caused her passenger front tire to pop. Tami was able to pull over to the shoulder of the road and advised that as she was driving, she believes the impact of the vehicle hitting the buckled roadway, also caused damage to her windshield. I did observe that the windshield was cracked, all the way across the windshield and I did notice that they already replaced the front passenger side tire, however, they advised that the spare was on the rear passenger tire due to the fact of the tire size.

Along with Tami in the vehicle was Steven L Forest, M/W, DOB 3/4/66 and Tami's son, Ethan T. Roach, M/W, DOB 8/3/04. Tami advised me that no one was injured and just shaken up and stated that she had Geico Insurance. Tami asked for the report number for the damage to her vehicle based on the incident, due to the fact that it was not her fault and that the highway was buckled. I provided Tami with the report number and explained to her the process of obtaining a report if she wished, as well as contacting her insurance agency and providing them with the report number. Tami had no further questions and I provided them a ride back to her

WINNEBAGO COUNTY SHERIFF'S OFFICE
4311 JACKSON STREET
OSHKOSH, WISCONSIN 54901
9202367300Q

Incident Number: WI16-002625

After meeting with Tami, I met with a second individual who had damage to their vehicle and identified her as Karen J. Hottinger, F/W, DOB 6/22/49 of 1775 S. Pearl St., Milwaukee, WI 53204 with a phone number of (414) 671-3546. Karen advised that she was traveling southbound on HY 45 in the left lane, just north of CTY TK G, again where the highway was buckled. Karen was driving her 2009 Kia Sedona van with WI registration 32519 and a VIN of KNDMB233396308755. The damage to Karen's vehicle was that the rear driver's side tire was flat due to the buckled highway. Karen stated that she was not injured and she was the only person in her vehicle and that she has Country Financial Insurance. Karen also asked for the report number for insurance purposes, which was provided to her. Karen had no further questions and I stayed with Karen until Jim's Towing arrived on scene. Karen was able to contact AAA who provided Jim's as the tow service.

Summary:

On Wednesday, 8/3/16 I responded to both a hazard and damage complaint located on HY 45 southbound at CTY TK G in the Winnebago Co. Township of Winneconne.

I was informed by dispatch that it appeared that both lanes of HY 45 southbound, just north of CTY TK G had buckled. While in route, I observed that there were numerous vehicles on the shoulders of the southbound lanes, due to the buckling of the highway. I observed approximately 500' north of CTY TK G, that both lanes were both buckled due to the extreme heat on today's date.

Two registered owners of two vehicles wished to file damage reports for their vehicles which had minor damage. The first vehicle which was a Dodge Neon, had damage to the front passenger side tire and a cracked windshield and the second vehicle which was a Kia Sedona, had damage to the rear driver's side tire. Both parties were provided with the report number for the damage and both vehicles were removed from the roadway.

VICTIM: Tami J. Osman, F/W, DOB 10/20/76
E4310 Galilee Rd.
Weyauwega, WI 54983
(920) 594-1088

VEHICLE: 1998 Dodge Neon, red in color
554SVH, VIN - 1B3ES42Y7WD590288

VICTIM: Karen J. Hottinger, F/W, DOB 6/22/49
1775 S. Pearl St.
Milwaukee, WI 53204
(414) 671-3546

Printed by: jnoffke
Printed date/time: 8/11/16 10:28

Incident Report

Page 5 of 5

WINNEBAGO COUNTY SHERIFF'S OFFICE
4311 JACKSON STREET
OSHKOSH, WISCONSIN 54901
9202367300Q

Incident Number: WI16-002625

32519, VIN - KNDMB233396308755

No further information
Dep. K. Beck W51
nef 8-10

Service

Customer ID: 1082106382
 Name: KAREN HOTTINGER
 Address: 1775 S. PEARL ST
 Address 2:
 City, State, Zip/Postal Code: MILWAUKEE, WI, 53221
 Home Phone: (414) 671-3546
 Work Phone: () -
 Other Phone: () -
 Tax Exempt #:
 Manager: JONATHAN ALOIS
 Services Requested:
 CHECK ALIGNMENT, YOKO AVID ASCEND

Year: 09
 Make: KIA
 Model: SEDONA
 Lic No: 32519
 VIN: KNDMB233396308753
 Color: RED
 Engine: 3.8
 Mileage In: 90120
 Mileage Out: 90120

Date/Time: 08/05/16 12:16:58
 Estimate #: 134935
 Invoice #: 116755
 Key Tag: False
 PO Number:
 Email Address:
 Fleet/Wholesale: N
 Unit Number:
 Est Created On: 08/04/16

Qty.	Part #	REC	Description	Loc	Warr	List	Net	Labor	Amount
Tire Inflation: Not Available Torque: Not Available									
TIRE SERVICE									
1	ALIGNMENT	S	WHEEL ALIGNMENT	LB	60	0.00	0.00	94.99	94.99
1	MB100	S	WHEEL BALANCE	LB	60	0.00	0.00	0.00	0.00
			JOB DISCOUNT:				0.00	(25.00)	(25.00)
			TOTAL TIRE SERVICE:		69.99				
SERVICE									
1	TT	S	TIRE ADD ON PARTS	LB	60	0.00	0.00	0.00	0.00
1	L0945	S	STANDARD VALVE STEM	LB	60	0.00	0.00	0.00	0.00
1	OEP	S	ONE EASY PRICE !	LB	60	0.00	0.00	0.00	0.00
			ALSO INCLUDES TIRE MOUNTING, LIFETIME TIRE ROTATION, T.P.M.S. TRANSFER & FREE ALIGNMENT CHECK						
1	TR2	S	TIRE RECYCLING FEE	LB	60	0.00	0.00	0.00	0.00
			TOTAL SERVICE:		0.00				
TIRE									
1	32353Y	R	* YOKO AVID ASCEND	LB	70	154.99	154.99	0.00	154.99
			Tire Size: 225/70R16 Speed Rating: H Ply: 04 Load Range: B Sidewall: BW Load Index: 103 Mileage Warranty: 75000						
			DOT Numbers: CCWA8512916						
1	RHZ	S	ROAD HAZARD COVERAG	LB	0	20.13	20.13	0.00	20.13
1	TPPWARR	S	YOKO AVID ASCEND	LB	60	92.99	92.99	0.00	(92.99)
			TOTAL TIRE:		82.13				
MISCELLANEOUS									
1	FEE	S	SHOP SUPPLY FEE		0	9.49	9.49	0.00	9.49
			This charge represents costs and profits to the motor vehicle facility for miscellaneous shop supplies or waste oil.						
			TOTAL MISCELLANEOUS:		9.49				

NOTICE TO CUSTOMERS
 Unless otherwise specified, all labor charges are preset or based on flat rate manuals, and not actual time spent. Unless otherwise specified in writing, all parts and labor are warranted for the longer of 90 days or 4,000 miles. Please see reverse for details. All labor performed and parts replaced were necessary to perform all repairs. All parts are new unless otherwise specified (i.e. used or Rebuild). All personal items should be removed from the vehicle before it is left for service. We are not responsible for these items.

I certify that this vehicle has been tested or test driven when needed and that the mechanic's work was performed satisfactorily.

 Manager's Initials

The undersigned acknowledges that this invoice is for services rendered by Monro Muffler Brake & Service and now tenders payment (either in cash, check, credit card or other charge) in the full amount set forth on this invoice. The undersigned agrees to pay any and all costs of collection incurred by Monro Muffler Brake & Service, including reasonable attorney fees and returned check charges, in the event that, for any reason, payment is not received by Monro Muffler Brake & Service. An expressed mechanic's lien is acknowledged on the above vehicle to secure the cost of repairs made, including any parts utilized during such repair.

 Print Name

 Customer Signature

CAUTION: Owners of Mag, Custom, Alloy, or Dual wheels must have lug-nuts retorqued after 25 miles or 24 hours! The Company will gladly retorque these lug-nuts once after the first 25 miles at no charge.

Initial: _____

* Customer Wishes To Discard Old Parts ***

See reverse for Diagnosis (REC), Warranty (WARR), and Location (LOC) codes.

INVOICE INVOICE MONRO MUFFLER BRAKE # 1082 INVOICE
 CUSTOMER COPY

SEE NEXT PAGE

& Service

Customer ID: 1082106382
Name: KAREN HOTTINGER
Address: 1775 S. PEARL ST
Address 2:
City,State,Zip/Postal Code: MILWAUKEE, WI, 53221
Home Phone: (414) 671-3546
Work Phone: () -
Other Phone: () -
Tax Exempt #:
Manager: JONATHAN ALOIS
Services Requested:
 CHECK ALIGNMENT, YOKO AVID ASCEND

Year: 09
Make: KIA
Model: SEDONA
Lic No: 32519
VIN: KNDMB233396308753
Color: RED
Engine: 3.8
Mileage In: 90120
Mileage Out: 90120

Date/Time: 08/05/16 12:16:58
Estimate #: 134935
Invoice #: 116755
Key Tag: False
PO Number:
Email Address:
Fleet/Wholesale: N
Unit Number:
Est Created On: 08/04/16

Qty.	Part #	REC	Description	Loc	Warr	List	Net	Labor	Amount
These parts were declined by the customer:									
1	TPKIT	S	TPMS STEM SEAL KIT	LB		4.99	4.99	6.00	10.99
1	TPKIT	S	TPMS STEM SEAL KIT	LB		4.99	4.99	6.00	10.99
Subtotal of declined parts (tax not included):							9.98	12.00	21.98

PAY TYPE: DISCOV 170.66 **Date:** 8/5/2016 **APPROVAL #:** 00598P **ENTRY:** SWIPE
CREDIT CARD #: XXXX-XXXX-XXXX-6934

PAY **AMT**
 DISCOV 170.66 8/5/2016
PAYMENT COLLECTED BY: J. ALOIS
TECH: 068899-0.00 J. GURESKI

SUB TOTAL 161.61
SALES TAX 9.05
GRAND TOTAL 170.66

INVOICE INVOICE MONRO MUFFLER BRAKE # 1082 INVOICE
 CUSTOMER COPY

1 062-102016

2 **RESOLUTION: Appropriate \$1,900,000 to a Capital Project for the Improvement/
3 Reconstruction of the CTH CB and Oakridge Road Intersection Located
4 in the Town of Neenah**

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

8 **WHEREAS**, the intersection of CTYH CB and Oakridge Road has been the site of numerous accidents
9 including several fatalities in the past ten (10) years; and

10 **WHEREAS**, at peak hours the traffic flows poorly through the intersection as evidenced by delays on
11 Oakridge Road, causing the intersection to fall below the standards for traffic flow; and

12 **WHEREAS**, this past summer, a consultant performed an Intersection Control Evaluation (ICE) which
13 reviewed a number of improvement alternatives. The preferred alternative coming from the study was design and
14 construction of a roundabout at this intersection; and

15 **WHEREAS**, with the data and statistics developed by the consultant, the Highway Department applied for
16 and received a Highway Safety Improvement Program (HSIP) grant in the amount of \$1,550,000 to build a
17 roundabout at the CTH CB and Oakridge intersection. This HSIP grant is part of a cost share program and
18 Winnebago County's out-of-pocket costs on this project are estimated to be approximately \$350,000; and

19 **WHEREAS**, \$100,000 has been included as part of Winnebago County's portion of the project costs for
20 temporary traffic signals, should they be needed, during the design and construction phases of the project. These
21 temporary signals will be installed at such time as the Highway Department concludes they are needed and will
22 increase public safety. This decision will be made in consultation with the project design consultant, Sheriff's Office,
23 Town of Neenah and Highway Committee.

24 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
25 authorizes an appropriation of \$1,900,000 to a capital project fund for the design and construction of a roundabout at
26 the CTH CB and Oakridge Road intersection.

27 **BE IT FURTHER RESOLVED**, that the \$350,000 amount of funding for Winnebago County's share of this
28 project shall be advanced from the General Fund of Winnebago County with said fund being reimbursed from a
29 subsequent bond issue.

30 Respectfully submitted by:

31 **HIGHWAY COMMITTEE**

32 Committee Vote: **5-0**

33 Respectfully submitted by:

34 **PERSONNEL AND FINANCE COMMITTEE**

35 Committee Vote: **4-0**

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

37
38 Approved by the Winnebago County Executive this ____ day of _____, 2016.

40
41 _____
42 Mark L Harris
Winnebago County Executive

1 **063-102016**

2

3 **RESOLUTION: Appropriate a Total of \$570,918 as a Capital Project to Complete Upgrades and**
4 **Repairs to the Exterior of the UW Fox Valley Campus Library Building.**

5

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

7 **WHEREAS**, in 2015, a project to repair the outside façade of the UW Fox Valley Library was approved at a
8 total cost of \$216,000 to be split equally between Winnebago and Outagamie Counties; and

9 **WHEREAS**, as of the end of 2015, the project had not been started; and

10 **WHEREAS**, subsequent to that time, a review was done of the project and it was determined that more
11 extensive repairs should be made; and

12 **WHEREAS**, the final project budget to complete all necessary repairs has now been determined to be
13 \$570,918; and

14 **WHEREAS**, costs of the buildings at UW Fox Valley are shared with Outagamie County on a 50/50 basis;
15 and

16 **WHEREAS**, it would be prudent at this time to carry over the original \$216,000 that the two counties agreed
17 to split and add an additional amount of \$354,918 to the project to make all of the necessary exterior improvements
18 which brings the total project budget to \$570,918; and

19 **WHEREAS**, Winnebago County's share of the additional \$354,918 funds needed would be \$177,459; and

20 **WHEREAS**, Winnebago County's share of the additional costs could be transferred from the General Fund
21 Unrestricted Fund Balance.

22 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
23 approves increasing the total project budget to \$570,918 and appropriates Winnebago County's additional share of
24 \$177,459 from the General Fund Unrestricted Fund Balance, and

25 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that Winnebago County's
26 funding of the additional costs is contingent on Outagamie County appropriating the same amount.

27

28 Respectfully submitted by:

29 **UW FOX VALLEY BOARD OF TRUSTEES**

30 Committee Vote: **3-0**

31 Respectfully submitted by:

32 **FACILITIES AND PROPERTY MANAGEMENT COMMITTEE**

33 Committee Vote: **4-1**

34 Respectfully submitted by:

35 **PERSONNEL AND FINANCE COMMITTEE**

36 Committee Vote: **4-0**

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

38

39 Approved by the Winnebago County Executive this ____ day of _____, 2016.

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42 _____
43 Mark L Harris
Winnebago County Executive

UW-FOX VALLEY LIBRARY FACADE REPAIR PROJECT

PROJECT DESCRIPTION:

Replace the failing exterior insulation finishing system (EIFS) at the library with a thin brick masonry system to protect the integrity of the exterior and interior building structure. Replace aluminum window systems, aluminum exterior doors and solarium glass window system. Address foundation issues on south side of building.

PROJECT JUSTIFICATION:

Replace exterior insulation finishing system (EIFS). The wall system was constructed in 1985 of a thin coat of cement over insulation board fastened to building structure. Due to weather and UV rays, the EIFS has deteriorated and portions of the wall are flaking away and birds and small rodents have chipped their way inside the wall system. This project is to remove the EIFS and replace with a brick veneer for a permanent solution. This project will eliminate ongoing deterioration of exterior wall materials and weather infiltration to interior walls and associated ongoing repair expenses.

HISTORY:

Original project scope and budget developed in 2013 by Short Elliott Hendrickson Inc. Project was fully funded in the amount of \$216,000 (split 50/50) by both Outagamie and Winnebago Counties in 2015. Low bid received in 2016 was \$427,293. Scope redefined by Rich Haen with assistance by Short Elliott Hendrickson Inc. to include replacing the aluminum window systems, aluminum exterior doors and solarium glass window system, along with addressing foundation issues on south side of building. New estimate of \$570,918 (split 50/50) has been established. Approval of funding by Winnebago County is contingent upon Outagamie County fully funding their portion.



1 064-102016

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RESOLUTION: Authorize a Capital Project to Replace an Aging Steam Boiler System at the UW Fox Valley Campus with an Integrated Hot Water System and Appropriate \$430,000 to be Split Equally Between Winnebago and Outagamie Counties to Cover the Costs of the Project

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

10 **WHEREAS**, a steam boiler system at the UW Fox Valley campus is aging and has become problematic and
11 expensive to maintain.; and

12 **WHEREAS**, chemicals required for operation of the steam boiler system are expensive and are corrosive to
13 the boiler and pipe distribution system; and

14 **WHEREAS**, the existing system is 21 years old and has exceeded its estimated useful service life, and

15 **WHEREAS**, leaks in the system have become more numerous in recent years and have damaged other
16 building components leading to additional repair costs; and

17 **WHEREAS**, this project consists of replacing the two steam boiler system with a hot water system; and

18 **WHEREAS**, the cost to replace the system has been determined to be \$430,000; and

19 **WHEREAS**, the cost will be shared on a 50/50 basis between Winnebago above-named child Outagamie
20 Counties; and

21 **WHEREAS**, it would be prudent to replace the system at this time before additional damage is done to other
22 building components.

23 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
24 authorizes a project to replace the steam boiler system at UW Fox Valley with a new integrated hot water system at a
25 total cost of \$430,000.
26

27 **BE IT FURTHER RESOLVED** that Winnebago County's share of the cost or \$215,000 be advanced from the
28 General Fund of Winnebago County with said fund being reimbursed from a subsequent bond issue.
29

30 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that Winnebago County's
31 appropriation of funds to this project is contingent on Outagamie County appropriating the same amount.
32
33

34 Respectfully submitted by:
35 **UW FOX VALLEY BOARD OF TRUSTEES**

36 Committee Vote: **3-0**

37 Respectfully submitted by:
38 **FACILITIES AND PROPERTY MANAGEMENT COMMITTEE**

39 Committee Vote: **5-0**

40 Respectfully submitted by:
41 **PERSONNEL AND FINANCE COMMITTEE**

42 Committee Vote: **4-0**

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

44

45 Approved by the Winnebago County Executive this ____ day of _____, 2016.

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Mark L Harris
Winnebago County Executive

1 065-102016

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3 **RESOLUTION: Appropriate an Additional \$30,000 to the Taxiway B Reconstruction Project at**
4 **Wittman Regional Airport.**

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6

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

8 **WHEREAS**, Winnebago County originally appropriated \$310,000 as the sponsor share of the Taxiway B
9 Phase II Reconstruction Project; and

10 **WHEREAS**, the cost of the IFR holding bay part of the Project was expected to qualify for Federal Aviation
11 Administration Airport Improvement Project (AIP) funding; and

12 **WHEREAS**, it was later determined that the holding bay did not qualify for (AIP) funding; and

13 **WHEREAS**, an additional \$30,000 of Wittman Airport funding will be required to complete the IFR holding
14 bay portion of the Project; and

15 **WHEREAS**, Wittman Airport administration will present this Project to the EAA and ask if they would be
16 willing to share in the cost of this Project since they have the most to gain from it; and

17 **WHEREAS**, the Wittman Airport unrestricted fund balance has sufficient funds to cover the \$30,000 cost if
18 Winnebago County is unable to gain any cost sharing.

19

20 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
21 appropriates \$30,000 from the Airport Unrestricted Fund Balance to the Taxiway B Phase II Reconstruction Project to
22 complete the IFR holding bay.

23

24 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that the Airport Fund Balance
25 will be reimbursed from any cost sharing we are able to obtain.

26

27 **Fiscal Impact:** This could potentially reduce the Airport Unrestricted Fund Balance by \$30,000. The balance per the
28 2015 audit was \$1,196,341

29

30 Respectfully submitted by:

31 **AVIATION COMMITTEE**

32 Committee Vote: **5-0**

33 Respectfully submitted by:

34 **PERSONNEL AND FINANCE COMMITTEE**

35 Committee Vote: **4-0**

36

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

38

39 Approved by the Winnebago County Executive this ____ day of _____, 2016.

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42 _____
43 Mark L Harris
Winnebago County Executive

1 066-102016

2

3 **RESOLUTION: Authorize a Transfer of \$9,995 From the Airport Grounds Maintenance Account to**
4 **the Capital Outlay Account for the Purchase of a Woods Batwing Mower**

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6

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

8 **WHEREAS**, a new Woods Batwing Mower is needed to replace an aging flail mower because the existing
9 flail mower does not conform well to the land contour of the new Aviation Business Park; and

10 **WHEREAS**, the existing mower is not able to adequately adjust to the landscape changes in the new
11 business park; and

12 **WHEREAS**, the Batwing mower is needed to cut heavier vegetation areas in the Aviation Business Park and
13 other non-landscaped areas in the southern parts of the airport; and

14 **WHEREAS**, the cutting blades on a Batwing mower are able to cut up to small sapling trees better than a
15 finish or flail mower; and

16 **WHEREAS** the mower decks on the Batwing mower are able to float over uneven surfaces, such as the
17 wetland areas, detention ponds, and berms in the Business Park and elsewhere on the Airport grounds more
18 efficiently than the Airport's existing mowing equipment; and

19 **WHEREAS**, through the competitive purchasing process, the Airport is able to purchase the Batwing mower
20 at a cost of \$9,995; and

21 **WHEREAS**, there are sufficient funds in the Airport Grounds Maintenance Account to allow for the transfer of
22 funds for this capital equipment purchase without asking for additional funding from Winnebago County's General
23 Fund.

24 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
25 authorizes the transfer of \$9,995 from the Airport Funds' Grounds Maintenance Account to the 2016 Airport Budget's
26 Capital Outlay Account and authorizes the purchase of a Woods Batwing Mower.
27

28

29 Respectfully submitted by:

30 **AVIATION COMMITTEE**

31 Committee Vote: **5-0**

32 Respectfully Submitted by:

33 **PERSONNEL AND FINANCE COMMITTEE**

34 **Committee Vote: 1-3**

35

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

37

38 Approved by the Winnebago County Executive this ____ day of _____, 2016.

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Mark L Harris
Winnebago County Executive

2 **RESOLUTION: Authorize the Borrowing of an Amount Not to Exceed \$3,940,000 and the**
3 **Issuance and Sale of General Obligation Promissory Notes**

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

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

12 **WHEREAS**, the Winnebago County Board of Supervisors hereby finds and determines that the Project is
13 within the County's power to undertake and, therefore, serves a "public purpose" as that term is defined in
14 § 67.04(1)(b), 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 \$3,940,000 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 Section 67.12(12) of the Wisconsin Statutes, a principal sum not to exceed THREE MILLION NINE
24 HUNDRED FORTY THOUSAND DOLLARS (\$3,940,000) from a purchaser or purchasers to be determined by
25 competitive sale (the "Purchaser").

26 Section 2. Sale of the Notes. To evidence such indebtedness, the Chairperson and County Clerk are
27 hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and
28 in the name of the County, general obligation promissory notes aggregating a principal amount not to exceed THREE
29 MILLION NINE HUNDRED FORTY THOUSAND DOLLARS (\$3,940,000) (the "Notes"). There be and there hereby
30 is levied on all the taxable property in the County a direct, annual tax in such years and in such amounts as are
31 sufficient to pay when due the principal and interest on the Notes.

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

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

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

2016 Bonding

Updated --->> 10/7/16

Division	Dept	PROJECT DESCRIPTION	Bonding 2016
Adm	General	Roof replacement program	935,000
Adm	General	Card access system upgrade	150,000
Adm	General	Department relocation project	700,000
Trans	Airport	Administration / terminal building - Architect and engineering	250,000
Trans	Airport	Snow removal equipment	590,000
Trans	Highway	CTH G from CTH T to Woodenshoe Rd	850,000
Trans	Highway	CTH II from STH 76 to Clayton Ave	300,000
Trans	Highway	CTH M from USH 10 to NCLM&P	750,000
Trans	Highway	CTH GG from CTH T to Hwy 45	1,000,000
Trans	Highway	Funding offset	(150,000)
		Cap project fund balance applied	(1,500,000)
		Debt issue costs	65,000
		Fund balance applied	
		Defer borrowing	
		Net borrowing by year	3,940,000