

AMENDED

**WINNEBAGO COUNTY BOARD OF SUPERVISORS
TUESDAY, FEBRUARY 28, 2023 @ 6:00 PM
FOURTH FLOOR – WINNEBAGO COUNTY COURTHOUSE
415 JACKSON STREET, OSHKOSH, WISCONSIN
Via ZOOM**

To join this meeting via Zoom, use this link:

<https://us02web.zoom.us/j/82681977366?pwd=bXRMaFR4OGRWdUg2UzhkcHVmUUtkQT09>

Passcode: W1NNE

To join this meeting by telephone, dial (312) 626-6799. Enter the Meeting ID: 826 8197 7366

Passcode: 114618

A Regular Business Meeting of the Winnebago County Board of Supervisors will be held on Tuesday, February 28, 2023 at 6:00 p.m. in the Winnebago County Board 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 – Supervisor Karen Powers
- Adopt agenda
- Administer Oath of Office to Julie A. Barthels, Winnebago County Clerk – Judge John Jorgensen

Time will be allowed for persons present to express their opinion on any resolution or ordinance that appears on the agenda, as well as, any matter over which this body has jurisdiction.

Pursuant to Rules 6.4, 8.1 and 10.1 of the 2022-2024 Rules of the Winnebago County Board of Supervisors, the County Board Chairman shall limit all public comments to two (2) minutes.

- Communications, Petitions, Memorials, Accounts, Commendations, Etc.
 - Notices of Claims:
 - Christy Wolff – damage to vehicle caused by Winnebago County snow plow
 - Wynonna Potter – damage to vehicle caused by a county Highway Department vehicle
 - Petition for Zoning Amendments:
 - 001 – Divine Journey Home Buyers, LLC; Town of Winneconne, rezone from R-1 (Rural Residential District) to R-2 (Suburban Residential District)
 - 002 – Jane & Gregory Freer and James & Patricia Freer; Town of Wolf River, rezone from A-2/R-1 (General Agriculture District/Rural Residential District) to A-2/R-1 (General Agriculture District/Rural Residential District)
 - Resolution from the City of Menasha – Resolution R-1-23 – A Resolution Supporting Facility Improvements at UWO-Fox Cities
 - Resolutions from Other Counties:
 - Forest County – Resolution 02-0223 requesting the State of Wisconsin, "review and revise the entry level compensation rate for Assistant District Attorneys..."
 - Green County – Resolution 1-1-23, "Resolution Requesting State to Revise the Current Real Estate Transfer Fees Revenue Sharing Formula"
 - Kenosha County – Resolution No. 70, "A Resolution to Request the State of Wisconsin to Revise the Current Real Estate Transfer Fees Revenue Sharing Formula"
 - Shawano County – Resolution No. 3-23, "To Request the State of Wisconsin to Review and Revise the Entry Level Compensation Rate for Assistant District Attorneys"
 - Sheboygan County – Resolution No. 22 (2022/2023) - "Requesting the State of Wisconsin Review and Revise the Compensation Rate for Entry Level and Experienced Assistant District Attorneys"
- Commendations for Barbara Effertz-Doherty, Kelley Hale, Tim Laurin, Robert Messerschmidt, Teresa Paulus, Terri Van Dellen Rausch and Carl Vander Zanden
- Reports from Committees, Commissions & Boards
- Approval of proceedings from the January 3, 2023 and January 17, 2023 board meetings
- County Executive's Report
- County Executive's Appointment:
 - Board of Health – Supervisor Joshua Belville
- County Board Chairman's Report
- County Board Chairman's Appointment:
 - Amber Hoppa , Winnebago County Treasurer (Effective Date April 4, 2023)
- Presentation on Radio Replacement Project – Sheriff John Matz and Communications Captain Lara Vendola-Messer

ZONING REPORTS & ORDINANCES

**PLEASE NOTE THAT THE FOLLOING ZONING REPORTS AND AMENDATORY ORDINANCES
ARE BEING MAILED SEPARATELY.**

- Report No. 001 – Winagamie, Inc.; Town of Clayton
 - Amendatory Ordinance No. 02/001/23 – Rezoning from R-2 to R-1 tax parcel numbers 006-1243, 006-1244, 006-1245 and 006-1246
- Report No. 002 – Winnebago County General Code - Chapter 24, Wittman Regional Airport Zoning
 - Amendatory Ordinance No. 02/002/23 – Repeal and ecreate Chapter 24, Wittman Regional Airport Ordinance
- Amendatory Ordinance No. 02/003/23 – Town of Clayton on behalf of Paul & Jolene Moran; rezone tax parcel nos. 006-0652-03-01 and 006-0652-03-02 from A-2 to R-2
- Amendatory Ordinance No. 02/004/23 – Town of Clayton on behalf of Bret Blickhahn, rezone tax parcel nos. 006-0816-01-03 and 006-0816-01-02 from A-2 to R-1
- Amendatory Ordinance No. 02-005-23 – Town of Clayton on behalf of Kevin & Janna Fischer; rezone tax parcel no. 006-0279-01 from A-2 to R-1
- Amendatory Ordinance No. 02-006-23 – Town of Clayton on behalf of the Town of Clayton; rezone tax parcel no. 006-0328-03 from A-2 to I-1
- Amendatory Ordinance No. 02/007/23 – Town of Clayton on behalf of the Town of Clayton; rezone tax parcel no. 006-0340-02-01 from A-2 to I-1
- Amendatory Ordinance No. 02/008/23 – Town of Clayton on behalf of Cody Robel; rezone tax parcel no. 006-0034-01 from R-1 to R-2

RESOLUTIONS & ORDINANCES

RESOLUTION NO. 35-042022: Create an ad hoc Structure Review ~~Committee~~ **Task Force** to Review Committee Structure in Winnebago County **beginning with the 2024 Term**

Submitted by:
SHANAH ZASTERA, DISTRICT 32
JUDICIARY & PUBLIC SAFETY COMMITTEE
Vote required: Majority of Members Present

RESOLUTION NO. 154-122022: To Name the County Administration Building the "David Albrecht Administration Building"

Submitted by:
PAUL EISEN, DISTRICT 4
FACILITIES & PROPERTY MANAGEMENT COMMITTEE
Vote required: Majority of Members Present

RESOLUTION NO. 175-022023: Raising Winnebago County Bailiff Pay to \$100 Per Day and Adding the Bailiff Position to the Winnebago County Unclassified Positions Pay Schedule

Submitted by:
JUDICIARY & PUBLIC SAFETY COMMITTEE
PERSONNEL & FINANCE COMMITTEE
Vote required: Majority of Members Present

RESOLUTION NO. 176-022023: Commendation for Tim Laurin

Submitted by:
PERSONNEL & FINANCE COMMITTEE
Vote required: Majority of Members Present

RESOLUTION NO. 177-022023: Commendation for Robert Messerschmidt

Submitted by:
PERSONNEL & FINANCE COMMITTEE
Vote required: Majority of Members Present

RESOLUTION NO. 178-022023: Commendation for Barbara Effertz-Doherty

Submitted by:
PERSONNEL & FINANCE COMMITTEE
Vote required: Majority of Members Present

RESOLUTION NO. 179-022023: Commendation for Teresa Paulus

Submitted by:
PERSONNEL & FINANCE COMMITTEE
Vote required: Majority of Members Present

RESOLUTION NO. 180-022023: Commendation for Terri Van Dellen Rausch

Submitted by:
PERSONNEL & FINANCE COMMITTEE
Vote required: Majority of Members Present

RESOLUTION NO. 181-022023: Commendation for Carl Vander Zanden

Submitted by:
PERSONNEL & FINANCE COMMITTEE
Vote required: Majority of Members Present

- RESOLUTION NO. 182-022023: Commendation for Kelley Hale
Submitted by:
PERSONNEL & FINANCE COMMITTEE
Vote required: Majority of Members Present
- ORDINANCE NO. 183-022023: Amend Winnebago County General Code Chapter 19.23, "Camping and Overnight Mooring" to Include the proposed Modifications and to Modify the Fees Listed within this Chapter
Submitted by:
PARKS & RECREATION COMMITTEE
PERSONNEL & FINANCE COMMITTEE
Vote required: Majority of Members Present
- RESOLUTION NO. 184-022023: Approve Hangar Lease Renewal Between Tracy Noack and Winnebago County
Submitted by:
AVIATION COMMITTEE
PERSONNEL & FINANCE COMMITTEE
Vote required: Majority of Members Present
- RESOLUTION NO. 185-022023: Increase the Fee to Attend the Parent Education Program Partners in Parenting from \$10 per Parent to \$20 per Parent
Submitted by:
JUDICIARY & PUBLIC SAFETY COMMITTEE
PERSONNEL & FINANCE COMMITTEE
Vote required: Majority of Members Present
- RESOLUTION NO. 186-022023: Establishing a New Fee Schedule for Mediation and Custody Study Fees Charged by Family Court Services by Setting Mediation Fees at the Existing Amount of \$150 per Parent, Increasing Custody Study Fees to \$50/hour and Increasing the Up-Front Retainer Fee Payment to a Custody Study to \$525 per Parent
Submitted by:
JUDICIARY & PUBLIC SAFETY COMMITTEE
PERSONNEL & FINANCE COMMITTEE
Vote required: Majority of Members Present
- RESOLUTION NO. 187-022023: Approval of a Capital Improvement Project in the Amount of \$230,000 for the Replacement of the Oshkosh Human Services Building Public Elevator Controls and Necessary Building Modifications, to be Funded with Transfers from the Unassigned General Fund Balance which will Either Reduce the Unassigned General Fund Balance or Will be Reimbursed by a Subsequent Bond Issue
Submitted by:
FACILITIES & PROPERTY MANAGEMENT COMMITTEE
PERSONNEL & FINANCE COMMITTEE
Vote required: Two-Thirds of Membership
- RESOLUTION NO. 188-022023: Approve an Extension of Ground Lease Between Cellco partnership d/b/a Verizon Wireless and Winnebago County and Outagamie County
Submitted by:
FACILITIES & PROPERTY MANAGEMENT COMMITTEE
PERSONNEL & FINANCE COMMITTEE
Vote required: Majority of Members Present
- RESOLUTION NO. 189-022023: Authorizing a Purchase of One TruNarc Handheld Narcotic Analyzer and Two TruNarc Solution Kits for the Sheriff's Department, to be Funded from the Opioid Abatement Account
Submitted by:
CONLEY HANSON, DISTRICT 26
JACOB FLOAM, DISTRICT 16
JUDICIARY & PUBLIC SAFETY COMMITTEE
PERSONNEL & FINANCE COMMITTEE
Vote required: Two-Thirds of Membership
- RESOLUTION NO. 190-022023: Amend County Board Rule 6.0 Order of Business to Replace 6.1 (E) "Approval and Correction of Minutes of the Previous Meeting" with a "Consent Calendar"
Submitted by:
JUDICIARY & PUBLIC SAFETY COMMITTEE
Vote required: Two-Thirds of Membership

RESOLUTION NO. 191-022023: Establish an Ad-Hoc Task Force on the Per Diem Structure of the Winnebago County Board of Supervisors

Submitted by:

BETSY ELLENBERGER, DISTRICT 7

JACOB FLOAM, DISTRICT 16

CONLEY HANSON, DISTRICT 26

JUDICIARY & PUBLIC SAFETY COMMITTEE

Vote required: Majority of Members Present

AMENDED

RESOLUTION NO. 192-022023: Authorizing Winnebago County to Enter into the Settlement Agreements with Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walgreen Co., Walmart, Inc., CVS Health Corporation and CVS Pharmacy, Inc., Agree to the Terms of the Addendum to the MOU Allocating Settlement Proceeds, and Authorize Entry into the MOU with the Attorney General

Submitted by:

PERSONNEL & FINANCE COMMITTEE

JUDICIARY & PUBLIC SAFETY COMMITTEE

Vote required: Majority of Members Present

RESOLUTION NO. 193-022023: Approval of a Budget Transfer in the Amount of \$23,000 from the Contingency Fund for GASB (Government Accounting Standards Board) 87 Leases for the 2022 Audit

Submitted by:

PERSONNEL & FINANCE COMMITTEE

Vote required: Two-Thirds of Membership

RESOLUTION NO. 194-022023: Approval of Capital Improvement Projects for 2023, to be Funded with Transfers from the Unassigned General Fund Balance Which Will Either Reduce the Unassigned General Fund Balance or will Be Reimbursed by a Subsequent Bond Issue

Submitted by:

PERSONNEL & FINANCE COMMITTEE

Vote required: Two-Thirds of Membership

Respectfully submitted,
Susan T. Ertmer
Winnebago County Clerk
(920) 232-3432

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

Special Orders Session
January 3, 2023

Adjourned Session
January 17, 2023

Winnebago County Courthouse
415 Jackson Street
Oshkosh, Wisconsin

Printed by authority of the Winnebago County Board
Thomas Egan, Chairman Susan T. Ertmer, Clerk

**SPECIAL ORDERS SESSION
WINNEBAGO COUNTY BOARD MEETING
TUESDAY, JANUARY 3, 2023**

Chairman Thomas Egan called the meeting of the Winnebago County Board of Supervisors to order at 6:00 P.M. from the Winnebago County Courthouse, 415 Jackson Street, Oshkosh, Wisconsin and virtually by ZOOM.

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

The following Supervisors were present: 31 - Borchart, Eisen, Horan, Defferding, Ellenberger, Nussbaum, Albrecht, Gabert, Binder, Swan, Robinson, Floam, Gordon, Ponzer, Belville, Norton, Hinz, Zellmer, Schellenger, Buck, Powers, Hanson, Cox, Youngquist, Farrey, Harrison, Zastera, Egan, Beem, Nelson and Miller. Excused: 5 – Dowling, Nichols, Wise, Stafford and Gustafson.

Motion by Supervisor Albrecht, seconded by Supervisor Cox to adopt the agenda for this evening's meeting. CARRIED BY VOICE VOTE.

PUBLIC HEARING

The following people spoke in support of Resolution No. 155-012023 – "Ratifying a Proclamation of a County Emergency Due to Extreme Winter Weather and Unplanned Staffing Shortages and Temporary Closing of the Day-by-Day Warming Shelter":

- Supervisor Paul Eisen, Fox Crossing

COMMITTEE REPORTS

Supervisor Michael Norton reported that the Parks & Recreation Committee along with the Oshkosh Recreation Department and Fusion Footwear have created a program called "920BAGO". This event encourages people to enjoy, 920 hours of outdoor activities. The first event will be held the weekend of January 20 – 22, 2023. This will be a cross-country ski, snow shoe and hiking event.

Supervisor Brian Defferding provided an update on an item reported in the Wisconsin Counties' Association magazine regarding improving our mental health crisis and response system. A social worker/clinical therapist rides along with a police officer to respond to call for services that are having a mental health crisis or having an episode. He will keep us updated as more data and information become available.

Supervisor Karen Powers stated that the last day to turn in your per diems and mileage for the year 2022 is Friday, January 6, 2023. Last year, there were 2 or 3 supervisors that did not take a paycheck for their work. If they do not want it or take a paycheck, if you would be willing to consider turning in your hours and mileage and donating them into the scholarship fund would be her only request. Chairman Egan added that they could still do that but the checks would need to be made out to them directly, and taken out of their pocket to give it to the scholarship fund, it cannot be just written out to the scholarship fund.

CHAIRMAN'S REPORT

Chairman Egan noted that Supervisor Nichols and Supervisor Gustafson are excused from this meeting.

RESOLUTIONS AND ORDINANCES

RESOLUTION NO. 155-012023: RATIFYING A PROCLAMATION OF A COUNTY EMERGENCY DUE TO EXTREME WINTER WEATHER AND UNPLANNED STAFFING SHORTAGES AND TEMPORARY CLOSING OF THE DAY BY DAY WARMING SHELTER

WHEREAS, on Monday, December 19, 2022, county officials were notified that the Day by Day Warming Shelter, a non-profit shelter in the City of Oshkosh, was facing significant staffing shortages and needed to temporarily close its overnight sheltering operation beginning December 21, 2022 and lasting through January 8, 2023; and

WHEREAS, on Tuesday, December 20, 2022, County Executive Jon Doemel signed an emergency proclamation pursuant to Wis. Stat §323.14(4)(b) that an imminent threat of disaster existed in Winnebago County because of the extreme winter weather and the temporary closing of the Day by Day Warming Shelter; and

WHEREAS, on Thursday, December 22, 2022, Governor Tony Evers issued an Energy Emergency to ensure energy fuel stability which was likely to occur due to demand for home heating increased by extreme cold weather conditions, and extreme cold temperatures; and

WHEREAS, Winter Storm Elliot resulted in significant snowfall, heavy winds, and blizzard conditions across the nation, state, and county, which would have likely resulted in significant injury and/or death to those unsheltered or living in homes without heat; and

WHEREAS, Winnebago County staff, with support from the City of Oshkosh, continues to operate a 24/7 emergency shelter at the location of the Day by Day Warming Shelter beginning Wednesday, December 21, 2022 which continues to shelter dozens of the county's residents; and

WHEREAS, the Interstate 41 causeway over Lake Butte des Morts and other county roadways suffered white-out conditions for several days as the wind blew snow across the roadways causing near 24/7 plowing operations for the county's highway department team; and

WHEREAS, while the weather has improved, the Day by Day Warming Shelter is still facing staffing shortages and needs more time to successfully train and equip newly hired staff to be successful; and

WHEREAS, County Executive Jon Doemel has requested a cross-department task force to work with the Day by Day Warming Shelter to plan for future needs and ensure continuity of operations.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that pursuant to Wis. Stat § 323.11, it ratifies the emergency proclamation of County Executive Jon Doemel on December 20, 2022, and affirms an emergency existed within Winnebago County as a result of the bitter cold and snow brought by Winter Storm Elliot and that emergency concluded on December 29, 2022.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that as a result of Day by Day Warming Shelter's planned temporary closure and potential for further operational challenges, pursuant to Wis. Stat §323.11, beginning on December 20, 2022, an emergency exists in the county and this body grants the County Executive, in consultation with the County Board Chairperson, general authority under Wis. Stat. §323.14(4) in order to be expedient for the health, safety, protection, and welfare of persons unsheltered, who would be otherwise left in the cold of the Wisconsin winter until the earlier of February 28, 2023, or the County Executive, in consultation with the County Board Chairperson, determines the staffing operations of the Day by Day Warming Shelter are stable.

Submitted by:
CHAIRMAN THOMAS J. EGAN

Motion by Supervisor Egan, seconded by Supervisor Schellenger, to adopt. CARRIED BY VOICE VOTE.

PRESENTATION ON WINNEBAGO COUNTY SOCIAL MEDIA POLICY

Eric Rasmussen, Emergency Management Director introduced the Winnebago County Social Media Policy. The County has been utilizing Social Media for more than a decade with no standard county-wide guidance in place. It is a priority of the County to increase our outward communication and transparency. The proposed Social Media Policy will provide standard and legal guidance for the County's use of social media.

Mary Anne Mueller, Corporation Counsel, went over the legal parts of the Social Media Policy and discussed multiple cases that took place at the state level.

Department heads are responsible for the content posted on their Department's page. Department Heads may authorize employees to post content on their Department's page.

The Winnebago County Communication Team is responsible for the content on the official Winnebago County, WI Government page.

Mr. Rasmussen and Mrs. Mueller then took questions from the board. A copy of this presentation is available in the County Clerk's Office.

RESOLUTION NO. 131-112022: SUPPORTING WINNEBAGO COUNTY SOCIAL MEDIA POLICY

WHEREAS, the Winnebago County Social Media Policy sets forth guidelines for the establishment and use of social media by Winnebago County for conveying information about Winnebago County and its events and activities; and

WHEREAS, this policy and procedure applies to all Winnebago County departments and Winnebago County Workforce Members contributing to websites, blogs, Wikis, social networks, virtual worlds, or any other kind of social media both on and off county websites; and

WHEREAS, for each social media profile approved for use by Winnebago County, the Department shall establish a list of authorized employees who may manage the social media profile; and

WHEREAS, Winnebago County must retain all social media content published by Winnebago County for the purposes of public records retention as may be required by applicable law; and

WHEREAS, social media will complement not replace Winnebago County's primary website.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby supports the Winnebago County Social Media Policy enacted on September 1, 2022.

Submitted by:
INFORMATION SYSTEMS

Motion by Supervisor Floam, seconded by Supervisor Schellenger, to amend 8.1 on Social Media Policy to remove "limitations" and replace with "consequences and responsibilities with". And remove "and I agree to abide by these policies" on the signature page.

"8.1 Like other members of the community, employees may use social medial profiles not belonging to the County for the employee's personal social media purposes. The County values employees' First Amendment right to communicate on their personal social media accounts; however, it is important that employees are aware that there are **limitations**

consequences and responsibilities with this right. It is also important employees are aware that most uses of personal social media are still part of the public domain regardless of privacy settings, as content posted to the internet is easily replicated and published despite attempted privacy measures an employee might otherwise undertake.

Signature Page - Certification. **I have read and understand the Winnebago County Social Media Policy. and I agree to abide by these policies.**" CARRIED BY VOICE VOTE.

Motion by Supervisor Norton, seconded by Supervisor Schellenger to vote on resolution as amended. CARRIED BY VOICE VOTE.

PRESENTATION OF 2023-2027 CAPITAL IMPROVEMENTS PLAN AND 2023 PROJECTS BY DIRECTOR OF FINANCE PAUL KAISER, DIRECTOR OF ADMINISTRATION MIKE COLLARD, SHERIFF JOHN MATZ AND PARKS DIRECTOR ADAM BREEST

2023-2027 Capital Improvements Plan

Michael Collard, Director of Administration and Paul Kaiser, Finance Director, presented a brief overview of the Capital Improvements Plan for 2023-2027 including what Winnebago County will be doing with the capital improvements plan, what it is, why it's important and what we are asking the County Board to do with it. In previous years, we have had a different approval method that before the Board could vote on authorizing a capital improvements project, the department requesting it is to present the need for the project, explain the project to the Board at a meeting prior to the meeting when the Board is asked to vote on the resolution authorizing the project. This year we are consolidating all projects into one request for Board action in the form of a resolution. Presentations will be completed by departments between January 3, 2023 and February 7, 2023. A resolution will be forwarded to the Personnel & Finance Committee to approve all the Capital Improvement Projects for the 2023 year at their February 8, 2023 meeting. Mr. Collard also discussed the projected costs, funding sources, and future financing plan for all proposed capital improvement projects for the years 2023-2027.

2023 Capital Improvement Project – 911 Dispatch Console Workstation Replacement

The 911 Comm Center is the only 911 Public Safety Answering Point (PSAP) in the county (since inception in 1980). The center provides coordination and continuous monitoring of all public safety incidents and related radio talk-group traffic and phone calls within Winnebago County, 24 hours a day, 7 days a week and 365 days a year. It also dispatches public safety resources and services for all law enforcement, fire, and emergency medical service providers within Winnebago County including 9 law enforcement agencies, 15 fire departments, 13 first responder groups and 4 different ambulance companies.

Capt. Lara Vendola discussed the communications system history back to 2011-2012 to the present and the building history.

The current dispatch console workstation supports 7 monitors and they are now requiring 8. A few stations are not fully functional. This is not office furniture. The workstations must house mission critical public safety components. As of Fall 2022, all 9 workstations must be replaced. Rough estimate will cost \$28,000 per console workstation; plus disposal, removal and discarding of old components on a "Hot" install cycle (live PSAP).

CIP request is for \$260,000 (page 34 of the 2022-2026 CIP Book).

The Sheriff's Office will make every effort to repurpose or reuse stand-alone components within the agency, other county departments, or auction at public surplus for those items with life left in them.

Capt. Vendola then took questions from the board. A copy of this presentation is available in the County Clerk's Office.

2023 Capital Improvement Project - Winnebago County Jail Wiring and Camera Project

The current camera use has monitors at all entrances and exits, common areas where inmates may be present, inmate cells and exterior of the Sheriff's Office. Utilizing cameras protects Winnebago County from liability and protects the staff and inmates. There are 17 monitored cells that observe fragile inmates with major medical issues and/or mental health observation. If these cameras fail, we must replace them with physical staff. Currently the camera system is operated by Avigilon 6 software which is no longer supported which means the Sheriff's Office can no longer add any additional cameras with our current software.

Project numbers; 2022-to date would cost \$18,000 in repairs. Several additional "repairs" are needed, IF they could even occur.

Lt. Ross Johnson reported that the Capital Improvement Project (CIP) replaces all end of life wiring and other components. The project adds 13 cameras; one camera has been repeatedly recommended to be added by the State of Wisconsin Department of Corrections Jail Inspector and 12 additional cameras added to create additional monitored cells for an increasing population with medical issues and mental health concerns.

CIP Project Request:

Wiring upgrade \$275,000

Addition of 13 cameras \$75,000

Total \$350,000 (15% increase each year)

It is expected that the project will take 6-9 months to complete. Per their vendor, pricing is only guaranteed for 30 days due to the volatility of pricing for products on the cost of labor.

Lt. Johnson then took questions from the board. A copy of this presentation is available in the County Clerk's Office.

2023-2024 Capital Improvement Project – Waukau Dam

Adam Breest, Parks Director, provided an overview of the Waukau Creek Nature Preserve. The nature preserve is 26 acres that has a fishing pond/creek, single track bike trail, parking, walking trails, fishing dock and 3 dams. The fishing pond/creek has been used for recreational fishing and also utilized by the Omro/Rushford fire department to fill tankers. The Waukau Creek connects to Rush Lake and the Uihlein Waterfowl Production Area up stream and Waukau Creek Nature Preserve and the Fox River downstream. Adam discussed the history and site challenges of the Waukau Dam.

Project Costs:

Expenses

2023 - \$230,000 Engineering Cost

2024 - \$1,500,000 Construction Cost

Funding Sources

2023 - \$230,000 County

2024 - \$750,000 County

\$750,000 Outside Funding**

**On May 1st, they will apply for the WI DNR Stewardship Fund Grant. This is a state-wide competitive grant. Results are typically released in September.

Project Goals:

- Fortify the east embankment so that way we can create a natural overflow area that will not require long term maintenance
- Install rip rap in areas that are hit hardest but do not necessarily require the flex armor
- Continue to prevent carp from swimming up stream
- Replace the approaches, railings and catwalks at all three dams to comply with ADA standards and provide a safer experience for our residents and visitors.
- Provide better parking on HWY K for the single-track bike trail users. The parking lot condition is very poor for the amount of users that visit the site.
- Install lighting to provide better site security.
- Enhance the property by providing more fishing docks, repaved trail, and a shade shelter.

Mr. Breest then took questions from the board. A copy of this presentation is available in the County Clerk's Office.

Motion by Supervisor Albrecht, seconded by Supervisor Norton, to adjourn until the Board's next meeting on Tuesday, January 17, 2023 at 6:00 p.m.

The meeting was adjourned at 9:43 p.m.

Respectfully submitted by:

Cassie J. Smith-Gregor

Winnebago County Recording Secretary

State of Wisconsin)

County of Winnebago) ss

I, Cassie J. Smith-Gregor, do hereby certify that the foregoing is a true and correct copy of the Journal of the Winnebago County Board of Supervisors for their Special Orders Session meeting held January 3, 2023.

Cassie J. Smith-Gregor

Winnebago County Recording Secretary

**ADJOURNED SESSION
WINNEBAGO COUNTY BOARD OF SUPERVISORS MEETING
TUESDAY, JANUARY 17, 2023**

Chairman Thomas Egan called the meeting of the Winnebago County Board of Supervisors to order at 6:00 P.M. from the Winnebago County Courthouse, 415 Jackson Street, Oshkosh, Wisconsin and virtually by ZOOM.

The meeting was opened with the Pledge of Allegiance and the invocation by Supervisor Karen Powers. The following Supervisors were present: 34 – Dowling, Nichols, Borchart, Eisen, Horan, Defferding, Nussbaum, Albrecht, Stafford, Gabert, Binder, Swan, Robinson, Floam, Gordon, Ponzer, Belville, Norton, Hinz, Zellmer, Schellenger, Buck, Powers, Hanson, Cox, Gustafson, Youngquist, Farrey, Harrison, Zastera, Egan, Beem, Nelson and Miller. Excused: 2 – Ellenberger and Wise

Motion by Supervisor Horan, seconded by Supervisor Gustafson, to adopt the agenda for tonight's meeting.
CARRIED BY VOICE VOTE.

PUBLIC HEARING

Paul Eisen, Supervisor for District 4, spoke in opposition regarding Resolution No. 167-012023: "Creating a Spirit Fund, Transferring Surplus Funds from the General Fund and Park View Fund to the Spirit Fund, and Renaming the ARPA Strategy and Outcomes Commission the Spirit Fund Commission".

The following people spoke in favor of Resolution No. 166-012023: "Dissolve the Diversity Affairs Commission in its Current Form":

- Laura Ackman, Larsen
- Len Kachinsky, Fox Crossing
- Ed Hudak, Neenah

The following people spoke in opposition of Resolution No. 166-012023: "Dissolve the Diversity Affairs Commission in its Current Form":

- Kathleen Propp, Oshkosh

The following people voiced their concerns regarding Resolution No. 167-012023: "Creating a Spirit Fund, Transferring Surplus Funds from the General Fund and Park View Fund to the Spirit Fund, and Renaming the ARPA Strategy and Outcomes Commission the Spirit Fund Commission":

- Mark Harris, Oshkosh
- Kathleen Propp, Oshkosh

COMMUNICATIONS, PETITIONS, MEMORIALS, ACCOUNTS, COMMENDATIONS, ETC.

Julie Barthels, Deputy County Clerk, presented the following communications:

- Petition for Zoning Amendments:
 - 001 – Winagamie, Inc. c/o Nancy Johnshoy, Town of Clayton, rezone from R-2 (Suburban Residential District) to R-1 (Rural Residential District)
 - 002 – Winnebago County Wittman Regional Airport, various municipalities; repeal and replace Chapter 24 of the Winnebago County General Code
- Resolutions from Other Counties:
 - Door County – Resolution 2022-107 "Resolution to Request State Revise the Current Real Estate Transfer Fees Revenue Sharing Formula"
 - Lafayette County – Resolution 51-22 "Requesting the State to Revise the Current Real Estate Transfer Fees Revenue Sharing Formula"
 - Langlade County – Resolution #45-2022 "Request State to Revise the Current Real Estate Transfer Fees Revenue Sharing Formula"
 - Monroe County – Resolution #12-22-03 "Request State to Revise the Current Real Estate Transfer Fee Revenue Formula"
 - St. Croix County – Resolution #48 (2022) "Resolution Requesting the State of Wisconsin To Review and Revise the Entry Level Compensation Rate for Assistant District Attorneys"
 - Trempealeau County – Resolution #2022-12-11 "to Encourage the State Legislature to Increase the Pay Rate of Assistant District Attorneys (ADAs) in Order to Maintain Fully Staffed Offices of Competent Prosecutors at the County Level"
- Commendations:
 - Commendations for Steven Brewer, Daniel Hinton, Jane Hughes, Darren Putzer, Andrew Reigh, Greg Rothe, Teresa Vnuk and Karen Witt

REPORTS FROM COMMITTEES, COMMISSIONS & BOARDS

Supervisor Stafford announced that the Judiciary & Public Safety (JPS) Committee voted on the referred Resolution 151-122022 to JPS. The Resolution 151-122022: Authorize the Winnebago County Clerk to Publish a Notice of Referendum Regarding the Legalization and Decriminalization of Cannabis in the State of Wisconsin on January 9, 2023. The motion failed 1-3 (Nayes: Floam, Hanson, and Stafford); Abstain 1: Eisen. The next meeting is scheduled for 02/06/2023 at 6:00 pm. We will have an update for the 980 Housing Project and the Morgue Project. We will also be discussing some proposed rule changes and the resolution that we have approved for the committee structure starting in the 2024 term.

Supervisor Defferding stated that there is a Safe Streets Initiative meeting on 01/20/2023 at 12:00 pm in Branch 2 here at the courthouse. This is a committee that was created about 10 years ago that is similar to the criminal justice coordinating council in other counties. This is where we will talk about our current diversion programs.

Motion by Supervisor Albrecht and seconded by Supervisor Cox, to approve the December 20, 2022 Regular Session Board Proceedings for the Winnebago County Board of Supervisors. CARRIED BY VOICE VOTE.

COUNTY EXECUTIVE'S REPORT

Executive Doemel reported on the following topics:

- Executive Doemel provided an update on the 980 Housing Project. The City of Oshkosh approved the zoning for the 980 project and did make an amendment limiting the project to 8 total units. We will submit our RFB by the end of the week and look forward to moving this project along. Our goal is to begin the project as soon as possible as well as complete the project at or below budget. We are currently waiting to place one 980 and the state has just made us aware that another is petitioning for release.
- Executive Doemel reported an update regarding the Day-by-Day Warming Shelter. The Day-by-Day staff has taken over the operations of the shelter. Training has begun and they have hired a new operations manager as well as other key staff. We held an after-action review to go over what well and what didn't. This was members and staff of the city and county as well as some of their board members which was very helpful.
- The Neighborhood Improvement Grant Fund is a plan that as a response to this emergency, the county is going to create an inter-agency task force on homelessness. Day-by-Day will be the priority organization to start with on this task force. We hope state, federal and trade association representatives will serve on this task force for us. Participation will be required as is part of the NIF grant agreement. The desire is to fund and achieve the goals set forth by the Winnebagoland Housing Coalition report which we based our NIF grant proposal off of.
- In regards to the Neighborhood Improvement Grant grantees reporting updates. We are not at the 6-month mark in the grant cycle. The state did not accept our agreement until November 2022. The beginning of the grant cycle starts when we disburse the funds. We are still waiting for the money to come in and to be given out.
- Executive Doemel reported on the American Rescue Plan Act Commission. The process has been a little rushed and a little confusing. There will be a resolution later in the meeting to change the name of the ARPA Commission to the "Spirit Commission". Executive Doemel explained the reasoning for doing this and wants to continue to improve and remain transparent with how the money is spent.
- Executive Doemel reported that the 1st phase of the recodification is complete. We will continue to review and make housekeeping adjustments as well as making our code a searchable document for our citizens.
- Executive Doemel briefly reported on the wage study presentation that is on tonight's agenda.

COUNTY BOARD CHAIRMAN'S REPORT

Chairman Egan reported that Supervisor Ellenberger and Supervisor Wise are excused from tonight's meeting. Chairman Egan noted that the cannabis referendum was not on the agenda because they did not make the deadline. The Judiciary & Public Safety Committee met after the deadline.

Chairman Egan reminded everyone they signed a computer usage agreement with IT and the iPads should be used for county business only.

COMPENSATION STUDY UPDATE

The last compensation study took place in 2016. By the time the plan was implemented, the County was already falling behind and below the average market rate.

An executive report was completed by Victoria McGrath. A market study and analyses were conducted and recommendations were provided with this report. Some of those recommendations are as follows:

- Modify the salary schedule through a combination of changing percentages between pay ranges, and movement of positions to a different paygrade.
- Develop a model of increase that allow the employee to reach the control point within three-five years.
- Develop a plan to alleviate in-range compression of current employees. Try to get employees into the proper quartile based upon their years in the position.
- Institute shift differentials for all positions that are required to work a non-traditional work week; work evenings, weekends or holidays. The policy should be consistently applied among all departments that have a shift differential.
- Health insurance benefits are competitive but Winnebago County does not lead the pack. Health insurance benefits would not be an enticement to work with Winnebago County.

It is important for the County to have a standardized procedure to adjust the salary schedules for consistency and for budgetary forecasting. The salary schedules should be adjusted annually for economic reasons. Without maintaining the salary schedule, it will fall below the market and the County will end up having to pay to get it updated. Annual salary schedule adjustments will keep a competitive, fair and fiscally sound salary schedule.

One of the main concerns in any salary schedule is the ability to keep it current. The County can strive to prolong the life of their Schedule if it continues to commit to maintaining its competitiveness with the external market by ensuring market updates occur. Given the current competitive market, the County is recommended to initially conduct a market update in three (3) years.

Ms. McGrath then took questions from the board. A copy of this presentation is available in the County Clerk's Office.

HUMAN SERVICES ELEVATOR PRESENTATION

Mike Elder, Director of Facilities & Property Management reported that the Human Services Building needs a new elevator. The elevator was in operation for 28 years. There was no indication that it wasn't going to work. We need to replace controls with a new microprocessor. The approximate cost is \$230,000. This is a repair we have to do to make the elevator operational.

Mr. Elder then took questions from the board.

ZONING REPORTS AND ORDINANCES

- Report No. 001 – Various Parcel Owners, Brian O'Rourke, Winnebago County Zoning Department. Motion by Supervisor Hinz, seconded by Supervisor Floam to accept. CARRIED BY VOICE VOTE.
 - Amendatory Ordinance No. 01/01/23 – Rezoning from A-1 (Agribusiness) to A-2 (General Agriculture) for multiple tax parcel numbers. The list of parcel numbers can be found at the following link:
<https://www.co.winnebago.wi.us/sites/default/files/CountyClerk/OtherDocuments/001%20-%20AMEND%20ORDINANCE%20A-1%20corrected.pdf>

Motion by Supervisor Hinz, seconded by Supervisor Gabert, to adopt. CARRIED BY VOICE VOTE (Effective Date: January 17, 2023)

RESOLUTIONS AND ORDINANCES

RESOLUTION NO. 156-012023: Commendation for Steven Brewer

WHEREAS, Steven Brewer has been employed with the Winnebago County Sheriff's Office, for the past twenty-nine years, and during that time has been a most conscientious and devoted County employee; and

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

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

BE IT FURTHER RESOLVED, that the County Clerk send a copy of this Resolution to Steven Brewer.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Cox, seconded by Supervisor Hanson, to adopt. CARRIED BY VOICE VOTE.

RESOLUTION NO. 157-012023 Commendation for Daniel Hinton

WHEREAS, Daniel Hinton has been employed with the Winnebago County Department of Human Services, for the past twenty-nine years, and during that time has been a most conscientious and devoted County employee; and
WHEREAS, Daniel Hinton has now retired from those duties, and it is appropriate for the Winnebago County Board of Supervisors to acknowledge his years of service.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors, that sincere appreciation and commendation is extended to Daniel Hinton for the fine services he has rendered to Winnebago County.
BE IT FURTHER RESOLVED, that the County Clerk send a copy of this Resolution to Daniel Hinton.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Cox, seconded by Supervisor Hanson, to adopt. CARRIED BY VOICE VOTE.

RESOLUTION NO. 158-012023 Commendation for Jane Hughes

WHEREAS, Jane Hughes has been employed with the Winnebago County Department of Human Resources, for the past forty-one years, and during that time has been a most conscientious and devoted County employee; and
WHEREAS, Jane Hughes has now retired from those duties, and it is appropriate for the Winnebago County Board of Supervisors to acknowledge her years of service.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors, that sincere appreciation and commendation is extended to Jane Hughes for the fine services she has rendered to Winnebago County.

BE IT FURTHER RESOLVED, that the County Clerk send a copy of this Resolution to Jane Hughes.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Cox, seconded by Supervisor Horan, to adopt. CARRIED BY VOICE VOTE.

RESOLUTION NO. 159-012023 Commendation for Darren Putzer

WHEREAS, Darren Putzer has been employed with the Winnebago County Sheriff's Office, for the past thirty-one years, and during that time has been a most conscientious and devoted County employee; and
WHEREAS, Darren Putzer has now retired from those duties, and it is appropriate for the Winnebago County Board of Supervisors to acknowledge his years of service.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors, that sincere appreciation and commendation is extended to Darren Putzer for the fine services he has rendered to Winnebago County.
BE IT FURTHER RESOLVED, that the County Clerk send a copy of this Resolution to Darren Putzer.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Cox, seconded by Supervisor Hanson, to adopt. CARRIED BY VOICE VOTE.

RESOLUTION NO. 160-012023 Commendation for Andrew Reigh

WHEREAS, Andrew Reigh has been employed with the Winnebago County Sheriff's Office, for the past twenty-three years, and during that time has been a most conscientious and devoted County employee; and
WHEREAS, Andrew Reigh has now retired from those duties, and it is appropriate for the Winnebago County Board of Supervisors to acknowledge his years of service.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors, that sincere appreciation and commendation is extended to Andrew Reigh for the fine services he has rendered to Winnebago County.
BE IT FURTHER RESOLVED, that the County Clerk send a copy of this Resolution to Andrew Reigh.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Cox, seconded by Supervisor Hanson, to adopt. CARRIED BY VOICE VOTE.

RESOLUTION NO. 161-012023 Commendation for Greg Rothe

WHEREAS, Greg Rothe has been employed with the Winnebago County Department of Facilities & Property Management, for the past twenty-four years, and during that time has been a most conscientious and devoted County employee; and

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

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors, that sincere appreciation and commendation is extended to Greg Rothe for the fine services he has rendered to Winnebago County. BE IT FURTHER RESOLVED, that the County Clerk send a copy of this Resolution to Greg Rothe.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Cox, seconded by Supervisor Hanson, to adopt. CARRIED BY VOICE VOTE.

RESOLUTION NO. 162-012023 Commendation for Teresa Vnuk

WHEREAS, Teresa Vnuk has been employed with the Winnebago County Department of Human Services, for the past thirty-eight years, and during that time has been a most conscientious and devoted County employee; and WHEREAS, Teresa Vnuk has now retired from those duties, and it is appropriate for the Winnebago County Board of Supervisors to acknowledge her years of service.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors, that sincere appreciation and commendation is extended to Teresa Vnuk for the fine services she has rendered to Winnebago County. BE IT FURTHER RESOLVED, that the County Clerk send a copy of this Resolution to Teresa Vnuk.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Cox, seconded by Supervisor Powers, to adopt. CARRIED BY VOICE VOTE.

RESOLUTION NO. 163-012023 Commendation for Karen Witt

WHEREAS, Karen Witt has been employed with the Winnebago County Clerk of Courts, for the past twenty-two years, and during that time has been a most conscientious and devoted County employee; and WHEREAS, Karen Witt has now retired from those duties, and it is appropriate for the Winnebago County Board of Supervisors to acknowledge her years of service.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors, that sincere appreciation and commendation is extended to Karen Witt for the fine services she has rendered to Winnebago County. BE IT FURTHER RESOLVED, that the County Clerk send a copy of this Resolution to Karen Witt.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Cox, seconded by Supervisor Gordon, to adopt. CARRIED BY VOICE VOTE.

RESOLUTION: 164-012023 Authorize the Sheriff's Office to Accept a \$3,200 WEM HS Alert Swat Equipment Grant

WHEREAS, Winnebago County has a regional SWAT Team that is one of nine specialized multijurisdictional teams in the state; and

WHEREAS, the State of Wisconsin regularly provides additional funding solely to the nine specialized teams for needed technical equipment; and

WHEREAS, SWAT team members and deputies oftentimes have to sacrifice their safety and positioning in order to gather necessary intelligence during an incident; and

WHEREAS, purchasing equipment to improve observation tools will enhance the abilities of the SWAT Team and assist in the safe resolution of critical incidents within Winnebago County; and

WHEREAS, these grant funds must be used by May 5, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Sheriff's Office to accept a \$3,200 WEM HS Alert SWAT Equipment grant.

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

Motion by Supervisor Stafford, seconded by Supervisor Hanson to adopt. CARRIED BY VOICE VOTE.

RESOLUTION NO. 165-012023: Implementing Pay Differential for 24/7 Operations at the Crisis Center and Child Welfare Shelter Care, as well as for three Supervisors

WHEREAS, the primary mission of the crisis center and shelter care services' direct care, and supervisor staff working in our 24-hour facilities, is to provide a safe and supportive residence to our most vulnerable population; and

WHEREAS, the ongoing labor shortage has made recruitment for direct service positions extremely difficult, with many vacancies and long delays. In turn, this places unreasonable demands on existing staff to cover many open shifts at the Crisis Center (adults) and Shelter Care (youth); and

WHEREAS, the situation contributes to losing staff and continues to exhaust existing staff. The facilities can not operate without adequate staff; and

WHEREAS, the idea of better compensating direct care staff who work second and third shifts, and/or on the weekends, incentivizes staff to want to take those jobs and stay there; and

WHEREAS, the proposed rates as set forth below have been vetted by Human Resources to ensure that they are in line with the other departments and will fit into the existing payroll structure.

Budget:

Pay Differential: \$54,253

Supervisor Beeper Pay: \$47,985

Supervisor On-call Pay: \$38,213

Holiday Pay: \$43,447

5% cushion: \$9,195

TOTAL: \$193,093

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves implementing a Pay Differential for 24/7 Operations at the Crisis Center and Child Welfare Shelter Care, as well as for three Supervisors as set forth below.

Budget:

Pay Differential: \$54,253

Supervisor Beeper Pay: \$47,985

Supervisor On-call Pay: \$38,213

Holiday Pay: \$43,447

5% cushion: \$9,195

TOTAL: \$193,093

Submitted by:

HUMAN SERVICES BOARD

PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Harrison, seconded by Supervisor Cox to adopt. CARRIED BY VOICE VOTE.

RESOLUTION NO. 166-012023 Dissolve the Diversity Affairs Commission in its Current Form

WHEREAS, the Diversity Affairs Commission (DAC) was approved by the Winnebago County Board of Supervisors in December of 2020; the by-laws and strategic plan were approved in January of 2022, and complete board approval occurred in March of 2022 (With a new Board incoming in 5/2022): the strategic plans ended in December of 2022; and

WHEREAS, the DAC was started during the pandemic, and the isolation of the pandemic, stressed our interpersonal relations; and

WHEREAS, since the inception of the DAC obtaining and retaining members has been difficult; and

WHEREAS, the tasks, function, and outreach opportunities of the DAC can be handled by other entities, (i.e. Winnebago Health Department, Human Services, UW Fox Cities, UW Oshkosh, UW extension, private entities, places of worship); and

WHEREAS, the only stated goal of the DAC is to promote educational events; and

WHEREAS, other public organizations in Winnebago County, the Wisconsin Counties Association (WCA) and other private enterprises in Winnebago County have existing programs to help support members of our community in the area of Diversity, Equity, and Inclusion and initiatives which provide funding of the educational outreach and are able to reach so many diverse groups; and

WHEREAS, the DAC, since July of 2022 has had very limited support, especially from UW Extension, Education and Agriculture support, which is the committee of Jurisdiction, and as there is no committed UW extension staff member able to commit sufficient time until late spring/summer of 2023.

NOW, THEREFORE, BE IT RESOLVED that the Diversity Affairs Commission be dissolved, with the understanding that it can be re-evaluated to better fit the needs of our community, post pandemic.

Submitted by:

KAY HORAN, District 5

JACOB FLOAM, District 16

NATE GUSTAFSON, District 28

Motion by Supervisor Horan, seconded by Supervisor Hinz, to adopt.

Motion by Supervisor Schellenger, seconded by Supervisor Gordon, to move to postpone indefinitely. AYES: 13 – Nichols, Eisen, Albrecht, Binder, Gordon, Ponzer, Norton, Zellmer, Schellenger, Buck, Powers, Cox, and Farrey; NAYES: 21; ABSTAIN: 0; ABSENT: 2 – Ellenberger and Wise. FAILED.

Motion by Supervisor Eisen, seconded by Supervisor Borchart to amend the resolution to substitute language from proposed resolution 153-122022 in place of resolution 166-012023. AYES: 11 – Nichols, Borchart, Eisen, Binder, Gordon, Ponzer, Norton, Schellenger, Buck, Powers, and Cox; NAYES: 23; ABSTAIN: 0; ABSENT: 2 – Ellenberger and Wise. FAILED.

Vote on Resolution: AYES: 19; NAYES: 14 – Nichols, Borchart, Eisen, Albrecht, Binder, Gordon, Ponzer, Norton, Zellmer, Schellenger, Buck, Powers, Cox, and Farrey; ABSTAIN: 1 - Stafford; ABSENT: 2 – Ellenberger and Wise. PASSED.

RESOLUTION NO. 167-012023 Creating a Spirit Fund, Transferring Surplus Funds from the General Fund and Park View Fund to the Spirit Fund, and Renaming the ARPA Strategy and Outcomes Commission the Spirit Fund Commission

WHEREAS, Winnebago County has received funds totaling \$33,390,918 in State and Local Fiscal Recovery Funds under the American Rescue Plan Act of 2021 (ARPA); and

WHEREAS, by Resolution No. 277-022022 created a Winnebago County ARPA Strategy and Outcomes Commission, with the directive that "[a]ll ARPA spending and appropriation requests are to be submitted to the ARPA Strategy and Outcomes Commission for its recommendation prior to action by the full County Board"; and

WHEREAS, upon recommendation by the ARPA Strategy and Outcomes Commission, through Resolution No. 110-102022 the Winnebago County Board recognized State and Local Fiscal Recovery Funds in the amount of \$33,390,918 as replacement of public sector revenue for the County, and further identified expenses incurred and paid in the form of wages between March 4, 2021 and September 30, 2022 in general fund departments and at Park View Health Center as general government services which had been funded through the use of such replacement of public sector revenue; and

WHEREAS, the use ARPA funds as replacement of public sector revenue for such expenses has produced a surplus of \$18,177,450 in the general fund and \$15,213,468 in the Park View Health Center fund, totaling \$33,390,918, as of the end of 2022, above and beyond the fund balances due to other sources; and

WHEREAS, it is the desire and intention of the Board to set aside surplus funds in that amount, to be used for purposes specified herein; and

WHEREAS, the ARPA Strategy and Outcomes Commission should be renamed the Spirit Fund Commission, and tasked with making recommendations regarding use of the Spirit Fund;

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that a separate special revenue fund be established, to which shall be transferred \$33,390,918 in surplus funds, consisting of \$18,177,450 from the undesignated general fund and \$15,213,450 from the Park View Health Center fund, and that it is the intent of the Board that such funds be spent on projects which fall within any of the following categories:

(1) Responding to public health and negative economic impacts of the pandemic, including public health, assistance to households, assistance to small businesses, assistance to nonprofits, aid to impacted industries, and restoring or supporting public sector capacity;

(2) Providing premium pay for essential workers; and

(3) Making investments in broadband, water, or sewer infrastructure.

BE IT FURTHER RESOLVED that the ARPA Strategy and Outcomes Commission be renamed the Spirit Fund Commission, with no change to its makeup, and that all requests for spending and appropriation requests for uses of the Spirit Fund are to be submitted to the Spirit Fund Commission for its recommendation and submission to the full County Board.

Submitted by:
ARPA STRATEGY AND OUTCOMES COMMISSION

Motion by Supervisor Farrey, seconded by Supervisor Buck, to adopt.

Motion by Supervisor Gabert, seconded by Supervisor Nichols, to refer back to the ARPA Strategy and Outcomes Commission.

Vote to Refer Back: AYES: 20; NAYES: 14 – Borchart, Defferding, Nussbaum, Albrecht, Swan, Robinson, Belville, Zellmer, Farrey, Harrison, Zastera, Egan, Beem and Miller; ABSTAIN: 0; ABSENT: 2 – Ellenberger, and Wise. PASSED.

RESOLUTION NO. 168-012023

Authorizing a transfer of \$175,000 from the Spirit Fund to the General Fund for the Purpose of Funding Budgeted Expenses in the County Executive's Office for Assistance With Strategic Planning and Priority-based Budgeting

WHEREAS, by Resolution 143-112022, adopted by the Winnebago County Board of Supervisors on November 15, 2022, the Board transferred \$175,000 from the Undesignated General Fund Balance to the Other Contracted Services account in the County Executive's Office for use in obtaining assistance with strategic planning and priority-based budgeting; and

WHEREAS, in that same resolution the Board recognized that "funds allocated for these purposes from the undesignated general fund may be later replaced by resources made available through designated uses of ARPA funds"; and

WHEREAS, the Board has now created a fund known as the Spirit Fund, using resources made available through use of ARPA funds designated as replacement of lost revenue and used for general government services through Resolution No. 110-102022; and

WHEREAS, the \$175,000 appropriation for strategic planning and priority-based budgeting is an appropriate use of dollars from the Spirit Fund, and the Undesignated General Fund Balance, which was the original source of funding for this appropriation, should be replaced with dollars from the Spirit Fund.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it authorizes a transfer of \$175,000 from the Spirit Fund to the General Fund for the purpose of funding already-budgeted expenses in the County Executive's Office for assistance with strategic planning and priority-based budgeting.

Submitted by:

ARPA STRATEGY AND OUTCOMES COMMISSION

This resolution was withdrawn.

RESOLUTION NO. 169-012023

Authorizing a Capital Improvements Project for Purchase of Digital Subscriber Units (Radios) for County Departments, to Be Funded by a Transfer of \$2,560,000 from the Spirit Fund

WHEREAS, digital subscriber units, commonly known as radios, were originally purchased for all public safety entities within Winnebago County beginning in 2011, as part of an eleven million dollar countywide upgrade including infrastructure; and

WHEREAS, the purchased radios had an expected life of 7 to 10 years, and have been out of warranty since 2015; and

WHEREAS, approximately 420 radios used by the Sheriff's Office as well as the Highway, Facilities, Public Health, Emergency Management, District Attorney, and Medical Examiner departments must be replaced to ensure mission-critical services can be provided; and

WHEREAS, the \$2,560,000 in County funding for a capital improvements project to purchase digital subscriber units (radios) for County departments is an appropriate use of dollars from the Spirit Fund.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it authorizes a capital improvements project for purchase of digital subscriber units for County departments, to be funded with \$2,560,000 from the Spirit Fund.

Submitted by:

ARPA STRATEGY AND OUTCOMES COMMISSION

This resolution was withdrawn.

RESOLUTION NO. 170-012023

Authorizing a transfer of \$853,000 from the Spirit Fund to the General Fund for the Purpose of Funding Budgeted Expenses in the Facilities Department for Purchase and Installation of an Emergency Generator at the Sunny View Expo Center

WHEREAS, an amendment to the 2023 Executive Budget, which increased the capital outlay budget in the Facilities and Property Management Department for purposes of purchasing and installing an emergency generator at the Sunny View Expo Center, was passed by the Winnebago County Board of Supervisors and included in the 2023 Adopted Budget; and

WHEREAS, the \$853,000 appropriation for purchase and installation of an emergency generator is an appropriate use of dollars from the Spirit Fund, and the Undesignated General Fund balance, which was the original source of funding for this appropriation, should be replaced with dollars from the Spirit Fund;

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it authorizes a transfer of \$853,000 from the Spirit Fund to the General Fund for the purpose of funding the purchase and installation of an emergency generator at the Sunny View Expo Center.

Submitted by:

ARPA STRATEGY AND OUTCOMES COMMISSION

This resolution was withdrawn.

RESOLUTION NO. 171-012023 Authorizing a Capital Improvements Project to Provide a Rapid Intervention Vehicle for the Airport, to Be Funded by a Transfer of \$600,000 from the Spirit Fund

WHEREAS, a Rapid Intervention Vehicle, a specialized vehicle needed to combat fires on smaller, general aviation aircrafts in the event of an accident at the airport, is needed to replace an existing truck at the airport's fire station; and

WHEREAS, the \$600,000 in funding for a capital improvements project to provide a Rapid Intervention Vehicle for the airport is an appropriate use of dollars from the Spirit Fund.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it authorizes a capital improvements project to provide a Rapid Intervention Vehicle for the airport, to be funded with \$600,000 from the Spirit Fund.

Submitted by:
ARPA STRATEGY AND OUTCOMES COMMISSION

This resolution was withdrawn.

RESOLUTION NO. 172-012023 Authorizing a transfer of \$300,000 from the Spirit Fund to the General Fund for the Purpose of Funding Budgeted Expenses in the Facilities Department for a Building Condition Assessment Study

WHEREAS, an amendment to the 2023 Executive Budget, which increased the professional services budget in the Facilities and Property Management Department for purposes of conducting a County-wide building condition assessment study, was passed by the Winnebago County Board of Supervisors and included in the 2023 Adopted Budget; and

WHEREAS, the \$300,000 appropriation for a Building Condition Assessment study is an appropriate use of dollars from the Spirit Fund, and the Undesignated General Fund balance, which was the original source of funding for this appropriation, should be replaced with dollars from the Spirit Fund.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it authorizes a transfer of \$300,000 from the Spirit Fund to the General Fund for the purpose of funding already-budgeted expenses in the Facilities and Property Management Department for a Building Condition Assessment study.

Submitted by:
ARPA STRATEGY AND OUTCOMES COMMISSION

This resolution was withdrawn.

RESOLUTION NO. 173-012023 Authorizing a Capital Improvements Project to Install a Redundant Fiber Loop, to Be Funded by a Transfer of \$542,600 from the Spirit Fund and \$212,400 in Outside Funding

WHEREAS, a second fiber path between the County Administration Building and the Sheriff's Office would create a redundant fiber loop, allowing critical network traffic to be rerouted in the event of a cut, hardware changes, or necessary repairs; and

WHEREAS, the proposed route would also provide increased connectivity between City of Oshkosh fire stations, which provides an opportunity for cost sharing; and

WHEREAS, the \$542,600 in County funding for a capital improvements project to provide a redundant fiber loop is an appropriate use of dollars from the Spirit Fund.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it authorizes a capital improvements project to install a redundant fiber loop for the sum of \$755,000, to be funded with \$542,600 from the Spirit Fund and \$212,000 in outside funding.

Submitted by:
ARPA STRATEGY AND OUTCOMES COMMISSION

This resolution was withdrawn.

RESOLUTION NO: 174-012023 Authorizing a Capital Improvements Project to Provide Automated Pay Stations for Boat Landings, to Be Funded by a Transfer of \$120,000 from the Spirit Fund

WHEREAS, the 7 public boat landings operated by the Winnebago County Parks Department currently have cash boxes to receive daily payments of launch fees;

WHEREAS, replacing these cash boxes with automated pay stations will provide greater convenience to the public, allowing for use of credit cards or cash, and will provide the county with a savings in staff time and more consistent collection of launch fees while being consistent with similar systems in place for the City of Oshkosh as well as Brown County; and

WHEREAS, the \$120,000 in funding for a capital improvements project to provide automated pay stations for boat landings is an appropriate use of dollars from the Spirit Fund.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it authorizes a capital improvements project to provide automated pay stations for boat landings, to be funded with \$120,000 from the Spirit Fund.

Submitted by:
ARPA STRATEGY AND OUTCOMES COMMISSION

This resolution was withdrawn.

Motion by Supervisor Norton, seconded by Supervisor Nichols, to adjourn until the February 7, 2023 special orders meeting at 6:00 p.m. The meeting was adjourned at 9:15 p.m.

Respectfully submitted by:
Cassie J. Smith-Gregor
Winnebago County Recording Secretary

State of Wisconsin)
County of Winnebago) ss

I, Cassie J. Smith-Gregor, 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 January 17, 2023.

Cassie J. Smith-Gregor
Winnebago County Recording Secretary



Winnebago County

Office of the County Executive

The Wave of the Future

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

February 21, 2022

Dear Members of the County Board of Supervisors,

Below is my appointment to the Board of Health.

BOARD OF HEALTH – Supervisor Josh Belville of Oshkosh to a term expiring July 1, 2024.

Respectfully submitted,

Jon Doemel
Winnebago County Executive

Thomas J. Egan
Winnebago County Board Chairman



112 OTTER AVENUE
P.O. Box 2806
OSHKOSH, WISCONSIN 54903-2808

OSHKOSH (920) 232-3430
FAX (920) 232-3435
E-mail: Tom.Egan@co.winnebago.wi.us

Winnebago County
The Wave of the Future

TO: Winnebago County Board of Supervisors
FROM: Chairman Thomas Egan
DATE: February 28, 2023
RE: Appointment to County Treasurer

Subject to your approval, I am appointing Amber Hoppa, 1909 Plymouth Street, Oshkosh, Wisconsin as Winnebago County Treasurer. Ms. Hoppa will complete the unexpired term of Mary E. Krueger who is retiring from this position on April 3, 2023. Ms. Hoppa's term will begin April 4, 2023 and end on January 6, 2025.

Thank you in advance for your approval of this appointment.

Amber L Hoppa

Contact

[REDACTED]
Oshkosh WI 54901

[REDACTED]
ahoppa@winnebagoountywi.gov

Objective

I'm looking to be formally appointed as County Treasurer. It is my firm belief that I have not only all of the qualifications needed, but also the drive, passion and motivation to uphold the high standards set by the current County Treasurer, Mary E Krueger. My ability to be able to communicate effectively, both orally and written, is a valuable asset amongst the knowledge I have in Microsoft, Munis, and all of the programs our office currently uses. With nine years of experience in the office, I have a thorough understanding of the practices within the office and strive to make the transition as smooth as possible.

Education

Berlin High School
Berlin WI 54923
Graduated in 2008

Experience

2014-Present

Financial Associate I • Winnebago County Treasurer's Office

Processing tax payments and department deposits, check scanning, Use Value Charges, PLIT/MFL, Customer service, Payment plans (taxes), Lottery and Gaming credit audits, assist in Foreclosure process.

2010-2015

Pharmacy Technician • Wal-Mart Pharmacy

Inputting, Filling and processing prescriptions. Customer Service, Insurance claims, Taking payments for prescriptions.

2009-2010

Floating • Wal-Mart, Inc.

Started as part of the remodel team for new supercenter in Oshkosh. Wanted to get into Pharmacy, was hired on as a stockman and transferred to ICS before transferring to Pharmacy. Customer service, Inventory control, unloading trucks, cashiering as needed.

2008-2009

Cashier/Attendant • Berlin Oil/Shell on Broadway

Balancing tills, Customer service, DMV registrations, Basic Gas Station duties.

Key Skills

Customer Service; Reliable and Great Work Ethic, Team Player

Verbal and Written Communication

Processing Monies

General Accounting Practices; thorough knowledge and understanding of county programs and receipting practices.

Knowledge of Tax Related Topics to assist taxpayers and general public

Ability to Multitask

Communication

I've been a great team player and valuable asset to the Treasurer's office the last nine years as well as all of my previous positions. In the last nine years I've assisted numerous taxpayers in bringing their properties current, assisted Finance in Munis testing and helped streamline processes to bring a new level of efficiency to our office. I've been integral to the process of training and assisting local treasurers in troubleshooting during collection time, Lottery and Gaming credit outreach, and striving to learn in order to better assist the public with any needs within our office limits. As the office "techie" and Ascent "guru" I'm vital in being able to troubleshoot both public and professionals over the phone and in person with our tax program and assist our office staff with issues that may arise.

Leadership

In the last couple of years, I've taken on more responsibility within the office, offering insight and feedback to Mary as requested and/or necessary. I can make decisions in her absence as appropriate and can typically assist public, county staff, and local treasurers with most inquiries in the event she is unavailable. I am able to jump in wherever needed within the office with tasks, projects, and issues that may arise and can typically troubleshoot them effectively and efficiently. I assisted in designing our office and storage spaces when we moved, leading the movers and helping set up. I've been integral to the testing and launch of several enhancements within our tax program and Munis. I've also trained a few departments on receipting in Munis when needed. In recent months, I've taken on learning I've also learned and taken over balancing the tax accounts at the end of the month and other related duties.

References

Sarah Schneider [REDACTED]

Co-worker at Wal-Mart Pharmacy and friend

Cali Felix [REDACTED]

Previous Supervisor/Boss - Wal-Mart Pharmacy

Gail Kissinger [REDACTED]

Works in Register of Deeds; work closely with the office

Winnebago County Human Resources
PO Box 2806
Oshkosh WI 54903-2806

This letter will serve as my recommendation of Amber Hoppa for the position of Winnebago County Treasurer. Amber has worked in the Treasurer's Office over 8 years and has demonstrated a desire and willingness to learn the functions of the office. She is a self-driven and motivated individual.

Amber is the lead in the office for the counter and phone. She takes time with customers (both internal and external) to understand their needs and sees the issue through to completion. She is my go-to staff member when testing new systems and procedures we are looking to implement. She has also assisted the Finance Department when there has been updates/upgrades to the MUNIS program. I can give Amber a project/assignment and can count on it being completed efficiently and accurately in a reasonable amount of time with minimal supervision.

Amber has created relationships with many municipal treasurers over the years. She provides guidance to the municipalities during the tax collection period. She organized and lead a municipal training session late last year to aid them in tax collection processes. Recently she has taken on the responsibility of learning the tax settlement process.

In my opinion Amber Hoppa would do a great job as the Winnebago County Treasurer.

Sincerely,



Mary E. Krueger
Winnebago County Treasurer

TO THE WINNEBAGO COUNTY BOARD SUPERVISORS

Your Planning and Zoning Committee begs leave to report:

WHEREAS, it has reviewed the Petition for Zoning Map Amendment 2023-ZC-6240 filed with the County Clerk by:

WINAGAMIE INC, Town of CLAYTON and referred to the Planning and Zoning Committee on February 03, 2023 and

WHEREAS, a Public Hearing was held on January 24, 2023, pursuant to mailed and published notice as provided by law on the following:

PROPERTY INFORMATION:

Owner(s) of Property: WINAGAMIE INC

Agent(s): NONE

Location of Premises Affected: EAST OF 9547 CENTER RD

Legal Description: Being all of Lots 3, 4, 5 and 6 of Winagamie Subdivision, located in the SW 1/4 of the NW 1/4 of Section 3, Township 20 North, Range 16 East, Town of Clayton, Winnebago County, Wisconsin.

Tax Parcel No.: 006-1246, 006-1245, 006-1244, 006-1243

Sewer: Required; Private System

Overlay: Shoreland, floodplain, wetlands

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

WHEREAS, we have not received notification for recommendation from the Town of CLAYTON and

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

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 DENIED

For the Planning and Zoning Committee

AMENDATORY ORDINANCE # 02/001/23

The Winnebago County Board of Supervisors do ordain Zoning Amendment # 2023-ZC-6240 as follows:

Being all of Lots 3, 4, 5 and 6 of Winagamie Subdivision, located in the SW 1/4 of the NW 1/4 of Section 3, Township 20 North, Range 16 East, Town of Clayton, Winnebago County, Wisconsin.

FROM: R-2 Suburban Low Density Residential

TO: R-1 Rural Residential

Adopted / Denied this _____ day of _____, 20 ____

Thomas Egan, Chairperson

ATTEST:

Susan T. Ertmer, Clerk

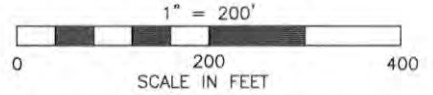
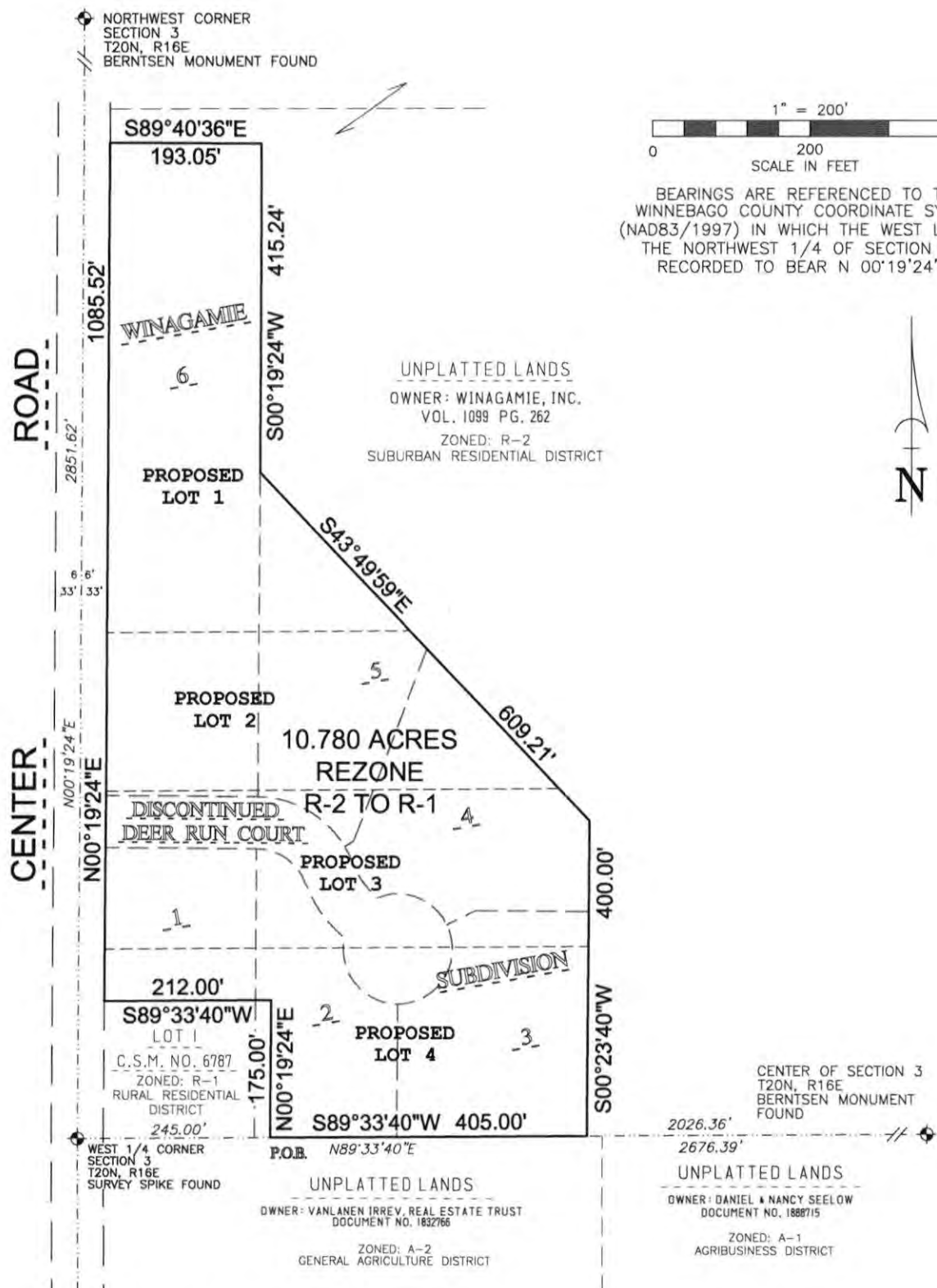
APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____ 20 ____ .

JON DOEMEL, COUNTY EXECUTIVE

County Board Supervisory district: 36 - MILLER

REZONING REFERENCE MAP

ALL OF LOTS 1, 3, 4, 5 AND 6, PART OF LOT 2, WINAGAMIE SUBDIVISION; AND DISCONTINUED DEER RUN COURT; ALL LOCATED IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, SECTION 3, TOWNSHIP 20 NORTH, RANGE 16 EAST, TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN.



BEARINGS ARE REFERENCED TO THE WINNEBAGO COUNTY COORDINATE SYSTEM (NAD83/1997) IN WHICH THE WEST LINE OF THE NORTHWEST 1/4 OF SECTION 3 IS RECORDED TO BEAR N 00°19'24" E



Martenson & Eisele, Inc.
 1377 Midway Road
 Menasha, WI 54952
 www.martenson-eisele.com
 info@martenson-eisele.com
 920.731.0381 1.800.236.0381

Planning
 Environmental
 Surveying
 Engineering
 Architecture

PROJECT NO. 1-0023-042
 FILE 1-0023-042Rezone.dwg SHEET 1 OF 2
 THIS INSTRUMENT WAS DRAFTED BY: A.Sedlar

Application #23-ZC-6240

Date of Hearing:

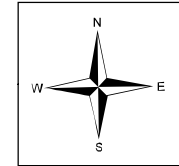
January 24, 2023

Owner(s):

WINAGAMIE INC
(NANCY JOHNSHOY)

Subject Parcel(s):

0061243 / 0061244 /
0061245 / 0061246



Winnebago County
WINGS Project

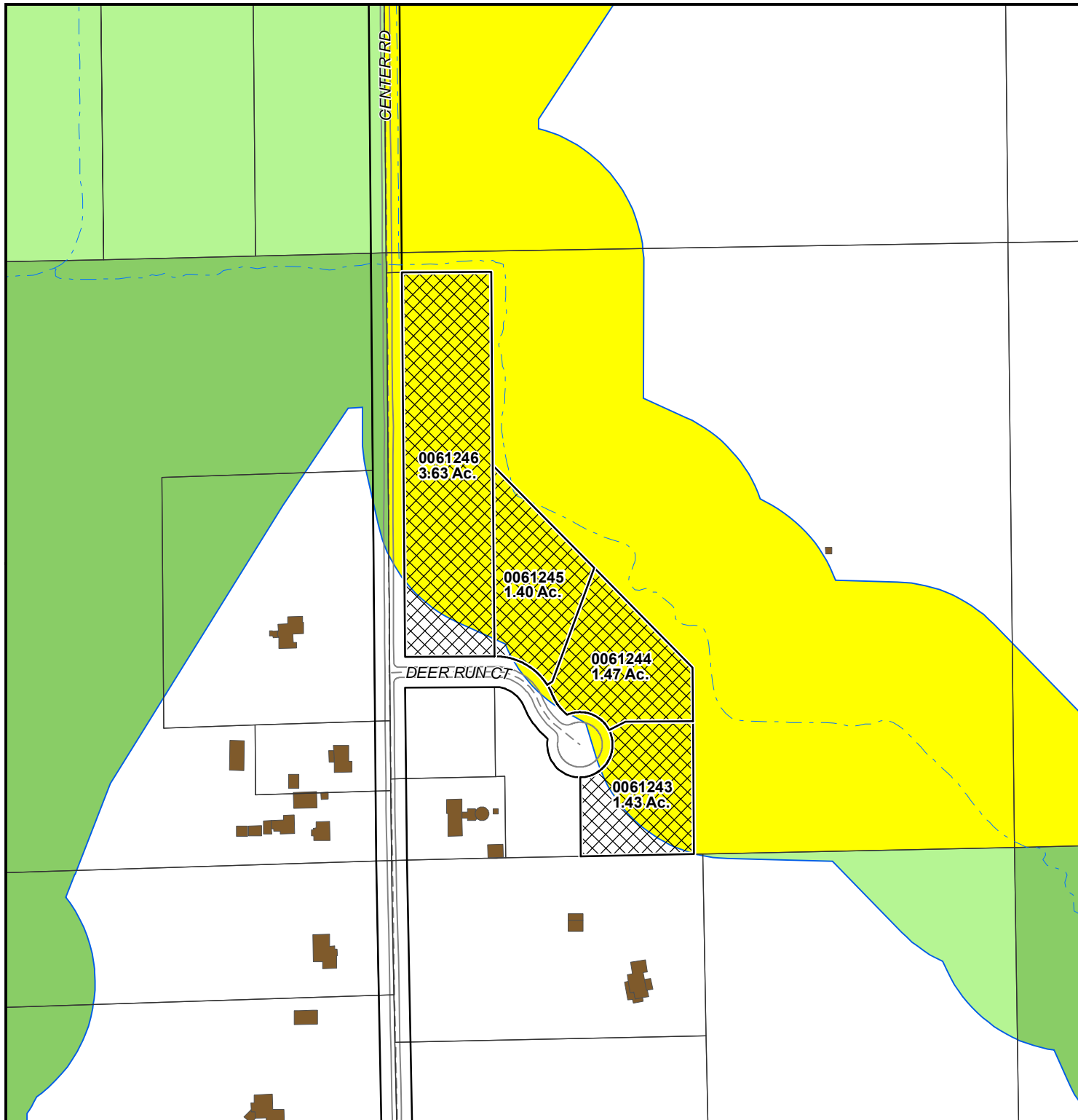
Scale
1 inch : 300 feet

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



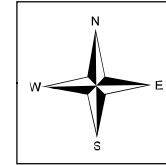
○ = SITE

Application #23-ZC-6240

Date of Hearing:
January 24, 2023

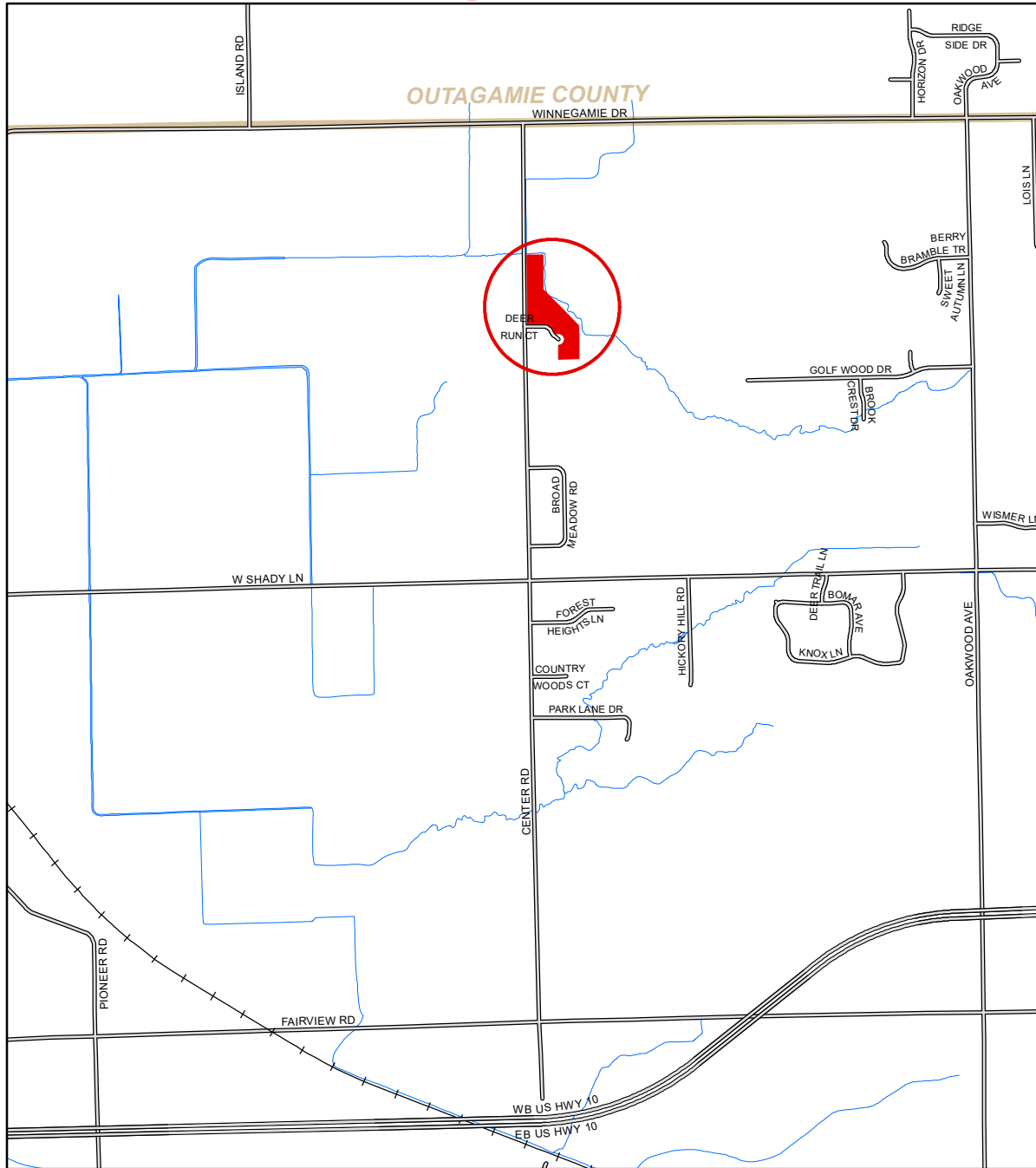
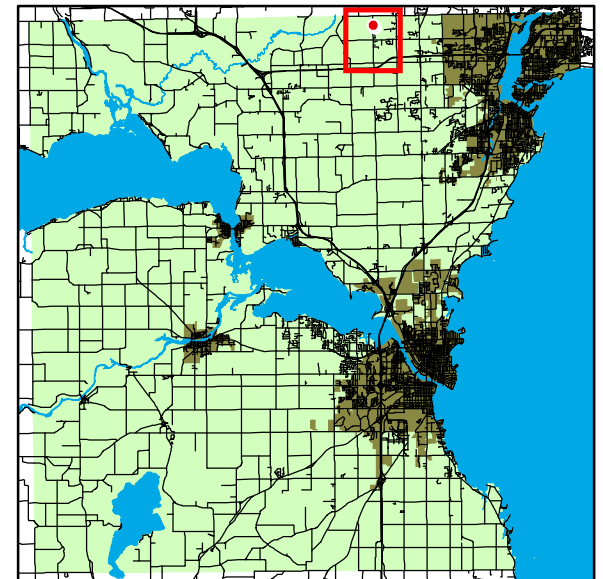
Owner(s):
WINAGAMIE INC
(NANCY JOHNSHOY)

Subject Parcel(s):
0061243 / 0061244 / 0061245 / 0061246



Winnebago County
WINGS Project

● = SITE



1 inch : 2,000 feet

WINNEBAGO COUNTY

TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS

Your Planning and Zoning Committee begs leave to report:

WHEREAS, it has reviewed the Petition for Zoning Amendment # 2023-TA-0001 filed with the County Clerk
by:

the CITY OF OSHKOSH

and referred to the Planning & Zoning Committee on 01/17/23 and

WHEREAS, a Public Hearing was held on 01/24/23 pursuant to mailed and published notice as provided by law on the following:

PROPERTY INFORMATION:

Applicant(s): Winnebago County Wittman Regional Airport

WHEREAS, Applicant is requesting to repeal and recreate Chapter 24, Wittman Airport Ordinance of the Winnebago County General Code.

WHEREAS, we received notification from the TOWNS OF Black Wolf, Neenah, Nekimi, Oshkosh, Rushford, Utica, Vinland, Winneconne and Wolf River recommending approval, Town of Poygan was indifferent and the Town of Algoma and Town of Winchester did not respond and

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

1. The Bureau of Aeronautics has reviewed and approved the proposed ordinance.
2. The FAA has reviewed and approved the proposed ordinance.
3. The Winnebago County Aviation Committee has reviewed and approved the proposed ordinance.
4. Two of the three towns located within the airport districts approved the proposed ordinance (Black Wolf and Nekimi).
5. The advisory Towns located outside of the airport districts approved the proposed ordinance (Neenah, Oshkosh, Nepeuskun, Rushford, Utica, Vinland, Winneconne and Wolf River).
6. The advisory Town of Poygan located outside the airport districts took no position on the proposed ordinance because the ordinance did not affect the town.
7. The proposed re-created ordinance is necessary to keep the ordinance current and address legal deficiencies.

NOW THEREFORE BE IT RESOLVED, that this committee has prepared the enclosed amendatory ordinance effectuating this change for your consideration and is hereby recommending Approval by a vote of 5-0.

NOW BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed ordinance is hereby [ADOPTED] or [DENIED].

For the Planning & Zoning Committee

AMENDATORY ORDINANCE # 02/002/23

The Winnebago County Board of Supervisors do ordain Zoning Text Amendment # 2023-TA-0001 as follows:

Applicant is requesting to repeal and recreate Chapter 24, Wittman Airport Ordinance of the Winnebago County General Code.

Adopted/ Denied this _____ day of _____, 20 _____ .

Tom Egan, Chairperson

ATTEST:

Sue Ertmer (County Clerk)

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

Jon Doemel
(County Executive)



Chapter 24

Wittman Regional Airport Zoning

Established: March 2012

Chapter 24

Wittman Regional Airport Zoning Code

Article

- 1. [General Provisions](#)
- 2. [Interpretation and Construction](#)
- 3. [Definitions](#)
- 4. [Maps and Districts](#)
- 5. [Land Use](#)
- 6. [Administration](#)

CHAPTER 24
WITTMAN REGIONAL AIRPORT ZONING CODE

24.1

GENERAL PROVISIONS

- 1-1 Name of Chapter
- 1-2 Authority
- 1-3 Jurisdiction
- 1-4 Legislative Findings
- 1-5 Purpose
- 1-6 Compliance
- 1-7 Liability
- 1-8 Relationship of this Chapter to State and Federal Regulations
- 1-9 Relationship of this Chapter to Private Agreements
- 1-10 Additional Local Regulations
- 1-11 No Defense to Nuisance Action
- 1-12 Applicability to Public Entities
- 1-13 Applicability to Projects Under the Purview of the Public Service Commission

24.2

INTERPRETATION AND CONSTRUCTION

- 2-1 General Rules of Construction
- 2-2 Responsibility for Interpretation
- 2-3 Delegation of Authority
- 2-4 Internal Conflicts
- 2-5 Use of Graphics, Illustrations, Headings, References, Statutory Citations, and Commentary Notes
- 2-6 General Rules of Interpretation

24.3

DEFINITIONS

- 3-1 Words and Phrases Not Defined
- 3-2 Words and Phrases Defined

24.4

MAPS AND DISTRICTS

- 4-1 Generally
- 4-2 Establishment and Purpose of Zoning Districts
- 4-3 Determination of District Boundaries
- 4-4 Maps

24.5

LAND USE

- 5-1 General Standards
- 5-2 Runway Protection (AIR-1) District
- 5-3 Aerial Approach/Department (AIR-2) District
- 5-4 Traffic Pattern (AIR-3) District
- 5-5 Height Limitation (AIR-4) District

24.6

ADMINISTRATION

- 6-1 Compliance
- 6-2 Administration and Enforce
- 6-3 Site Plan
- 6-4 Avigation Easements
- 6-5 Amendments
- 6-6 Nonconformities
- 6-7 Variances
- 6-8 Administrative Appeals
- 6-9 Application Fees and Other Charges
- 6-10 Enforcement
- 6-11 Penalties

**ARTICLE 1
GENERAL PROVISIONS**

Sections

24.1-1	Name of Chapter	24.1-9	Relationship of this chapter to private agreements
24.1-2	Authority	24.1-10	Additional local regulations
24.1-3	Jurisdiction	24.1-11	No defense to nuisance action
24.1-4	Legislative Findings	24.1-12	Applicability to public entities
24.1-5	Purpose	24.1-13	Applicability to projects under the purview of the Public Service Commission
24.1-6	Compliance		
24.1-7	Liability		
24.1-8	Relationship of this chapter to state and federal regulations		

24.1-1 Name of Chapter

This chapter shall be known as “Wittman Regional Airport Zoning Code” and may be referred to herein as “this chapter.”

24.1-2 Authority

The regulations contained in this chapter are specifically authorized by § 114.136, Wis. Stats.

24.1-3 Jurisdiction

The provisions of this chapter apply to all land located in the airport districts herein established including those areas within the corporate limits of the city of Oshkosh, the boundary of which may change from time to time through annexation and detachment.

24.1-4 Legislative Findings

The Winnebago County Board of Supervisors makes the following legislative findings:

- (1) Winnebago County owns Wittman Regional Airport.
- (2) Sec. 114.136, Wis. Stats, gives a county, city, village, or town that owns an authorized airport the authority to adopt land-use regulations to protect the aerial approaches from inappropriate development.
- (3) It is in the best interests of the public to regulate land uses within the navigable airspace over the aerial approaches to Wittman Regional Airport in order to provide for the safe operation of aircraft using the airport.
- (4) Based on statistics compiled by the National Transportation Safety Board, the majority of aircraft accidents occur at airports or in the immediate area of the extended centerline of the runway.
- (5) Given the increased level of risk associated with landings and takeoffs, it is important to protect the approach and departure ends of each runway.
- (6) Some types of land uses can be located near airports because they are compatible with airport operations, while others are not.
- (7) Some types of buildings can be designed to reduce the effects of airport-related noise on its occupants, while others cannot.
- (8) Inappropriate development near airports increases the perceived impact of aircraft noise.



- (9) Uncontrolled growth and development around airports present a clear threat to the safety of those in aircraft and those on the ground.

24.1-5 Purpose

This chapter promotes the public health, safety, and welfare and is intended to:

- (1) ensure a compatible relationship between airport operations at Wittman Regional Airport and other land uses in the vicinity;
- (2) ensure that property owners and prospective property owners understand that airport operations should be considered as possibly affecting the use of property in the vicinity;
- (3) ensure that there are no obstacles to aviation in and around the airport; and
- (4) protect the significant public and private investments at Wittman Regional Airport.

24.1-6 Compliance

(a) **Generally:** Except as specifically provided, the provisions of this chapter shall apply to all development within those areas under the jurisdiction of this chapter and no development shall be undertaken without the prior authorizations required by this chapter.

(b) **Previously Granted Permits, an Exception:** When a permit has been issued in accordance with the law prior to the effective date of this chapter or amendment thereto, it shall be valid for one (1) year from the date of issuance even if it authorizes an action that is not allowed under this chapter or amendment. If the action, as authorized by the permit, does not commence within that time period and continue in good faith to completion, such permit shall lapse and be null and void.

(c) **Establishment of a Use, Structure, or Building Not Requiring Authorization, an Exception:** If prior to the adoption of this chapter, or amendment thereto, a use, structure, or building is actively being established that did not require a permit or authorization, said work may continue to completion even when the use, structure, or building requires a permit or other authorization under this chapter, is being developed contrary to this chapter, or is otherwise prohibited under this chapter.

24.1-7 Liability

Winnebago County and its officials, agencies, employees, agents, and assigns, shall not be liable for any flood damage, sanitation problems, structural damage, or other damages that may occur as a result of reliance upon and conformance with this chapter.

24.1-8 Relationship of this Chapter to State and Federal Regulations

In addition to meeting the regulations contained in this chapter, development shall comply with all applicable regulations of federal and state agencies. In all cases, the strictest of the applicable provisions shall apply.

24.1-9 Relationship of this Chapter to Private Agreements

This chapter is not intended to repeal, abrogate, annul, impair, or interfere with any easement, covenant, deed restriction, or other private agreement governing land development. However, when this chapter imposes a greater restriction than the aforementioned, the provisions of this chapter shall apply.¹

24.1-10 Additional Local Regulations

In addition to meeting the regulations contained in this chapter, development shall comply with all applicable regulations in the General Code of 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 26: Floodplain Zoning Code
- (e) Chapter 27: Shoreland and Shoreland-Wetland Zoning Code
- (f) Chapter 28: Stormwater Management and Construction Site Erosion Control In all cases,

the strictest of the applicable provisions shall apply.¹

24.1-11 No Defense to Nuisance Action

Compliance with the standards and requirements contained in this chapter shall not constitute an absolute defense to an action to abate a public or private nuisance.

24.1-12 Applicability to Public Entities

This chapter shall apply to all publicly-owned land to the extent allowed by state and federal law. When a public entity is exempted from this chapter, in whole or in part, it is strongly encouraged to meet the provisions of this chapter.

24.1-13 Applicability to Projects Under the Purview of the Public Service Commission

This chapter shall apply to projects under the purview of the Wisconsin Public Service Commission (PSC) to the fullest extent allowed by state law. The Planning and Zoning Committee or the Board of County Supervisors, or both, may submit a written request to the PSC outlining those standards and/or requirements of this chapter that the PSC should impose as conditions of project approval, if approval is to be granted.

¹ Commentary: Winnebago County does not enforce private agreements to which it is not a party¹

**ARTICLE 2
INTERPRETATION AND CONSTRUCTION**

Sections

24.2-1	General rules of construction	24.2-5	Use of graphics, illustrations, headings, references, statutory citations and commentary notes
24.2-2	Responsibility for interpretation		
24.2-3	Delegation of authority		
24.2-4	Internal Conflict	24.2-6	General rules of interpretation

24.2-1 General Rules of Construction

(a) **Generally:** In the interpretation and application of this chapter, all provisions shall be construed so the true intent and meaning of this chapter are carried out.

(b) **Minimum requirements:** The interpretation and application of any provision of this chapter shall be held to be the minimum requirement adopted for the promotion of the public health, safety, and general welfare and not be deemed a limitation or repeal of any other powers granted by state statute.

24.2-2 Responsibility for interpretation

In the event a question arises concerning any provision or the application of any provision of this chapter, interpretations shall be issued by the Zoning Administrator consistent with Chapter 23 (Town/County Zoning Code), Section 23-7, of the General Code of Winnebago County.

24.2-3 Delegation of Authority

If a provision in this chapter states that an elected official, department supervisor, or some other employee is to perform some act, such individual may designate, delegate, or authorize a subordinate to perform the act unless state law or the provision clearly prohibits such delegation.

24.2-4 Internal Conflicts

More specific provisions of this chapter shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provision.

24.2-5 Use of Graphics, Illustrations, Headings, References, Statutory Citations, and Commentary Notes

(a) **Purpose:** Graphics, illustrations, headings, references, statutory citations, and editor’s notes may be included to improve the readability of this chapter and increase reader comprehension. Specifically, graphics and illustrations are included to help the reader visualize the meaning of the text. Headings and subheadings generally state the content of that section and are intended to help the reader quickly find information. References and statutory citations are included when the section is related to a state or local law or other section in this chapter. These are included to help the reader understand the relationship among various provisions. Commentary notes are included to supplement and/or further clarify a sentence or provision.

(b) **Interpretation:** A graphic, illustration, heading, reference, statutory citation, or commentary note shall not govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision.

(c) **Effect of Deficiency:** Because the text controls, no provision shall be held invalid by reason of any deficiency in any graphic, illustration, heading, reference, statutory citation, or commentary note.



24.2-6 General Rules of Interpretation

In the construction of this chapter, the following shall be observed, unless such construction would be inconsistent with the text or with the manifest intent of this chapter:

- (1) **Gender.** Words of the masculine gender include the feminine and neuter, and vice versa.
- (2) **Singular and plural words.** Words in the singular include the plural and words in the plural include the singular.
- (3) **Tense.** Words in the present tense include the past and future tense, and the future tense includes the present tense.
- (4) **“Must”, “shall” and “will”.** The words “must”, “shall” and “will” imply a mandatory condition.
- (5) **“May” or “should”.** The words “may” and “should” imply a permissive condition.
- (6) **“Includes” or “including”.** The words “includes” or “including” shall not limit a provision to the specific example(s) listed, but are intended to extend their meaning to all other instances or circumstances of like kind or character.
- (7) **“Such as”.** The phrase “such as” shall not limit a provision to the specific example(s) listed, but is intended to extend its meaning to all other instances or circumstances of like kind or character.
- (8) **Conjunctions.** When used at the end of a series, the word “and” indicates that all listed items apply. When the word “or” is used at the end of a series, it indicates that one or more of the listed items apply.

**ARTICLE 3
DEFINITIONS**

Sections

24.3-1	Words and phrases not defined	
24.3-2	Words and phrases defined	

24.3-1 Words and phrases not defined

A term or phrase not defined in this Section, but which is defined in Chapter 23 (Town/County Zoning Code) of the General Code of Winnebago County shall have the meaning given in Chapter 23. A term or phrase not defined in this Section or in Chapter 23 shall be interpreted so as to give this chapter its most reasonable application.

24.3-2 Words and phrases defined

For the purpose of this chapter, certain terms and phrases are defined below and shall have the meaning ascribed to them, except where the context clearly indicates a different meaning.

A

- (1) **Airport:** Wittman Regional Airport
- (2) **Airport Hazard:** Any structure, object of natural growth, or use of land that obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.
- (3) **Approach Zone:** The area of aircraft approach to the airport as defined in the Code of Federal Regulations, Title 14, Part 77.
- (4) **Avigation:** The handling and guidance of aircraft in the air or on the airport.
- (5) **Avigation Easement:** An instrument recorded with the register of deeds for Winnebago County addressing issues such as noise and height of objects of natural growth on the subject property.
- (6) **Airport Manager:** The individual so designated by the county executive for Winnebago County that is responsible for the day-to-day management of Wittman Regional Airport.

C

- (7) **Conditional Use:** See land use, conditional

D

- (8) **Development:** Any activity that must comply with, or is anyway regulated by, this chapter.
- (9) **Dwelling unit:** A single building, or portion thereof, that provides complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

F

- (10) **Floor Area:** The total horizontal area contained within the outside perimeter of a building, but excluding any space where the floor-to-ceiling height is less than 6 feet.



G

- (11) **General Code:** The compilation of laws as adopted by the Winnebago County Board of County Supervisors.

H

- (12) **Hazard:** A condition, whether manmade or natural, that presents a tangible danger to the public health, safety, and general welfare.
- (13) **Height:** The top of a structure, including any appurtenance installed thereon, or the top of any object of natural growth.

L

- (14) **Land Use:** As the context indicates (1) the development that has occurred on the land, (2) development that is proposed for the land, or (3) the use permitted for the land under this chapter.
- (15) **Land Use, Conditional:** A land use that would not be appropriate generally or without restriction throughout a specified area, but if controlled as to the number, area, location, or relation to the surrounding properties by the imposition of appropriate conditions, could promote the public health, safety, or general welfare.
- (16) **Land Use, Permitted by Right:** A land use that is allowed throughout a specified area. Land uses permitted by right may be reviewed through a site review process and shall otherwise be reviewed to ensure all provisions of local, state, and federal regulations are met.
- (17) **Land Use, Principal:** The dominant land use or uses of a parcel of land.²
- (18) **Lot:** A parcel of ground with a definable location based on a recorded survey or similar instrument.

N

- (19) **Nonconforming Structure:** A structure that at the time of construction or placement conformed to existing regulations including size, location, and other dimensional standards, but is now inconsistent with this chapter.
- (20) **Nonconforming Use:** A use of land that at the time of establishment conformed to existing regulations, but is now inconsistent with this chapter.

P

- (21) **Permitted Use:** See land use, permitted by right
- (22) **Person:** An individual; a corporation, governmental agency, business trust, estate, trust, partnership, or association; two or more persons having a joint or common interest; or any other legal entity.

² Commentary: In some situations, a parcel of land can have more than one principal land use.

- (23) **Place of Assembly:** A building or a part of a building where people gather for theater, recreation, entertainment, worship, education, dining, or similar purpose.
- (24) **Planning and Zoning Committee:** The five-member committee appointed by the Winnebago County Board of Supervisors to review and make recommendations to the County Board on planning and land use issues as authorized by Wisconsin Statutes. The Planning and Zoning Committee is also known as the “P & Z.”

R

- (25) **Runway:** The portion of the airport having a surface specially developed and maintained for the landing and takeoff of aircraft.

S

- (26) **Structure:** A manmade object with form, shape, and utility that is either permanently or temporarily placed on or into the ground, a stream bed, or a lake bed or on another structure. Examples include buildings, decks, patios, stoops, play structures, swimming pools, hot tubs, bridges, storage tanks, fences, towers, flag poles, utility poles, pipelines, transmission lines, smokestacks, and signs.

T

- (27) **Tree:** An object of natural growth, except farm crops that are cut at least once a year and shrubs and other plants that do not grow to a height of more than 5 feet.

V

- (28) **Variance:** A grant of relief from the strict application of a rule or regulation that would permit development in a manner otherwise prohibited.

Z

- (29) **Zoning Administrator:** The individual so designated under Chapter 23 (Town/County Zoning Code) of the General Code of Winnebago County.

ARTICLE 4

MAPS AND DISTRICTS

Sections

24.4-1	Generally	24.4-3	Determination of district boundaries
24.4-2	Establishment and purpose of zoning districts	24.4-4	Maps

24.4-1 Generally

Certain land around Wittman Regional Airport, in the City of Oshkosh, the Town of Black Wolf, and the Town of Nekimi, are included in one or more zoning districts that limit the height of structures and trees to protect the approaches to the airport and control land uses so that they are compatible with noise generated by airport operation. In addition, to meeting the requirements of this chapter, land uses must also comply with general zoning requirements adopted by the City of Oshkosh and the Towns of Black Wolf and Nekimi.

24.4-2 Establishment and Purpose of Zoning Districts

The following zoning districts are established:

(a) **Runway Protection Zone (AIR-1):** This district includes those lands at the end of a runway which are therefore subject to a higher crash risk. The size of the district is based on the characteristics of air operations using that particular runway. The AIR-1 district is defined as the approach Runway Protection Zone (RPZ) as depicted on the OSH ultimate airport layout plan (sheet 3) dated March 18, 2018. The RPZ is a trapezoidal area that is centered about the extended runway centerline. The RPZ extends from a point 200 feet from the runway threshold. The dimensions of the RPZ are as follows:

- (1) Runway 9/27: Inner width – 500 feet; outer width – 1,010 feet; length – 1,700 feet
- (2) Runway 18: Inner width – 500 feet; outer width – 1,010 feet; length – 1,700 feet
- (3) Runway 36: Inner width – 1,000 feet; outer width – 1,750 feet; length – 2,500 feet
- (4) Runway 5/23: Inner width – 250 feet; outer width – 450 feet; length – 1,000 feet
- (5) Runway 13/31: Inner width – 250 feet; outer width – 450 feet; length – 1,000 feet

The AIR-1 zoning district also includes the primary surface area between the RPZs out to the 35-foot building restriction line, which is defined as 745 feet on either side of Runway 9/27 and Runway 18/36. For Runways 5/23 and 13/31, this area is 370 feet wide.

(b) **Aerial Approach/Departure Zone (AIR-2):** This district includes those lands that are subject to higher crash risks and noise exposure due to close proximity to runways and airport operations. The AIR-2 district is defined as the footprint formed by the combination of the respective runway primary surface, the Part 77 approach surface, and any relevant precision approach path indicator surfaces out to where they intersect the horizontal surface, which is 150 feet above the airport elevation, and down to the most restrictive height. This results in an area parallel to the runway starting from the 35-foot building restriction line (where AIR-1 ends) and extending 805 feet from the building restriction line. For Runways 5/23 and 13/31, the AIR-2 boundaries do not extend beyond the limits of AIR-3.

(c) **Traffic Pattern Zone (AIR-3):** This district includes those lands that are subject to a generally low likelihood of accident occurrence. The AIR-3 district is the area bounded by the path generally used by aircraft in left-hand traffic patterns for each runway. That path is defined as a rectangle centered around each runway one-half mile from each runway end, and one-half mile to each side of the runway centerline, with the exception of the northernmost boundary of AIR-3. This boundary is aligned with and parallels W. 19th Avenue. Any areas within these boundaries that are not part of AIR-1 or AIR-2 zones is part of the AIR-3 Traffic Pattern Zone.

(d) **Height Limitation Zone (AIR-4):** This district includes those lands subject to height limitations on structures and vegetation.



24.4-3 Determination of District Boundaries

If a zoning district boundary bisects a structure or tree so that part of the structure or tree is located in a zoning district and the other part is not, the entire structure or tree shall comply with the requirements of this chapter. If a zoning district boundary bisects a structure or tree so that part of the structure or tree is located in two or more zoning districts, the entire tree or structure shall comply with the strictest of the zoning districts. The zoning administrator shall have authority to determine the zoning district classification of parcels, structures, and trees.³

24.4-4 Maps

(a) **Title:** The map that depicts the location of the various zoning districts shall be entitled "Wittman Regional Airport Zoning Map – Winnebago County, Wisconsin." The map that depicts height limitations shall be entitled "Wittman Regional Airport Height Limitation Map – Winnebago County, Wisconsin."

(b) **Official Zoning Map:** The county clerk shall maintain one paper copy of the zoning map and height limitation map as the official map which shall be signed by the county executive and attested by the county clerk. If there is a discrepancy between this zoning map and other maps as may be made available, the map maintained by the county clerk shall control in all instances.

(c) **Availability:** The zoning map and height limitation map maintained by the county clerk shall be available for public inspection upon request. Other county departments may publish and distribute copies of the zoning map and height limitation map and may include information from these maps on the county's online GIS system.

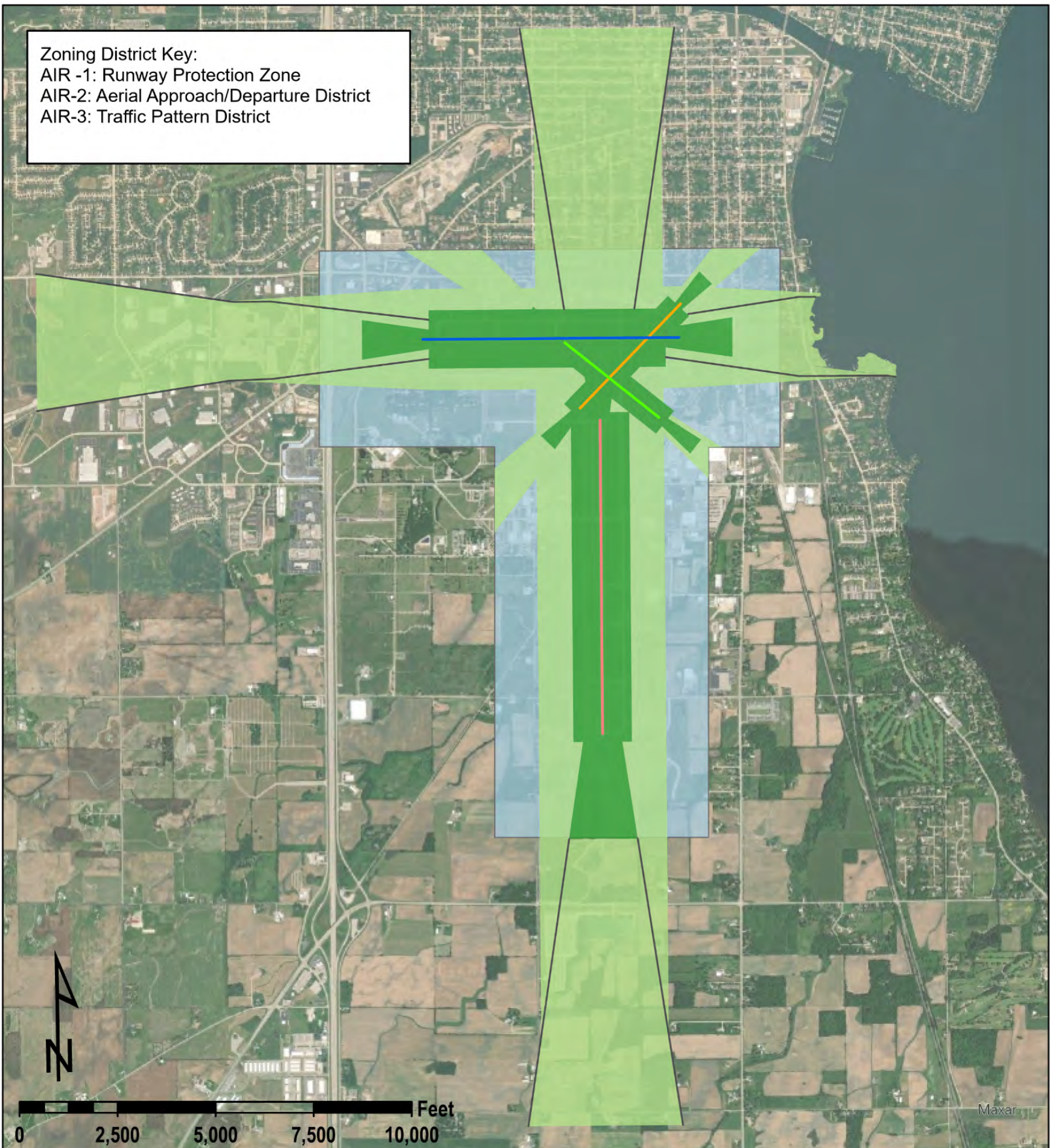
(d) **Preparation of a New Official Map:** In the event the zoning map and/or the height limitation map maintained by the county clerk is damaged, lost, or destroyed and after each amendment, the zoning administrator shall prepare a new zoning map and/or height limitation map and submit it to the county executive for certification and to the county clerk for attestation.

(e) **History of Amendment:** The zoning map and height limitation map maintained by the county clerk may contain a descriptive history of recent amendments that have been made, indicating the ordinance number and date of action.

(f) **Archive of Superseded Maps:** The county clerk shall maintain a permanent archive of superseded zoning maps and height limitation maps that are created after April 29, 2012.








(g) **Amendment:** The procedure and requirements to amend the zoning map and height limitation map are provided in Chapter 23 (Town/County Zoning Code), Section 23.7-1 of the General Code of Winnebago County.

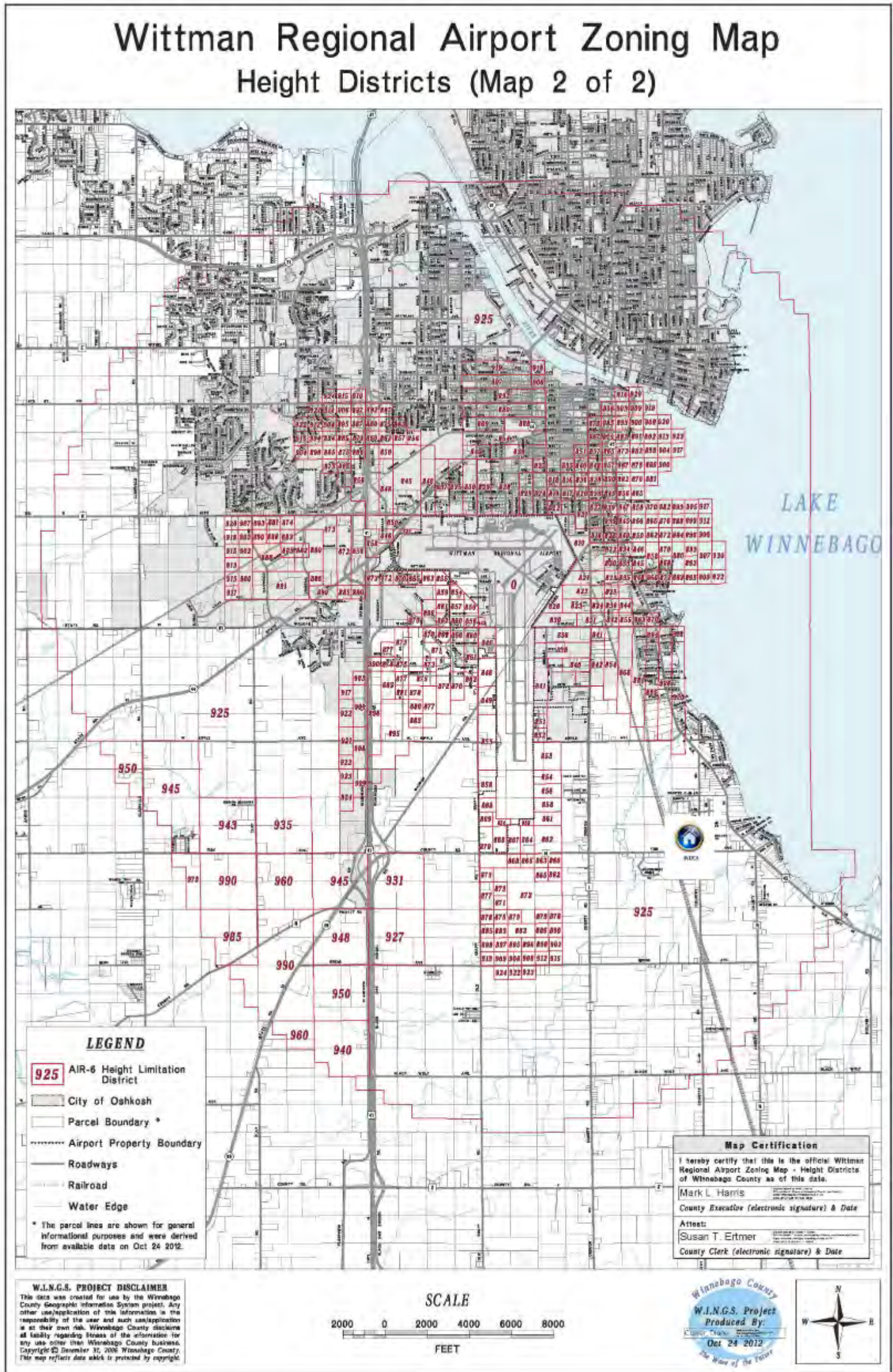
³ Commentary: The zoning administrator's decision is considered an administrative matter and may be appealed to the Board of Adjustment as provided for in Section 24.6.



**Wittman Regional Airport Zoning Map -
Winnebago County, Wisconsin
Map 1 of 2**

Legend

- | | |
|----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
|  Runway 18/36 |  Air-1 |
|  Runway 13/31 |  Air-2 |
|  Runway 09/27 |  Air-3 |
|  Runway 05/23 | |



Note: This existing map (Wittman Regional Airport Zoning Map Height Districts) will be updated as part of the ongoing ALP update. The update will switch the existing grid-based height limits to a GIS-based criteria.

ARTICLE 5

LAND USE

Sections

24.5-1	General standards	24.5-4	Traffic pattern (AIR-3) district
24.5-2	Runway protection (AIR-1) district	24.5-5	Height limitation (AIR-4) district
24.5-3	Aerial approach/departure (AIR-2) district		

24.5-1 General Standards

(a) **Interference with Avigation.** No use that may otherwise be permitted herein shall:

- (1) release into the atmosphere any substance that could impair visibility or otherwise interfere with the operation of aircraft;
- (2) Produce light emissions, whether direct or indirect (reflective), that could interfere with the operation of aircraft;
- (3) Produce electrical, magnetic, or other emissions that could interfere with the operation of aircraft, aircraft communication, or aircraft guidance systems;
- (4) Create standing water areas or detention/retention ponds which may attract wildlife; or
- (5) Create an avigation hazard of any other type.

(b) **Flammable and/or Combustible Materials.** No land use that may otherwise be permitted herein shall manufacture flammable and/or combustible materials. The handling and storage of flammable and/or combustible materials and materials which produce flammable or combustible vapors or gases shall be in accordance with applicable state laws, rules and regulations, and administrative orders.

24.5-2 Runway Protection (AIR-1) District

The only permitted land uses in the Runway Protection Zone (AIR-1) District are farming activities meeting airport design clearance standards, air navigation facilities, and airport service roads. All other uses are prohibited.

24.5-3 Aerial Approach/Departure (AIR-2) District

(a) Permitted uses. The following are permitted in the AIR-2 District:

- (1) Any land use that is either permitted by right or is permitted as a conditional use in the underlying zoning district, except for the following:
 - (i) New residential uses;
 - (ii) Multiple dwelling structures of developments exceeding 20 dwelling units per acre;
 - (iii) Hospitals;
 - (iv) Nursing homes;
 - (v) Educational facilities (pre-K through college, including universities) unless aviation related;
 - (vi) Outdoor stadiums;
 - (vii) Religious assembly buildings;
 - (viii) Theaters;
 - (ix) Amphitheaters
 - (x) Shooting/archery ranges; and
 - (xi) Model aircraft/rocket facilities



- (2) Aviation-related uses.
- (3) The following are land uses permitted as conditional use in the Air-2 District.:
 - (i) Group day care centers
 - (ii) Golf courses
 - (iii) Stand alone detention/retention ponds that are non-ancillary to other development
 - (iv) New and existing places of lodging
 - (v) Existing residential expansion (see 24.5-3(b))

All conditional uses are subject to review by the Oshkosh Planning Services Division if within the city limits of Oshkosh, and the Winnebago County Planning and Zoning Department if located elsewhere. Coordination with the OSH airport manager is required to review the applicability of the criteria. Places of assembly are permitted so long as underlying zoning district permits the use and the use is reasonable, does not have significant impact on airport operations, and mitigation measures are taken to alleviate significant, incompatible uses. The following are considerations as to whether the proposed use is significantly incompatible:

- (i) The place of assembly attracts significant numbers of people
- (ii) The place of assembly holds a significant density of customers
- (iii) The place of assembly is occupied by customers a significant amount of time
- (iv) The place of assembly has a low turnover of customers
- (v) The place of assembly is a height concern
- (vi) The place of assembly is a wildlife attractant
- (vii) The place of assembly presents visual obstructions or hinderances
- (viii) The place of assembly presents electronic interference
- (ix) The place of assembly is sensitive to noise

Uses considered as significantly incompatible would be considered on a conditional use basis requiring review by the Oshkosh Planning Services Division if within the city limits of Oshkosh, and the Winnebago County Planning and Zoning Department if located elsewhere. Coordination with the OSH Airport Manager is required to review the applicability of the criteria and evaluate the effectiveness of any proposed mitigation measures.

- (b) The following restrictions and regulations shall apply to existing uses in Air-2. All existing property uses allowed by the current zoning classifications, within the zones defined by this chapter can remain, subject to applicable federal, state, and local requirements including height limitations set forth in this chapter. This includes the construction of ancillary uses, such as garages, subject to existing local requirements. Nothing contained in this chapter shall require the removal of or any change in the construction, alteration, location, or use of any existing use; this includes the construction, alteration, or use of property or structural improvements lawfully in existence at the time of the effective date of this chapter, or which commenced prior to the effective date of this chapter and has been completed or is being diligently pursued. This includes vacant platted lots that were established to accommodate proposed development prior to the effective date of this chapter. It is further provided that the height limits of this chapter shall in no event be exceeded.
 - (1) Partial/Complete Destruction or Reconstruction. The owner of any existing use, building, or structure which, as a result of fire, flood, explosion, or other casualty is destroyed or is demolished by the owner, shall be allowed to rebuild, reconstruct, or rehabilitate the same existing use on the same parcel, provided the following requirements are met:
 - (i) The existing use is reviewed and complies with the Wittman Regional Airport Height Limitation Map and is not otherwise prohibited by the underlying zoning ordinance of the municipality with jurisdictional authority.
 - (2) Expansion of Existing Uses. Any existing use, as described in this chapter, may be expanded, altered, or

otherwise enlarged if the following requirements are met:

- (i) The expansion, alteration, or enlargement meets the requirements of the Wittman Regional Airport Height Limitation Map, meets the criteria for the existing land use with no change in zoning classification, and is not otherwise prohibited by the underlying zoning ordinance of the municipality with jurisdictional authority.
- (ii) Before any nonconforming structure may be replaced, altered, or rebuilt, approval shall be obtained and secured from the OSH Airport Manager, authorizing such change, replacement, or repair. No such approval shall be denied if the structure will not become a greater hazard to air navigation than it was on the effective date of this chapter, or than it was when the approval was requested.

24.5-4 Traffic Pattern (Air-3) District.

(a) **Permitted Uses:** Any land use that is either permitted by right or is permitted as a conditional use in the underlying zoning district are permitted in the Traffic Pattern (Air-3) District, except for the following:

- (1) Multiple dwelling structures of developments exceeding 20 dwelling units per acre
- (2) Educational facilities (pre-K through college, including universities) unless aviation related
- (3) Hospitals
- (4) Nursing homes
- (5) Outdoor stadiums
- (6) Religious assembly buildings
- (7) Theaters
- (8) Amphitheaters
- (9) Shooting ranges
- (10) Model aircraft/rocket facilities

(b) **Development Standards:** All new residential buildings shall be designed and constructed to provide a minimum of five (5) decibels extra noise reduction over the minimum standards contained in the state building codes. Certification of this requirement shall be provided by a registered architect or engineer who is licensed in the State of Wisconsin at the time of permit application up to and including the day after occupancy permit has been issued by the permit-issuing authority.

(c) **Existing Property Uses:** The following restrictions and regulations shall apply to existing uses in Air-3. All existing property uses allowed by the current zoning classifications, within the zones defined by this chapter can remain, subject to applicable federal, state, and local requirements including height limitations set forth in this chapter. This includes the construction of ancillary uses, such as garages, subject to existing local requirements. Nothing contained in this chapter shall require the removal of or any change in the construction, alteration, location, or use of any existing use; this includes the construction, alteration, or use of property or structural improvements lawfully in existence at the time of the effective date of this chapter, or which commenced prior to the effective date of this chapter and has been completed or is being diligently pursued. This includes vacant platted lots that were established to accommodate proposed development prior to the effective date of this chapter. It is further provided that the height limits of this chapter shall in no event be exceeded.

- (1) **Partial/Complete Destruction or Reconstruction.** The owner of any existing use, building, or structure which, as a result of fire, flood, explosion, or other casualty is destroyed or is demolished by the owner, shall be allowed to rebuild, reconstruct, or rehabilitate the same existing use on the same parcel, provided the following requirements are met:

- (i) The existing use is reviewed and complies with the Wittman Regional Airport Height Limitation Map and is not otherwise prohibited by the underlying zoning ordinance of the municipality with jurisdictional authority.
- (2) Expansion of Existing Uses. Any existing use, as described in this chapter, may be expanded, altered, or otherwise enlarged if the following requirements are met:
- (i) The expansion, alteration, or enlargement meets the requirements of the Wittman Regional Airport Height Limitation Map, meets the criteria for the existing land use with no change in zoning classification, and is not otherwise prohibited by the underlying zoning ordinance of the municipality with jurisdictional authority.
 - (ii) Before any nonconforming structure may be replaced, altered, or rebuilt, approval shall be obtained and secured from the OSH Airport Manager, authorizing such change, replacement, or repair. No such approval shall be denied if the structure will not become a greater hazard to air navigation than it was on the effective date of this chapter, or than it was when the approval was requested.
- (d) **Multiple Family Development Standards:** All new multiple family developments shall be required to meet the following development criteria:
- (1) Does not exceed height standards of the Height Limitation (Air-4) District
 - (2) Does not create a dense concentration of people that will result in residential dwelling unit densities exceeding twenty (20) dwelling units per acre
 - (3) Does not create a bird attractant
 - (4) Does not cause a distracting light or glare
 - (5) Does not cause a source of smoke
 - (6) Does not cause electrical interference
 - (7) Does not create standing water areas or detention/retention ponds which may attract wildlife
- (e) The following are land uses permitted as conditional use in the AIR-3 District:
- (1) Group day care centers
 - (2) Golf courses
 - (3) Campground use

All conditional uses are subject to review by the Oshkosh Planning Services Division if within the city limits of Oshkosh, and the Winnebago County Planning and Zoning Department if located elsewhere. Coordination with the OSH airport manager is required to review the applicability of the criteria.

24.5-5 Height Limitation (AIR-4) District

(a) **Generally:** Except as otherwise provided in this chapter, the height of a structure and the height of a tree in the Height Limitation (AIR-4) District shall not exceed the elevation indicated on the height limitation map referred to in Section 24.4. The foregoing restrictions do not apply to legal fences or to farm crops that are cut at least once a year.

(b) **Removal of Trees:** The zoning administrator may require a property owner to remove a tree that exceeds or is about to exceed the height restriction for the area in which it is located.

(c) **Marking of Certain Trees and Structures:** The zoning administrator may require the owner of a structure or a tree that exceeds the height restriction for the area in which it is located, to pay for all costs related to the installation, operation, and maintenance of markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.



**ARTICLE 6
ADMINISTRATION**

Sections

24.6-1	Compliance	24.6-7	Variances
24.6-2	Administration and enforcement	24.6-8	Administrative appeals
24.6-3	Site plan	24.6-9	Application fees and other charges
24.6-4	Avigation easements	24.6-10	Enforcement
24.6-5	Amendments	24.6-11	Penalties
24.6-6	Nonconformities		

24.6-1 Compliance

(a) **Land Use:** No building, land use, or zoning permits or approvals shall be issued by any municipality city, County, or any Town for a building located in any airport zoning district until a site plan as described in this section has been submitted to and approved by the zoning administrator.

(b) **Land Divisions:** All land divisions of five (5) acres or less, and all subdivision plats, are subject to review by the Winnebago County Planning and Zoning Committee for consistency with this chapter. In addition to plat review objection authority, land divisions of five (5) acres or less in size shall adhere to the certified survey map provisions of Chapter 18 (Subdivision and Platting), Section 18.14, of the General Code of Winnebago County in order to ensure that developmental densities and/or uses are not in conflict with airport operations.

24.6-2 Administration and Enforcement

(a) **Generally:** Although the regulations in this chapter may govern land use in municipalities that have their own zoning regulations, Winnebago County shall be responsible for the administration and enforcement of these regulations in those areas.

(b) **Delegation of Authority to a Municipality:** Upon request from an affected municipality, the Winnebago County Board of Supervisors may adopt a resolution giving that municipality the right and responsibility of ensuring that development within their jurisdiction complies with the requirements of this chapter. The Board may without restriction amend or repeal such resolution without having first received a request of the municipality covered by that resolution.

24.6-3 Site Plan

(a) **Generally:** A site plan shall be submitted to the zoning administrator for approval prior to issuance of a building, land use, or zoning permit. Additionally, review of the site plan by the OSH airport manager is required where applicable under 24.5-3(a)(4), 24.5-3(b)(2)(ii), and 24.5-4(b)(2)(ii). All building plans shall be in compliance with the approved site plan. Amendments to the approved site plan shall require the resubmission of the site plan for review and action in the same manner as the original application for review and approval.

(b) **Content:** A site plan shall contain the information described in Chapter 23 (Town/County Zoning Code), Section 23-7, of the General Code of Winnebago County. In addition, the following information shall be provided on a site plan:

- (1) The location and size of all above- and below-ground storage containers for flammable and/or combustible liquids and materials.



- (2) Diagrams to include the location, dimensions, and angles of any light reflective surfaces proposed in the development design, including detail on any exterior lighting.
- (3) Any additional information as requested by the zoning administrator to ensure compliance with this chapter.

24.6-4 Avigation Easements

When Winnebago County approves any of the following:

- (1) a land division under Chapter 18 (Subdivision and Platting) of the General Code of Winnebago,
- (2) a rezoning of land under Chapter 23 (Town/County Zoning Code) of the General Code of Winnebago County, or
- (3) the expansion of an existing principal use in excess of 50 percent of the gross floor area of such use, the property owner shall, as a condition of approval, provide an avigation easement to Winnebago County for the subject property in a form as approved by the zoning administrator.

24.6-5 Amendments

This chapter, including any zoning maps, may be amended from time to time by the Winnebago County Board of Supervisors pursuant to the procedures and requirements in § 114.136, Wis. Stats.

24.6-6 Nonconformities

(a) **Nonconforming Structures:** A nonconforming structure is allowed to continue and exist provided it meets the standards in Chapter 23 (Town/County Zoning Code), Section 23-13, of the General Code of Winnebago County, except that a nonconforming structure may only be reestablished if it meets the height restrictions of this chapter.

(b) **Nonconforming Land Uses:** A nonconforming use is allowed to continue and exist provided it meets the requirements in Chapter 23 (Town/County Zoning Code), Section 23-13, of the General Code of Winnebago County.

(c) **Registration of Nonconforming Structures and Land Uses:** The property owner may submit a petition to the zoning administrator to register a nonconforming structure or land use using the procedures and requirements in Chapter 23 (Town/County Zoning Code), Section 23-7, of the General Code of Winnebago County.

24.6-7 Variances

A property owner may submit a variance application to the Board of Adjustment for review and action using the procedures and requirements in Chapter 23 (Town/County Zoning Code) of the General Code of Winnebago County. Notwithstanding the forgoing, the Board of Adjustment shall not consider or issue a use variance.

24.6-8 Administrative Appeals

Any person may appeal an administrative decision of the zoning administrator that is made under the authority of this chapter using the procedures and requirements in Chapter 23 (Town/County Zoning Code) of the General Code of Winnebago County.

24.6-9 Application Fees and Other Charges

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

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

(c) **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 Winnebago

County Board of 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.

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

24.6-10 Enforcement

Any enforcement taken to ensure compliance with this chapter shall follow the enforcement procedures and requirements enumerated in Chapter 23 (Town/County Zoning Code), Section 23-14, of the General Code of Winnebago County.

24.6-11 Penalties

Any person who violates this chapter shall be subject to a forfeiture as provided for in this Section per violation along with the costs of prosecution. Any such person in default of payment of such forfeiture shall be imprisoned in the county jail for not more than 6 months. Payment of a forfeiture does not relieve the person from complying with this chapter. Each and every day the violation continues shall constitute a separate offense. In addition, Winnebago County adopts the citation system of enforcement of this chapter pursuant to §66.0113, Wis. Stats.

(a) **Cost pursuant to issued citation**

- (1) Failure to obtain a permit or other approval as required: \$200.00 plus court costs as may be allowed
- (2) All other violations of this chapter: \$300 plus court costs as may be allowed.

(b) **Cost pursuant to non-citation initiated civil complaint:** not less than \$200.00 nor more than \$1,000.00 plus court costs and cost of prosecution as may be allowed.

CHAPTER 24
WITTMAN REGIONAL AIRPORT ZONING CODE

24.1 – 24.6	Ordinance Adopted and Chapter 24 Created	March 20, 2012
24.1	GENERAL PROVISIONS	March 20, 2012
1-1	Name of Chapter	March 20, 2012
1-2	Authority Jurisdiction Legislative Findings Purpose Compliance Liability	March 20, 2012
1-3	Relationship of this Chapter to State and Federal	March 20, 2012
1-4	Regulations	March 20, 2012
1-5	Relationship of this Chapter to Private Agreements	March 20, 2012
1-6	Additional Local Regulations	March 20, 2012
1-7	No Defense to Nuisance Action	March 20, 2012
1-8	Applicability to Public Entities	
	Applicability to Projects Under the Purview of the Public	March 20, 2012
1-9	Service Commission	March 20, 2012
1-10		March 20, 2012
1-11		March 20, 2012
1-12		March 20, 2012
1-13		March 20, 2012
24.2	INTERPRETATION AND CONSTRUCTION General Rules of	March 20, 2012
2-1	Construction Responsibility for Interpretation Delegation of	March 20, 2012
2-2	Authority	March 20, 2012
2-3	Internal Conflicts	March 20, 2012
2-4	Use of Graphics, Illustrations, Headings, References, Statutory	March 20, 2012
2-5	Citations, and Commentary Notes	
	General Rules of Interpretation	March 20, 2012
24.3	DEFINITIONS	March 20, 2012
3-1	Words and Phrases Not Defined	March 20, 2012
3-2	Words and Phrases Defined	March 20, 2012
24.4	MAPS AND DISTRICTS	March 20, 2012
4-1	Generally	March 20, 2012
4-2	Establishment and Purpose of Zoning Districts	March 20, 2012
4-3	Determination of District Boundaries	March 20, 2012
4-4	Maps	March 20, 2012
24.5	LAND USE	March 20, 2012
5-1	General Standards	March 20, 2012
5-2	Runway Protection (AIR-1) District	March 20, 2012
5-3	Aerial Approach/Departure (AIR-2) District	March 20, 2012
5-4	Traffic Pattern (AIR-3) District	March 20, 2012
5-5	Height Limitation (AIR-4) District	March 20, 2012

24.6	ADMINISTRATION	
6-1	Compliance	March 20, 2012
6-2	Administration and Enforcement	March 20, 2012
6-3	Site Plan	March 20, 2012
6-4	Avigation Easements	March 20, 2012
6-5	Amendments	March 20, 2012
6-6	Nonconformities	March 20, 2012
6-7	Variances	March 20, 2012
6-8	Administrative Appeals	March 20, 2012
6-9	Application Fees and Other Charges	March 20, 2012
6-10	Enforcement	March 20, 2012
6-11	Penalties	March 20, 2012
	REVISION HISTORY	
24.4-4	Maps	January 10, 2014
24.5-4	Traffic Pattern (Air-3) District	May 20, 2014
24.4	Update Wittman Zoning Districts Map	June 17, 2020
24.4	Update Wittman Height Districts Map	June 17, 2020

Appendix B – Excerpt from LaCrosse Municipal Airport Overlay Zoning Ordinance

The La Crosse Municipal Airport implemented an airport overlay zoning ordinance in 2011. Part of the ordinance addresses existing uses and is presented here as an example of what OSH may want to consider. The section below is from Chapter 8 of the City of La Crosse Municipal Code of Ordinances.

Sec. 8-170. - Specific restrictions

The following specific use restrictions and regulations shall also apply:

(a) Existing Uses. All existing property uses allowed by the current zoning classifications, within the zones defined by this Ordinance can remain, subject to applicable federal, state, and local requirements including height limitations set forth in this Ordinance. This includes the construction of ancillary uses, such as garages, subject to existing local requirements. Nothing contained in this Ordinance shall require the removal of or any change in the construction, alteration, location, or use of any existing use; this includes the construction, alteration, or use of property or structural improvements lawfully in existence at the time of the effective date of this Ordinance, or which commenced prior to the effective date of this Ordinance and has been completed or is being diligently pursued. This includes vacant platted lots that were established to accommodate proposed development prior to the effective date of this Ordinance. It is further provided that the height limits of this Ordinance shall in NO event be exceeded.

(i) Partial/Complete Destruction or Reconstruction. The owner of any existing use, building, or structure which, as a result of fire, flood, explosion, or other casualty is destroyed or is demolished by the owner, shall be allowed to rebuild, reconstruct, or rehabilitate the same existing use on the same parcel, provided the following requirements are met:

a. The existing use is reviewed and complies with the La Crosse Municipal Airport Height Zoning Map and is not otherwise prohibited by the underlying zoning ordinance of the municipality with jurisdictional authority.

(ii) Expansion of Existing Uses. Any existing use, as described in this Ordinance, may be expanded, altered, or otherwise enlarged if the following requirements are met:

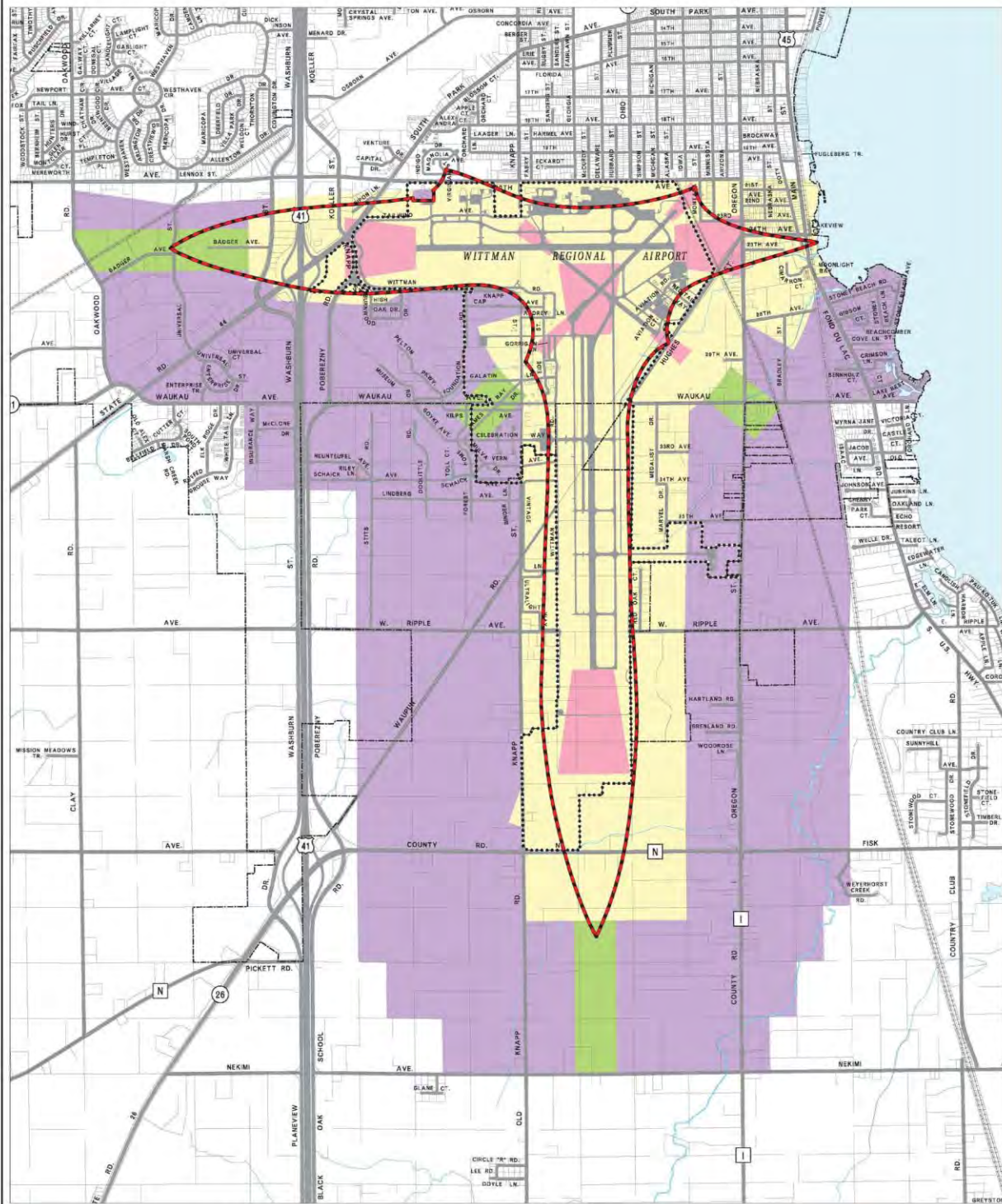
a. The expansion, alteration, or enlargement meets the requirements of the La Crosse Municipal Airport Height Limitation Zoning Map, meets the criteria for the existing land use with no change in zoning classification, and is not otherwise prohibited by the underlying zoning ordinance of the municipality with jurisdictional authority.

b. Before any nonconforming structure may be replaced, altered, or rebuilt, a permit shall be applied for and secured in the manner prescribed by Section (E)(1) of this Ordinance, authorizing such change, replacement, or repair. No such Permit shall be denied if the structure will not become a greater hazard to air navigation that it was on the effective date of this Ordinance, or than it was when the application for permit was made.

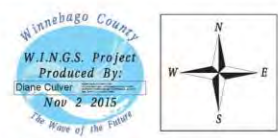
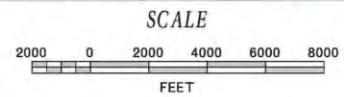
CURRENT OVERLAY MAP

Wittman Regional Airport Zoning Map

Zoning Districts (Map 1 of 2)



ZONING DISTRICTS		MAP FEATURES	
■	AIR-1 Runway Protection Zone		Airport Property Boundary
■	AIR-2 Airport Noise Cone		Roadways
■	AIR-3 Aerial Approach/Departure Zone		Railroads
■	AIR-4 Outer Approach/Departure Zone		Water Edge
■	AIR-5 Traffic Pattern Zone		Parcel Boundary *

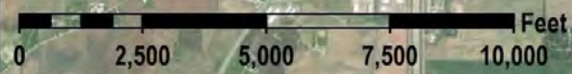
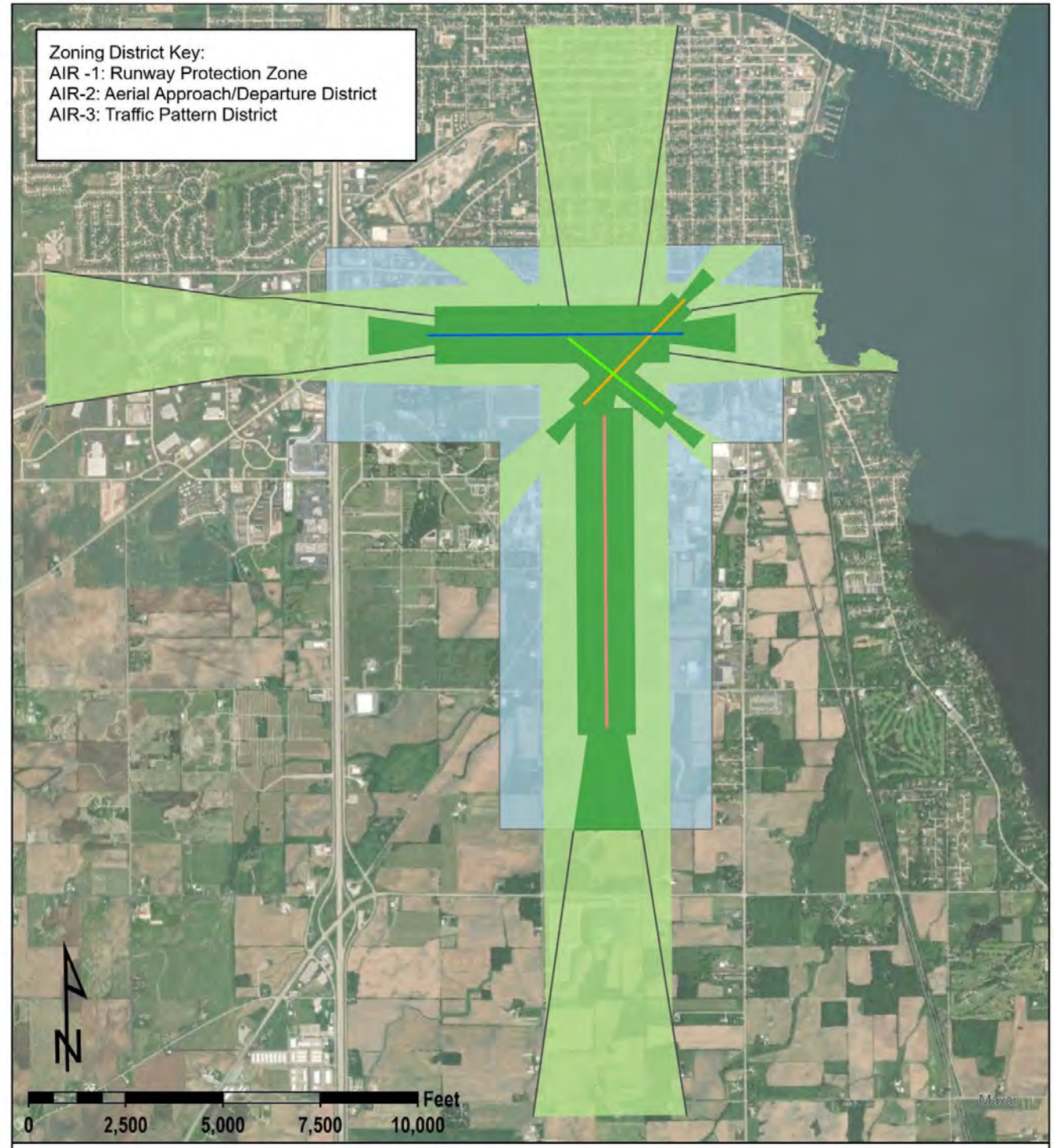


Map Certification
 I hereby certify that this is the official Wittman Regional Airport Zoning Map - Zoning Districts of Winnebago County as of this date.
 Mark L. Harris
 County Executive (electronic signature) & Date
 Attest:
 Susan T. Ertmer
 County Clerk (electronic signature) & Date

Recent Amendments (Since April 29, 2012)		
Ordinance	Date	General Description
232-82013	6-18-2013	Modified boundary of Air-3 and Air-5 districts
09/02/15	9-15-2015	Air-3/Air-2 to Air-5 for parcel 91323010007

PROPOSED OVERLAY MAP

Zoning District Key:
 AIR-1: Runway Protection Zone
 AIR-2: Aerial Approach/Departure District
 AIR-3: Traffic Pattern District



Wittman Regional Airport Zoning Map - Winnebago County, Wisconsin

Map 1 of 2

Legend			
—	Runway 18/36	■	Air-1
—	Runway 13/31	■	Air-2
—	Runway 09/27	■	Air-3
—	Runway 05/23		

W.I.N.G.S. PROJECT DISCLAIMER
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DATE: 02/28/23

R E S O L U T I O N

No. 003

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE 02/003/23

WHEREAS, it is desirable to amend the Zoning Map of the TOWN OF CLAYTON in accordance with the petition of PAUL & JOLENE MORAN and

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

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

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

see attached
County Board Supervisor
(Town of Clayton)

PARCEL NO: **006-0652-03-01, 006-0652-03-02;** FROM **A-2** TO **R-2**

COUNTY DISCLAIMER:

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

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____, 2023.

Jon Doemel

County Board Supervisory district **29 - YOUNGQUIST**



Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z MEETING AGENDA OF FEBRUARY 3, 2023

TO: Planning & Zoning Committee

FM: Zoning Administrator *CA*

RE: Review of Town Zoning Change(s)

1. Paul & Jolene Moran - Town Zoning Change (Tax ID No(s): 006-0652-03-01 & 006-0652-03-02) – Town of Clayton.

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

RECOMMENDATION: Approve a motion to forward zone changes to County Board for action. *TE, SI 2 5-0 approved*

2. Bret Blickhahn - Town Zoning Change (Tax ID No(s) 006-0816-01-03 & 006-0816-01-02) – Town of Clayton.

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

RECOMMENDATION: Approve a motion to forward zone changes to County Board for action. *TE, MG 2 5-0 approved*

3. Kevin & Janna Fischer - Town Zoning Change (Tax ID No(s): 006-0279-01) – Town of Clayton.

The town zoning change for Kevin & Janna Fischer is consistent with Winnebago County's Future Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agriculture District) to R-1 (Rural Residential District) and Winnebago County's future land use plan shows future land use as Residential.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action. *MG, HM2 5-0 Approved*

4. Town of Clayton - Town Zoning Change (Tax ID No(s) 006-0328-03) – Town of Clayton.

The town zoning change for the Town of Clayton is consistent with Winnebago County's Future Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agriculture District) to I-1 (Light Industrial District) and Winnebago County's future land use plan shows future land use as Non-Residential.

RECOMMENDATION: Approve a motion to forward zone changes to County Board for action. *MG, HM2 5-0 Approved*

5. Town of Clayton - Town Zoning Change (Tax ID No(s): 006-0340-02-01) – Town of Clayton.

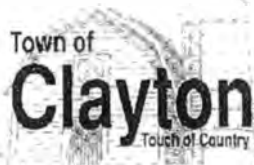
The town zoning change for the Town of Clayton is consistent with Winnebago County's Future Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agriculture District) to I-1 (Light Industrial District) and Winnebago County's future land use plan shows future land use as Non-Residential.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action. *MG, HM2 5-0 Approved*

6. Cody Robel - Town Zoning Change (Tax ID No(s) 006-0034-01) – Town of Clayton.

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

RECOMMENDATION: Approve a motion to forward zone changes to County Board for action. *SZ, HM2 5-0 Approved*



Thursday, August 18, 2022

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

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

Mr. Cary A. Rowe:

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

A Re-zoning application submitted by Paul & Jolene Moran, 2741 Holiday Ct., Neenah, WI 54956, for property located at 2741 Holiday Ct., Neenah, WI 54956, specifically described as Tax ID # 006-0652-03, Lot 3 of CSM 3396, being part of the Southeast ¼ of the Southwest ¼ of Section 25, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The re-zoning of this lot from A-2 (General Agriculture District) to R-2 (Suburban Residential District).

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

Sincerely,

A handwritten signature in cursive script that reads "Tori Straw".

Tori Straw
Town Administrator

CC County Clerk, Sue Ertmer

Town of Clayton

RE-ZONING APPLICATION

Mail: 8348 County Road T - Larsen, WI 54947
Phone - 920-836-2007 Fax - 920-836-2026 Email - tocadmin@new.rr.com

Property Owner(s): Paul & Jolene Moran

Address/Zip: 2741 Holiday Court

Phone: (920) 725-6304 Fax: _____ E-Mail: paulmoran@mac.com

Applicant: Jim Schloff, Davel Engineering & Environmental Inc.

Check: Architect ___ Engineer ___ Surveyor x Attorney ___ Agent ___ Owner ___

Address/City/Zip: Jim Schloff PLS Davel Engineering & Environmental, Inc. 1164 Province Terrace, Menasha

Phone: 920-580-6562 Fax: _____ E-Mail: jim@davel.pro

Describe the reason for the Re-Zoning: Proposed CSM with less than a 5 acre lot Therefore we are requesting a Rezone to R-2 Suburban Residential

Re-Zoning Specifics:

No. of Lots: 1 Total Acreage: 3.14 Ac Tax Key No.: Part of 006-0652 - 03

Legal Description: Lot 2 of Proposed CSM being Part of Lot 3 of CSM 339 6 SE 1/4 of SW 1/4 Sec 25, T20N R16E

Current Zoning: General AG

I certify that the attached drawings are to the best of my knowledge complete and drawn in accordance with all Town of Clayton codes.

Applicant Signature:  Date: _____

For Town Use Only			
Fee (see Fee Schedule)			
Fee: <u>300</u>	Check # <u>14453</u>	Receipt <u>TWS</u>	Date <u>7/11/02</u>
Date Received Complete _____	By _____	App. No. _____	
Review Meetings - Plan Comm _____	Town Board _____		
Newspaper Publication Dates _____	& _____	Posting Date _____	
300' Neighborhood Notice Distribution _____			
Re-Zoning is: Approved _____	Denied _____		
Comments _____			

Notes: 1. Please notify utility companies regarding your proposed development. 2. A Re-Zoning approval does not constitute approval of a building permit or any required approval of a highway connection permit. 3. A Re-Zoning Application & Fee must be submitted 20 working days prior to meeting.

To print, click the disk icon below -> then PDF

1 of 1

Find | Next



Parcel Profile Report for 006065203

Real Estate Property & Tax Information

[Interactive Map](#)

This tax information was compiled on THURSDAY, AUGUST 4, 2022

[More Details](#)

Mailing Address:

MORAN, PAUL
MORAN, JOLENE
2741 HOLIDAY CT
NEENAH WI 54956

Owner(s):

MORAN, JOLENE
MORAN, PAUL

Tax Parcel Number:

006065203

Tax District:

006-TOWN OF CLAYTON

Acres:

9.37

School District:

3892-NEENAH JOINT SCHOOL DISTRICT

[Interactive Map](#)

Assessed Values

[More Assessment Details](#)

Land:

\$134,400

Improvements:

\$1,040,800

Total:

\$1,175,200

Brief Property Description (for a complete legal description, see recorded document):

PT SE SW DESC AS LOT 3 OF CSM-3396 9.37 A.

Document Number:

1876843

Site Address(es):

2741 HOLIDAY CT

NEENAH WI 54956

Public Land Survey System (PLSS) Information

[Interactive Map](#)

Physical Location(s):

SE 1/4, SW 1/4 of Section 25, T.20N. - R.16E., TOWN OF CLAYTON

General Zoning Information

District:

A-2
GENERAL AGRICULTURE
DISTRICT

Jurisdiction:

TOWN OF CLAYTON

[Interactive Map](#)

Extraterritorial:

CITY OF NEENAH

Shoreland:

NONE

[Interactive Map](#)

Navigable Stream and Surface Water Drainage Information

[Interactive Map](#)

Classification:

NONE

Source:

Type:

Surface Water Drainage Dist:

NONE

Airport Zoning and Height Limitation Information

Airport:

NONE

District(s):

Elevation Range:

816 - 842

Height Limitation(s):

NONE

Building Height:

County Floodplain and FEMA Special Flood Hazard Area (SFHA) Information

[Interactive Map](#)

County District:

NONE

SFHA Zone:

ZONE X

SFHA Zone Type:

OUTSIDE FLOODPLAIN

FIRM Panel:

55139C0095E

Map Effective Date:

MARCH 17, 2003

Wisconsin Wetland Inventory Information

[Interactive Map](#)

Area Code: Area Description:

A2/W0H AQUATIC BED, OPEN WATER

Source:

WI DNR

Future Land Use Planning Information

County Use:	Municipal Planning Authority:	Municipal Use:
RESIDENTIAL	TOWN OF CLAYTON	RESIDENTIAL - SINGLE AND TWO FAMILY

Elevation Information (NAV88, US Survey Feet)

[Interactive Map](#)

Range:	Elevation Change:	Average:
816 - 842	26	829

Soil Survey Information

[Interactive Map](#)

Symbol:	Name:	Drainage Class:	Farmland Class:	Hydrologic Group:
HrB	Hortonville silt loam, 2 to 6 percent slopes	Well drained	II	C
HrC2	Hortonville silt loam, 6 to 12 percent slopes, eroded	Well drained	III	C
MaA	Manawa silty clay loam, 0 to 3 percent slopes	Somewhat poorly drained	II	D
Pg	Pits, gravel		VIII	

Election Information

Type:	District:	Voting Ward:
WINNEBAGO COUNTY BOARD OF SUPERVISORS	29	3
Supervisor:	Polling Place:	
<u>RACHEL A. YOUNGQUIST</u>	CLAYTON MUNICIPAL BUILDING 8348 COUNTY RD. T	

2010 United States Census Bureau Information

State and County FIPS code(s):	Tract:	Block:	Total Population:
55 139	002300	2027	175

Historical Photography Information

Flight Year:	File Name:
1941	<u>AIW-2B-8-41.tif</u>
1957	<u>AIW-1T-86-57.tif</u>
1975	<u>2016-75.tif</u>
1981	<u>I-3-81.tif</u>

Special Casing Area Requirements for Arsenic Information

[Casing Map](#)

Special well casing depth area for Winnebago County - effective October 1, 2004

[More Details](#)



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Certified Survey Map No. _____

All of Lot 3, Certified Survey Map 3396 being part of the Southeast 1/4 of the Southwest 1/4, Section 25, Township 20 North, Range 16 East, Town of Clayton, Winnebago County, Wisconsin.

Right to Farm Statement

The Lot created on the Certified Survey Map is adjacent to properties that, as of this document, are being used for agricultural purposes. Some individuals believe that the activities associated with the agricultural use constitute a nuisance or conflict with the quiet enjoyment of their property. This statement is intended to provide third parties with notice that agricultural activities may exist on the adjacent properties.

LEGEND

- 3/4" x 18" Steel Rebar @ 1.50lbs/LF SET
- ⊙ Masonry (PK) Nail SET
- 3/4" Rebar Found
- 1.3" O.D. Iron Pipe Found
- ⊙ Government Corner
- () Recorded As



Bearings are referenced to the South line of the Southwest 1/4, Section 25, T20N, R16E, assumed to bear N89°32'12"E, base on the Winnebago County Coordinate System.



Donald E. & Patricia Prellwitz

TOWN OF CLAYTON
Board of Supervisors
Meeting Minutes
Wednesday, August 17, 2022
7:00 P.M.

Town Meeting Room, 8348 County Road T, Larsen, WI 54947

I. Call to Order: Town Board Chair Geise called the meeting to order at 7:00 p.m.

A. Pledge of Allegiance

B. Verification of Notice

C. Meeting Roll

a. Board of Supervisors

Chair Geise

PRESENT

Supervisor Lettau

PRESENT

Supervisor Grundman

PRESENT

Supervisor Reif

EXCUSED

Supervisor Christianson

PRESENT

b. Staff

Administrator Straw

PRESENT

Clerk Faust-Kubale

PRESENT

Engineer Hamblin

PRESENT

Town Attorney LaFrombois

ARRIVED 7:24 PM

II. Public Hearing(s) and/or Public Information Meeting(s):

A. No Public Hearings.

III. Approval of Minutes:

A. Approval of the Minutes of the Wednesday, August 3, 2022 Town Board Meeting.

MOTION:

Motion made by unanimous consent to approve the August 3, 2022 Meeting Minutes as presented.

Motion carried.

IV. Open Forum – Town-related matters not on the agenda: NONE

V. Correspondence:

A. Distribution of the August 9, 2022 Neenah Public Library Board Meeting Minutes.

B. Distribution of the July/August 2022 Boardman and Clark Municipal Law Newsletter.

- Chair Geise noted that in the newsletter it was reported that the WI Supreme Court ruled election drop boxes to be illegal and ballots need to be mailed or dropped off by the voter.

VI. Discussion Items (No action will be taken):

- A. County Supervisor Report - NONE
- B. Winnebago County Sheriff's Department: Public Concerns and Issues - NONE
- C. Department of Public Safety - NONE
- D. Larsen/Winchester Sanitary District - NONE
- E. Administration Comments
 - Chair Geise reported there was a second meeting regarding the Winneconne Joint Municipal Court. At that meeting, the Town Chairs present discussed the possibility of sharing a Code Enforcement Officer and are planning to set another meeting with Village of Winneconne in the next few weeks to continue discussions.
 - Chair Geise also noted in response to comments made at the Public Hearings at the last Town Board meeting, that the 2020 Census estimate numbers show the Town has had an increase in population of 46 persons and is second in size only to Town of Algoma. Chair Geise hoped that these facts would help correct the assertions made residents are leaving the Town because of taxes.
 - Administrator Straw also reminded that the Fire Department Touch A Truck event is this weekend and encouraged all to attend.

VII. The Operator Licenses Issued by the Town Clerk:

- A. New:
 - a. Mary Meyer
- B. Renewal:
 - a. None

VIII. Business referred by the Plan Commission:

- A. Plan Commission review and recommendation on the Conditional Use Application submitted by Robert Ketter & Mary Platt for property located at 2682 Megan Way, Neenah, WI 54956, specifically described as Tax ID #006-1526, Breaker Ridge Plat Lot 37 and being part of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 25, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Conditional Use Application is Short-term Rental of their Single-Family Primary Residence.
 - Chair Knapinski noted this item did have a Public Hearing, and after discussion by the Commissioners, was tabled.
- B. Plan Commission review and recommendation on the Conditional Use Application submitted by Joe & Christy Pitsch for property located at 3620 Park Lane Dr., Neenah, WI 54956, specifically described as Tax ID # 006-1174, being part of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 10, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Conditional Use Application is for Backyard Chickens.
 - Chair Knapinski noted the Commissioners recommended approval of this item and the owners were amenable to all conditions.

- C. Plan Commission review and recommendation on a Re-zoning Application submitted by Bret Blickhahn, 4362 Rocky Road, Oshkosh, WI 54904, for property owned by Bret Blickhahn, 4362 Rocky Road, Oshkosh, WI 54904 and located at 7379 Jensen Road, Oshkosh, WI 54904, specifically described as Tax Id # 006-0816-01, Lots 2 & 3 of proposed CSM, being part of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 32, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Re-zoning is from A-2 (General Agriculture District) to R-1 (Rural Residential District).
- Chair Knapinski reminded the Board that the CSM was approved last month, and the re-zone application was required because Lots 2 & 3 of the CSM are under the 5-acre minimum.
- D. Plan Commission review and recommendation on a Certified Survey Map Review Application submitted by Paul & Jolene Moran, 2741 Holiday Ct., Neenah, WI 54956, for property located at 2741 Holiday Ct., Neenah, WI 54956, specifically described as Tax ID # 006-0652-03, Lot 3 of CSM 3396, being part of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 25, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
- Chair Knapinski noted that this CSM is to subdivide a large lot and it is at the end of a cul-de-sac. Chair Knapinski noted there was some concern over the narrow drive on the new parcel, but it does meet the requirements so the Commission recommends approval.
- E. Plan Commission review and recommendation on a Re-zoning application submitted by Paul & Jolene Moran, 2741 Holiday Ct., Neenah, WI 54956, for property located at 2741 Holiday Ct., Neenah, WI 54956, specifically described as Tax ID # 006-0652-03, Lot 3 of CSM 3396, being part of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 25, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The re-zoning of this lot from A-2 (General Agriculture District) to R-2 (Suburban Residential District).
- Chair Knapinski noted this corresponds with the CSM in item D and the application is required as the new lot is under the 5-acre minimum.
- F. Plan Commission review and recommendation on a Sign Review Application submitted by Fox Cities Sign, 1125D Tuckaway Ln, Menasha, WI 54952 for property owned by Dale Mart, LLC, 8510 State Road 76, Neenah, WI 54956, specifically described as Tax ID 006-0361, being part of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 13, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
- Chair Knapinski noted this item was tabled by the Commissioners due to some confusion over the sign and conflicting applications received.
- G. Plan Commission review and recommendation on a Sign Review Application submitted by Nicolet Lumber Company, 4050 Nicolet Drive, Green Bay, WI 54311 for property owned by Premier Clayton, LLC, 9105-9121 Clayton Ave, Neenah, WI 54956, specifically described as Tax ID 006-0329, being part of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 12, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Chair Knapinski noted this is for an entry sign to the new apartment complex, and the condition added by the Commissioners was that it be added at least 10 feet off the Right of Way which the builders have assured it will be.
- H. Plan Commission review and recommendation on appointing members to an Ad Hoc Committee to review/update/recreate the Town's Site Plan Review Procedures and Requirements.
- Chair Knapinski noted the list was approved with Commissioner Haskell volunteering to be the Commission representative for this committee. Administrator Straw clarified no Board action is needed on this item.
- I. Plan Commission review and discussion on Farm-Raised Fish/Fish Farming in the Suburban Residential (R-2) District.
- Chair Knapinski noted this request came about because a resident has a pond and wanted to stock fish for private use and there was no other category that was applicable.
 - Chair Geise asked if this would be similar to a koi pond, and Engineer Hamblin noted that those would be technically considered landscaping.
- IX. Business referred by the Parks & Trails Committee:
- A. Parks & Trails review and discussion of a future location for the addition of Pickle Ball Court(s).
- Chair Geise noted this was a discussion only item and no recommendations are before the Board.
- B. Parks & Trails review and discussion to update Part 3 of the Town of Clayton Comprehensive Plan: "Park and Open Space Plan 2016-2020".
- Chair Geise noted this was a discussion only item and no recommendations are before the Board.
- X. Business:
- A. Discussion/Action: Town Board review and consideration of the Conditional Use Application submitted by Joe & Christy Pitsch for property located at 3620 Park Lane Dr., Neenah, WI 54956, specifically described as Tax ID # 006-1174, being part of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 10, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Conditional Use Application is for Backyard Chickens.

The Board received in the Plan Commission Meeting Packets, the review material and the minutes from the Plan Commission Meeting. The Plan Commission did recommend approval.

MOTION:

Motion made by unanimous consent to approve the Conditional Use Application submitted by Joe & Christy Pitsch for property located at 3620 Park Lane Dr., Neenah, WI 54956,

specifically described as Tax ID # 006-1174, being part of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 10, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin for backyard chickens with all Staff and Plan Commission recommendations.

Motion carried.

- B. Discussion/Action: Town Board review and consideration of a Re-zoning Application submitted by Bret Blickhahn, 4362 Rocky Road, Oshkosh, WI 54904, for property owned by Bret Blickhahn, 4362 Rocky Road, Oshkosh, WI 54904 and located at 7379 Jensen Road, Oshkosh, WI 54904, specifically described as Tax Id # 006-0816-01, Lots 2 & 3 of proposed CSM, being part of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 32, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Re-zoning is from A-2 (General Agriculture District) to R-1 (Rural Residential District).

The Board received in the Plan Commission Meeting Packets, the review material and the minutes from the Plan Commission Meeting. The Plan Commission did recommend approval.

MOTION:

Motion made by unanimous consent to approve the Re-zoning Application submitted by Bret Blickhahn, 4362 Rocky Road, Oshkosh, WI 54904, for property owned by Bret Blickhahn, 4362 Rocky Road, Oshkosh, WI 54904 and located at 7379 Jensen Road, Oshkosh, WI 54904, specifically described as Tax Id # 006-0816-01, Lots 2 & 3 of proposed CSM, being part of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 32, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin to re-zone Lots 2 & 3 of the proposed CSM from A-2 (General Agriculture District) to R-1 (Rural Residential District).

Motion carried.

- C. Discussion/Action: Town Board review and consideration of a Certified Survey Map Review Application submitted by Paul & Jolene Moran, 2741 Holiday Ct., Neenah, WI 54956, for property located at 2741 Holiday Ct., Neenah, WI 54956, specifically described as Tax ID # 006-0652-03, Lot 3 of CSM 3396, being part of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 25, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

The Board received in the Plan Commission Meeting Packets, the review material and the minutes from the Plan Commission Meeting. The Plan Commission did recommend approval.

MOTION:


Motion made by unanimous consent to approve the Certified Survey Map Review Application submitted by Paul & Jolene Moran, 2741 Holiday Ct., Neenah, WI 54956, for property located at 2741 Holiday Ct., Neenah, WI 54956, specifically described as Tax ID # 006-0652-03, Lot 3 of CSM 3396, being part of the Southeast ¼ of the Southwest ¼ of Section 25, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin with all Staff and Plan Commission recommendations.

Motion carried.

D. Discussion/Action: Town Board review and consideration of a Re-zoning application submitted by Paul & Jolene Moran, 2741 Holiday Ct., Neenah, WI 54956, for property located at 2741 Holiday Ct., Neenah, WI 54956, specifically described as Tax ID # 006-0652-03, Lot 3 of CSM 3396, being part of the Southeast ¼ of the Southwest ¼ of Section 25, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The re-zoning of this lot from A-2 (General Agriculture District) to R-2 (Suburban Residential District).

The Board received in the Plan Commission Meeting Packets, the review material and the minutes from the Plan Commission Meeting. The Plan Commission did recommend approval.

MOTION:



Motion made by unanimous consent to approve the Re-zoning application submitted by Paul & Jolene Moran, 2741 Holiday Ct., Neenah, WI 54956, for property located at 2741 Holiday Ct., Neenah, WI 54956, specifically described as Tax ID # 006-0652-03, Lot 3 of CSM 3396, being part of the Southeast ¼ of the Southwest ¼ of Section 25, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin to re-zone Lot 2 of the proposed CSM from A-2 (General Agriculture District) to R-2 (Suburban Residential District).

Motion carried.

E. Discussion/Action: Town Board review and consideration of a Sign Review Application submitted by Nicolet Lumber Company, 4050 Nicolet Drive, Green Bay, WI 54311 for property owned by Premier Clayton, LLC, 9105-9121 Clayton Ave, Neenah, WI 54956, specifically described as Tax ID 006-0329, being part of the Southeast ¼ of the Northeast ¼ of Section 12, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

The Board received in the Plan Commission Meeting Packets, the review material and the minutes from the Plan Commission Meeting. The Plan Commission did recommend approval.

MOTION:

Motion made by unanimous consent to approve the Sign Review Application submitted by Nicolet Lumber Company, 4050 Nicolet Drive, Green Bay, WI 54311 for property owned by Premier Clayton, LLC, 9105-9121 Clayton Ave, Neenah, WI 54956, specifically described as Tax ID 006-0329, being part of the Southeast ¼ of the Northeast ¼ of Section 12, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Motion carried.

- F. Discussion/Action: Town Board review and consideration of Resolution 2022-015 A Resolution Authorizing a Referendum for the Town of Clayton to Allow the Town to Exceed the State Imposed Levy Limit beginning with the 2022 Levy (Collected in 2023).

The Board reviewed a copy of Resolution 2022-015. The Town Board held the Public Hearing for this item at the August 03, 2022 Board Meeting. At the Public Hearing, the residents that were in attendance expressed their desire to not have a Police Officer at this time. However, they did express a desire to allow the Board to exceed the Levy Limit based on the need for additional staff.

Because the Resolution was based on exceeding the Levy Limit with the full \$250,000.00, the Administration respectfully requested the Board table approving the Resolution until the Staff could correct it with the appropriate numbers and language.

The numbers, calculations, and language has been corrected with the \$100,000.00 increase in the levy, as agreed upon by the electors present at the Public Hearing.

- Chair Geise noted that the public comment coming out of the Public Hearing was taken into consideration in revising the Resolution to reflect only the need for additional staff, and thanked the residents that participated. Chair Geise questioned if the action needed to state the dollar amount of the Resolution and Attorney LaFrombois did not feel it needed to be expressly called out since it is in the Resolution document.

MOTION:

Motion by: Supervisor Grundman
Second by: Supervisor Christianson

Motion made to approve the Resolution 2022-015 A Resolution Authorizing a Referendum for the Town of Clayton to Allow the Town to Exceed the State Imposed Levy Limit beginning with the 2022 Levy (collected in 2022/2023) and direct staff to provide the County Clerk a certified copy to ensure the referendum question will be placed on the November 8, 2022 election ballot for all wards within the Town.

ROLL CALL:

Supervisor Lettau	Aye
Supervisor Grundman	Aye
Chair Geise	Aye

Supervisor Christianson Aye

Motion carried 4-0.

G. Discussion/Action: Town Board review and consideration of a Continuing Disclosure Master Agreement for Ehlers, Inc., N21W23350 Ridgeview Pkwy, Waukesha, WI 53188 to engage their services for Municipal Debt Issuance and Management.

The Board reviewed will a copy of the Continuing Disclosure Master Agreement with Ehlers to engage their services for Municipal Debt Issuance and Management.

Brian Roemer, Municipal Advisor, with Ehlers will be at the meeting to introduce himself and Ehlers to the Board. The Town's previous Financial Advisor, Jeff Belongia, will no longer be working with the Town. The Staff and Administration have not been pleased with Mr. Belongia's approach to Municipal General Obligation Debt. Mr. Belongia and the previous Administration, has placed the Town in a precarious position with GO Debt.

With the help of Ms. Ginny Hinz, the Town's Financial Advisor, and the help of Ehlers, the Administration and Staff have been working on a financial plan that will enable the Town to grow without putting the Town into financial situation that cannot be reversed.

- Chair Geise noted that the previous firm was not doing a good job for the Town and now looking to make a change.
- Lisa Tuchatoski, representing Ehlers, noted that the firm is a financial advisor for municipalities and would have a fiduciary duty to the Town if they are contracted.
- Brian Roemer spoke that Ehlers is certified to opine on debt and issuance of debt and is the only independent firm and represents many towns throughout the state. Mr. Roemer noted that the main focuses they are proposing for the Town are for issuance, management, and continuing disclosure & arbitrage. Mr. Roemer also noted the firm can help with reporting requirements.
- Supervisor Grundman asked where they are based and Mr. Roemer replied Waukesha but travel throughout the state and have other clients in Winnebago County as well.
- Chair Geise asked if this will be replacing the current Financial Advisor Ginny Hinz and Administrator Straw noted they will be working in conjunction as Ms. Hinz cannot provide some of the services that Ehlers does and they would be filling those gaps.

MOTION:

Motion made by unanimous consent to approve the Continuing Disclosure Master Agreement for Ehlers, Inc. to engage their services for Municipal Debt Issuance and Management and direct Staff to sign the agreement and return the signed document to the appropriate persons.

Motion carried.

H. Discussion/Action: Town Board review and consideration of appointing Rob Ketter to Plan Commission for the remainder of Brian White's 3-year term ending April 30, 2025.

Brian White expressed his desire to leave the Plan Commission with the caveat that he would remain a Commissioner until his replacement could be found.

Brian served as a Commissioner from May 1, 2019 until present and has served the Plan Commission well. We will be sorry to see him go, but welcome Mr. Ketter.

- Chair Geise asked how long Mr. Ketter has been a resident of the Town, and Mr. Ketter replied about a year. Chair Geise expressed his thanks for becoming more involved with the Town.

MOTION:

Motion made by unanimous consent to appoint Rob Ketter to the Plan Commission for the remainder of Brian White's 3-year term ending April 20, 2025 and direct staff to notify the appropriate personnel of the change.

Motion carried.

- I. Discussion/Action: Town Board review and consideration of Clayton Fire Rescue Standard Operating Policy Staff Vehicle Use.

The Board reviewed a copy of Clayton Fire Rescue Standard Operating Policy Staff Vehicle Use. For the past several months, there have been reports that the Department of Public Safety Vehicle has been used for personal use, rather than Town Business.

The Administration and Staff spoke with the Town Chair regarding this matter and resolved to create a policy for the use of Command 43, so that when reports come in, the policy can be referred to.

MOTION:

Motion made by unanimous consent to approve the Clayton Fire Rescue Standard Operating Policy: Staff Vehicle.

Motion carried.

- J. Discussion/Action: Town Board review and consideration of consideration of the Town Administrator Contract for the remainder of CY 2022 through December 2023.

The Board reviewed a copy of the Town Administrator Contract and background check for Kelly Wisnefske. As approved at the August 3, 2022 Board meeting, Kelly will be starting as the Town Administrator on September 6, 2022 with Tori taking on the role of Interim Treasurer until a Treasurer can be found. At that time, Tori will be training new office staff for the remainder of her contract.

The Contract contains all items agreed upon by the Board during the deliberation on Friday, July 29, 2022.

MOTION:

Motion made by unanimous consent to approve the Town Administrator Contract for the remainder of CY 2022 through December 2023 with an official start date for Ms. Wisniewski of September 6, 2022.

Motion carried.

K. Discussion/Action: Town Board review and consideration of the Agreement for Professional Services submitted by McMahon Engineering for Construction Engineering and Staking Services for Phase 1 American Drive Extension for a cost of \$27,500.00.

The Board reviewed a copy of the Agreement for Professional Services submitted by McMahon Engineering for Construction Engineering and Staking Services for Phase 1 American Drive Extension. This agreement has come in considerably lower than first anticipated with a cost of \$27,500.

MOTION:

Motion made by unanimous consent to approve the Agreement for Professional Services submitted by McMahon Engineering for Construction Engineering and Staking Services for Phase 1 American Drive Extension for a cost not to exceed \$27,500.00.

Motion carried.

L. Discussion/Action: Town Board review and consideration of increasing the purchase power of the Administrator to \$5,000.00.

The Board reviewed a copy of the amended Town of Clayton Town Purchasing Procedures Policy.

The Board approved an increase of the purchasing authorization for the Town Administrator on April 7, 2021 from \$1,500 to \$2,500 for routine purchases for the Town. In July, 2021, the Board approved an increase of the purchasing authorization for the Town Department Heads from \$500 to \$1,000.

As prices continue to rise, and the Town's equipment continue to age, the Town Administration and Staff are requesting the Board increase the purchasing authorization for the Town Administrator to reduce the amount of time required to have routine maintenance and repairs done to the equipment.

- Chair Geise noted this has been a contentious issue as things have become more expensive, especially repairs to Town equipment, the current limit of \$2,500.00 is no longer sufficient. Chair Geise noted there are work arounds, but that causes potentially more costly delays as multiple purchase orders need to be issued over multiple days, with Public Works being the most affected by the current limit.
- Administrator Straw cited the example of the new disc golf baskets having to go before the Board multiple times because of the cost.

MOTION:

Motion made by unanimous consent to approve the amended Town of Clayton Town Purchasing Procedures Policy showing the increase of the purchasing power of the Administrator to \$5,000.00.

Motion carried.

M. Discussion/Action: Town Board review and consideration of the Amendment to the Offer to Purchase for Parcel #006-0340-02-01 for \$425,555.00.

The Board reviewed a copy of the Amendment to the Offer to Purchase for Town-owned property on the Northeast corner of the future West American Drive & Eagle Heights, specifically described as Tax ID #006-0340-02-01 in the amount of \$425,555.000.

This item was on the July 20, 2022 Board meeting. During the discussion the Town's Attorney requested the item be tabled until the Attorney had a chance to look at the document. The document is showing the Attorney's amendments to the original Offer to Purchase.

- Chair Geise noted this was part of the land the Town purchased to fight annexation attempts. The land was purchased for between \$27,000 and \$29,000 per acre and will be selling for approximately \$63,000 per acre.
- Dennis Jochman, Town Broker, noted the purchase agreement includes paying full price for the land, a special assessment for W American Dr, and utilities for Eagle Heights.
- Supervisor Grundman questioned if the Town still has more parcels to sell, and Administrator Straw noted there are approximately 80 acres still owned by the Town across several parcels.

MOTION:

Motion made by unanimous consent to approve the Amendment to the Offer to Purchase for Parcel #006-0340-02-01 for \$425,555.00 as presented.

Motion carried.

- Mr. Jochman began recounting to the Board other Town owned parcel related business, and Attorney LaFrombois advised this was not the appropriate time to speak on other Town business, as there is no corresponding agenda item.

- XI. Review of Disbursements
- XII. Review of General Fund Budget Update (Second Town Board meeting of the month)
- XIII. Upcoming Meeting Attendance
 - Plan Commission Comprehensive Plan Meeting August 24, 2022 at 7 pm
- XIV. Board Member Requests for Future Agenda Items
- XV. Adjournment by unanimous consent at 8:08 p.m.

Respectfully Submitted,
Kelsey Faust-Kubale, Town Clerk

DRAFT

DATE: 02/28/23

R E S O L U T I O N

No. 004

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE 02/004/23

WHEREAS, it is desirable to amend the Zoning Map of the TOWN OF CLAYTON in accordance with the petition of BRET BLICKHAHN and

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

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

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

see attached
County Board Supervisor
(Town of Clayton)

PARCEL NO: **006-0816-01-03, 006-0816-001-02;** FROM **A-2** TO **r-1**

COUNTY DISCLAIMER:

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

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____, 2023.

Jon Doemel

County Board Supervisory district **36 - Miller**



Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z MEETING AGENDA OF FEBRUARY 3, 2023

TO: Planning & Zoning Committee

FM: Zoning Administrator *CA*

RE: Review of Town Zoning Change(s)

1. Paul & Jolene Moran - Town Zoning Change (Tax ID No(s): 006-0652-03-01 & 006-0652-03-02) – Town of Clayton.

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

RECOMMENDATION: Approve a motion to forward zone changes to County Board for action. *TE, SI 2 5-0 approved*

2. Bret Blickhahn - Town Zoning Change (Tax ID No(s) 006-0816-01-03 & 006-0816-01-02) – Town of Clayton.

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

RECOMMENDATION: Approve a motion to forward zone changes to County Board for action. *TE, MG 2 5-0 approved*

3. Kevin & Janna Fischer - Town Zoning Change (Tax ID No(s): 006-0279-01) – Town of Clayton.

The town zoning change for Kevin & Janna Fischer is consistent with Winnebago County's Future Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agriculture District) to R-1 (Rural Residential District) and Winnebago County's future land use plan shows future land use as Residential.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action. *MG, HM2 5-0 Approved*

4. Town of Clayton - Town Zoning Change (Tax ID No(s) 006-0328-03) – Town of Clayton.

The town zoning change for the Town of Clayton is consistent with Winnebago County's Future Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agriculture District) to I-1 (Light Industrial District) and Winnebago County's future land use plan shows future land use as Non-Residential.

RECOMMENDATION: Approve a motion to forward zone changes to County Board for action. *MG, HM2 5-0 Approved*

5. Town of Clayton - Town Zoning Change (Tax ID No(s): 006-0340-02-01) – Town of Clayton.

The town zoning change for the Town of Clayton is consistent with Winnebago County's Future Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agriculture District) to I-1 (Light Industrial District) and Winnebago County's future land use plan shows future land use as Non-Residential.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action. *MG, HM2 5-0 Approved*

6. Cody Robel - Town Zoning Change (Tax ID No(s) 006-0034-01) – Town of Clayton.

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

RECOMMENDATION: Approve a motion to forward zone changes to County Board for action. *SZ, HM2 5-0 Approved*

006-0816-01-03 & 006-0816-01-02
A-2 to R-1, FLU: Res



Thursday, August 18, 2022

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

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

Mr. Cary A. Rowe:

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

A Re-zoning Application submitted by Bret Blickhahn, 4362 Rocky Road, Oshkosh, WI 54904, for property owned by Bret Blickhahn, 4362 Rocky Road, Oshkosh, WI 54904 and located at 7379 Jensen Road, Oshkosh, WI 54904, specifically described as Tax Id # 006-0816-01, Lots 2 & 3 of proposed CSM, being part of the Northwest ¼ of the Southeast ¼ of Section 32, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin to re-zone Lots 2 & 3 of the proposed CSM from A-2 (General Agriculture District) to R-1 (Rural Residential District).

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

Sincerely,

Tori Straw
Town Administrator

CC County Clerk, Sue Ertmer

WINNEBAGO COUNTY CERTIFIED SURVEY MAP NO. _____

Sheet 1 of 3

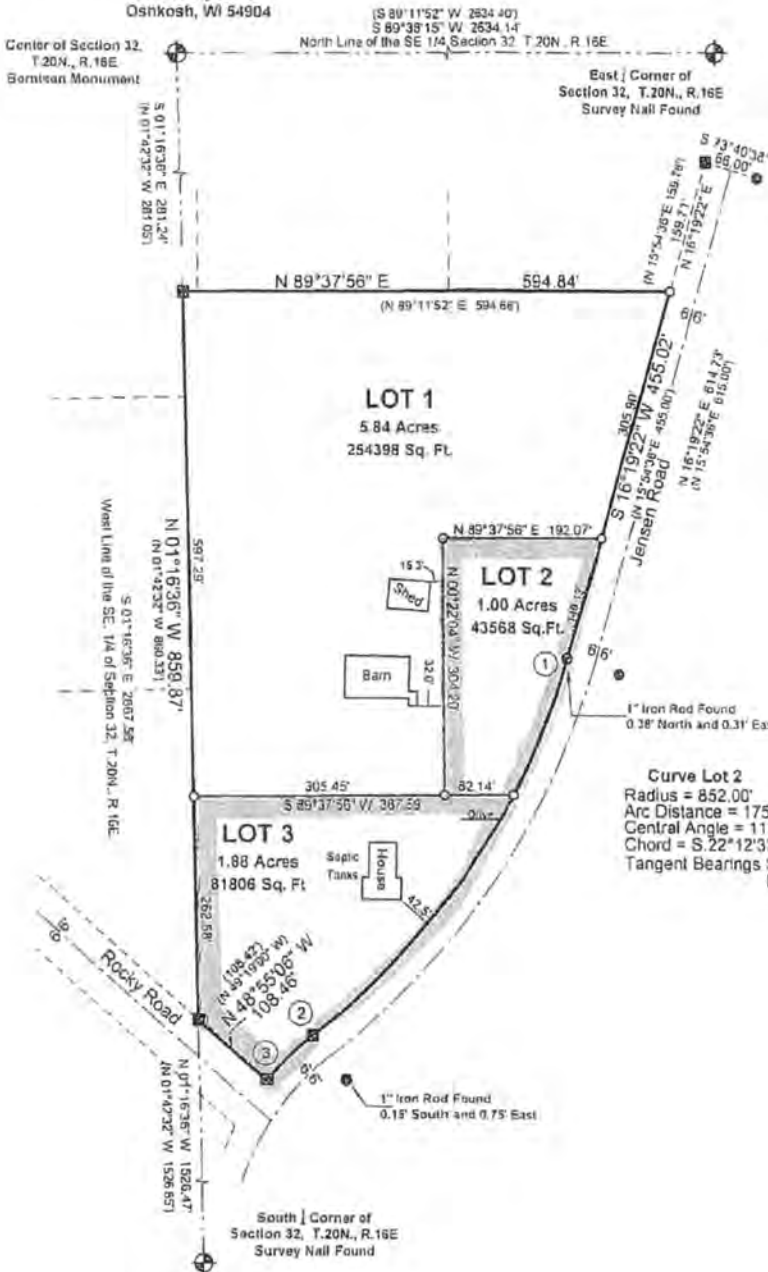
A PART OF THE NW.1/4 OF THE SE.1/4 OF SECTION 32, T.20N., R.16E.

SURVEY FOR: Bret Blickhahn
4362 Rocky Road
Oshkosh, WI 54904

TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN.

Town Notes

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



- LEGEND-**
- ⊕ SECTION CORNER
 - 3/4" X 18" DIA. IRON REBAR SET, WEIGHING NOT LESS THAN 1.5 LBS PER LINEAR FOOT
 - 1 1/4" IRON PIPE FOUND
 - 1" IRON ROD FOUND (100) = RECORDED DATA

Curve Data

Curve 1-2
Radius = 852.00' (852.00')
Arc Distance = 550.98' (551.30')
Central Angle = 37°03'10" (37°04'45")
Chord = S 34°50'57" W. 541.43' (S 34°25'05" W 541.00')
Tangent Bearings S 53°22'31" W
N 16°19'22" E

Curve 2-3
Radius = 327.00' (327.00')
Arc Distance = 78.27' (78.41')
Central Angle = 13°42'54" (13° 44'16")
Chord = S 46°31'05" W. 78.09' (S 46°05'20" W 78.22')
Tangent Bearings S 53°22'31" W
S 39°39'38" W

Curve Lot 2
Radius = 852.00'
Arc Distance = 175.07'
Central Angle = 11°46' 23"
Chord = S 22°12'33" W 174.76'
Tangent Bearings S 28°05'45" W
N 16°19'22" E

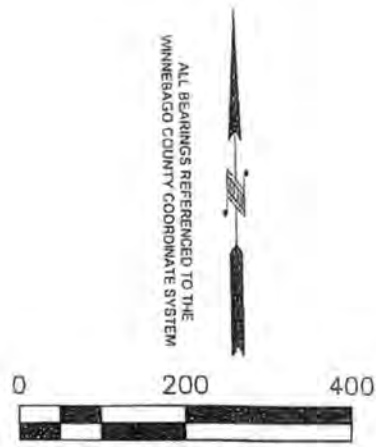
Curve Lot 3
Radius = 852.00'
Arc Distance = 375.91'
Central Angle = 25°16' 47"
Chord = S 40°44'08" W 372.87'
Tangent Bearings S 53°22'31" W
S 28°05'45" W

DATED THE _____ DAY OF _____, 2022

WISCONSIN REGISTERED LAND SURVEYOR S-1599
LAWRENCE C. KRIESCHER

L.C.KRIESCHER AND ASSOCIATES LLC
5251 GRANDVIEW ROAD
LARSEN, WI 54947
920-836-3576

BOUNDARY SURVEY
&
LAND DESIGN



PROJECT NO. 2021-02-01
FILE NO. BLICKHAHN.DWG
NOTEBOOK: 24 PAGE: 8

DWG NO. L-556

THIS INSTRUMENT DRAFTED BY L.C. KRIESCHER S-1599

Town of Clayton
RE-ZONING APPLICATION

Mail: 8348 County Road T - Larsen, WI 54947
Phone - 920-836-2007 Fax - 920-836-2026 Email - toadmin@new.rr.com

Property Owner(s): BRET BLICKHAHN

Address/Zip: 4362 ROCKY RD. OSHKOSH, WI 54904

Phone: _____ Fax: _____ E-Mail: _____

Applicant: LAWRENCE C. KRIESCHER

Check: Architect Engineer Surveyor Attorney Agent Owner

Address/City/Zip: 5251 GRANDVIEW RD.

Phone: 920-836-3576 Fax: _____ E-Mail: LARRYKRIESCHER@OUTLOOK.COM

* Describe the reason for the Re-Zoning: LOTS 2 & 3 ARE UNDER THE 5.0 ACRES CUT-OFF TO REMAIN IN A-2 AGZ ZONING, THEREFORE A ZONING CHANGE TO R-1 RESIDENTIAL IS REQUIRED PER TOWN ZONING REGULATIONS

Re-Zoning Specifics:

No. of Lots: 2 Total Acreage: 2.88 Tax Key No.: 006-0816-01

Legal Description: PART OF THE NW 1/4 OF THE SE 1/4 SECTION 32, T. 20N, R. 16E.

Current Zoning: A-2 AGRICULTURE

I certify that the attached drawings are to the best of my knowledge complete and drawn in accordance with all Town of Clayton codes.

* Applicant Signature: [Signature] Date: 6-16-22

For Town Use Only			
Fee (see Fee Schedule)			
Fee: <u>300</u>	Check # _____	Receipt <u>9.126</u>	Date <u>6/16/22</u>
Date Received Complete _____	By _____	App. No. _____	
Review Meetings - Plan Comm _____	Town Board _____		
Newspaper Publication Dates _____	& _____	Posting Date _____	
300' Neighborhood Notice Distribution _____			
Re-Zoning is: Approved _____	Denied _____		
Comments _____			

Notes: 1. Please notify utility companies regarding your proposed development. 2. A Re-Zoning approval does not constitute approval of a building permit or any required approval of a highway connection permit. 3. A Re-Zoning Application & Fee must be submitted 20 working days prior to meeting.

To print, click the disk icon below -> then PDF

Parcel Profile Report for 006081601

Real Estate Property & Tax Information

[Interactive Map](#)

This tax information was compiled on THURSDAY, AUGUST 4, 2022

[More Details](#)

Mailing Address:
BLICKHAHN, BRET
4362 ROCKY RD
OSHKOSH WI 54904

Owner(s):
BLICKHAHN, BRET

Tax Parcel Number:
006081601

Tax District:
006-TOWN OF CLAYTON

Acres:
8.72

School District:
6608-WINNECONNE COMMUNITY SCHOOL DISTRICT

[Interactive Map](#)

Assessed Values

[More Assessment Details](#)

Land: \$69,800
Improvements: \$119,000

Total:
\$188,800

Brief Property Description (for a complete legal description, see recorded document):
PT NW SE COM 1526.65 FT N OF S1/4 COR POB N 860.33 FT E 594.88 FT TO WL ROAD SWLY
ALG WL OF ROAD TO PT S49DG19E OF BEG N49DG19W 108.24 FT TO POB 8.72 A.

Document Number:
1862178

Site Address(es):
7379 JENSEN RD OSHKOSH WI 54904

Public Land Survey System (PLSS) Information

[Interactive Map](#)

Physical Location(s):
NW 1/4, SE 1/4 of Section 32, T.20N. - R.16E., TOWN OF CLAYTON

General Zoning Information

District: A-2
Description: GENERAL AGRICULTURE DISTRICT
Jurisdiction: WINNEBAGO COUNTY

[Interactive Map](#)

Extraterritorial: NONE
Shoreland: ALL OR A PORTION OF THIS PROPERTY IS LOCATED IN THE SHORELAND AREA

[Interactive Map](#)

Navigable Stream and Surface Water Drainage Information

[Interactive Map](#)

Classification: NAVIGABLE - PERMANENT (UNCHECKED)
Source: USGS QUAD MAP
Type: PERMANENT
Surface Water Drainage Dist: NONE

Airport Zoning and Height Limitation Information

Airport: NONE
District(s):
Elevation Range: 794 - 828
Height Limitation(s): NONE
Building Height:

County Floodplain and FEMA Special Flood Hazard Area (SFHA) Information

[Interactive Map](#)

County District: NONE
SFHA Zone: ZONE X
SFHA Zone Type: OUTSIDE FLOODPLAIN
FIRM Panel: 55139C0100E
Map Effective Date: MARCH 17, 2003

Wisconsin Wetland Inventory Information

[Interactive Map](#)

Area Code: NONE
Area Description:
Source:

Future Land Use Planning Information

County Use:	Municipal Planning Authority:	Municipal Use:
AGRICULTURAL AND RURAL	TOWN OF CLAYTON	AGRICULTURE/RURAL RESIDENTIAL
ENVIRONMENTAL	TOWN OF CLAYTON	OPEN WATER/POOL LAKES
RESIDENTIAL	TOWN OF CLAYTON	RESIDENTIAL - SINGLE AND TWO FAMILY

Elevation Information (NAVD88, US Survey Feet)

[Interactive Map](#)

Range:	Elevation Change:	Average:
794 - 828	34	811

Soil Survey Information

[Interactive Map](#)

Symbol:	Name:	Drainage Class:	Farmland Class:	Hydrologic Group:
CeB	Casco loam, 2 to 6 percent slopes	Somewhat excessively drained	III	B
LzB	Lorenzo variant loam, 2 to 8 percent slopes	Moderately well drained	III	C/D
Pg	Pits, gravel		VIII	

Election Information

Type:	District:	Voting Ward:
WINNEBAGO COUNTY BOARD OF SUPERVISORS	36	9
Supervisor:	Polling Place:	
<u>HOWARD MILLER</u>	CLAYTON MUNICIPAL BUILDING	
	8348 COUNTY RD. T	

2010 United States Census Bureau Information

State and County FIPS code(s):	Tract:	Block:	Total Population:
55 139	002300	1099	24

Historical Photography Information

Flight Year:	File Name:
1941	<u>AIW-1B-179-41.tif</u>
1957	<u>AIW-1T-146-57.tif</u>
1975	<u>2016-75.tif</u>
1981	<u>G-4-81.tif</u>

Special Casing Area Requirements for Arsenic Information

Special well casing depth area for Winnebago County - effective October 1, 2004

[Casing Map](#)

[More Details](#)



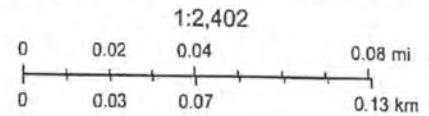
This report was created for use by the Winnebago County Geographic Information System project. Any other use/application of this information is the responsibility of the user and such use/application is at their own risk. Winnebago County disclaims all liability regarding fitness of the information for any use other than Winnebago County business.

Shoreland Area Site Map



8/7/2022, 11:58:39 AM

- | Shoreland Type | Navigable Waterways |
|------------------------|----------------------------------------|
| 300' Buffer | — Navigable - Permanent (unchecked) |
| 1000' Buffer | — Navigable - Intermittent (unchecked) |
| Extended by Floodplain | — Navigable - Stream (unchecked) |
| Shoreland Boundary | — Navigable - Permanent (checked) |
| Tax Parcels | — Navigable - Intermittent (checked) |



Winnebago County GIS, Imagery Date: April 2020

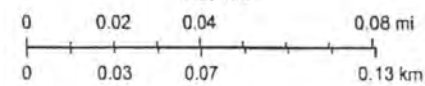
Hydrology Site Map



8/7/2022, 11:59:19 AM

1:2,402

- | | |
|------------------------------|------------------------------------|
| Wetland Areas | Excavated pond |
| Wetland | Project Review Area |
| Open Water Wetland | Surface Water Drainageway District |
| Wetland Features | Tax Parcels |
| Undelineated Wetland < 2 Ac. | Navigable Waterways |
| Dammed pond | Navigable - Permanent (unchecked) |



Winnebago County GIS, Imagery Date: April 2020

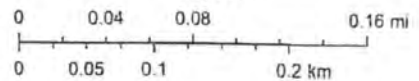
006-0816-01



7/26/2022, 10:54:55 AM

1:4,803

- Adjacent Counties
- Lakes, Ponds and Rivers
- Navigable Waterways
 - Navigable - Permanent (unchecked)
 - Navigable - Intermittent (unchecked)
 - Navigable - Stream (unchecked)
- Navigable - Permanent (checked)
- Navigable - Intermittent (checked)
- Navigable - Stream (checked)
- Tax Parcel Boundary
- Road ROW
- Municipal Boundary



Winnebago County GIS, Imagery Date: April 2020

STATE OF WISCONSIN
WINNEBAGO COUNTY

WINNEBAGO COUNTY CERTIFIED SURVEY MAP NO. _____

Sheet 1 of 3

A PART OF THE NW.1/4 OF THE SE.1/4 OF SECTION 32, T.20N., R.16E.

SURVEY FOR: Ernst Blichstein
4382 Rocky Road
Cobleskill, WI 54804

TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN.

Town Notes

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

LEGEND

- ⊕ SECTION CORNER
 - 3/4" X 1/8" DIA. IRON REBAR SET, WEIGHING NUT LESS THAN 1.6 LBS PER LINEAR FOOT.
 - 1 1/4" IRON PIPE FOUND
 - 1" IRON ROD FOUND
 - (100) = RECORDED DATA
- Revised for Town of Clayton

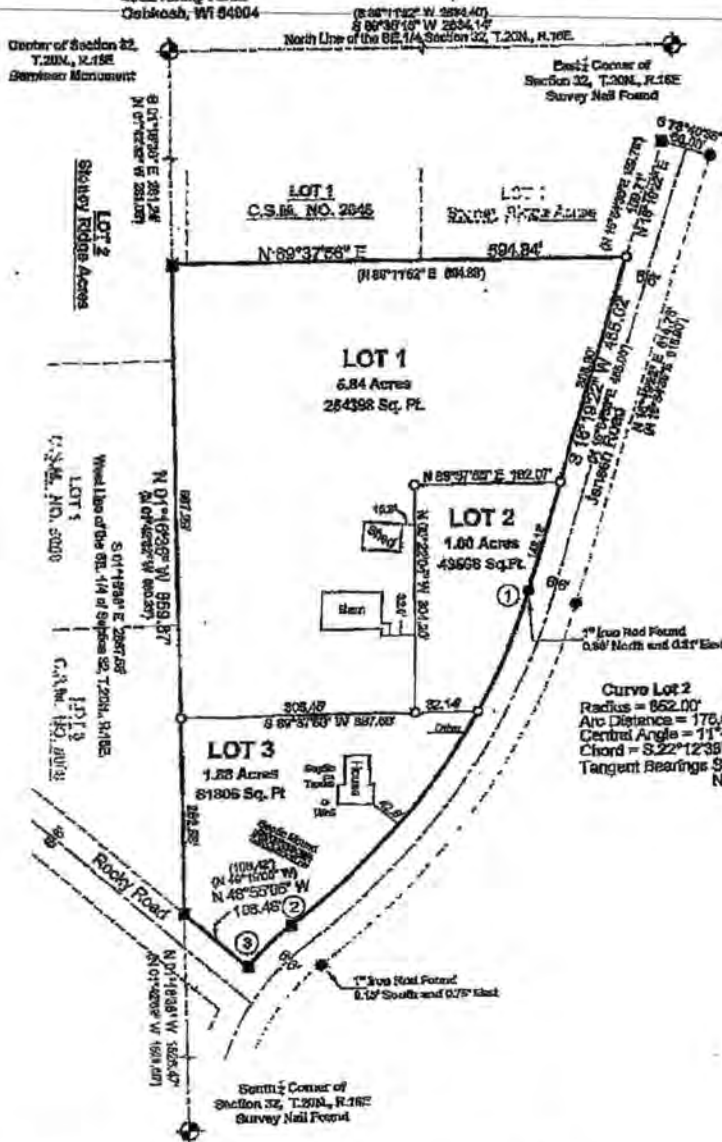
Curve Data

Curve 1-2
Radius = 852.00' (852.00)
Arc Distance = 550.55' (550.55)
Central Angle = 37°08'10" (37°08'10")
Chord = S.34°50'57"W, 641.43' (S.34°50'57"W, 641.43)
Tangent Bearings S 53°22'31" W
N.16°19'22" E

Curve 2-3
Radius = 327.00' (327.00)
Arc Distance = 78.27' (78.27)
Central Angle = 13°42'04" (13°42'04")
Chord = S.16°31'06"W, 78.08' (S.16°31'06"W, 78.08)
Tangent Bearings S 53°22'31" W
S 38°38'38" W

Curve Lot 2
Radius = 852.00'
Arc Distance = 176.07'
Central Angle = 11°48'23"
Chord = S.22°12'38"W, 174.76'
Tangent Bearings S 28°06'45" W
N.10°16'22" E

Curve Lot 3
Radius = 852.00'
Arc Distance = 378.91'
Central Angle = 25°15'47"
Chord = S.40°44'58"W, 312.87'
Tangent Bearings S 53°22'31" W
S 28°05'45" W

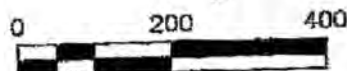


DATED THE _____ DAY OF _____, 2022

WISCONSIN REGISTERED LAND SURVEYOR S-1599
LAWRENCE C. KRIEFSCHER

L C KRIEFSCHER AND ASSOCIATES LLC

ALL BEARINGS REFERENCED TO THE
WINNEBAGO COUNTY COURTHOUSE STRIP



PROJECT NO. 2021-02-01
FILE NO. BLICHHAHN.DWG

WINNEBAGO COUNTY CERTIFIED SURVEY MAP NO. _____

Sheet 3 of 3

**A PART OF THE NW.1/4 OF THE SE.1/4 OF SECTION 32, T.20N., R.18E.
TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN.**

TOWN BOARD APPROVAL:

THIS CERTIFIED SURVEY MAP HAS BEEN REVIEWED AND APPROVED BY THE TOWN BOARD OF THE TOWN OF CLAYTON,
WINNEBAGO COUNTY, WISCONSIN.

DATED

TOWN BOARD REPRESENTATIVE

CERTIFICATE OF TOWN TREASURER:

I, BEING DULY ELECTED, QUALIFIED AND ACTING TOWN TREASURER OF THE TOWN OF CLAYTON, DO HEREBY CERTIFY THAT IN
ACCORDANCE WITH THE RECORDS IN MY OFFICE SHOW NO UNPAID TAXES SPECIAL ASSESSMENTS AS OF
_____, AFFECTING THE LANDS INCLUDED IN THIS CERTIFIED SURVEY MAP.

DATED

TOWN TREASURER

WINNEBAGO COUNTY PLANNING AND ZONING COMMITTEE:

A PART OF THE NW.1/4 OF THE SE.1/4 OF SECTION 32, T.20N., R.18E. TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN, IS
HEREBY APPROVED

DATE

BY: AUTHORIZED REPRESENTATIVE

COUNTY TREASURER'S CERTIFICATE:

I, BEING DULY ELECTED, QUALIFIED AND ACTING TREASURER OF THE COUNTY OF WINNEBAGO, DO HEREBY CERTIFY THAT THE
RECORDS IN MY OFFICE SHOW NO UNREDEEMED TAX SALES AND NO UNPAID TAXES OR SPECIAL ASSESSMENTS OF
_____, AFFECTING THE LANDS INCLUDED IN THIS CERTIFIED SURVEY.

DATED

COUNTY TREASURER

TOWN OF CLAYTON
Board of Supervisors
Meeting Minutes
Wednesday, August 17, 2022
7:00 P.M.

Town Meeting Room, 8348 County Road T, Larsen, WI 54947

-
- I. Call to Order: Town Board Chair Geise called the meeting to order at 7:00 p.m.
- A. Pledge of Allegiance
 - B. Verification of Notice
 - C. Meeting Roll
 - a. Board of Supervisors
 - Chair Geise PRESENT
 - Supervisor Lettau PRESENT
 - Supervisor Grundman PRESENT
 - Supervisor Reif EXCUSED
 - Supervisor Christianson PRESENT
 - b. Staff
 - Administrator Straw PRESENT
 - Clerk Faust-Kubale PRESENT
 - Engineer Hamblin PRESENT
 - Town Attorney LaFrombois ARRIVED 7:24 PM
- II. Public Hearing(s) and/or Public Information Meeting(s):
- A. No Public Hearings.
- III. Approval of Minutes:
- A. Approval of the Minutes of the Wednesday, August 3, 2022 Town Board Meeting.
- MOTION:**
- Motion made** by unanimous consent to approve the August 3, 2022 Meeting Minutes as presented.
- Motion carried.**
- IV. Open Forum – Town-related matters not on the agenda: NONE
- V. Correspondence:
- A. Distribution of the August 9, 2022 Neenah Public Library Board Meeting Minutes.
 - B. Distribution of the July/August 2022 Boardman and Clark Municipal Law Newsletter.
 - Chair Geise noted that in the newsletter it was reported that the WI Supreme Court ruled election drop boxes to be illegal and ballots need to be mailed or dropped off by the voter.

VI. Discussion Items (No action will be taken):

- A. County Supervisor Report - NONE
- B. Winnebago County Sheriff's Department: Public Concerns and Issues - NONE
- C. Department of Public Safety - NONE
- D. Larsen/Winchester Sanitary District - NONE
- E. Administration Comments
 - Chair Geise reported there was a second meeting regarding the Winneconne Joint Municipal Court. At that meeting, the Town Chairs present discussed the possibility of sharing a Code Enforcement Officer and are planning to set another meeting with Village of Winneconne in the next few weeks to continue discussions.
 - Chair Geise also noted in response to comments made at the Public Hearings at the last Town Board meeting, that the 2020 Census estimate numbers show the Town has had an increase in population of 46 persons and is second in size only to Town of Algoma. Chair Geise hoped that these facts would help correct the assertions made residents are leaving the Town because of taxes.
 - Administrator Straw also reminded that the Fire Department Touch A Truck event is this weekend and encouraged all to attend.

VII. The Operator Licenses Issued by the Town Clerk:

- A. New:
 - a. Mary Meyer
- B. Renewal:
 - a. None

VIII. Business referred by the Plan Commission:

- A. Plan Commission review and recommendation on the Conditional Use Application submitted by Robert Ketter & Mary Platt for property located at 2682 Megan Way, Neenah, WI 54956, specifically described as Tax ID #006-1526, Breaker Ridge Plat Lot 37 and being part of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 25, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Conditional Use Application is Short-term Rental of their Single-Family Primary Residence.
 - Chair Knapinski noted this item did have a Public Hearing, and after discussion by the Commissioners, was tabled.
- B. Plan Commission review and recommendation on the Conditional Use Application submitted by Joe & Christy Pitsch for property located at 3620 Park Lane Dr., Neenah, WI 54956, specifically described as Tax ID # 006-1174, being part of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 10, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Conditional Use Application is for Backyard Chickens.
 - Chair Knapinski noted the Commissioners recommended approval of this item and the owners were amenable to all conditions.

- C. Plan Commission review and recommendation on a Re-zoning Application submitted by Bret Blickhahn, 4362 Rocky Road, Oshkosh, WI 54904, for property owned by Bret Blickhahn, 4362 Rocky Road, Oshkosh, WI 54904 and located at 7379 Jensen Road, Oshkosh, WI 54904, specifically described as Tax Id # 006-0816-01, Lots 2 & 3 of proposed CSM, being part of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 32, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Re-zoning is from A-2 (General Agriculture District) to R-1 (Rural Residential District).
- Chair Knapinski reminded the Board that the CSM was approved last month, and the re-zone application was required because Lots 2 & 3 of the CSM are under the 5-acre minimum.
- D. Plan Commission review and recommendation on a Certified Survey Map Review Application submitted by Paul & Jolene Moran, 2741 Holiday Ct., Neenah, WI 54956, for property located at 2741 Holiday Ct., Neenah, WI 54956, specifically described as Tax ID # 006-0652-03, Lot 3 of CSM 3396, being part of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 25, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
- Chair Knapinski noted that this CSM is to subdivide a large lot and it is at the end of a cul-de-sac. Chair Knapinski noted there was some concern over the narrow drive on the new parcel, but it does meet the requirements so the Commission recommends approval.
- E. Plan Commission review and recommendation on a Re-zoning application submitted by Paul & Jolene Moran, 2741 Holiday Ct., Neenah, WI 54956, for property located at 2741 Holiday Ct., Neenah, WI 54956, specifically described as Tax ID # 006-0652-03, Lot 3 of CSM 3396, being part of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 25, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The re-zoning of this lot from A-2 (General Agriculture District) to R-2 (Suburban Residential District).
- Chair Knapinski noted this corresponds with the CSM in item D and the application is required as the new lot is under the 5-acre minimum.
- F. Plan Commission review and recommendation on a Sign Review Application submitted by Fox Cities Sign, 1125D Tuckaway Ln, Menasha, WI 54952 for property owned by Dale Mart, LLC, 8510 State Road 76, Neenah, WI 54956, specifically described as Tax ID 006-0361, being part of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 13, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
- Chair Knapinski noted this item was tabled by the Commissioners due to some confusion over the sign and conflicting applications received.
- G. Plan Commission review and recommendation on a Sign Review Application submitted by Nicolet Lumber Company, 4050 Nicolet Drive, Green Bay, WI 54311 for property owned by Premier Clayton, LLC, 9105-9121 Clayton Ave, Neenah, WI 54956, specifically described as Tax ID 006-0329, being part of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 12, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

- Chair Knapinski noted this is for an entry sign to the new apartment complex, and the condition added by the Commissioners was that it be added at least 10 feet off the Right of Way which the builders have assured it will be.
- H. Plan Commission review and recommendation on appointing members to an Ad Hoc Committee to review/update/recreate the Town's Site Plan Review Procedures and Requirements.
- Chair Knapinski noted the list was approved with Commissioner Haskell volunteering to be the Commission representative for this committee. Administrator Straw clarified no Board action is needed on this item.
- I. Plan Commission review and discussion on Farm-Raised Fish/Fish Farming in the Suburban Residential (R-2) District.
- Chair Knapinski noted this request came about because a resident has a pond and wanted to stock fish for private use and there was no other category that was applicable.
 - Chair Geise asked if this would be similar to a koi pond, and Engineer Hamblin noted that those would be technically considered landscaping.
- IX. Business referred by the Parks & Trails Committee:
- A. Parks & Trails review and discussion of a future location for the addition of Pickle Ball Court(s).
- Chair Geise noted this was a discussion only item and no recommendations are before the Board.
- B. Parks & Trails review and discussion to update Part 3 of the Town of Clayton Comprehensive Plan: "Park and Open Space Plan 2016-2020".
- Chair Geise noted this was a discussion only item and no recommendations are before the Board.
- X. Business:
- A. Discussion/Action: Town Board review and consideration of the Conditional Use Application submitted by Joe & Christy Pitsch for property located at 3620 Park Lane Dr., Neenah, WI 54956, specifically described as Tax ID # 006-1174, being part of the Southwest ¼ of the Northwest ¼ of Section 10, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Conditional Use Application is for Backyard Chickens.

The Board received in the Plan Commission Meeting Packets, the review material and the minutes from the Plan Commission Meeting. The Plan Commission did recommend approval.

MOTION:

Motion made by unanimous consent to approve the Conditional Use Application submitted by Joe & Christy Pitsch for property located at 3620 Park Lane Dr., Neenah, WI 54956,

specifically described as Tax ID # 006-1174, being part of the Southwest ¼ of the Northwest ¼ of Section 10, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin for backyard chickens with all Staff and Plan Commission recommendations.

Motion carried.

- B. Discussion/Action: Town Board review and consideration of a Re-zoning Application submitted by Bret Blickhahn, 4362 Rocky Road, Oshkosh, WI 54904, for property owned by Bret Blickhahn, 4362 Rocky Road, Oshkosh, WI 54904 and located at 7379 Jensen Road, Oshkosh, WI 54904, specifically described as Tax Id # 006-0816-01, Lots 2 & 3 of proposed CSM, being part of the Northwest ¼ of the Southeast ¼ of Section 32, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The Re-zoning is from A-2 (General Agriculture District) to R-1 (Rural Residential District).

The Board received in the Plan Commission Meeting Packets, the review material and the minutes from the Plan Commission Meeting. The Plan Commission did recommend approval.

MOTION:

Motion made by unanimous consent to approve the Re-zoning Application submitted by Bret Blickhahn, 4362 Rocky Road, Oshkosh, WI 54904, for property owned by Bret Blickhahn, 4362 Rocky Road, Oshkosh, WI 54904 and located at 7379 Jensen Road, Oshkosh, WI 54904, specifically described as Tax Id # 006-0816-01, Lots 2 & 3 of proposed CSM, being part of the Northwest ¼ of the Southeast ¼ of Section 32, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin to re-zone Lots 2 & 3 of the proposed CSM from A-2 (General Agriculture District) to R-1 (Rural Residential District).

Motion carried.

- C. Discussion/Action: Town Board review and consideration of a Certified Survey Map Review Application submitted by Paul & Jolene Moran, 2741 Holiday Ct., Neenah, WI 54956, for property located at 2741 Holiday Ct., Neenah, WI 54956, specifically described as Tax ID # 006-0652-03, Lot 3 of CSM 3396, being part of the Southeast ¼ of the Southwest ¼ of Section 25, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

The Board received in the Plan Commission Meeting Packets, the review material and the minutes from the Plan Commission Meeting. The Plan Commission did recommend approval.

MOTION:

Motion made by unanimous consent to approve the Certified Survey Map Review Application submitted by Paul & Jolene Moran, 2741 Holiday Ct., Neenah, WI 54956, for property located at 2741 Holiday Ct., Neenah, WI 54956, specifically described as Tax ID # 006-0652-03, Lot 3 of CSM 3396, being part of the Southeast ¼ of the Southwest ¼ of Section 25, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin with all Staff and Plan Commission recommendations.

Motion carried.

D. Discussion/Action: Town Board review and consideration of a Re-zoning application submitted by Paul & Jolene Moran, 2741 Holiday Ct., Neenah, WI 54956, for property located at 2741 Holiday Ct., Neenah, WI 54956, specifically described as Tax ID # 006-0652-03, Lot 3 of CSM 3396, being part of the Southeast ¼ of the Southwest ¼ of Section 25, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The re-zoning of this lot from A-2 (General Agriculture District) to R-2 (Suburban Residential District).

The Board received in the Plan Commission Meeting Packets, the review material and the minutes from the Plan Commission Meeting. The Plan Commission did recommend approval.

MOTION:

Motion made by unanimous consent to approve the Re-zoning application submitted by Paul & Jolene Moran, 2741 Holiday Ct., Neenah, WI 54956, for property located at 2741 Holiday Ct., Neenah, WI 54956, specifically described as Tax ID # 006-0652-03, Lot 3 of CSM 3396, being part of the Southeast ¼ of the Southwest ¼ of Section 25, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin to re-zone Lot 2 of the proposed CSM from A-2 (General Agriculture District) to R-2 (Suburban Residential District).

Motion carried.

E. Discussion/Action: Town Board review and consideration of a Sign Review Application submitted by Nicolet Lumber Company, 4050 Nicolet Drive, Green Bay, WI 54311 for property owned by Premier Clayton, LLC, 9105-9121 Clayton Ave, Neenah, WI 54956, specifically described as Tax ID 006-0329, being part of the Southeast ¼ of the Northeast ¼ of Section 12, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

The Board received in the Plan Commission Meeting Packets, the review material and the minutes from the Plan Commission Meeting. The Plan Commission did recommend approval.

MOTION:

Motion made by unanimous consent to approve the Sign Review Application submitted by Nicolet Lumber Company, 4050 Nicolet Drive, Green Bay, WI 54311 for property owned by Premier Clayton, LLC, 9105-9121 Clayton Ave, Neenah, WI 54956, specifically described as Tax ID 006-0329, being part of the Southeast ¼ of the Northeast ¼ of Section 12, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

Motion carried.

F. Discussion/Action: Town Board review and consideration of Resolution 2022-015 A Resolution Authorizing a Referendum for the Town of Clayton to Allow the Town to Exceed the State Imposed Levy Limit beginning with the 2022 Levy (Collected in 2023).

The Board reviewed a copy of Resolution 2022-015. The Town Board held the Public Hearing for this item at the August 03, 2022 Board Meeting. At the Public Hearing, the residents that were in attendance expressed their desire to not have a Police Officer at this time. However, they did express a desire to allow the Board to exceed the Levy Limit based on the need for additional staff.

Because the Resolution was based on exceeding the Levy Limit with the full \$250,000.00, the Administration respectfully requested the Board table approving the Resolution until the Staff could correct it with the appropriate numbers and language.

The numbers, calculations, and language has been corrected with the \$100,000.00 increase in the levy, as agreed upon by the electors present at the Public Hearing.

- Chair Geise noted that the public comment coming out of the Public Hearing was taken into consideration in revising the Resolution to reflect only the need for additional staff, and thanked the residents that participated. Chair Geise questioned if the action needed to state the dollar amount of the Resolution and Attorney LaFrombois did not feel it needed to be expressly called out since it is in the Resolution document.

MOTION:

Motion by: Supervisor Grundman

Second by: Supervisor Christianson

Motion made to approve the Resolution 2022-015 A Resolution Authorizing a Referendum for the Town of Clayton to Allow the Town to Exceed the State Imposed Levy Limit beginning with the 2022 Levy (collected in 2022/2023) and direct staff to provide the County Clerk a certified copy to ensure the referendum question will be placed on the November 8, 2022 election ballot for all wards within the Town.

ROLL CALL:

Supervisor Lettau	Aye
Supervisor Grundman	Aye
Chair Geise	Aye

Supervisor Christianson Aye

Motion carried 4-0.

G. Discussion/Action: Town Board review and consideration of a Continuing Disclosure Master Agreement for Ehlers, Inc., N21W23350 Ridgeview Pkwy, Waukesha, WI 53188 to engage their services for Municipal Debt Issuance and Management.

The Board reviewed will a copy of the Continuing Disclosure Master Agreement with Ehlers to engage their services for Municipal Debt Issuance and Management.

Brian Roemer, Municipal Advisor, with Ehlers will be at the meeting to introduce himself and Ehlers to the Board. The Town's previous Financial Advisor, Jeff Belongia, will no longer be working with the Town. The Staff and Administration have not been pleased with Mr. Belongia's approach to Municipal General Obligation Debt. Mr. Belongia and the previous Administration, has placed the Town in a precarious position with GO Debt.

With the help of Ms. Ginny Hinz, the Town's Financial Advisor, and the help of Ehlers, the Administration and Staff have been working on a financial plan that will enable the Town to grow without putting the Town into financial situation that cannot be reversed.

- Chair Geise noted that the previous firm was not doing a good job for the Town and now looking to make a change.
- Lisa Tuchatoski, representing Ehlers, noted that the firm is a financial advisor for municipalities and would have a fiduciary duty to the Town if they are contracted.
- Brian Roemer spoke that Ehlers is certified to opine on debt and issuance of debt and is the only independent firm and represents many towns throughout the state. Mr. Roemer noted that the main focuses they are proposing for the Town are for issuance, management, and continuing disclosure & arbitrage. Mr. Roemer also noted the firm can help with reporting requirements.
- Supervisor Grundman asked where they are based and Mr. Roemer replied Waukesha but travel throughout the state and have other clients in Winnebago County as well.
- Chair Geise asked if this will be replacing the current Financial Advisor Ginny Hinz and Administrator Straw noted they will be working in conjunction as Ms. Hinz cannot provide some of the services that Ehlers does and they would be filling those gaps.

MOTION:

Motion made by unanimous consent to approve the Continuing Disclosure Master Agreement for Ehlers, Inc. to engage their services for Municipal Debt Issuance and Management and direct Staff to sign the agreement and return the signed document to the appropriate persons.

Motion carried.

H. Discussion/Action: Town Board review and consideration of appointing Rob Ketter to Plan Commission for the remainder of Brian White's 3-year term ending April 30, 2025.

Brian White expressed his desire to leave the Plan Commission with the caveat that he would remain a Commissioner until his replacement could be found.

Brian served as a Commissioner from May 1, 2019 until present and has served the Plan Commission well. We will be sorry to see him go, but welcome Mr. Ketter.

- Chair Geise asked how long Mr. Ketter has been a resident of the Town, and Mr. Ketter replied about a year. Chair Geise expressed his thanks for becoming more involved with the Town.

MOTION:

Motion made by unanimous consent to appoint Rob Ketter to the Plan Commission for the remainder of Brian White's 3-year term ending April 20, 2025 and direct staff to notify the appropriate personnel of the change.

Motion carried.

- I. Discussion/Action: Town Board review and consideration of Clayton Fire Rescue Standard Operating Policy Staff Vehicle Use.

The Board reviewed a copy of Clayton Fire Rescue Standard Operating Policy Staff Vehicle Use. For the past several months, there have been reports that the Department of Public Safety Vehicle has been used for personal use, rather than Town Business.

The Administration and Staff spoke with the Town Chair regarding this matter and resolved to create a policy for the use of Command 43, so that when reports come in, the policy can be referred to.

MOTION:

Motion made by unanimous consent to approve the Clayton Fire Rescue Standard Operating Policy: Staff Vehicle.

Motion carried.

- J. Discussion/Action: Town Board review and consideration of consideration of the Town Administrator Contract for the remainder of CY 2022 through December 2023.

The Board reviewed a copy of the Town Administrator Contract and background check for Kelly Wisnefske. As approved at the August 3, 2022 Board meeting, Kelly will be starting as the Town Administrator on September 6, 2022 with Tori taking on the role of Interim Treasurer until a Treasurer can be found. At that time, Tori will be training new office staff for the remainder of her contract.

The Contract contains all items agreed upon by the Board during the deliberation on Friday, July 29, 2022.

MOTION:

Motion made by unanimous consent to approve the Town Administrator Contract for the remainder of CY 2022 through December 2023 with an official start date for Ms. Wisniewska of September 6, 2022.

Motion carried.

- K. Discussion/Action: Town Board review and consideration of the Agreement for Professional Services submitted by McMahon Engineering for Construction Engineering and Staking Services for Phase 1 American Drive Extension for a cost of \$27,500.00.

The Board reviewed a copy of the Agreement for Professional Services submitted by McMahon Engineering for Construction Engineering and Staking Services for Phase 1 American Drive Extension. This agreement has come in considerably lower than first anticipated with a cost of \$27,500.

MOTION:

Motion made by unanimous consent to approve the Agreement for Professional Services submitted by McMahon Engineering for Construction Engineering and Staking Services for Phase 1 American Drive Extension for a cost not to exceed \$27,500.00.

Motion carried.

- L. Discussion/Action: Town Board review and consideration of increasing the purchase power of the Administrator to \$5,000.00.

The Board reviewed a copy of the amended Town of Clayton Town Purchasing Procedures Policy.

The Board approved an increase of the purchasing authorization for the Town Administrator on April 7, 2021 from \$1,500 to \$2,500 for routine purchases for the Town. In July, 2021, the Board approved an increase of the purchasing authorization for the Town Department Heads from \$500 to \$1,000.

As prices continue to rise, and the Town's equipment continue to age, the Town Administration and Staff are requesting the Board increase the purchasing authorization for the Town Administrator to reduce the amount of time required to have routine maintenance and repairs done to the equipment.

- Chair Geise noted this has been a contentious issue as things have become more expensive, especially repairs to Town equipment, the current limit of \$2,500.00 is no longer sufficient. Chair Geise noted there are work arounds, but that causes potentially more costly delays as multiple purchase orders need to be issued over multiple days, with Public Works being the most affected by the current limit.
- Administrator Straw cited the example of the new disc golf baskets having to go before the Board multiple times because of the cost.

MOTION:

Motion made by unanimous consent to approve the amended Town of Clayton Town Purchasing Procedures Policy showing the increase of the purchasing power of the Administrator to \$5,000.00.

Motion carried.

M. Discussion/Action: Town Board review and consideration of the Amendment to the Offer to Purchase for Parcel #006-0340-02-01 for \$425,555.00.

The Board reviewed a copy of the Amendment to the Offer to Purchase for Town-owned property on the Northeast corner of the future West American Drive & Eagle Heights, specifically described as Tax ID #006-0340-02-01 in the amount of \$425,555.000.

This item was on the July 20, 2022 Board meeting. During the discussion the Town's Attorney requested the item be tabled until the Attorney had a chance to look at the document. The document is showing the Attorney's amendments to the original Offer to Purchase.

- Chair Geise noted this was part of the land the Town purchased to fight annexation attempts. The land was purchased for between \$27,000 and \$29,000 per acre and will be selling for approximately \$63,000 per acre.
- Dennis Jochman, Town Broker, noted the purchase agreement includes paying full price for the land, a special assessment for W American Dr, and utilities for Eagle Heights.
- Supervisor Grundman questioned if the Town still has more parcels to sell, and Administrator Straw noted there are approximately 80 acres still owned by the Town across several parcels.

MOTION:

Motion made by unanimous consent to approve the Amendment to the Offer to Purchase for Parcel #006-0340-02-01 for \$425,555.00 as presented.

Motion carried.

- Mr. Jochman began recounting to the Board other Town owned parcel related business, and Attorney LaFrombois advised this was not the appropriate time to speak on other Town business, as there is no corresponding agenda item.

- XI. Review of Disbursements
- XII. Review of General Fund Budget Update (Second Town Board meeting of the month)
- XIII. Upcoming Meeting Attendance
 - Plan Commission Comprehensive Plan Meeting August 24, 2022 at 7 pm
- XIV. Board Member Requests for Future Agenda Items
- XV. Adjournment by unanimous consent at 8:08 p.m.

Respectfully Submitted,
Kelsey Faust-Kubale, Town Clerk

DATE: 02/28/23

R E S O L U T I O N

No. 005

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE 02-005-23

WHEREAS, it is desirable to amend the Zoning Map of the TOWN OF CLAYTON in accordance with the petition of KEVIN & JANNA FISCHER and

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

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

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

see attached
County Board Supervisor
(Town of Clayton)

PARCEL NO: **006-0279-01**; FROM **A-2** TO **R-1**

COUNTY DISCLAIMER:

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

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____, 2023.

Jon Doemel

County Board Supervisory district **36 - Miller**



Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z MEETING AGENDA OF FEBRUARY 3, 2023

TO: Planning & Zoning Committee

FM: Zoning Administrator *CA*

RE: Review of Town Zoning Change(s)

1. Paul & Jolene Moran - Town Zoning Change (Tax ID No(s): 006-0652-03-01 & 006-0652-03-02) – Town of Clayton.

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

RECOMMENDATION: Approve a motion to forward zone changes to County Board for action. *TE, SZ 5-0 approved*

2. Bret Blickhahn - Town Zoning Change (Tax ID No(s) 006-0816-01-03 & 006-0816-01-02) – Town of Clayton.

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

RECOMMENDATION: Approve a motion to forward zone changes to County Board for action. *TE, MG 5-0 approved*

3. Kevin & Janna Fischer - Town Zoning Change (Tax ID No(s): 006-0279-01) – Town of Clayton.

The town zoning change for Kevin & Janna Fischer is consistent with Winnebago County's Future Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agriculture District) to R-1 (Rural Residential District) and Winnebago County's future land use plan shows future land use as Residential.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action. *MG, HM2 5-0 Approved*

4. Town of Clayton - Town Zoning Change (Tax ID No(s) 006-0328-03) – Town of Clayton.

The town zoning change for the Town of Clayton is consistent with Winnebago County's Future Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agriculture District) to I-1 (Light Industrial District) and Winnebago County's future land use plan shows future land use as Non-Residential.

RECOMMENDATION: Approve a motion to forward zone changes to County Board for action. *MG, HM2 5-0 Approved*

5. Town of Clayton - Town Zoning Change (Tax ID No(s): 006-0340-02-01) – Town of Clayton.

The town zoning change for the Town of Clayton is consistent with Winnebago County's Future Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agriculture District) to I-1 (Light Industrial District) and Winnebago County's future land use plan shows future land use as Non-Residential.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action. *MG, HM2 5-0 Approved*

6. Cody Robel - Town Zoning Change (Tax ID No(s) 006-0034-01) – Town of Clayton.

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

RECOMMENDATION: Approve a motion to forward zone changes to County Board for action. *SZ, HM2 5-0 Approved*

006-0279-01
A-2 to R-1, FLV: Res



Monday, March 21, 2022

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

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

Mr. Cary A. Rowe:

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

A Re-zoning application submitted by Robert & Angela Antilia, 605 Van Buren St., Little Chute, WI 54140 for property owned by Kevin & Janna Fischer, 2830 E John St., Appleton, WI 54915 located on W. Shady Ln. specifically described as Lot 1 of CSM-2662, Tax ID #006-0279-01, being part of the Northeast ¼ of the Northwest ¼ of Section 10, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agriculture District) to R-1 (Rural Residential District).

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

Sincerely,

Tori Straw
Town Administrator

CC County Clerk, Sue Ertmer

TOWN OF CLAYTON

ORDINANCE 2022-Z003

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

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

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

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

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

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

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

Property Owner(s):

Kevin & Janna Fischer, 5505 W Greenville Dr, Appleton, WI 54913

Legal description of property:

For property located on W. Shady Ln. specifically described as Lot 1 of CSM-2662, Tax ID #006-0279-01, being part of the Northeast ¼ of the Northwest ¼ of Section 10, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

The above-described property is hereby rezoned from:

The application is to re-zone the property from A-2 (General Agriculture District) to R-1 (Rural Residential District).


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

Adopted this 16th day of March, 2022

Vote: Yes: 4 No: 0 Abstain: 0 Absent: 0


Russell D. Geise, Chair

ATTEST:


Kelsey Faust-Kubale, Town Clerk

TOWN OF CLAYTON

Board of Supervisors

Meeting Minutes

Wednesday, March 16, 2022

7:00 P.M.

Town Meeting Room, 8348 County Road T, Larsen, WI 54947

I. Call to Order: Town Board Chair Geise called the meeting to order at 7:00 p.m.

A. Pledge of Allegiance

B. Verification of Notice

C. Meeting Roll

a. Board of Supervisors

Chair Geise

PRESENT

Supervisor Lettau

PRESENT

Supervisor Grundman

PRESENT

Supervisor Reif

PRESENT

b. Staff

Administrator Straw

PRESENT

Clerk Faust-Kubale

PRESENT

Treasurer Wisnefske

PRESENT

Town Engineer – Ben Hamblin

PRESENT

Town Attorney – Ben LaFrombois

PRESENT arrived at 7:03 p.m.

II. Public Hearing(s) and/or Public Information Meeting(s):

A. No public hearing.

III. Approval of Minutes:

A. Approval of the Minutes of the Wednesday, March 2, 2022 Town Board Meeting.

MOTION:

Motion made by unanimous consent to approve the March 2, 2022 Meeting Minutes as presented.

Motion carried.

IV. Open Forum – Town-related matters not on the agenda: NONE

V. Correspondence:

A. Distribution of a Memorandum from the Wisconsin Counties Association regarding Absentee Ballot Drop Boxes.

- Chair Geise reviewed the correspondence and commented that the multi-use drop box located at the Municipal Building has been removed until after the April 5, 2022 election.

B. Distribution of a copy of the January 27, 2022 Minutes of the Oshkosh Public Library Board.

- Chair Geise reviewed the correspondence and noted nothing to report from these minutes, however masking in the Library is not required as of March 1, 2022.

VI. Discussion Items (No action will be taken):

- A. County Supervisor Report--NONE
- B. Winnebago County Sheriff's Department: – Public Concerns and Issues--NONE
- C. Department of Public Safety (First Meeting of the Month)
 - a. Clayton Fire Rescue Department--NONE
 - b. Clayton Police Department (First Meeting of the Month) --NONE
 - c. Emergency Management Report--NONE
- D. Larsen/Winchester Sanitary District--NONE
- E. Administration Comments
 - Chair Geise stated that he, Administrator Straw, TJ Lamers, and Barry Gill met regarding sale of Town property, and to negotiate a new sale price, which is addressed in a later agenda item.
 - Chair Geise reviewed communication from Winnebago County regarding a county wide initiative to re-zone parcels zoned A-1 (Agribusiness District) to A-2 in Towns with no Farmland Preservation Plan (FPP). Town of Clayton does not have any FPP areas. Chair Geise also noted that the A-1 zoning can be kept on parcels, but they would no longer be eligible for the tax credit.
 - Chair Geise reviewed communication from Edge Consulting Engineers, Inc regarding a proposed monopole telecommunications tower at 7577 Blacktop Way. Chair Geise noted that the communication cites the paper of record being the Neenah News-Record, which is a free paper circulated in that community.

VII. The Operator Licenses Issued by the Town Clerk:

- A. New:
 - i. None
- B. Renewal:
 - i. None

VIII. Business referred by the Plan Commission:

- A. Plan Commission review and recommendation on a Re-zoning application submitted by Robert & Angela Antilia, 605 Van Buren St., Little Chute, WI 54140 for property owned by Kevin & Janna Fischer, 2830 E John St., Appleton, WI 54915 located on W. Shady Ln. specifically described as Lot 1 of CSM-2662, Tax ID #006-0279-01, being part of the Northeast ¼ of the Northwest ¼ of Section 10, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agriculture District) to R-1 (Rural Residential District).
 - Plan Commission Chair Knapinski noted this re-zoning was submitted because the acreage is less than the 5-acre requirement to be zoned A-2.
 - Chair Knapinski noted that the only public comment read into record was an email received regarding the private road adjacent to the parcel.
 - Chair Knapinski reviewed that the Commission recommended approval of the re-zoning application.

- B. Plan Commission review and recommendation on a Site Plan Application submitted by JJJ2, LLC, Fox Valley Man Caves, 7577 Blacktop Way, Neenah, WI 54956 for property located at 7577 Blacktop Way, Neenah, WI 54956 specifically described as Tax ID #006-0895-06 being part of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 36, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
- Chair Knapinski remarked there was a lot of discussion on this item at the Commission meeting.
 - Chair Knapinski reminded the Board that Chair Geise, members of Administration and Staff, representatives of JJJ2, LLC, and himself met prior to the Commission meeting to try and work through some of the issues surrounding this development project.
 - Chair Knapinski noted in his view the Site Plan submitted was similar to plans submitted for Phase I, but overall, the Commissioners were looking to see detailed landscape and lighting plans, as well as ensuring that the conditions of Phase I were met before proceeding on.
 - Chair Knapinski remarked he advised the developers to have a single point of contact with the Town moving forward, as 3 developer representatives contacted 3 separate Town representatives.
 - Chair Geise also noted that he didn't see follow through on items discussed during the additional February meeting with himself and members of Administration and Staff.
 - Chair Knapinski noted that the Commission motion was to recommend denial of the Site Plan Application to the Town Board, and that motion passed in a 4-3 vote.
- C. Plan Commission review and recommendation on a Site Plan Application submitted by Ben Hamblin, McMahan Associates, 1445 McMahan Drive, Neenah, WI 54956 for property owned by Town of Clayton, 8348 County Road T, Larsen, WI 54947 and located on Clayton Ave specifically described as Tax ID#006-0340-02-03 being part of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.
- Chair Knapinski noted there was not much discussion between the Commissioners on this Site Plan Application as everything was in order.
 - Chair Knapinski noted that the Commission recommends approval on this Site Plan Application.
- D. Plan Commission review and approval of Plan Commission Resolution 2022-001 A Recommendation of the Plan Commission to the Town Board on the Comprehensive Plan Public Participation Plan.
- Chair Knapinski remarked that this item is required by State Statute and is part of the Comprehensive Plan process.
 - Both Chair Knapinski and Chair Geise agreed that this is an initiative to maximize public participation and input into revising the Comprehensive Plan.
 - Chair Knapinski noted that the Commission Roll Call vote was unanimous to approve and recommend approval to the Town Board.
- E. Plan Commission review and discussion on the Updates on the CY 2022 Planning Initiatives: Comprehensive Plan Update, Marketing of Hwy 10.76 Corridor (Gold Shovel), and the investigation of Solar Farm Opportunities.
- Chair Knapinski reviewed the parcels south of Highway 10 being considered for the Gold Shovel Ready program.

- Chair Knapinski reiterated that New North can market these properties up to 3 years depending on interest and success of the program, and that, if the Town proceeds, it will be evaluated after Year 1.
- Chair Knapinski reviewed the Commission is still exploring solar farm opportunities for parcels in the airport overlay and the Commission is still seeking more information as this is a rapidly growing and changing industry.
- Chair Knapinski was optimistic that there are available options that would allow for a mix of agriculture and solar on the identified parcels, and that the solar opportunities could generate some revenue for the Town.
- Chair Knapinski reiterated that this is an ongoing process and more information is being sought so that the Commission is more informed and no action is needed from the Board at this time.

IX. Business referred by the Green Space Committee:

- A. Green Space review and recommendation of appointing Nancy Harranty-Irvine Committee Chair.
 - Chair Geise noted this is great for the Committee and glad that there is a candidate that is being put forward for the Chair position.
- B. Green Space review and discussion of fundraising for trees/benches along Friendship Trail from Hwy 76 to Clayton Ave.
 - Chair Geise noted this is an ongoing discussion that the Committee will be having.
- C. Green Space review and update of continuing projects for Trailhead Park, Clayton Park, Olson’s Rest, and Friendship Trail.
 - Chair Geise noted this is an ongoing discussion that the Committee will be having. Some items discussed at the most recent meeting were expanding the disc golf course to 18 holes and moving forward with the sign recognizing the Lions Club and their contributions to Trailhead Park.

X. Business:

- A. Discussion/Action: Town Board review and consideration Ordinance 2022-Z003 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for the Kevin & Janna Fischer Rezoning from A-2 (General Agriculture District) to R-1 (Rural Residential District).

The Board reviewed a copy of the proposed Ordinance 2022-Z003.

The re-zoning of the property is in conformance with the Town’s Future Land Use Plan. This rezone is to conform with the current Zoning Code. The property is 3.58 acres which is below the required acreage for A-2 (General Agriculture District) zoning.

MOTION:

Motion by: Supervisor Grundman

Second by: Supervisor Lettau

Motion made to approve Ordinance 2022-Z003 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for the Kevin & Janna Fischer Rezoning from A-2 (General Agriculture District) to R-1 (Rural Residential District) and direct staff to submit the Ordinance to Winnebago County and publish the Ordinance as required by law.

ROLL CALL:

Chair Geise	Aye
Supervisor Reif	Aye
Supervisor Lettau	Aye
Supervisor Grundman	Aye

Motion carried 4-0.

B. Discussion/Action: Town Board review and consideration of a Site Plan Application submitted by JJJ2, LLC, Fox Valley Man Caves, 7577 Blacktop Way, Neenah, WI 54956 for property located at 7577 Blacktop Way, Neenah, WI 54956 specifically described as Tax ID #006-0895-06 being part of the Northwest ¼ of the Northwest ¼ of Section 36, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

The Board received in the Plan Commission Meeting Packets the review material and the minutes from the Plan Commission Meeting. There was a lot of discussion and as Plan Commission Chair has reported, the Plan Commission recommended denial of this Site Plan Application based on an incomplete and inadequate site plan including the lack of a landscaping plan and a lighting plan.

- Chair Geise shared his preference that this agenda item be tabled until the Site Plan Application is approved by the Plan Commission.
- No Supervisors objected to tabling this agenda item until the Site Plan is approved by the Plan Commission.

THIS ITEM TABLED UNTIL APPROVED BY THE PLAN COMMISSION.

C. Discussion/Action: Town Board review and consideration of a Site Plan Application submitted by Ben Hamblin, McMahan Associates, 1445 McMahan Drive, Neenah, WI 54956 for property owned by Town of Clayton, 8348 County Road T, Larsen, WI 54947 and located on Clayton Ave specifically described as Tax ID#006-0340-02-03 being part of the Northeast ¼ of the Southeast ¼ of Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

The Board received in the Plan Commission Meeting Packets, the review material and the minutes from the Plan Commission Meeting. Attached, please find Site Plan Approval 2022-001 for Trident Holdings, LLC.

Jeff Kussow, Code Administrator, Cedar Corp also added in his comments to the Plan Commission “If the Town determines that the driveway widths at the juncture with street pavement, exterior wall materials, and the alternative compliance landscape plan are acceptable, staff recommends conditional approve of the Site Plan Application.”

Plan Commission recommended approval of this Site plan.

- Supervisor Reif asked for clarification on the notes of Code Administrator Kussow regarding the driveway widths, and alternative compliance landscape plan.
- Barry Gill, representing Trident Holdings, LLC confirmed that these items were all addressed with the Plan Commission. Specific to the landscape plan, the grown trees along Clayton Ave. will be left.
- Administrator Straw further clarified that after consulting with Chief Rieckmann the driveway width now accommodates the Fire Department equipment versus the old plans that were wide enough to accommodate semi-trucks but possibly not the fire equipment.

MOTION:

Motion made by unanimous consent to approve the Site Plan Application submitted by Ben Hamblin, McMahon Associates, 1445 McMahon Drive, Neenah, WI 54956 as consultant for Trident Holdings, LLC for property owned by Town of Clayton, 8348 County Road T, Larsen, WI 54947 and located on Clayton Ave specifically described as Tax ID#006-0340-02-03 being part of the Northeast ¼ of the Southeast ¼ of Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin with all staff and Plan Commission recommendations.

Motion carried.

D. Discussion/Action: Town Board review and consideration of Ordinance 2022-001 An Ordinance to Adopt the Public Participation Plan as Part of the Town's Comprehensive Plan Update.

The Board reviewed a copy find a copy of Ordinance 2022-001 An Ordinance to Adopt the Public Participation Plan as Part of the Town's Comprehensive Plan Update along with a copy of the Public Participation Plan.

Last week the Plan Commission approved Plan Commission Resolution 2022-001 recommending to the Town Board to approve by Ordinance the Public Participation Plan as part of the Town's Comprehensive Plan.

The addition or amendment of the Comprehensive Plan requires Town Board approval through an Ordinance.

- Chair Geise expressed hope that this will foster better public participation on future maps and comprehensive plans for the Town.
- Chair Geise reiterated that the more resident input the better when it comes to making decisions for all in the Town, not just the few who are elected or appointed to serve.

MOTION:

Motion by: Supervisor Reif

Second by: Supervisor Grundman

Motion made to approve Ordinance 2022-001 An Ordinance to Adopt the Public Participation Plan as Part of the Town’s Comprehensive Plan and direct staff to publish the Ordinance as required by law.

ROLL CALL:

Supervisor Grundman	Aye	
Supervisor Lettau	Aye	
Supervisor Reif	Aye	
Chair Geise		Aye

Motion carried 4-0.

E. Discussion/Action: Town Board review and consideration of appointing Nancy Harrity-Irvine Committee Chair with a start date of April 13, 2022.

On December 01, 2021, the Administration received an email from Angela Coenen resigning as Green Space Chair. In order to hold the Green Space Committee meetings, the Administrator has been chairing the committee. At the January 12, 2022 meeting, the Administrator asked the Committee Members to consider taking the Chair position for the Committee. Nancy Harrity-Irvine was the only member that came forward with interest.

The Green Space Committee did recommend to the Town Board to appoint Nancy as Green Space Chair.

- Chair Geise again thanked Ms. Harrity-Irvine for stepping forward and serving.

MOTION:

Motion made by unanimous consent to appoint Nancy Harrity-Irvine Green Space Committee Chair with a start date of April 13, 2022.

Motion carried.

F. Discussion/Action: Town Board review and consideration of the Amendment to Offer to Purchase Lot 3 of Certified Survey Map 7862 amending the purchase price from \$54,281 per acre to \$47,250 per acre.

The Board reviewed a copy of the Amendment to Offer to Purchase. On Friday, March 11, 2022, the Town Chair and the Administrator met with Barry Gill and TJ Lamers regarding the cost of the proposed development. The Town will be assessing the property for the construction of W American Drive. The cost of the assessment is approximately \$100.00 per linear foot per property, which in turn is an additional \$42,980.00 for the development.

The Town paid \$36,828.00 per acre when the property was purchased. With the reduction of the price, the Town is still making \$10,422 per acre.

The additional development of \$2,100,000.00 will increase the value of the Town and produce approximately \$11,000 in tax revenue for the Town each year (\$5.24/thousand mill rate for Town and Sanitary District).

- Chair Geise noted that there will still be a special assessment on the road, and the developers will be billed for hookup on sewer and water.
- Supervisor Reif questioned why the Town is offering this new lower price.
- Barry Gill representing Trident Holdings, LLC responded the original offer to purchase didn't include the special assessment for the road. It is now agreed that as the developer, they will take on that special assessment and 10% TIF so the project makes financial sense for all parties.
- Supervisor Reif requested clarification that the TIF would be paid out over 10 years, and Mr. Gill replied in the affirmative.
- Chair Geise noted that in order to be consistent across developments, sale price of the land that the Town owns is the only variable that can be negotiated. The other developments were offered the same TIF incentives, special assessments if required, and charges for sewer and water hookup.

MOTION:

Motion made by unanimous consent approve the Amendment to the Offer to Purchase Lot 3 of Certified Survey Map 7862 amending the purchase price from \$54,281 per acre to \$47,250 per acre for a total sale price of \$275,940.00.

Motion carried.

G. Discussion/Action: Town Board review and consideration of Resolution 2022-004 A Resolution Authorizing the Sale of Property.

The Board reviewed a copy of Resolution 2022-004 A Resolution Authorizing the Sale of Property. The Town Attorney requested this to be added to the Town Board to formally authorize the Town Chair to sign closing documents on behalf of the Town. The Board has never "formally" authorized the Chair to sign documents – the Board has always mutually agreed.

State Statutes allow for the Clerk to sign such documents; however, the statutes are vague as to the Town Chair's authority to sign on behalf of the Town.

- Chair Geise requested clarification regarding if this type of authorization needs to be completed every time a sale of property is made.
- Town Attorney LaFrombois noted that yes it would need to be done each time as statutorily the conveyance of real property lies with the Town Clerk, but the Board Chair can if given authorization.

MOTION:

Motion by: Supervisor Reif

Second by: Supervisor Grundman

Motion made to approve Resolution 2022-004 A Resolution Authorizing the Sale of Property on the Northwest corner of West American Drive and Clayton Ave.

ROLL CALL:

Supervisor Reif	Aye	
Supervisor Grundman	Aye	
Chair Geise		Aye
Supervisor Lettau	Aye	

Motion carried 4-0.

H. Discussion/Action: Town Board review and consideration of Developer’s Agreement for Trident Holdings, LLC.

The Board reviewed a copy of the Draft Developer’s Agreement for Trident Holdings, LLC. This agreement is the same agreement that was used for Premier Clayton, LLC. The Administration has reviewed the agreement and is confident that the agreement is complete with all aspects of the sewer and water and TID information.

- Chair Geise noted this agreement is the same as previous Developer’s Agreements that the Board has approved, and details what Trident Holdings, LLC will be responsible for.
- Town Attorney LaFrombois made note of some clerical errors found in his review of the agreement and will submit them to the Administration for revision.

MOTION:

Motion made by unanimous consent to approve the Developer’s Agreement for Trident Holdings, LLC with the changes presented to the Administration.

Motion carried.

I. Discussion/Action: Town Board review and consideration of an Amendment to the list created by Resolution 2021-018 A Resolution Creating a Statutorily Required List of Appointed Election Poll Workers for the CY 2022/23 Election Cycle:

- i. Dean Ackman, 4477 Fairview Rd., Larsen, WI 54947
- ii. Laura Ackman, 4477 Fairview Rd., Larsen, WI 54947
- iii. David Beck, 3009 Windfield Dr., Neenah, WI 54956
- iv. Linda Beckwith, 8225 Golf Course Dr., Neenah, WI 54956
- v. Frances (Fran) Caruana, 2756 Holiday Ct., Neenah, WI 54956
- vi. Cynthia Deeg, 8241 County Rd. T, Larsen, WI 54947
- vii. Wanda Graham, 3217 Fondotto Dr., Neenah, WI 54956
- viii. Vicki Schmidt, 7382 Jensen Rd., Oshkosh, WI 54904
- ix. Jeff Track, 2942 Ridgeway Dr., Neenah, WI 54956

The Board reviewed a copy of Resolution 2021-018, as approved by the Board: Resolution 2021-018 is the Resolution Creating a Statutorily Required List of Appointed Election Poll Workers. Also attached is a copy of the amended Exhibit A to Resolution 2021-018 with the names of the additional poll workers highlighted in yellow. The additional Poll Workers on the list are recommended for addition by staff. As in the past, both the Democratic Party and

the Republican Party are eligible to provide Poll Worker names to the Clerk. The list of Poll Workers with the additional names is valid for 2 years and is used to select individuals who will work at the Town’s Elections.

MOTION:

Motion by: Supervisor Lettau

Second by: Supervisor Grundman

Motion made to approve the addition of the listed names to Exhibit A of Resolution 2021-018 A Resolution Creating an Election Poll Worker List for CY 2022/23 Election Cycle as presented.

ROLL CALL:

Supervisor Grundman	Aye	
Supervisor Lettau	Aye	
Supervisor Reif	Aye	
Chair Geise		Aye

Motion carried 4-0.

J. Discussion/Action: Town Board review and consideration of hiring Ted Eckstein for Cemetery Burials for the Town of Clayton.

The Board reviewed copies of the pricing sheets for Ted Eckstein and Tony’s Cemetery Service. Also attached are photos of some of the more recent cemetery burials. Dorothy Eckstein was buried on July 12, 2021 and her grave has not been restored as of yet. Richard Christianson, Sr. was buried January 24, 2022 and in the opinion of the staff, the grave site looks a mess. Bonnie Salm was buried February 19, 2022 and her grave site looks complete other than top soil and grass seed.

The graves of Mrs. Eckstein and Mr. Christianson, Sr. were dug by Tony’s Cemetery Service, and the grave of Mrs. Salm was dug by Ted Eckstein. It is very clear to see which service does a better job. Also, Ted is local and Tony’s Cemetery Service is out of New London. The Town does not have a contract with Tony’s Cemetery Service.

The price sheets that are included are very similar in the cost. The difference is the Town supplies fill and top soil for Tony’s Cemetery Service and Ted Eckstein uses his own fill, top soil, and seed.

The Town Board has not revisited the fee schedule for CY2022 and can adjust the price of opening/closing graves to allow for the increase if the Board choses to hire Ted Eckstein.

- Chair Geise noted that while it may cost the Town a bit more, the work looked more professional and would be factored into the revised fee schedule.
- Administrator Straw inquired if Mr. Eckstein would be open to fixing the gravesites that have not been restored and Public Works Foreman Christianson advised yes, but for a small cost.
- Administrator Straw asked Foreman Christianson to get those costs from Mr. Eckstein to be submitted at the next Board meeting.

MOTION:

Motion made by unanimous consent to approve using Ted Eckstein for grave openings/closings effective immediately.

Motion carried.

- K. Discussion/Action: Town Board review and consideration of creating a Member/Employee Assistance Referral Program as required by Wisconsin Department of Safety and Professional Services.

The Board reviewed copies of information regarding the Member/Employee Assistance Referral Program and a proposal sheet for the cost of therapy. Treasurer Wisnfske will be available to answer any questions the Board may have regarding this program.

Clayton Fire Rescue has been informed that the department will be having a state audit shortly. The Department of Safety and Professional Services does require that the Town have such a program not only for our Firefighters and Emergency Medical Responders, but also for Town Staff as well.

The Department has been adding a lot of Standard Operating Guidelines and Procedures of late and this program is another requirement of those steps the department has been taking to become a better equipped department.

- Chair Geise noted that Treasurer Wisnfske has prior experience in setting up these programs.
- Supervisor Reif asked for clarification that there would be no charge or fee unless the service is used.
- Treasurer Wisnfske described the proposed program to be contracting with a clinician for 3-5 tele-visits. There will be a phone number set up for use tracking purposes, but all calls will be anonymous. Treasurer Wisnfske noted there is no EAP rider offering under the Town health insurance. Treasurer Wisnfske also noted the possibility of future alternative funding sources, such as grants, once the program has been established.

MOTION:

Motion made by unanimous consent to create a Member/Employee Assistance Referral Program as required by Wisconsin Department of Safety and Professional Services.

Motion carried.

- L. Discussion/Action: Town Board review and consideration of purchasing Lawn Mowing Equipment for the Public Works Department for a total cost of \$45,100.00.

The Board reviewed copies of the cost of purchasing new lawn equipment and photos of the equipment being purchased.

Please note we will be trading in the older equipment with a trade-in value of \$19,000.00 bringing the purchase price of a new tractor and gang mower to \$37,522.52. Since getting the quote on the Toro Z-turn Mower, the cost of the mower has gone up \$460.63 with a new cost of \$7,537.22. We are adding the recycler kit for the purpose of maintaining the Cemeteries. By adding the recycler kit, the PW Department will not have to go back after mowing to remove grass clippings from the headstones.

The Public Works Foreman has also gained new information regarding the purchase of a 2022 Jacobsen HR 600 in place of the tractor and gang mower that may change the Board's view on approving the purchase of Lawn Mowing Equipment at this time.

- Chair Geise invited Public Works Foreman Christianson to speak to this agenda item.
- Administrator Straw noted that the new information, received after posting the agenda, regarding purchase of a 2022 Jacobsen HR 600 would be substantially more than the \$45,100.00 described and recommended tabling this agenda item until the next Board meeting.
- Foreman Christianson noted that would prolong the ordering process and receipt of any lawn mowing equipment authorized for purchase.
- Chair Geise advised with the discrepancy on cost the Board would need more time to review the information as presented with no objections from the other Supervisors.

AGENDA ITEM TABLED UNTIL APRIL 6, 2022 TOWN BOARD MEETING.

M. Discussion/Action: Town Board review and consideration of hiring Renee Luebke for the Janitorial Position at a wage of \$17.00 per hour with a start date to be no later than March 31, 2022.

At the March 2, 2022 Board Meeting, the Board approved hiring an individual for the janitorial position. At that time, the Administration and Staff had two people in mind and had reached out to both of them.

On March 3, 2022, Ms. Luebke returned the phone call first and accepted the position with Ms. Seelow agreeing to "fill in" for Ms. Luebke if for any reason, Ms. Luebke was unable to clean. Both people came highly recommended by Staff.

Ms. Luebke is willing to start immediately; however, the Town's vacuum cleaner needed to be replaced and a new one is on order. The Staff is hoping to have the new vacuum before the end of March. Ms. Luebke did take an application and the employee forms to complete and will be returning them on her start date.

- Supervisor Reif noted that this was also discussed at the March 2, 2022 meeting.

MOTION:

Motion made by unanimous consent to approve hiring Renee Luebke for the Janitorial Position at a wage of \$17.00 per hour with a start date to be no later than March 31, 2022.

Motion carried.

N. Discussion/Action: Town Board review and consideration of contracting with the Winnebago County Sheriff's Department to fill the vacancy in the Town's Police Department.

This agenda item was brought forward from the March 02, 2022 meeting. The Board directed the Staff to prepare a spreadsheet with Budget Numbers so as to get a better handle on the impact to the Town's Budget.

The Board reviewed a copy of a spreadsheet with the Budget numbers. The top set of numbers are what the Town has budgeted for wages and benefits for a Police Officer. The Administration is assuming all of these expenses would be included in the cost of the County Officer with one exception – the equipment maintenance. If the County Officer were to bring in his own equipment, this expense could possibly be paid for by the County. However, this expense could be billed back to the Town also.

The bottom set of numbers would be expenses the Town would incur whether the Town employed their own officer or the Town contracted with the County. Depending on gas prices and how much actual patrolling was done during the shift, the fuel line item might be a little light this year. The \$100.00 budgeted for mileage was intended to reimburse the officer if their personal vehicle was used for seminars and training travel.

The Deputy Wages for CY 2022 are as follows: \$37.50 per hour with a fringe rate of 37.09% for a total of \$51.41 per hour. At 2080 hours, the total wage would be \$106,933.00 which is \$38,613.70 more than the Town budgeted for wages and benefits. If the position started April 1st, 2022, the annual wage would drop to \$80,200.00 which is \$11,880.70 more than the Town budgeted for wages and benefits. Please keep in mind, the \$13,700.00 that is in the budget is fixed costs that will add to the contract with the County.

The new F550 cost \$120,000 and the Town had budgeted \$140,000, so there is \$20,000 available there. Although the Town Budget could support an officer for this year, next year the deputy contract allows for a 2.25% raise which would bring the wage up to \$109,339 for CY 2023.

This would be a five-year contract with the Sheriff's Department and the cost quoted above does not include when the assigned officer takes vacation and the County needs to fill the vacancy with another officer. If the County can fill the vacancy with another officer using straight time, the cost would not increase; however, if the County has to fill the vacancy with an officer using overtime wages, the cost could run as much as \$117,000 annually or more depending on the overtime wage.

As stated in the Attorney's memo from the March 2, 2022 meeting, the Town has authority to enforce ordinances, such as building and zoning codes, through its zoning officer; a law enforcement officer is not required.

The Town has the following projects scheduled for this year:

West American Drive (approximately 2,300 feet) at a cost of \$440,000.00
Eagle Ridge Road (W Am Dr North to parcel 006-0327-03 includes sewer and water) at a cost of \$660,000.00

Friendship Trail (1-mile) – bid opening is March 21, 2022
Engineering for Oakridge Road – cost at \$109,000.00
A new Fire Engine with an annual cost of \$158,760.84 starting in CY2023

Some of these costs will be offset by the selling of Town property, but some will have to be covered within the Town's CY2022 Budget. The Town took out debt two years in a row and it cost the Town a reduction in the Bond Rating. The Administration and Staff do not recommend bonding for these projects this year.

- Chair Geise remarked when he reviewed the numbers presented, he was not confident that the Town would be able to afford contracting an Officer at this time.
- Supervisor Reif concurred noting that to do so would be taking piecemeal parts from multiple budget items to make the funding work.
- Chair Geise noted there was input from both Treasurer Wisnefske and Chief Rieckmann that the existing car could be rebranded as "Public Safety" and be used by the Chief to free up more Fire Department resources.
- Chief Rieckmann suggested that by rebranding the existing squad car with new "Public Safety" vinyl it could be used for inspections, but also as his response vehicle. Doing so would free up the Rescue that Chief Rieckmann currently uses to be moved to the east side station. Doing so would equate to a second engine crew being able to respond out of the east side station.
- Chief Rieckmann noted that the approximate cost to convert the existing squad car would be \$2,100.00 for the new red lights, radio, and lettering. The CAD system is already in place so any ordinance citations issued can be viewed directly by the County.
- Town Attorney LaFrombois remarked he would need to look further into what ordinances the Fire Chief could enforce.

MOTION:

Motion made by unanimous consent to decline to fill the vacancy in the Town's Police Department at this time.

Motion carried.

- O. Discussion/Action: Town Board review and consideration of the following satisfactions and authorization for executing by the Town Clerk pursuant to Wis. Stat. 60.33(5):
1. Satisfaction of Site Improvement Agreement between the Town and M&I Investment Group, LLC recorded 07-23-2008.
 2. Satisfaction and Termination of Public Improvement Agreement between the Town of Clayton and Marty Nikodem recorded 07-02-2002.
 3. Satisfaction and Termination of Road Construction and Real Estate Security Agreement between the Town of Clayton and Wilbur Harder and Myrna Harder recorded 05-05-2000.

The Town Attorney requested this item to be put on the agenda due to the sale of Matrix Machine. It appears there were the above listed agreements recorded as a lien on the titles.

The Town Attorney will be available to answer any questions the Board might have.

- Chair Geise noted that this is cleaning up old items that were not done many years ago and are just being brought attention now with the sale of this property.
- Supervisor Reif questioned if the items in question were, in fact, completed.
- Administrator Straw replied that it is believe they all are, but due to the length of time lapsed between when they were recorded and now, as well as several Administration changes, it was advised to record them as satisfied.
- Town Attorney LaFrombois noted that this is a title cleanup issue and needs to be more than a simple recording with the County.

MOTION:

Motion made by unanimous consent to approve the Satisfaction of Site Improvement Agreement, the Satisfaction and Termination of Public Improvement Agreement and the Satisfaction and Termination of Road Construction and Real Estate Security Agreement and direct staff to obtain the appropriate signatures and record the documents with Winnebago County.

Motion carried.

- XI. Review of Disbursements
- XII. Review of General Fund Budget Update (Second Town Board meeting of the month)
- XIII. Upcoming Meeting Attendance
 - Town Board Annual Meeting scheduled for April 19,2022 which is 2 weeks after the Spring Election
- XIV. Board Member Requests for Future Agenda Items--NONE
- XV. Adjournment: 8:23 p.m.

Respectfully Submitted,
Kelsey Faust-Kubale, Town Clerk

DATE: 02/28/23

R E S O L U T I O N

No. 006

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE 02/006/23

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

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

NOW, THEREFORE, the County Board of Supervisors of Winnebago County do ordain that the Zoning Ordinance and the Zoning Map of the TOWN OF CLAYTON, be and the same, are amended to provide that the attached described property be changed from the classification of **A-2 (General Agriculture District)** of said ordinance, which it now and heretofore had, to the zoned district of **I-1 (Light Industrial District)**.

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

see attached
County Board Supervisor
(Town of Clayton)

PARCEL NO: **006-0328-03**; FROM **A-2** TO **I-1**

COUNTY DISCLAIMER:

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

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____, 2023.

Jon Doemel

County Board Supervisory district **29 - Youngquist**



Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z MEETING AGENDA OF FEBRUARY 3, 2023

TO: Planning & Zoning Committee

FM: Zoning Administrator *CAR*

RE: Review of Town Zoning Change(s)

1. Paul & Jolene Moran - Town Zoning Change (Tax ID No(s): 006-0652-03-01 & 006-0652-03-02) – Town of Clayton.

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

RECOMMENDATION: Approve a motion to forward zone changes to County Board for action. *TE, SI 2 5-0 approved*

2. Bret Blickhahn - Town Zoning Change (Tax ID No(s) 006-0816-01-03 & 006-0816-01-02) – Town of Clayton.

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

RECOMMENDATION: Approve a motion to forward zone changes to County Board for action. *TE, MG 2 5-0 approved*

3. Kevin & Janna Fischer - Town Zoning Change (Tax ID No(s): 006-0279-01) – Town of Clayton.

The town zoning change for Kevin & Janna Fischer is consistent with Winnebago County's Future Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agriculture District) to R-1 (Rural Residential District) and Winnebago County's future land use plan shows future land use as Residential.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action. *MG, HM2 5-0 Approved*

4. Town of Clayton - Town Zoning Change (Tax ID No(s) 006-0328-03) – Town of Clayton.

The town zoning change for the Town of Clayton is consistent with Winnebago County's Future Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agriculture District) to I-1 (Light Industrial District) and Winnebago County's future land use plan shows future land use as Non-Residential.

RECOMMENDATION: Approve a motion to forward zone changes to County Board for action. *MG, HM2 5-0 Approved*

5. Town of Clayton - Town Zoning Change (Tax ID No(s): 006-0340-02-01) – Town of Clayton.

The town zoning change for the Town of Clayton is consistent with Winnebago County's Future Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agriculture District) to I-1 (Light Industrial District) and Winnebago County's future land use plan shows future land use as Non-Residential.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action. *MG, HM2 5-0 Approved*

6. Cody Robel - Town Zoning Change (Tax ID No(s) 006-0034-01) – Town of Clayton.

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

RECOMMENDATION: Approve a motion to forward zone changes to County Board for action. *SZ, HM2 5-0 Approved*

016-0328-03
A-2 to I-1, FLU: Non-Res

TOWN OF CLAYTON

ORDINANCE 2022-Z005

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

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

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

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

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

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

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

Property Owner(s):

Town of Clayton, 8348 County Road T, Larsen, WI 54947

Legal description of property:

For property specifically described as Lot 3 of Certified Survey Map 7917 being part of the Northwest 1/4 of the Southeast 1/4 of Section 12, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

The above-described property is hereby rezoned from:


The application is to re-zone the property from A-2 (General Agriculture District) to I-1 (Light Industrial District).

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

Adopted this 16th day of November, 2022

Vote: Yes: 5 No: 0 Abstain: 0 Absent: 0


Russell D. Geise, Chair

ATTEST:

Kelsey Faust-Kubale, Town Clerk

Town Board

Roll Call Vote Tally

Meeting Date: November 16, 2022

Agenda Item: Town Board review and consideration of 2022-Z005 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for the Town of Clayton Rezoning on Tax ID #006-0328-03 from A-2 (General Agriculture District) to I-1 (Light Industrial District).

Motion by: PC

Second by: LG

MOTION: Motion approve Ordinance 2022-Z005 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for the Town of Clayton Rezoning from A-2 (General Agriculture District) to I-1 (Light Industrial District) and direct staff to submit the Ordinance to Winnebago County and publish the Ordinance as required by law.

Supervisor Vote:	Aye	Nay	Abstain
① Chair Geise	<u>1</u>	_____	_____
② Supervisor Reif	<u>1</u>	_____	_____
③ Supervisor Lettau	<u>1</u>	_____	_____
④ Supervisor Grundman	<u>1</u>	_____	_____
⑤ Supervisor Christianson	<u>1</u>	_____	_____

TOWN OF CLAYTON
Board of Supervisors
Meeting Minutes
Wednesday, November 16, 2022
Immediately following the Town Board Closed Session
Town Meeting Room, 8348 County Road T, Larsen, WI 54947

I. Call to Order: Town Board Chair Geise called the meeting to order at 6:44 pm.

A. Pledge of Allegiance

B. Verification of Notice

C. Meeting Roll

a. Board of Supervisors

Chair Geise PRESENT

Supervisor Lettau PRESENT

Supervisor Grundman PRESENT

Supervisor Reif PRESENT

Supervisor Christianson PRESENT

b. Staff

Administrator Wisnefske PRESENT

Clerk Faust-Kubale PRESENT

Treasurer Zolp PRESENT

Engineer Hamblin EXCUSED

Town Attorney LaFrombois PRESENT

II. Public Hearing(s) and/or Public Information Meeting(s): **NONE**

III. Approval of Minutes:

A. Approval of the Minutes of the Tuesday, November 1, 2022 Town Board Budget Workshop.

B. Approval of the Minutes of the Wednesday, November 2, 2022 Town Board Meeting.

MOTION:

Motion made by unanimous consent to approve the November 1, 2022 Town Board Budget Workshop; and Wednesday, November 2, 2022 Town Board Meeting Minutes as presented.

Motion carried by unanimous voice vote.

IV. Open Forum – Town-related matters not on the agenda: **NONE**

V. Correspondence:

A. Distribution of the October Building Inspection Report

- Chair Geise noted over \$4 million in new construction in the Town in the month of October.

B. Distribution of the September 29, 2022 Oshkosh Public Library Board Minutes.

VI. Discussion Items (No action will be taken):

- A. Winnebago County Sheriff's Department: Public Concerns and Issues: **NONE**
- B. Larsen/Winchester Sanitary District Report on October 2022 Activity
 - Supervisor Reif noted at the last meeting the billing for last quarter was discussed as several customers were overbilled. That has been corrected. Supervisor Reif also noted there has been no updates from the DNR.
- C. Administrator's Report on November 2022 Activity
 - Administrator Wisniewski noted no new updates.
 - Chair Geise reported he and the Town Broker met with a developer regarding a potential \$78 million development within the Town. Chair Geise reported that at present the Town is not ready to commit to the developer's needs for additional sewer and water installation.

VII. Business referred by the Plan Commission:

- A. Plan Commission review and recommendation on a Re-zoning Application submitted by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 for property owned by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 WI Tax ID #006-0328-03.
 - Plan Commission Chair Knapinski noted this change would be from A-2 to I-1 to accommodate a planned warehouse distribution center.
- B. Plan Commission review and recommendation on a Re-zoning Application submitted by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 for property owned by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 WI Tax ID #006-0340-02-01.
 - Chair Knapinski noted this change would be from A-2 to I-1 for potential development of a cast and die facility.
- C. Plan Commission review and recommendation on a Re-zoning Application submitted by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 for property owned by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 WI Tax ID #006-0328-02.
 - Chair Knapinski noted this change would be from A-2 to R-4 for a proposed multi-family housing development.
- D. Plan Commission review and recommendation on a Certified Survey Map (CSM) Review Application submitted by Keith & Katherine Salm, for Tax ID #006-0615 and Tax ID #006-0615-01.
 - Chair Knapinski noted this CSM is proposing to correct current property lines that pass through the storage units constructed on the parcels. Chair Knapinski also noted that the Commissioners recommended approval of the CSM, but have also requested that the property be rezoned to also correct the dual zoning currently in place.

VIII. Business:

- A. Discussion/Action: Town Board review and consideration of Resolution 2022-020 A Resolution Adopting the CY 2022 Tax Levy payable in CY 2023 as set by the Wednesday, November 16, 2022 Special Meeting of the Town Electors, and Adopting the following Town CY 2023 Budgets as presented:

- i. CY 2023 General Fund Revenue and Expense Budgets.
- ii. CY 2023 Capital Projects Fund Revenue and Expense Budgets.
- iii. CY2023 Debt Service Fund Revenue and Expense Budgets.
- iv. CY 2023 Stormwater Management Utility Fund Revenue and Expense Budgets
- v. CY 2023 Solid Waste and Recycling Fund Revenue and Expense Budgets.
- vi. CY 2023 Tax Increment Finance District #1 Fund Revenue and Expense Budgets.
- vii. CY 2023 Clayton Sanitary District #1 Fund Revenue and Expense Budgets.

- Chair Geise noted at the Elector’s Meeting earlier in the night, the levy was approved.

MOTION:

Motion by: Supervisor Grundman

Second by: Supervisor Christianson

Motion made to approve Resolution 2022-020 A Resolution Adopting the CY 2022 Tax Levy payable in CY 2023 as set by the Wednesday, November 16, 2022 Special Meeting of the Town Electors, and Adopting the following Town CY 2023 Budgets as presented.

ROLL CALL:

Supervisor Lettau	Aye
Supervisor Grundman	Aye
Supervisor Christianson	Aye
Supervisor Reif	Aye
Chair Geise	Aye

Motion carried 5-0.

- B. Discussion/Action: Town Board review and consideration of Ordinance 2022-Z005 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for the Town of Clayton Rezoning on Tax ID #006-0328-03 from A-2 (General Agriculture District) to I-1 (Light Industrial District).

MOTION:

Motion by: Supervisor Grundman

Second by: Supervisor Christianson

Motion made to approve Ordinance 2022-Z005 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for the Town of Clayton Rezoning on Tax ID #006-0328-03 from A-2 (General Agriculture District) to I-1 (Light Industrial District)

and direct Staff to submit the Ordinance to Winnebago County and publish the Ordinance as required by law.

ROLL CALL:

Chair Geise	Aye
Supervisor Reif	Aye
Supervisor Lettau	Aye
Supervisor Grundman	Aye
Supervisor Christianson	Aye

Motion carried 5-0.

- C. Discussion/Action: Town Board review and consideration of Ordinance 2022-Z006 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for the Town of Clayton Rezoning on Tax ID #006-0340-02-01 from A-2 (General Agriculture District) to I-1 (Light Industrial District).

MOTION:

Motion by: Supervisor Reif
Second by: Supervisor Grundman

Motion made to approve Ordinance 2022-Z006 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for the Town of Clayton Rezoning on Tax ID #006-0340-02-01 from A-2 (General Agriculture District) to I-1 (Light Industrial District) and direct Staff to submit the Ordinance to Winnebago County and publish the Ordinance as required by law.

ROLL CALL:

Supervisor Reif	Aye
Supervisor Lettau	Aye
Supervisor Grundman	Aye
Supervisor Christianson	Aye
Chair Geise	Aye

Motion carried 5-0.

- D. Discussion/Action: Town Board review and consideration of Ordinance 2022-Z007 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for the Town of Clayton Rezoning on Tax ID #006-0328-02 from A-2 (General Agriculture District) to R-4 (Multi-Family Residential District).

MOTION:

Motion by: Supervisor Grundman
Second by: Supervisor Christianson

Motion made to approve Ordinance 2022-Z007 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for the Town of Clayton Rezoning from A-2 (General Agriculture District) to R-4 (Multi-Family Residential District) and direct staff to submit the Ordinance to Winnebago County and publish the Ordinance as required by law.

ROLL CALL:

Supervisor Grundman	Aye
Supervisor Lettau	Aye
Supervisor Reif	Aye
Chair Geise	Aye
Supervisor Christianson	Aye

Motion carried 5-0.

- E. Discussion/Action: Town Board review and consideration of a Certified Survey Map (CSM) Review Application submitted by Keith & Katherine Salm, for Tax ID #006-0615 and Tax ID #006-0615-01.

MOTION:

Motion by: Supervisor Grundman

Second by: Supervisor Christianson

Motion made to approve the Certified Survey Map Review Application submitted by Keith & Katherine Salm, for Tax ID #006-0615 and Tax ID #006-0615-01 provided all conditions recommended by Staff and the Plan Commission are met.

Motion carried by unanimous voice vote.

- F. Discussion/Action: Town Board review and consideration of a change in the Town Hall Operating Hours.

- Chair Geise noted he consulted with neighboring Towns and the proposed hours are in line with the other communities, especially with the option of Staff being available for appointments as well.
- Supervisor Reif noted he was originally against the proposal, but after hearing it is in line with other communities, is willing to give it a try.
- Plan Commission Chair Knapinski noted that the residents made a choice during the November Election to vote down the Town Referendum and this is a ramification of that choice.
- Chair Geise noted that the Town has to be respectful of and value the amount of time that Staff puts in above and beyond the normal 40-hour work week in service of the Town.

MOTION:

Motion made to approve the new Town Hall Operating Hours of Monday through Thursday 7:45 am to 4 pm and Friday 7:45 am to 1 pm, effective November 17, 2022,

with any necessary Statutory and Administrative exceptions, as well as appointments as requested.

Motion carried by unanimous voice vote.

G. Discussion/Action: Town Board review and consideration of the Agreement for Automatic Fire Protection between Clayton Fire Rescue and Town of Neenah Fire Department.

- Chair Geise noted that the Auto Aid agreements have been working well for the Town.
- Chief Rieckmann noted that Town of Neenah has been open to this new agreement and passed the Agreement at their meeting on November 14, 2022.

MOTION:

Motion made to approve the new Town Hall Operating Hours of Monday through Thursday 7:45 am to 4 pm and Friday 7:45 am to 1 pm, effective November 17, 2022, with any necessary Statutory and Administrative exceptions, as well as appointments as requested.

Motion carried by unanimous voice vote.

IX. Review of Disbursements

X. Upcoming Meeting Attendance

- Chair Knapinski noted that the Plan Commission Comprehensive Plan Meeting has been moved to November 30, 2022.
- Chief Rieckmann noted that the Supervisors will be invited, pending formal invitation, to the 2nd Annual Awards Banquet on December 6, 2022.

XI. Board Member Requests for Future Agenda Items

XII. Adjournment

MOTION:

Motion made by unanimous consent to adjourn at 7:22 pm.

Motion carried.

Respectfully Submitted,
Kelsey Faust-Kubale, Town Clerk

DATE: 02/28/23

R E S O L U T I O N

No. 007

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE 02/007/23

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

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

NOW, THEREFORE, the County Board of Supervisors of Winnebago County do ordain that the Zoning Ordinance and the Zoning Map of the TOWN OF CLAYTON, be and the same, are amended to provide that the attached described property be changed from the classification of **A-2 (General Agriculture District)** of said ordinance, which it now and heretofore had, to the zoned district of **I-1 (Light Industrial District)**.

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

see attached
County Board Supervisor
(Town of Clayton)

PARCEL NO: **006-0340-02-01**; FROM **A-2** TO **I-1**

COUNTY DISCLAIMER:

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

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____, 2023.

Jon Doemel

County Board Supervisory district **29 - Youngquist**



Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z MEETING AGENDA OF FEBRUARY 3, 2023

TO: Planning & Zoning Committee

FM: Zoning Administrator *CA*

RE: Review of Town Zoning Change(s)

1. Paul & Jolene Moran - Town Zoning Change (Tax ID No(s): 006-0652-03-01 & 006-0652-03-02) – Town of Clayton.

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

RECOMMENDATION: Approve a motion to forward zone changes to County Board for action. *TE, SI 2 5-0 approved*

2. Bret Blickhahn - Town Zoning Change (Tax ID No(s) 006-0816-01-03 & 006-0816-01-02) – Town of Clayton.

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

RECOMMENDATION: Approve a motion to forward zone changes to County Board for action. *TE, MG 2 5-0 approved*

3. Kevin & Janna Fischer - Town Zoning Change (Tax ID No(s): 006-0279-01) – Town of Clayton.

The town zoning change for Kevin & Janna Fischer is consistent with Winnebago County's Future Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agriculture District) to R-1 (Rural Residential District) and Winnebago County's future land use plan shows future land use as Residential.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action. *MG, HM2 5-0 Approved*

4. Town of Clayton - Town Zoning Change (Tax ID No(s) 006-0328-03) – Town of Clayton.

The town zoning change for the Town of Clayton is consistent with Winnebago County's Future Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agriculture District) to I-1 (Light Industrial District) and Winnebago County's future land use plan shows future land use as Non-Residential.

RECOMMENDATION: Approve a motion to forward zone changes to County Board for action. *MG, HM2 5-0 Approved*

5. Town of Clayton - Town Zoning Change (Tax ID No(s): 006-0340-02-01) – Town of Clayton.

The town zoning change for the Town of Clayton is consistent with Winnebago County's Future Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agriculture District) to I-1 (Light Industrial District) and Winnebago County's future land use plan shows future land use as Non-Residential.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action. *MG, HM2 5-0 Approved*

6. Cody Robel - Town Zoning Change (Tax ID No(s) 006-0034-01) – Town of Clayton.

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

RECOMMENDATION: Approve a motion to forward zone changes to County Board for action. *SZ, HM2 5-0 Approved*

006-0340-02-01
A-2 to I-1, FLU: Non-Res

TOWN OF CLAYTON

ORDINANCE 2022-Z006

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

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

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

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

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

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

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

Property Owner(s):

Town of Clayton, 8348 County Road T, Larsen, WI 54947

Legal description of property:

For property specifically described as Lot 1 of Certified Survey Map 7862 being part of the Northeast 1/4 of the Southeast 1/4 of Section 12, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

The above-described property is hereby rezoned from:

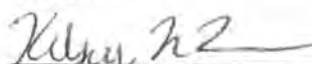
The application is to re-zone the property from A-2 (General Agriculture District) to I-1 (Light Industrial District).

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

Adopted this 16th day of November, 2022

Vote: Yes: 5 No: 0 Abstain: 0 Absent: 0


Russell D. Geise, Chair

ATTEST:

Kelsey Faust-Kubale, Town Clerk

Town Board

Roll Call Vote Tally

Meeting Date: November 16, 2022

Agenda Item: Town Board review and consideration of 2022-Z006 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for the Town of Clayton Rezoning on Tax ID #006-0340-02-01 from A-2 (General Agriculture District) to I-1 (Light Industrial District).

Motion by: SR

Second by: LG

MOTION: Motion approve Ordinance 2022-Z006 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for the Town of Clayton Rezoning from A-2 (General Agriculture District) to I-1 (Light Industrial District) and direct staff to submit the Ordinance to Winnebago County and publish the Ordinance as required by law.

Supervisor Vote:	Aye	Nay	Abstain
⑤ Chair Geise	<u>1</u>	_____	_____
① Supervisor Reif	<u>1</u>	_____	_____
② Supervisor Lettau	<u>1</u>	_____	_____
③ Supervisor Grundman	<u>1</u>	_____	_____
④ Supervisor Christianson	<u>1</u>	_____	_____

TOWN OF CLAYTON
Board of Supervisors
Meeting Minutes
Wednesday, November 16, 2022
Immediately following the Town Board Closed Session
Town Meeting Room, 8348 County Road T, Larsen, WI 54947

I. Call to Order: Town Board Chair Geise called the meeting to order at 6:44 pm.

- A. Pledge of Allegiance
- B. Verification of Notice
- C. Meeting Roll

a. Board of Supervisors

Chair Geise	PRESENT
Supervisor Lettau	PRESENT
Supervisor Grundman	PRESENT
Supervisor Reif	PRESENT
Supervisor Christianson	PRESENT

b. Staff

Administrator Wisnefske	PRESENT
Clerk Faust-Kubale	PRESENT
Treasurer Zolp	PRESENT
Engineer Hamblin	EXCUSED
Town Attorney LaFrombois	PRESENT

II. Public Hearing(s) and/or Public Information Meeting(s): **NONE**

III. Approval of Minutes:

- A. Approval of the Minutes of the Tuesday, November 1, 2022 Town Board Budget Workshop.
- B. Approval of the Minutes of the Wednesday, November 2, 2022 Town Board Meeting.

MOTION:

Motion made by unanimous consent to approve the November 1, 2022 Town Board Budget Workshop; and Wednesday, November 2, 2022 Town Board Meeting Minutes as presented.

Motion carried by unanimous voice vote.

IV. Open Forum – Town-related matters not on the agenda: **NONE**

V. Correspondence:

- A. Distribution of the October Building Inspection Report
 - Chair Geise noted over \$4 million in new construction in the Town in the month of October.
- B. Distribution of the September 29, 2022 Oshkosh Public Library Board Minutes.

VI. Discussion Items (No action will be taken):

- A. Winnebago County Sheriff's Department: Public Concerns and Issues: **NONE**
- B. Larsen/Winchester Sanitary District Report on October 2022 Activity
 - Supervisor Reif noted at the last meeting the billing for last quarter was discussed as several customers were overbilled. That has been corrected. Supervisor Reif also noted there has been no updates from the DNR.
- C. Administrator's Report on November 2022 Activity
 - Administrator Wisnefske noted no new updates.
 - Chair Geise reported he and the Town Broker met with a developer regarding a potential \$78 million development within the Town. Chair Geise reported that at present the Town is not ready to commit to the developer's needs for additional sewer and water installation.

VII. Business referred by the Plan Commission:

- A. Plan Commission review and recommendation on a Re-zoning Application submitted by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 for property owned by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 WI Tax ID #006-0328-03.
 - Plan Commission Chair Knapinski noted this change would be from A-2 to I-1 to accommodate a planned warehouse distribution center.
- B. Plan Commission review and recommendation on a Re-zoning Application submitted by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 for property owned by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 WI Tax ID #006-0340-02-01.
 - Chair Knapinski noted this change would be from A-2 to I-1 for potential development of a cast and die facility.
- C. Plan Commission review and recommendation on a Re-zoning Application submitted by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 for property owned by Town of Clayton, 8348 County Rd T, Larsen, WI 54947 WI Tax ID #006-0328-02.
 - Chair Knapinski noted this change would be from A-2 to R-4 for a proposed multi-family housing development.
- D. Plan Commission review and recommendation on a Certified Survey Map (CSM) Review Application submitted by Keith & Katherine Salm, for Tax ID #006-0615 and Tax ID #006-0615-01.
 - Chair Knapinski noted this CSM is proposing to correct current property lines that pass through the storage units constructed on the parcels. Chair Knapinski also noted that the Commissioners recommended approval of the CSM, but have also requested that the property be rezoned to also correct the dual zoning currently in place.

VIII. Business:

- A. Discussion/Action: Town Board review and consideration of Resolution 2022-020 A Resolution Adopting the CY 2022 Tax Levy payable in CY 2023 as set by the Wednesday, November 16, 2022 Special Meeting of the Town Electors, and Adopting the following Town CY 2023 Budgets as presented:

- i. CY 2023 General Fund Revenue and Expense Budgets.
- ii. CY 2023 Capital Projects Fund Revenue and Expense Budgets.
- iii. CY2023 Debt Service Fund Revenue and Expense Budgets.
- iv. CY 2023 Stormwater Management Utility Fund Revenue and Expense Budgets
- v. CY 2023 Solid Waste and Recycling Fund Revenue and Expense Budgets.
- vi. CY 2023 Tax Increment Finance District #1 Fund Revenue and Expense Budgets.
- vii. CY 2023 Clayton Sanitary District #1 Fund Revenue and Expense Budgets.

- Chair Geise noted at the Elector’s Meeting earlier in the night, the levy was approved.

MOTION:

Motion by: Supervisor Grundman

Second by: Supervisor Christianson

Motion made to approve Resolution 2022-020 A Resolution Adopting the CY 2022 Tax Levy payable in CY 2023 as set by the Wednesday, November 16, 2022 Special Meeting of the Town Electors, and Adopting the following Town CY 2023 Budgets as presented.

ROLL CALL:

Supervisor Lettau	Aye
Supervisor Grundman	Aye
Supervisor Christianson	Aye
Supervisor Reif	Aye
Chair Geise	Aye

Motion carried 5-0.

- B. Discussion/Action: Town Board review and consideration of Ordinance 2022-Z005 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for the Town of Clayton Rezoning on Tax ID #006-0328-03 from A-2 (General Agriculture District) to I-1 (Light Industrial District).

MOTION:

Motion by: Supervisor Grundman

Second by: Supervisor Christianson

Motion made to approve Ordinance 2022-Z005 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for the Town of Clayton Rezoning on Tax ID #006-0328-03 from A-2 (General Agriculture District) to I-1 (Light Industrial District)

and direct Staff to submit the Ordinance to Winnebago County and publish the Ordinance as required by law.

ROLL CALL:

Chair Geise	Aye
Supervisor Reif	Aye
Supervisor Lettau	Aye
Supervisor Grundman	Aye
Supervisor Christianson	Aye

Motion carried 5-0.

- C. Discussion/Action: Town Board review and consideration of Ordinance 2022-Z006 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for the Town of Clayton Rezoning on Tax ID #006-0340-02-01 from A-2 (General Agriculture District) to I-1 (Light Industrial District).

MOTION:

Motion by: Supervisor Reif
Second by: Supervisor Grundman

Motion made to approve Ordinance 2022-Z006 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for the Town of Clayton Rezoning on Tax ID #006-0340-02-01 from A-2 (General Agriculture District) to I-1 (Light Industrial District) and direct Staff to submit the Ordinance to Winnebago County and publish the Ordinance as required by law.

ROLL CALL:

Supervisor Reif	Aye
Supervisor Lettau	Aye
Supervisor Grundman	Aye
Supervisor Christianson	Aye
Chair Geise	Aye

Motion carried 5-0.

- D. Discussion/Action: Town Board review and consideration of Ordinance 2022-Z007 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for the Town of Clayton Rezoning on Tax ID #006-0328-02 from A-2 (General Agriculture District) to R-4 (Multi-Family Residential District).

MOTION:

Motion by: Supervisor Grundman
Second by: Supervisor Christianson

Motion made to approve Ordinance 2022-Z007 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for the Town of Clayton Rezoning from A-2 (General Agriculture District) to R-4 (Multi-Family Residential District) and direct staff to submit the Ordinance to Winnebago County and publish the Ordinance as required by law.

ROLL CALL:

Supervisor Grundman	Aye
Supervisor Lettau	Aye
Supervisor Reif	Aye
Chair Geise	Aye
Supervisor Christianson	Aye

Motion carried 5-0.

- E. Discussion/Action: Town Board review and consideration of a Certified Survey Map (CSM) Review Application submitted by Keith & Katherine Salm, for Tax ID #006-0615 and Tax ID #006-0615-01.

MOTION:

Motion by: Supervisor Grundman

Second by: Supervisor Christianson

Motion made to approve the Certified Survey Map Review Application submitted by Keith & Katherine Salm, for Tax ID #006-0615 and Tax ID #006-0615-01 provided all conditions recommended by Staff and the Plan Commission are met.

Motion carried by unanimous voice vote.

- F. Discussion/Action: Town Board review and consideration of a change in the Town Hall Operating Hours.

- Chair Geise noted he consulted with neighboring Towns and the proposed hours are in line with the other communities, especially with the option of Staff being available for appointments as well.
- Supervisor Reif noted he was originally against the proposal, but after hearing it is in line with other communities, is willing to give it a try.
- Plan Commission Chair Knapinski noted that the residents made a choice during the November Election to vote down the Town Referendum and this is a ramification of that choice.
- Chair Geise noted that the Town has to be respectful of and value the amount of time that Staff puts in above and beyond the normal 40-hour work week in service of the Town.

MOTION:

Motion made to approve the new Town Hall Operating Hours of Monday through Thursday 7:45 am to 4 pm and Friday 7:45 am to 1 pm, effective November 17, 2022,

with any necessary Statutory and Administrative exceptions, as well as appointments as requested.

Motion carried by unanimous voice vote.

G. Discussion/Action: Town Board review and consideration of the Agreement for Automatic Fire Protection between Clayton Fire Rescue and Town of Neenah Fire Department.

- Chair Geise noted that the Auto Aid agreements have been working well for the Town.
- Chief Rieckmann noted that Town of Neenah has been open to this new agreement and passed the Agreement at their meeting on November 14, 2022.

MOTION:

Motion made to approve the new Town Hall Operating Hours of Monday through Thursday 7:45 am to 4 pm and Friday 7:45 am to 1 pm, effective November 17, 2022, with any necessary Statutory and Administrative exceptions, as well as appointments as requested.

Motion carried by unanimous voice vote.

IX. Review of Disbursements

X. Upcoming Meeting Attendance

- Chair Knapinski noted that the Plan Commission Comprehensive Plan Meeting has been moved to November 30, 2022.
- Chief Rieckmann noted that the Supervisors will be invited, pending formal invitation, to the 2nd Annual Awards Banquet on December 6, 2022.

XI. Board Member Requests for Future Agenda Items

XII. Adjournment

MOTION:

Motion made by unanimous consent to adjourn at 7:22 pm.

Motion carried.

Respectfully Submitted,
Kelsey Faust-Kubale, Town Clerk

DATE: 02/28/23

R E S O L U T I O N

No. 008

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE 02/008/23

WHEREAS, it is desirable to amend the Zoning Map of the TOWN OF CLAYTON in accordance with the petition of CODY ROBEL and

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

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

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

see attached
County Board Supervisor
(Town of Clayton)

PARCEL NO: **006-0034-01**; FROM **R-1** TO **R-2**

COUNTY DISCLAIMER:

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

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____, 2023.

Jon Doemel

County Board Supervisory district **29 - Youngquist**



Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z MEETING AGENDA OF FEBRUARY 3, 2023

TO: Planning & Zoning Committee

FM: Zoning Administrator *CA*

RE: Review of Town Zoning Change(s)

1. Paul & Jolene Moran - Town Zoning Change (Tax ID No(s): 006-0652-03-01 & 006-0652-03-02) – Town of Clayton.

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

RECOMMENDATION: Approve a motion to forward zone changes to County Board for action. *TE, SI 2 5-0 approved*

2. Bret Blickhahn - Town Zoning Change (Tax ID No(s) 006-0816-01-03 & 006-0816-01-02) – Town of Clayton.

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

RECOMMENDATION: Approve a motion to forward zone changes to County Board for action. *TE, MG 2 5-0 approved*

3. Kevin & Janna Fischer - Town Zoning Change (Tax ID No(s): 006-0279-01) – Town of Clayton.

The town zoning change for Kevin & Janna Fischer is consistent with Winnebago County's Future Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agriculture District) to R-1 (Rural Residential District) and Winnebago County's future land use plan shows future land use as Residential.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action. *MG, HM2 5-0 Approved*

4. Town of Clayton - Town Zoning Change (Tax ID No(s) 006-0328-03) – Town of Clayton.

The town zoning change for the Town of Clayton is consistent with Winnebago County's Future Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agriculture District) to I-1 (Light Industrial District) and Winnebago County's future land use plan shows future land use as Non-Residential.

RECOMMENDATION: Approve a motion to forward zone changes to County Board for action. *MG, HM2 5-0 Approved*

5. Town of Clayton - Town Zoning Change (Tax ID No(s): 006-0340-02-01) – Town of Clayton.

The town zoning change for the Town of Clayton is consistent with Winnebago County's Future Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agriculture District) to I-1 (Light Industrial District) and Winnebago County's future land use plan shows future land use as Non-Residential.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action. *MG, HM2 5-0 Approved*

6. Cody Robel - Town Zoning Change (Tax ID No(s) 006-0034-01) – Town of Clayton.

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

RECOMMENDATION: Approve a motion to forward zone changes to County Board for action. *SZ, HM2 5-0 Approved*

R-1/R-2 006-0034-01
to R-1, FLU: Res

TOWN OF CLAYTON

ORDINANCE 2021-Z007

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

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

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

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

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

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

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

Property Owner(s):

Cody Robel, 9409 State Road 76, Neenah, WI 54956.

Legal description of property:

For property located at 9409 State Road 76, Neenah, WI 54956 specifically described as Tax ID # 006-0034-01 being part of the Northeast 1/4 of the Southeast 1/4 of Section 2, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

The above-described property is hereby rezoned from:

The application is to re-zone the property from R-1 (Rural Residential District) and R-2 (Suburban Residential District) to R-1 (Rural Residential District).

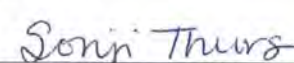
Section 2: This Ordinance shall be submitted to the Winnebago County Board for approval. This amendment to the Town of Clayton Zoning Code of Ordinances shall be effective upon approval by the Winnebago County Board.

Adopted this 15th day of December, 2021

Vote: Yes: 5 No: Abstain: Absent:



Russell D. Geise, Chair

ATTEST:


Sonji Thurs, Town Clerk

Town Board

Roll Call Vote Tally

Meeting Date: March 16, 2022

Agenda Item: Town Board review and consideration of Ordinance 2022-Z003 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for the Kevin & Janna Fischer Rezoning from A-2 (General Agriculture District) to R-1 (Rural Residential District).

Motion by: LG

Second by: KL

MOTION: Motion to approve Ordinance 2022-Z003 An Ordinance to Amend the Official Town of Clayton Zoning Ordinance Map for the Kevin & Janna Fischer Rezoning from A-2 (General Agriculture District) to R-1 (Rural Residential District) and direct staff to submit the Ordinance to Winnebago County and publish the Ordinance as required by law.

Supervisor Vote:	Aye	Nay	Abstain
① Chair Geise	<u>1</u>	_____	_____
② Supervisor Reif	<u>1</u>	_____	_____
③ Supervisor Lettau	<u>1</u>	_____	_____
④ Supervisor Grundman	<u>1</u>	_____	_____
Supervisor Wisniewski	_____	_____	_____

Town of Clayton
RE-ZONING APPLICATION

Mail: 8348 County Road T - Larsen, WI 54947
Phone - 920-836-2007 Fax - 920-836-2026 Email - tocadmin@new.rr.com

Property Owner(s): Cody Robel
Address/Zip: 9409 State Rd 76 Neenah, WI 54954
Phone: _____ Fax: _____ E-Mail: _____

Applicant: Town of Clayton
Check: Architect _____ Engineer _____ Surveyor _____ Attorney _____ Agent _____ Owner _____
Address/City/Zip: 8348 County Road T, Larsen WI 54947
Phone: 9208362007 Fax: 9208362026 E-Mail: administrator@townofclayton.net

Describe the reason for the Re-Zoning: to eliminate dual zoning of R-1 (Rural Residential) + R-2 (Suburban Residential) on one parcel - administrative ~~and~~ removing R-2 zoning

Re-Zoning Specifics:
No. of Lots: 1 Total Acreage: 3.59 Tax Key No.: 006-0034-01
Legal Description: NE 1/4, SE 1/4 of Section 2, T20N - R.16E town of Clayton
Current Zoning: R1 + R2

I certify that the attached drawings are to the best of my knowledge complete and drawn in accordance with all Town of Clayton codes.

Applicant Signature: Jori Straw, Town Administrator Date: 11/18/21

For Town Use Only			
Fee:	<u>waived - administrative application</u>	Check #	Receipt
Date Received Complete	By	App. No.	Date
Review Meetings - Plan Comm	<u>12/08/21</u>	Town Board	<u>12/15/21</u>
Newspaper Publication Dates	&	Posting Date	
300' Neighborhood Notice Distribution _____			
Re-Zoning is:	Approved _____	Denied	_____
Comments _____			

Notes: 1. Please notify utility companies regarding your proposed development. 2. A Re-Zoning approval does not constitute approval of a building permit or any required approval of a highway connection permit. 3. A Re-Zoning Application & Fee must be submitted 20 working days prior to meeting.

Monday, December 27, 2021

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

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

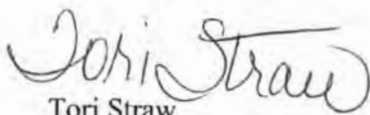
Mr. Cary A. Rowe:

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

Re-zoning application submitted by Town of Clayton for the property owned by Cody Robel, 9409 State Road 76, Neenah, WI 54956 located at 9409 State Road 76, Neenah, WI 54956 specifically described as Tax ID # 006-0034-01 being part of the Northeast ¼ of the Southeast ¼ of Section 2, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from R-1 (Rural Residential District) and R-2 (Suburban Residential District) to R-1 (Rural Residential District).

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

Sincerely,



Tori Straw
Town Administrator

CC County Clerk, Sue Ertmer

Site Map

Legend

- Address Marker
- Tax Parcel
- Local Road
- - - Private Road
- Road R.O.W.
- Simultaneous Conveyance
- Certified Survey
- Condominium
- Assessor Plat
- Subdivision
- Plat of Survey
- Conveyance Divisions

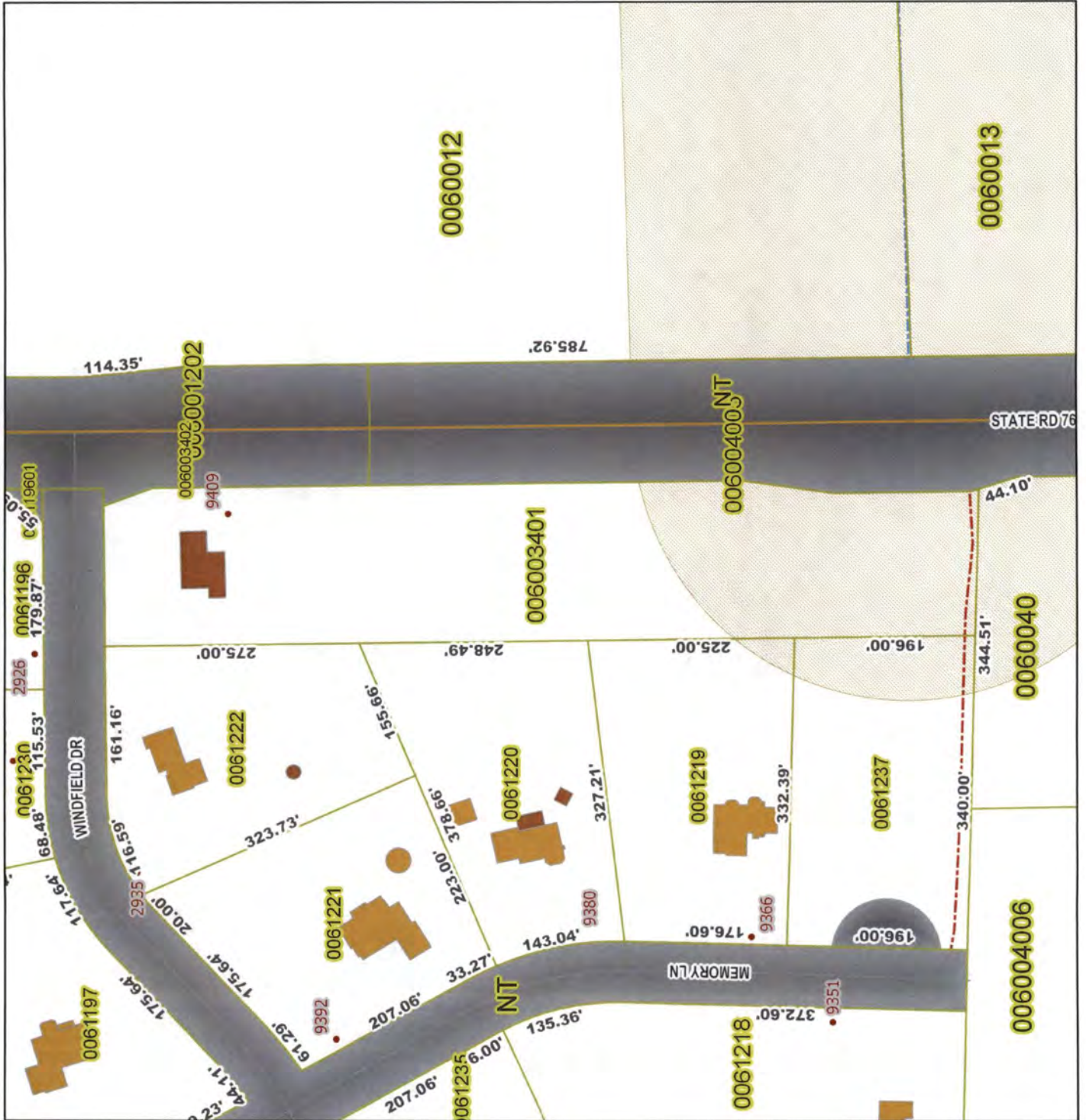
50 0 50 100 150 ft

1 Inch = 150 Feet



W.L.N.G.S. Project Disclaimer
 This data was created for use by the Winnebago County Geographic Information System project. Any other use/application of this information is the responsibility of the user and such use/application is at their own risk. Winnebago County disclaims all liability regarding fitness of the information for any use other than Winnebago County business. *Data for this map copyrighted December 31, 2006*

Jan 17, 2023 @ 10:18 AM



1 **35-042022**

2

3 **RESOLUTION: Create an ad hoc Structure Review Committee ~~Task Force~~ to Review**
4 **Committee Structure in Winnebago County ~~beginning with the 2024 Term~~**

5

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

7 **WHEREAS**, Winnebago County has 12 committees which are identified as standing committees by Rule 23
8 in the Winnebago County Board of Supervisor Rules. Additionally, there are 3 boards (Human Services, Board of
9 Health, and Solid Waste Management Board) which are established by County Code and act as committees of
10 jurisdiction, similar to standing committees; and

11 **WHEREAS**, counties around the state have restructured their committee structure in recent years; and

12 **WHEREAS**, in December 2021, the Wisconsin Counties Association hosted a webinar on committee
13 structure and right sizing; and

14 **WHEREAS**, a 1990 Task Force on Efficiency and Effectiveness of Winnebago County Government
15 recommended reducing the number of committees in the county; and

16 **WHEREAS**, an ad hoc committee formed to review Winnebago County Committee structure is in the best
17 interests of Winnebago County and its residents.

18 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
19 approves the formation of an ad hoc Structure Review Committee to review committee structure in Winnebago
20 County.

21 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that the ad hoc Structure
22 Review ~~Task Force for Committee Structure with the 2024 Term~~ Committee shall consist of 5 Winnebago County
23 Board of Supervisors to be appointed by the Winnebago County Board Chair.

24

25 *Fiscal Note: No fiscal impact.*

26 Respectfully submitted by:

27 **SHANAH ZASTERA, DISTRICT 32**

28 **JUDICIARY & PUBLIC SAFETY COMMITTEE**

29 **Committee Vote: 5-0**

30

31 Vote Required for Passage: **Majority of Members Present**

32

33 Approved by the Winnebago County Executive this ____ day of _____, 2023.

34

35 _____
36 Jonathan D. Doemel
37 Winnebago County Executive

1 154-122022

2

3 **RESOLUTION: To Name the County Administration Building the David W. Albrecht Administration**
4 **Building**

5

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

7 **WHEREAS**, David Albrecht has served Winnebago County as a Board Supervisor for 37 years; and

8 **WHEREAS**, David Albrecht has served Winnebago County as Chairman of the Board of Supervisors for 14
9 years, specifically from 2004 to 2018; and

10 **WHEREAS**, David Albrecht fostered the profitable (BOW) Brown County, Outagamie County, Winnebago
11 County landfill and recycling partnership; and

12 **WHEREAS**, David Albrecht has led the Winnebago County Board in updating the 911 System; created the
13 Airport Business Park; constructed the UW Oshkosh Fox Valley Performing Arts Center; expanded the Expo Center; built
14 Parkview Health Center, transitioned Family Care Services from the Human Services Department to Lakeland Care, Inc.
15 and lightened the burden of the Tri-County Ice Arena; and

16 **WHEREAS**, David Albrecht has led the Winnebago County Board into the digital era with I-Pad initiatives;
17 and

18 **WHEREAS**, David Albrecht has led the Winnebago County Board in approving the purchase of the OshKosh
19 B'Gosh Building and transitioned it into the County Administration Building; and

20 **WHEREAS**, it is befitting that David Albrecht's name be remembered in the history and business of Winnebago
21 County.

22
23 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that the
24 Winnebago County Administration Building be named the David W. Albrecht Administration Building.

25
26 *Fiscal Note: The name change would result in signage costs of \$2,000 or less.*

27

28 Respectfully submitted by:

29 **PAUL EISEN, District 4**

30

31 Respectfully submitted by:

32 **FACILITIES & PROPERTY MANAGEMENT COMMITTEE**

33 Committee Vote: 5-0

34 Vote Required for Passage: **Majority of Members Present**

35

36 Approved by the Winnebago County Executive this ____ day of _____, 2023.

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Jonathan D. Doemel
Winnebago County Executive

1 175-022023

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RESOLUTION: Raising Winnebago County Bailiff pay to \$100 per day and adding the Bailiff position to the Winnebago County Unclassified Positions Pay Schedule

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

9 **WHEREAS**, the last increase in Winnebago County Bailiff pay was approved by Resolution No. 114-122008
10 and went into effect on January 1, 2009; and

11 **WHEREAS**, at the Winnebago County Judges' April 19, 2022, meeting, the Winnebago County Judiciary
12 unanimously approved a \$100 per day rate for Bailiff pay; and

13 **WHEREAS**, Bailiff schedules are irregular and not a reliable source of income. As a result, applications for
14 Bailiff positions are rare. Currently, the court has not received any applications for a Bailiff position posted three
15 months ago; and

16 **WHEREAS**, Bailiffs are essential to the efficient administration of the courtroom. Duties include ensuring that
17 juries remain sequestered during a trial and providing assistance to crime victims and witnesses during court
18 proceedings; and

19 **WHEREAS**, the Unclassified Positions Pay Schedule is considered for adjustment annually; and

20 **WHEREAS**, adding the Bailiff position to the Unclassified Positions Pay Schedule may alleviate the difficulty
21 in receiving applications for Bailiff positions and help in retaining the current Bailiff pool.

22 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
23 authorizes a raise in Bailiff pay to \$100 per day.

24 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that the Bailiff position be
25 added to the Winnebago County Unclassified Positions Pay Schedule.

26
27

28 *Fiscal Note: This resolution will increase labor expense for bailiffs in an amount estimated at \$27,056 per year.*
29 *No budget transfer is being requested as it is believed that the current approved budget will cover these costs.*

30

31 Respectfully submitted by:

32 **JUDICIARY & PUBLIC SAFETY COMMITTEE**

33 Committee Vote: **5-0**

34 Respectfully submitted by:

35 **PERSONNEL & FINANCE COMMITTEE**

36 Committee Vote: **5-0**
37 Vote Required for Passage: **Majority of Members Present**

38 Approved by the Winnebago County Executive this ____ day of _____, 2023.

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Jonathan D. Doemel
Winnebago County Executive

DATE: *December 1, 2022*

FROM: *Winnebago County Circuit Court Judges and Tara Berry, Clerk of Courts*

RE: *Bailiff Pay Increase*

General Description:

Winnebago County Circuit Court Judges and the Clerk of Courts are requesting to raise the bailiff pay to \$100.00 a day. As an unclassified position, we are also requesting to authorize the Bailiff position to be added to the Unclassified Positions Pay Schedule. In the current form, Bailiff pay is addressed by a separate Board resolution.

Action Requested:

Motion to approve resolution to increase bailiff pay to \$100.00 a day, and review yearly as unclassified employee annually in December by P&F.

Procedural Steps:

(Show each level of committee and board approval needed, with meeting dates.)

Committee of Jurisdiction: JPS	Meeting date: January 9, 2023
Action taken: Motion Approved	Vote: All in favor - unanimous
Other Committee: P&F	Meeting date: February 8, 2023
Action taken: Motion Approve	Vote: 5-0
County Board	Meeting date: February 28, 2023

Background:

The last bailiff pay increase was approved by resolution in 2008 and went into effect in 2009, the prior increase was 1999. A motion to increase the Bailiff compensation was made at a judges meeting, and unanimously approved. All other unclassified positions are listed on the Unclassified positions Pay Schedule and considered for adjustment annually. The Bailiff position has been unique in that any adjustments has been done by a stand-alone County Board resolution. Adding the position to the Unclassified Positions Pay Schedule would add consistency in how similar positions are reviewed as well as minimize the chance of not providing a pay adjustment over such a long period of time.

Policy Discussion:

- We seldom get applications for bailiff positions. Currently we have a bailiff position posted, for about 3 months, and we have not received one application. Usually the courts have to do their own recruiting.
- Bailiff schedules are irregular and cannot be a reliable source of income. When the court's calendar is modified, bailiffs are notified by court personnel they are no longer required for the day, and are instructed not to report to work. In which case they are not compensated.
- The courts hire private Citizens for employment as bailiffs, verses the alternative, requiring the Sheriff to provide two deputies.

Supreme Court Rule, SCR 68.07 (1) states:

Two sworn officers should be in each courtroom and court commissioner hearing rooms when court is in session unless the judicial officer expresses otherwise.

This is a huge costs savings for the county. Due to the Courthouse security entrance and roving law enforcement officers, the court agreed to not enforcing this requirement and use civilian bailiffs.

- Bailiffs will usually cover multiple courts (intake, jury, criminal days).
- Civilian bailiffs are essential to the efficient administration of the courtroom.
- The bailiffs make sure that crime victims and witnesses are located for the court and give the proper assistance and information.
- We increased the budget, Bailiff and Matron #51104 by \$10,000 – Total 2023 Budget: \$110,000.00, 10% increase.
- Full regular court day (7.5 hours) - \$10.66 an hour. Jury Trial days can vary from 4-12 hours a day so the court is able to resolve a case as quickly as possible. Each trial requires two bailiffs scheduled to oversee jurors; if a second bailiff is unavailable, a member of staff has to act as the second bailiff. Two bailiffs are required so the jury remains sequestered during the trial.

2019	\$112, 240/80.00	1403 days
2020	\$55,360/80.00	692 days
2021	\$83, 760/80.00	1047 days
2022	\$79, 200/80.00	990 days (as of drafted memo)

Average # of Days Scheduled 1033 days
Budgeted 2023 \$110,000/\$100.00 1100 days

Based on the historical average, there would be no additional funds needed if this resolution is approved.

Oneida County – hourly; 1st year: \$12.78/ 2nd year: \$13.52/ 3rd year: \$14.61

Douglas County – hourly; \$12.00 (pending wage study)

Kenosha County – sessions pay (morning/afternoon) \$37.50 per each session. 9-12/12-5; additional \$5.00 an hour after 5pm

Door County – hourly; \$15.00 (increased in Oct 2021)

Dane County – sworn deputies

Sawyer County – hourly; \$20.00 (trials only)

Marathon County – (Jury Attendants) hourly; \$15.00

Crawford County – hourly; \$15.38

Lafayette County – hourly; \$19.08

Outagamie County – hourly; \$15.00

Attachments:

Copy of Resolution Approving an increase for January of 2009

Jury Survey for Bailiff pay/hours

2022 Jury Survey

Q1. Please identify your county.	Q5. Do you employ civilian jury bailiffs?	Other comments	Q6. If you answered "Yes" to Q5, what is the hourly rate for a new hire?	Q7. If you answered "Yes" to Q5, do your civilian jury bailiffs receive "call off" pay when a trial is removed from the calendar or settles the day of?	Other comments
Dodge	Yes		\$15.00	Yes	Bailiffs are paid per hour they are working.
Bayfield	Yes	Our Jury Bailiffs are members of the Bayfield Co Sheriff's Office Reserves	\$14.61	No	
St Croix	Yes		\$15.15	No	
Kewaunee	Yes		\$10.50	No	
Marinette	Yes		\$100 per day	No	
Ashland	Yes			No	
Florence	Yes		\$15	Yes	
Door	Yes	Since I have been here it has been retired ladies... or semi retired ladies 😊	Our Bailiffs just got an increase 1/1/22 and are paid \$15/hour	No	
Price	No				
Portage	Yes		42.99/85.98 45.27/90.53 49.44/98.87 Half day/Full Day Bailiff, Asst Chief Bailiff, Chief Bailiff	No	

2022 Jury Survey

					4 hrs minimum pay (if called in and JT settles or doesn't go)
Manitowoc	Yes		\$13.00/hr	Yes	
Sheboygan	No				
Calumet	Yes		\$13.00/hour with a 5 hour guaranteed minimum for bailiffs	Yes	If he reports, he gets 5 hours guaranteed minimum.
Trempealeau	Yes		Jury Bailiff receives \$70.00 for full day plus round trip mileage.		If bailiff's appear they get paid otherwise no.
Polk	Yes		Unsure \$15.00?	No	
Green Lake	Yes	Bailiffs are not considered an employee of the county, but are paid by the county.	Bailiff pay is \$15.00/hour, no mileage	No	
Outagamie	Yes		\$15 for bailiffs	Yes	If settles on the day of trial, the bailiffs receive 4 hours of pay. If it settles the night before, they do not get paid.
Waukesha	Yes		\$17.46	Yes	Minimum of 4 hours if the day of trial.
Sawyer	Yes		20.79	No	

2022 Jury Survey

					No call off pay. However, I did implement rule of 4 hours pay if jury settles day of trial.
Oneida	Yes		\$13.85	Yes	
Marquette	Yes		We've had the same people for years but anyone coming in would currently make \$14.39/hour and we feed them lunch/dinner.	No	
Burnett	Yes		\$12.00	No	
Taylor	Yes		\$13.10	No	
Vernon	Yes		\$11.30	No	
Adams	Yes		\$12 / hr (jury bailiff)	No	
Forest	Yes		\$10.00	No	
Pepin		Our Sheriff's Dept. provides bailiffs and recently hired 2 retired staff for bailiffs when needed.	\$19.43		
Green	No	Our Sheriff's Dept provides bailiffs. They are retired law enforcement.			
Waupaca	Yes		13.50 but they are on the pay scale	No	

2022 Jury Survey

					Paid for two hours if trial settles that morning.
Rusk	Yes		\$12.50 plus mileage	Yes	
Grant	Yes		\$11.15	No	
Crawford	Yes		\$15.12	No	
La Crosse	Yes		\$11.62	No	
Shawano	Yes		\$12.50	Yes	Paid 2 hours day of trial only.
Walworth	Yes		\$14	No	
Clark	Yes		\$12.52	No	
Monroe	Yes		\$10 per hour	No	
Fond du Lac	Yes		\$10.00/hr	No	
					Nothing day before trial; 2-hour call in day of trial (or however long they are here)
Eau Claire	Yes		\$13+/hour	No	
Sauk	Yes		\$13/hr	No	
Ozaukee	Yes		\$18.00	No	
Washburn	Yes		18	No	
Winnebago	Yes		\$80.00 a day - Judge's want to increase to \$100.00	No	

2022 Jury Survey

			We pay by the session; morning and afternoon. \$75.00/day, \$37.50/half day. Morning is start time (depends on judge) to 12 noon; PM is 12noon until release;Anything after 5 p.m. is an additional \$5/hour		They do get paid for the session whether they are here for 5 minutes, or the full session.
Kenosha	Yes			No	
Jefferson	No		n/a		n/a
Columbia	Yes		\$40 for 1/2 day, \$70 for full day, \$100 for after 4:30	Yes	They are paid if they come to the courthouse and trial settles.
Dane	No				
Racine	Yes	We've been trying to call them jury attendants instead of bailiff.	10.00 per hour but we're requesting an increase to \$14/hour in the 2023 budget	No	They'll be paid for the hours that they come in. They'll typically be in for an hour or so even if the trial falls.
Brown	Yes		18	No	
Douglas	Yes		Currently \$12/hr. Wage study is being done.	Yes	I give 4 hours
Iowa	Yes	In addition to sworn security officers.	They are contracted through our sheriff's department.	No	

2022 Jury Survey

Wood	Yes		\$30 per first four hours, \$9.52 per hour after 4 hours. Effective 10/1/22 it goes to \$50 & \$12	No	Same rate only if they come in and then it settles.
Barron	Yes		\$19.01	No	If the bailiff has reported the day of a jury trial, the bailiff is guaranteed 4 hours of pay.
Rock	No	We have seven full time court attendants.			
Richland	Yes		\$13.18	No	
Chippewa	Yes		\$10.41-\$11.45	Yes	2 hours for removal from calendar and 4 hours settles day of trial.

1 **176-022023**

2 **RESOLUTION: Commendation for Tim Laurin**

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

4 **WHEREAS**, Tim Laurin has been employed with Park View Health Center, for the past thirty-one years,
5 and during that time has been a most conscientious and devoted County employee; and

6 **WHEREAS**, Tim Laurin has now retired from those duties, and it is appropriate for the Winnebago
7 County Board of Supervisors to acknowledge his years of service; and

8 **NOW, THEREFORE, BE IT RESOLVED**, by the Winnebago County Board of Supervisors, that
9 sincere appreciation and commendation be and it hereby is extended to Tim Laurin for the fine services he has
10 rendered to Winnebago County.

11 **BE IT FURTHER RESOLVED**, that the County Clerk send a copy of this Resolution to Tim Laurin.

12 Respectfully submitted by:

13 **PERSONNEL & FINANCE COMMITTEE**

14 Committee Vote: **5-0**

15 Vote Required for Passage: **Majority of Members Present**

16 Approved by the Winnebago County Executive this ____ day of _____, 2023.

17
18 _____
19 Jonathan D. Doemel
20 Winnebago County Executive
21

2 **RESOLUTION: Commendation for Robert Messerschmidt**

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

4 **WHEREAS**, Robert Messerschmidt has been employed with the Winnebago County Highway
5 Department, for the past twenty-six years, and during that time has been a most conscientious and devoted
6 County employee; and

7 **WHEREAS**, Robert Messerschmidt has now retired from those duties, and it is appropriate for the
8 Winnebago County Board of Supervisors to acknowledge his years of service; and

9 **NOW, THEREFORE, BE IT RESOLVED**, by the Winnebago County Board of Supervisors, that
10 sincere appreciation and commendation be and it hereby is extended to Robert Messerschmidt for the fine
11 services he has rendered to Winnebago County.

12 **BE IT FURTHER RESOLVED**, that the County Clerk send a copy of this Resolution to Robert
13 Messerschmidt.

14 Respectfully submitted by:

15 **PERSONNEL & FINANCE COMMITTEE**

16 Committee Vote: **5-0**

17 Vote Required for Passage: **Majority of Members Present**

18 Approved by the Winnebago County Executive this ____ day of _____, 2023.

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Jonathan D. Doemel
Winnebago County Executive

2 **RESOLUTION: Commendation for Barbara Effertz-Doherty**

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

4 **WHEREAS**, Barbara Effertz-Doherty has been employed with Winnebago County Department of Family
5 Court Services, for the past twenty-one years, and during that time has been a most conscientious and devoted
6 County employee; and

7 **WHEREAS**, Barbara Effertz-Doherty has now retired from those duties, and it is appropriate for the
8 Winnebago County Board of Supervisors to acknowledge her years of service; and

9 **NOW, THEREFORE, BE IT RESOLVED**, by the Winnebago County Board of Supervisors, that sincere
10 appreciation and commendation be and it hereby is extended to Barbara Effertz-Doherty for the fine services
11 she has rendered to Winnebago County.

12 **BE IT FURTHER RESOLVED**, that the County Clerk send a copy of this Resolution to Barbara Effertz-
13 Doherty.

14 Respectfully submitted by:

15 **PERSONNEL & FINANCE COMMITTEE**

16 Committee Vote: **5-0**

17 Vote Required for Passage: **Majority of Members Present**

18 Approved by the Winnebago County Executive this ____ day of _____, 2023.

19

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Jonathan D. Doemel
Winnebago County Executive

2 **RESOLUTION: Commendation for Teresa Paulus**

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

4 **WHEREAS**, Teresa Paulus has been employed with the Winnebago County Public Health Department,
5 for the past thirty-two years, and during that time has been a most conscientious and devoted County employee;
6 and

7 **WHEREAS**, Teresa Paulus has now retired from those duties, and it is appropriate for the Winnebago
8 County Board of Supervisors to acknowledge her years of service; and

9 **NOW, THEREFORE, BE IT RESOLVED**, by the Winnebago County Board of Supervisors, that
10 sincere appreciation and commendation be and it hereby is extended to Teresa Paulus for the fine services she
11 has rendered to Winnebago County.

12 **BE IT FURTHER RESOLVED**, that the County Clerk send a copy of this Resolution to Teresa Paulus.

13 Respectfully submitted by:

14 **PERSONNEL & FINANCE COMMITTEE**

15 Committee Vote: **5-0**

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

17 Approved by the Winnebago County Executive this ____ day of _____, 2023.

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Jonathan D. Doemel
Winnebago County Executive

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CORRECTED - 180-022023

RESOLUTION: Commendation for Terri Van Dellen Rausch

TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:

WHEREAS, Terri Van Dellen Rausch has been employed with the Winnebago County ~~Public Health~~ **District Attorney's Office**, for the past forty years, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Terri Van Dellen Rausch has now retired from those duties, and it is appropriate for the Winnebago County Board of Supervisors to acknowledge her years of service; and

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that sincere appreciation and commendation be and it hereby is extended to Terri Van Dellen Rausch for the fine services she has rendered to Winnebago County.

BE IT FURTHER RESOLVED, that the County Clerk send a copy of this Resolution to Terri Van Dellen Rausch.

Respectfully submitted by:

PERSONNEL & FINANCE COMMITTEE

Committee Vote: **5-0**

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

Approved by the Winnebago County Executive this ____ day of _____, 2023.

Jonathan D. Doemel
Winnebago County Executive

1 **181-022023**

2 **RESOLUTION: Commendation for Carl Vander Zanden**

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

4 **WHEREAS**, Carl Vander Zanden has been employed with the Winnebago County Department of Human
5 Services, for the past thirty-four years, and during that time has been a most conscientious and devoted County
6 employee; and

7 **WHEREAS**, Carl Vander Zanden has now retired from those duties, and it is appropriate for the
8 Winnebago County Board of Supervisors to acknowledge his years of service; and

9 **NOW, THEREFORE, BE IT RESOLVED**, by the Winnebago County Board of Supervisors, that
10 sincere appreciation and commendation be and it hereby is extended to Carl Vander Zanden for the fine
11 services he has rendered to Winnebago County.

12 **BE IT FURTHER RESOLVED**, that the County Clerk send a copy of this Resolution to Carl Vander
13 Zanden.

14 Respectfully submitted by:

15 **PERSONNEL & FINANCE COMMITTEE**

16 Committee Vote: **5-0**

17 Vote Required for Passage: **Majority of Members Present**

18 Approved by the Winnebago County Executive this ____ day of _____, 2023.

19

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Jonathan D. Doemel
Winnebago County Executive

1 **182-022023**

2 **RESOLUTION: Commendation for Kelley Hale**

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

4 **WHEREAS**, Kelley Hale has been employed with Park View Health Center, for the past thirty-two years,
5 and during that time has been a most conscientious and devoted County employee; and

6 **WHEREAS**, Kelley Hale has now retired from those duties, and it is appropriate for the Winnebago
7 County Board of Supervisors to acknowledge her years of service; and

8 **NOW, THEREFORE, BE IT RESOLVED**, by the Winnebago County Board of Supervisors, that sincere
9 appreciation and commendation be and it hereby is extended to Kelley Hale for the fine services she has
10 rendered to Winnebago County.

11 **BE IT FURTHER RESOLVED**, that the County Clerk send a copy of this Resolution to Kelley Hale.

12 Respectfully submitted by:

13 **PERSONNEL & FINANCE COMMITTEE**

14 Committee Vote: **5-0**

15 Vote Required for Passage: **Majority of Members Present**

16 Approved by the Winnebago County Executive this ____ day of _____, 2023.

17

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Jonathan D. Doemel
Winnebago County Executive

1 **183-022023**

2

3 **ORDINANCE: Amend Winnebago County General Code Chapter 19.23 "Camping and Overnight**
4 **Mooring" to Include the Proposed Modifications and to Modify the Fees Listed**
5 **within this Chapter**

6

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

8 **WHEREAS**, the Parks and Recreation Committee has reviewed and recommends approval of the following
9 amendments to the Winnebago County General Code Chapter 19.23 Exhibit A: Camping and Overnight Mooring as
10 attached; and

11 **WHEREAS**, the amendments define and expand on the proposed use of camping at the Sunnyview
12 Exposition Center; and

13 **WHEREAS**, the Winnebago County Parks Department would like to offer camping for registered events in
14 2023 and beyond; and

15 **WHEREAS**, the Parks Department will enforce the fees and modifications within Chapter 19.23: Exhibit A:
16 Camping and Overnight Mooring.

17

18 **NOW, THEREFORE, THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WINNEBAGO**
19 **DOES ORDAIN AS FOLLOWS:**

20 That Chapter 19.23 Exhibit A: Camping and Overnight Mooring of the General Code of Winnebago County
21 be revised to add the proposed camping fees and other modifications as listed.

22

23 **BE IT FURTHER ORDAINED** by the County Board of Supervisors of the County of Winnebago that said
24 amendment to the General Code of Winnebago County shall become effective on the date following the date of
25 publication.

26

27 **Fiscal Impact:** No fiscal impact

28

29 Respectfully submitted by:

30 **PARKS & RECREATION COMMITTEE**

31 Committee Vote: 5-0

32 Respectfully submitted by:

33 **PERSONNEL AND FINANCE COMMITTEE**

34 Committee Vote: 5-0

35

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

37 Approved by the Winnebago County Executive this ____ day of _____, 2023.

38

39

40 _____
41 Jonathan D. Doemel
42 Winnebago County Executive

Agenda Item Report



Winnebago County
The Wave of the Future

DATE: January 10, 2023
TO: Members of the Parks and Recreation Committee
FROM: Parks Director
RE: Chapter 19.23 Camping and Overnight Mooring Revisions

General Description: The Parks Department is interested in making changes and modifications to Chapter 19.23 Camping and Overnight Mooring.

Requested Action:

We are asking the committee to support the changes to Chapter 19.23 and recommend them to the County Board.

Procedural Steps:

Parks and Recreation Committee	Meeting date: 1/24/23
Action taken:	Vote: 5-0
Personnel and Finance Committee	Meeting Date: 2/2/23
Action Taken	Vote: 5-0
County Board	Meeting Date: 2/28/23
Action Taken	Vote:

Background:

The Winnebago County Parks Department is interested in offering overnight camping opportunities throughout the year. We would like to begin offering a few opportunities in 2023 as a way to increase revenues and see if we can make the model work.

There are also modifications within the code that are needed. When the code was modified several years ago, the intent was to offer overnight camping with no registration required. This was not successful. However, the code still reflects the ability to overnight camp at the Sunnyview Exposition Center without any form of pre-reservation.

Justification:

In 2022, the Parks Department finished the capital improvement project for the Sunnyview Exposition Center East Campus Improvements. These improvements included upgrading our electrical camping areas and adding two more electrical camping lots. This has doubled our electric camping capacity. We would like to begin offering a few opportunities in 2023 as a way to increase revenues and see if we can make the model work. Our goal would be to offer onsite camping for Air venture.

Attachments:

- Ordinance
- Exhibit A

Exhibit A

19.23 CAMPING, OVERNIGHT MOORING.

- (1) No camping or overnight parking shall be permitted in any park except at those areas designated as campgrounds or overnight mooring areas or unless permission has been given by the Director.
- (2) The following rules and regulations shall apply for the Sunnyview Exposition Center campground area:
 - a. A non-electric site is \$20/Day. A 30amp electric site is \$40/day. A 50amp electric site is \$45/day.
 - b. The County reserves the right to establish seasonal opening and closing dates as well as the hours of daily access into and out of the campground at the Director's discretion.
 - c. Campers of legal age may bring alcoholic beverages along for their camping meals. No glass beverage containers are allowed outside of individual campsites. All recyclable materials must be separated and placed in the receptacle provided.
 - d. At no time may the noise on a campsite create a disturbance or interfere in any manner with other people's enjoyment of the facility. Management reserves the right to determine if and when such behavior is considered disruptive and violators may be fined or ticketed.
 - e. All campers must register upon arrival. Registration procedures shall be established by the Director included within the reservation confirmation.
 - f. The person registering for a camp site must be a minimum of 18 years of age and a site may not be occupied by more than six persons unless everyone resides in the same household.
 - g. Campsites are rented for the duration agreed upon during the registration process.
 - h. Checkout time is 1:00 p.m. No refund will be given for the current night after the 1:00 p.m. checkout time.
 - i. The campground is closed to non-campers between 10:00 p.m. and 7:00 a.m. All visitors must leave the campground by 10:00 p.m. During closed hours, campers must be in or be in route to their campsite. No camping party may set up or take down a camping unit between the hours of 11:00 p.m. and 6:00 a.m.
 - j. All campers shall follow the most current Wisconsin Department of Natural Resources Firewood Regulations. Every fire must be a contained fire and all state statutes and local ordinances concerning open fires will apply. All fires must be out by 11:00 p.m. Burning of pressure treated lumber or other type of treated lumber is prohibited. Burning of household refuse is prohibited.
 - k. The campground is considered to be carry-in/carry-out facility with a small dumpster provided for a very modest amount of use by campers. Campers are required to use available hot coal bins and containers for recyclables as deemed appropriate.
 - l. Campers may not switch sites without prior approval.
 - m. Each campsite is restricted to one motor vehicle and one camping unit (trailer, tent, pop-up, etc.). Alternative off-site parking for additional motor vehicles may be available for an additional fee. Campers towing an animal trailer or other vehicle must use drive-thru sites. Semi or flat-bed trailers are not allowed within the campground.

- n. Campers are required to collect and hold onto waste water for later disposal at an appropriate off-site facility. Additionally, it is against health and safety rules to dump gray or black water on the ground. Violators will be cited and/or expelled from the campgrounds without refund.
- o. Violation of any County, City, or State law, or Department of Natural Resources rules by any member or guest of the camping party is cause for revocation of the camping permit and eviction from the property as well as possible citation.
- p. No hunting is allowed in lands adjacent to the campground. See Section 19.17 of the Chapter 19 – Park and Recreation Operations Revised 12/17/19 Winnebago County Ordinances regarding firearms on County properties.
- q. No metal detectors are allowed within the grounds of Sunnyview Expo Center.
- r. Use of any sound truck, loudspeaker, or other device that produces excessive, sound or unusual noises is prohibited. Management reserves the right to determine what constitutes a breach of this provision.
- s. Generators with mufflers are permitted within the campground. Generators are not allowed to be run from 11pm – 6am during quiet hours. Campers will be required to take precautions to direct exhaust fumes away from adjacent campsites.
- t. No one may engage in violent, abusive, indecent, profane, unreasonably loud or otherwise disorderly conduct, or conduct which tends to cause or provoke a disturbance or create a breach of peace. Management reserves the right to determine what constitutes the above behaviors. Violators will be expelled from the premises and/or ticketed.
- u. Pets are permitted within the campgrounds. But for pets such as horses and other livestock, all other pets must be kept on a leash no longer than 8 feet at all times. All pets must be under control at all times. Pet owners are not allowed to let their pets interfere in any manner with the enjoyment of the facility by others. Pet owners who fail to properly control a pet or whose pet creates a public nuisance or other disturbance may be ordered to leave the Sunnyview Exposition Center grounds and/or be issued a citation. Horses and other livestock must be tied or picketed at all times. Horses and other livestock are not to be tied to any object permanently located within the campground. Pet owners are responsible for proper removal and disposal of their pets' waste products.
- v. No motor bikes, ATV's, Segways, or the like or any other personal mobility device may be operated within the campgrounds except those for handicapped individuals. Bicycles, Skateboards, and roller blades will be permitted.
- w. The County will not be obligated to provide prior notice to campers who may be assigned to alternative campsites at the discretion of the Director or his/her designee due to need and circumstance. Furthermore, campers will not be subject to receipt of any type of remuneration by the County for such reassignment nor will campers receive monetary reimbursement in order to compensate for areas of the campground made unavailable for use due to acts of God or manmade cause.
- x.

2 **RESOLUTION: Approve Hangar Lease Renewal between Tracy Noack and Winnebago**
3 **County**

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

7 **WHEREAS**, Tracy Noack desires to renew a hangar lease with Winnebago County; and

8 **WHEREAS**, Tracy Noack has been a long-time tenant in county-owned hangars; and

9 **WHEREAS**, said Agreement renewal shall be for a period of three (3) years, from February 1, 2023 to
10 January 31, 2026; and

11 **WHEREAS**, Tracy Noack agrees to pay Winnebago County \$402.45 per month plus tax for Hangar L-809C
12 and with an increase adjusted by the percentage change in CPI-U on the anniversary of the agreement; and

13 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
14 approves execution by the Winnebago County Executive and Winnebago County Clerk of the attached Hangar
15 Lease Agreement between Tracy Noack and Winnebago County for the purpose of conducting aircraft storage.
16
17

18 **Fiscal Note: \$4,830 in revenue the first year, with increases by change in CPI-U annually.**

19
20 Respectfully submitted by:
21 **AVIATION COMMITTEE**

22 Committee Vote: 5-0

23 Respectfully submitted by:
24 **PERSONNEL & FINANCE COMMITTEE**

25 Committee Vote: 5-0

26
27 Vote Required for Passage: **Majority of Members Present**

28
29 Approved by the Winnebago County Executive this ____ day of _____, 2023.

30
31 _____
32 Jonathan D. Doemel
33 Winnebago County Executive

AGENDA ITEM REPORT

DATE: JANUARY 4, 2023

TO: WINNEBAGO COUNTY BOARD OF SUPERVISORS

FROM: CAMERON HALLOCK, DEPUTY AIRPORT DIRECTOR

RE: NOACK L-809C HANGAR LEASE

Background:

Tracy Noack is due for a renewal on a 3-year hangar lease for L-809C.

Hangar L-809C is a heated storage hangar at 1,386 sq. ft. on the north side of the airport.

Policy Discussion:

The hangar rate will be set to match hangars L-809A&B at 402.45/month with increases annually equal to the change in CPI-U. The term is February 1, 2023 to January 31, 2026.

Hangar Building, L-809C

Hangar Rental: **\$402.45/month + Tax**

Requested Action:

Approve the Airport Hangar Lease for L-809C between Tracy Noack and Winnebago County.

Committee Action:

Presented to the Aviation Committee on January 4, 2023, **APPROVED 5/0**

Presented to the Personnel and Finance Committee on February 8, 2023, **APPROVED 5/0**

Attachments:

Lease Exhibit "A"

AIRPORT HANGAR LEASE

BETWEEN

WITTMAN REGIONAL AIRPORT (WINNEBAGO COUNTY)

AND

Tracy Noack

THIS AGREEMENT made and entered into this 1st day of February, 2023, by and between WINNEBAGO COUNTY, by its Aviation Committee, hereinafter referred to as the "LESSOR", and Tracy Noack, hereinafter referred to as the "LESSEE".

WITNESSETH:

WHEREAS, the LESSOR owns and operates an airport which includes all aviation navigation facilities, said airport being known as Wittman Regional Airport located in Winnebago County, Wisconsin, and the LESSOR is desirous of leasing to LESSEE certain premises hereinafter more fully described, located on said airport, together with the right to use and enjoy individually and in common with others the facilities referred to; and

WHEREAS, the LESSEE will operate aircraft subject to Part 91 and other applicable Federal Aviation Regulations and said operations shall not be "for hire", and as said LESSEE desires to lease certain aircraft storage property and rights from the LESSOR.

NOW, THEREFORE, in consideration of the rents, covenants, and agreements herein contained, LESSOR does hereby lease, demise and let to LESSEE, and said LESSEE does hereby hire, take and lease from LESSOR, the following premises, rights and easements on and to the airport upon the following terms and conditions.

1. PREMISES LEASED

The LESSOR does hereby lease to LESSEE the following described premises at said airport, with respect to which LESSEE is to have for the term of this Lease the exclusive use of said described premises as follows: (See Exhibit "A" attached for location of specific leased premises). Hangar Building L 809-C; 1,386 sq. ft. of aircraft storage building space.

2. RENTAL

The operator shall pay to the LESSOR rent for the leased premises hereunder as follows. Hangar Building L- 809-C

Year 1 - \$402.45 (Plus Sales Tax)
(per month)

Year 2 – Pervious rental rate adjusted by the percentage increase in the Consumer Price Index – All Urban Consumers.

Year 3 - Pervious rental rate adjusted by the percentage increase in the Consumer Price Index – All Urban Consumers.

Rent shall be paid monthly, or quarterly.

3. TERM

A. The term of this Agreement shall be for three (3) years beginning February 1, 2023 and ending on January 31, 2026.

4. ACCEPTANCE OF PRESENT PREMISES

The LESSEE agrees to accept the land premises leased in present condition, and as presently equipped, and further agrees to surrender the same at the end of the term in as good condition as they are now, ordinary wear and depreciation by the elements only excepted.

5. ALTERATIONS AND IMPROVEMENTS

The LESSEE shall have the right to make improvements to the leased premises upon receipt of written approval from the LESSOR. Should the LESSEE install approved heating units at the sole expense of the LESSEE, the LESSEE shall have the right to remove or have the option to sell to the next LESSEE the actual heating units installed, provided that all permanent piping and hardware other than the actual units are left intact. All improvements shall be at LESSEE's sole expense. Such approval shall not be unreasonably withheld or delayed.

6. UTILITIES

The LESSEE shall pay for all necessary fuel for the premises leased during the period of his occupancy, and pay for all electricity, water, telephone and other similar type charges for facilities used by said LESSEE. LESSEE shall provide adequate trash removal services to meet his needs.

7. INSURANCE

A. User or Tenant agrees, at its own cost and expense, to furnish County with Certificate of Insurance indicating proof of the following insurance from companies licensed in the State.

Such insurance shall include Winnebago County as an additional insured as pertains to the negligence of the user or LESSEE. Such insurance shall include a thirty (30) day notice prior to cancellation or material policy change, which notice shall be given to the Winnebago County Insurance Administrator, c/o Courthouse, P.O. Box 2808, Oshkosh, WI 54903. All such notices will name the user or LESSEE and identify the contract.

1. Aircraft Liability - with a minimum of \$1,000,000 - \$5,000,000 individuals, \$10,000,000 for commercial risks, \$50,000,000 for scheduled airlines Combined Single Limit of liability for Bodily Injury and Property Damage.

2. Commercial General Liability Insurance
(non aircraft) - with a minimum limit of \$1,000,000 Combined Single Limit for Bodily Injury and Property Damage Liability.

This insurance shall include on the Certificate of Insurance the following coverage:

- a. Premises - Operations
- b. Products and Completed Operations
- c. Broad Form Property Damage
- d. Personal Injury
- e. Errors and Omissions; if applicable

3. Automobile Liability - insurance with a minimum limit of \$1,000,000 Combined Single Limit for Bodily Injury and Property Damage Liability. This insurance shall include Bodily Injury and Property Damage for the following coverage:

- a. Owned Automobiles
- b. Hired Automobiles
- c. Non-Owned Automobiles

4. Worker's Compensation - Statutory in compliance with the Compensation Law of the State. Included a Federal Longshoremen and Harbor Workers Endorsement, if applicable.

8. RIGHTS OF LESSEE

The LESSEE shall have:

A. The right in common with others authorized so to do, to use common areas of the Airport, including runways, taxiways, aprons, roadways, floodlights, landing lights, signals and other conveniences for the take-off, flying and landing of aircraft of LESSEE.

B. The non-exclusive use, in common with others, of the airport parking areas, appurtenances and improvements thereon, but this shall not restrict the right of the LESSOR to charge visitors a fee for the use of such areas.

C. The right to install, operate, maintain, repair and store, subject to approval of the LESSOR in the interests of safety and convenience of all concerned, all equipment necessary for the conduct of the LESSEE's operation.

D. The right in ingress to and egress from the demised premises limited to streets, driveways or sidewalks designated for such purposes by the LESSOR, which right shall extend to LESSEE's employees, passengers, guests, invitee, and patrons.

9. MAINTENANCE OF PREMISES LEASED

LESSEE will maintain the leased premises occupied by him in good order, and make such basic repairs and maintenance as are necessary.

In the event of fire or other casualty, the LESSOR may either repair or replace the building promptly; replace the damaged building, or cancel this agreements at LESSOR's sole option. LESSOR shall be responsible for structural repairs and maintenance of the leased premises, including roof, and electrical service. Replacement of light bulbs and air filters, together with custodial services, shall be the responsibility of the LESSEE.

10. ASSIGNMENT

LESSEE may not, at any time during the term of this Lease, assign, hypothecate, or transfer this Agreement or any interest therein, without the prior written consent of the LESSOR, but such consent shall not be unreasonably withheld or delayed. Aeronautical use, personal character and financial capacity shall be the three key factors evaluated by the LESSOR in reviewing a lease assignment request.

11. OTHER TERMS

The parties hereto, for themselves, their legal representatives, successors, and assigns, further covenant and agree as follows:

A. LESSEE agrees to observe and obey, during the term of this Lease, all laws, ordinances, rules and regulations promulgated and enforced by LESSOR and by any other proper authority having jurisdiction over the conduct of the LESSOR's operations at the Airport.

B. LESSEE agrees to at all times during the term of this Lease, indemnify, save harmless and defend the LESSOR, its boards, commissions, agencies, officers, employees and representatives against any and all liability, loss, damages, costs or expenses, whether personal injury or property damage, with the LESSOR, its officers, employees, agencies, boards, commissions and representatives may sustain, incur or be required to pay by reason of the LESSEE's acts, error or omissions, provided, however, that the provisions of

this section shall not apply to liabilities, losses, charges, costs, or expenses caused by or resulting from the acts, errors or omissions of the LESSOR, its agencies, boards, commissions, officers, employees or representatives.

C. So long as LESSEE conducts his operation in a fair, reasonable and workmanlike manner, he shall peaceably have and enjoy the leased premises, and all the rights and privileges herein granted.

D. LESSEE agrees that no signs or advertising matter may be erected without the written consent of the LESSOR.

12. CLOSING OF AIRPORT

During any period when the Airport shall be closed by any lawful authority restricting the use of the Airport in excess of 72 consecutive hours in such a manner as to interfere with the use of same by LESSEE, for his business operation, the rent shall abate and at the LESSEE's option, the period of such closure shall be added to the term of the Lease or any option period so as to extend and postpone the expiration thereof.

13. FIRE AND POLICE PROTECTION AND SNOW REMOVAL

The LESSOR agrees to extend to the LESSEE the same fire and police protection extended to the other tenants and facilities on the Airport. The LESSOR also agrees to provide snow removal services to within three feet of the LESSEE's hangar. All of the foregoing services to be at the LESSOR's expense and consistent with airport snow removal priorities.

14. FAILURE TO PAY RENT

Failure on the part of the LESSEE to pay the rent hereunder within thirty (30) days after same shall become due, except as provided in Paragraph 12, shall authorize LESSOR, at its option and without any legal proceedings, to declare this Lease void, cancel the same, and re-enter and take possession of the premises.

15. PERSONAL PROPERTY TAXES

The LESSEE shall pay all taxes or assessments that may be levied against the personal property of the LESSEE.

16. BREACH OF CONDITIONS

If the LESSEE shall violate any of the restrictions in this Lease, or shall fail to keep any of its covenants after written notice to cease such violation, and shall fail to correct such violation within thirty (30) days, the LESSOR may at once, if it so elects, terminate the same and take possession of the premises.

17. INSPECTION: LEASED PREMISES AND BOOKS & RECORDS OF LESSEE

The LESSOR, through its Airport Director, his/her designee, or its Aviation Committee, reserves the right to enter upon the premises at any reasonable time for the purpose of making any inspection it may deem expedient to the proper enforcement of any of the covenants or conditions of this agreement.

18. FURTHER DEVELOPMENT

The LESSOR reserves the right to further develop or improve the landing area and any or all other areas at the Airport as it deems proper. Any material change in LESSEE's use or enjoyment of the leased premises or the efficient operation of its business thereon shall require renegotiation of the agreement, or, LESSEE may, at its option and with 90 days written notice to LESSOR, terminate this agreement.

19. MAINTENANCE OF LANDING AREA

The LESSOR shall maintain and keep in repair the landing area of the Airport and all publicly-owned facilities of the Airport within its financial ability.

20. EMERGENCY CONDITIONS

During the time of war or national emergency, the LESSOR shall have the right to lease the landing area or any part thereof to the United States Government for military or naval use, and if such lease is executed, the provision of this instrument, insofar as they are inconsistent with the provisions of the lease to the Government, shall be suspended.

21. PROTECTION OF AIRPORT

The LESSOR reserves the right to take any action it reasonably considers necessary to protect the aerial approaches of the Airport against obstruction, together with the right to prevent LESSEE from erecting, or

permitting to be erected, any building or other structure on the Airport which, in the reasonable opinion of the LESSOR, would limit the usefulness of the Airport or constitute a hazard to aircraft.

22. SUBORDINATION TO LEASE WITH UNITED STATES

This Lease shall be subordinate to the provisions of any existing or future agreement between the LESSOR and the United States, relative to the operation or maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the Airport. If the subordination of this agreement to any agreements now or hereafter entered into between the LESSOR and the United States materially alters or inhibits LESSEE's use or enjoyment of the leased premises, LESSEE may, at its option and with 90 days written notice to LESSOR, terminate this agreement.

23. LESSEE TO OBEY RULES

The LESSEE shall abide by all the rules and regulations of the Town, City, County, State and Federal authorities respecting safety measure to be taken and observed in the use of said premises. The LESSEE shall be subject to such written rules and regulations as the Winnebago County Board or its Aviation Committee may adopt. Such rules and regulations shall not, however, be in conflict with the terms of this Agreement.

24. COMPLIANCE WITH CIVIL RIGHTS ACT OF 1964

The LESSEE, in the use of the leased premises for himself, her personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the premises that (1) no person on the grounds of race, color or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities; (2) that in the construction of any improvements on, over, or under such premises and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination; (3) that the premises shall be used in compliance with all other requirements imposed by, or pursuant to Title 49, Code of Federal

Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

LESSEE, in the conduct of its authorized business activities on said demised premises and on said airport, shall furnish good, prompt, and efficient service adequate to meet the demands for its service at the airport, and shall furnish such service on a fair, equal, and not unjustly discriminatory basis to all users thereof, and shall charge fair, reasonable, and not unjustly discriminatory prices for each unit of sale or service; provided, however, that LESSEE shall be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

LESSEE shall have the right and privilege to engage in, and conduct all business operations authorized under the terms of this Lease, provided, however, that this agreement shall not be construed in any manner to grant the LESSEE, or those claiming under him the exclusive right to use the premises or facilities of the aforementioned Airport other than those premises leased exclusively to the LESSEE hereunder. (See Exhibit C).

25. RESOLUTION OF DISPUTES

This Agreement shall be covered by the laws of the State of Wisconsin. Claims, disputes, and other matters in question between the parties to this Agreement arising out of, or relating to, this Agreement or the breach thereof, shall be decided by arbitration in accordance with the Arbitration Rules of the American Arbitration Association then pertaining, upon the express written consent of all parties to this Agreement. In the event the parties proceed to arbitration; the following shall govern any such proceedings:

- A. The American Arbitration Association shall submit a panel of five arbitrators to the parties. The parties shall alternate strikes until one-arbitrator remains who shall arbitrate the dispute. The party initiating the first strike shall be determined by the winner of a coin flip.

- B. The costs of the arbitration proceeding (except for the filing fee, which shall be paid by the party initiating the proceeding) shall be borne equally by the parties. Each party shall pay his own legal fees and expenses incurred in connection with the proceeding.
- C. Any arbitration shall take place in the City of Oshkosh, Winnebago County, Wisconsin.
- D. Unless otherwise agreed by the parties, the arbitration hearing in this matter shall be limited to one day in length with the arbitrator providing each side equal time to present its case during the day.
- E. That any discovery proceeding shall be limited to the thirty (30) day period prior to the date of the arbitration hearing. The party requesting the discovery shall pay for all costs incurred by the opposite party, except for attorney's fees. Related to the discovery procedure, including but not limited to, witness and reporter's fees related to depositions, photocopying fees, postage fees, and delivery fees.
- F. That the arbitrator, in issuing any ruling with regard to any arbitration matter, shall issue a written decision which shall include written findings of fact and conclusions of law.
- G. The proceeding and arbitration shall be governed by the laws of the State of Wisconsin, including specifically, Chapter 788 of the Wisconsin Statutes.

26. COMPLIANCE WITH WISCONSIN PUBLIC RECORDS LAW: Lessee understands that Winnebago County is bound by the Wisconsin Public Records Law, Wis. Stat. sec. 19.21, et. seq. Pursuant to Wis. Stat. sec. 19.36 (3), the County may be obligated to produce to a third party the records of a Lessee that are "produced or collected" by the Lessee under this Agreement ("Records"). Lessee is further directed to Wis. Stat. sec. 19.21, et. seq. for the statutory definition of Records subject to disclosure under this paragraph, and Lessee acknowledges that it has read and understands that definition. Notwithstanding any other term of this Agreement, Lessee is (1) obligated to retain Records for seven (7) years from the date of the Record's creation; and (2) produce such Records to County if, in County's determination, County is required to produce the records to a third party in response to a public records request. Lessee's failure to retain and produce

Records as required by this paragraph shall constitute a material breach of this Agreement, and Lessee must defend and hold the County harmless from liability due such breach.

27. COVENANTS TO BE BINDING

The covenants, conditions and terms of this Agreement shall be binding upon the respective parties hereto, and on their heirs, executors, administrators and assigns.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on the day and year first above written.

WINNEBAGO COUNTY (LESSOR)

By: _____
Jon Doemel
County Executive

Susan T. Ertmer
County Clerk

(LESSEE)

By: _____
Tracy Noack

1 **185-022023**

2

3 **RESOLUTION: Increase the fee to attend the Parent Education Program Partners in**
4 **Parenting from \$10 per parent to \$20 per parent**

5

6

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

8 **WHEREAS**, Wis. Stat. 767.401 provides that a court may require any parent involved in an action affecting
9 the family or in an action to determine paternity of a child to attend an educational course that addresses the effects
10 of a dissolution of marriage on the child, child development, family dynamics, parenting skills and co-parenting skills;
11 and

12 **WHEREAS**, Winnebago County Local Court Rule 3.20 requires all parents ordered to participate in custody
13 mediation to participate in the Parent Education Program offered by the Office of Family Court Services and all
14 parents who are parties to a paternity action to attend the Parent Education Program; and

15 **WHEREAS**, participation in parent education programming and mediation helps to reduce the caseload in
16 the family court system and reduces litigation overall; and

17 **WHEREAS**, since 2010, the Office of Family Court Services and the Child Support Office shared
18 responsibility for administering the parent education course; and

19 **WHEREAS**, in August 2021, the Child Support Office relinquished all involvement in the parent education
20 course, and the Office of Family Court Services now provides all preparation, administration and teaching of the
21 twice monthly offered program; and

22 **WHEREAS**, the expense involved with the course is not covered by the current fee of \$10 per parent, which
23 has not been reviewed or increased since 2001; and

24 **WHEREAS**, raising the fee charged to parents for attending the course from \$10 to \$20 will put Winnebago
25 County in line with other, similarly situated counties, will cover the cost of staff salary for time spent providing this
26 service, and will generate additional revenue to improve the product provided to the parents.

27 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that the fee to
28 attend the Parent Education Program Partners in Parenting, offered by the Office of Family Court Services to parents
29 involved in the family court system, be increased from \$10 per parent to \$20 per parent.
30

31

32 *Fiscal Note: No budget transfer is required. The proposed fee change would increase revenue to the County by*
33 *an amount which will vary from year to year, estimated to average approximately \$2,450 per year.*

34

35 Respectfully submitted by:

36 **JUDICIARY & PUBLIC SAFETY COMMITTEE**

37 Committee Vote: **5-0**

38 Respectfully submitted by:

39 **PERSONNEL & FINANCE COMMITTEE**

40 Committee Vote: **5-0**

41 Vote Required for Passage: **Majority of Members Present**

42

43 Approved by the Winnebago County Executive this ____ day of _____, 2023.

44

45

46

47

Jonathan D. Doemel
Winnebago County Executive

DATE: February 8, 2023

FROM: Jill Burchardt, Manager Family Court Services/Tara Berry, Clerk of Court

RE: Fee Increase for Parent Education Course

General Description:

Family Court Services is requesting an increase in the fee charged for parents to attend the parent education program, Partners in Parenting, offered by the office of Family Court Services to parents involved in the family court system, from \$10 to \$20 per parent.

Action Requested:

Motion to approve a resolution to increase the fee to attend the parent education program to \$20 per parent.

Procedural Steps:

Committee of Jurisdiction: JPS
Action taken: Motion Approved
Other Committee: P&F
Action taken: Motion Approved
County Board

Meeting date: January, 9 2023
Vote: Unanimous
Meeting date: February 8, 2023
Vote: Unanimous
Meeting date: February 28, 2023

Background:

The last fee increase for attendance at the parent education program was approximately 2001. A motion to raise the fee from \$10 to \$20 was made at a judge's meeting and unanimously approved in October 2022.

Pursuant to Wis. Stat. 767.401, a court may require any parent involved in an action affecting the family or in an action to determine paternity of a child to attend an educational course that addresses the effects of a dissolution of marriage on the child, child development, family dynamics, parenting skills and co-parenting skills. Pursuant to Winnebago County Local Court Rule 3.20, all parents ordered to ~~participate~~ participate in custody mediation are required to participate in the parent education program offered by the Office of Family Court Services and all parents who are parties to a paternity action are required to attend the parent education program. Participation in parent education programming and mediation helps to reduce the case load in the family court system and reduces litigation overall.

Since 2010, the office of Family Court Services and the Child Support office shared responsibility for administering the parent education course. The child support office prepared/sent all court orders and prepared all informational packets for the paternity cases. The office of Family Court Services prepared all material for mediation clients, taught all classes (offered twice monthly) and prepared all invoices for all parents. The course fee of \$10/parent was collected and kept by the office of Family Court Services for all parents that attended, primarily to cover the cost of teaching the course and for the larger administrative load related to collection of fees.

In August 2021, the Child Support office relinquished all involvement in the parent education course, and the office of Family Court Services now provides all preparation, administration and teaching of the twice monthly offered program. The expense involved with the course is not covered by the current fee of \$10/parent.

Policy Discussion:

- Average attendance (5-year average) is 245 parents every year, with a current total potential revenue of \$2,450
- Average mediator salary is \$34/hour. Average administrative associate II pay rate is \$20.50. Calculations arrived at by averaging out minimum and maximum salary for the positions.
- One mediator spends 4 hours each course between set up, teaching, and clean-up of class. Support staff spends approximately 2 hours each course preparing folders for course participants, checking clients into class, invoicing and data entry. Total salary expended per class is \$168.
- A course folder is provided to the parents that includes supplemental material that is paid for out of our current budget. This expense has increased, as the office of Family Court Services has assumed this expense in full in 2021. The budget for 2023 was prepared prior to this request, and does not include the amount needed to cover increase expense in office supplies. The 2022 budget for office supplies is already over, and this overage will continue into 2023 unless costs are recovered through a fee increase.
- Average parent attendance per class 10 people. At current rate of \$10/parent, we are not covering salary/expenses.
- At \$20/parent, costs would be covered, and surplus gained could result in providing parents more information in their resource folders.

Every county provides a different option for the required parent education course. Some nearby counties that have a Family Court Services office and offer similar, in-person programs proctored by the office of Family Court Services staff or by a local agency (ie: UW Extension staff):

Outagamie County \$10 (approved to increase to \$20 beginning in March 2023)

Fond du Lac County \$40/parent

Calumet County \$20/parent

Dane County \$40/parent

Dodge County \$20/parent

Other counties that offer mediation through contact workers or through their Department of Human Services offices typically require parents to attend a course on-line (ie: Children in the Middle, Children in Between). These on-line courses are \$40 to \$60/parent.

- These courses are not specific to Wisconsin nor are they specific to Winnebago County process and procedure.
- These courses were previewed by the staff at Family Court Services during COVID shutdowns, and were rejected as options due to the length, the inclusion of financial discussions (which are left out of current programming as this is not covered in mediation with our office) and due to the cost associated with them.

Raising the fee charged to parents for attending the course from \$10 to \$20 will put this county in-line with other, similarly situated counties, will cover the cost of staff salary for time spend providing this service and will generate additional revenue to improve the product provided to the parents.

Attachments:

- Wis. Stat. 767.401
- Winnebago County Local Court Rule 3.20
- Winnebago County 2022 Compensation Schedules for Mediator and Administrative Associate II
- Fee Comparison Tables

767.401 Educational programs and classes.

(1) PROGRAMS: EFFECTS OF DISSOLUTION ON CHILDREN; PARENTING SKILLS.

- (a)** During the pendency of an action affecting the family in which a minor child is involved and in which the court determines that it is appropriate and in the best interest of the child, the court, on its own motion, may order the parties to attend a program specified by the court concerning the effects on a child of a dissolution of the marriage. If the court orders the parties to attend a program under this paragraph and there is evidence that one or both of the parties have engaged in interspousal battery, as described in s. 940.19 or 940.20 (1m), or domestic abuse, as defined in s. 813.12 (1) (am), the court may not require the parties to attend the program together or at the same time.
- (b)** During the pendency of an action to determine the paternity of a child, or an action affecting the family for which the underlying action was an action to determine the paternity of a child, if the court determines that it is appropriate and in the best interest of the child, the court, on its own motion, may order either or both of the parties to attend a program specified by the court providing training in parenting or coparenting skills, or both.
- (c)** A program under par. (a) or (b) shall be educational rather than therapeutic in nature and may not exceed a total of 4 hours in length. The parties shall be responsible for the cost, if any, of attendance at the program. The court may specifically assign responsibility for payment of any cost. No facts or information obtained in the course of the program, and no report resulting from the program, is admissible in any action or proceeding.
- (d)** Notwithstanding s. 767.35 (1), the court may require the parties to an action affecting the family in which a minor child is involved to attend a program under par. (a) or (b) as a condition to the granting of a final judgment or order in the action affecting the family.
- (e)** A party who fails to attend a program ordered under par. (a) or (b) or pay costs specifically ordered under par. (c) may be proceeded against under ch. 785 for contempt of court.

(2) CLASSES ON PARENTING.

- (a)** During the pendency of a divorce or paternity action, the court may order the parties to attend a class that is approved by the court and that addresses such issues as child development, family dynamics, how parental separation affects a child's development, and what parents can do to make raising a child in a separated situation less stressful for the child.
- (b)** The court may not require the parties to attend a class under this subsection as a condition to the granting of the final judgment or order in the divorce or paternity action, however, the court may refuse to hear a custody or physical placement motion of a party who refuses to attend a class ordered under this subsection.
- (c)**
 1. Except as provided in subd. 2., the parties shall be responsible for any cost of attending the class.
 2. If the court finds that a party is indigent, any costs that would be the responsibility of that party shall be paid by the county.

History: 1993 a. 225; 1997 a. 45; 1999 a. 9; 2001 a. 61; 2003 a. 130; 2005 a. 443 ss. 59 to 63, 180; Stats. 2005 s. 767.401.

3.20 Parent Education Program:

Parties who are ordered into custody mediation shall be required to participate in the Parent Education Program offered by the Office of Family Court Services for Winnebago County. In addition, parties who are not required to attend custody mediation may be ordered to attend the Parent Education Program by the Court if the court deems it appropriate. Any party not ordered to attend the Parent Education Program by the court may also request to be enrolled in the program by contacting the Director of Family Court Services or the Family Court Commissioner.

All parents who are parties to paternity actions shall be required to participate in the Paternity Parent Education Program offered through the New Parent Program in conjunction with the Office of Family Court Services.

Grade	Current Title	Dept	Minimum	Top of Range A	Control Point Top of Range B	Top of Range C	Top of Range D
24	Grade 24 - Hourly		\$28.63	\$30.07	\$31.57	\$35.31	\$39.50
24	Grade 24 - Salaried		\$59,557	\$62,535	\$65,660	\$73,452	\$82,189
24	Maintenance & Operations Manager	Airport					
24	Office Supervisor	Child Support					
24	Family Court Services Mediator	Circuit Courts					
24	Chief Deputy Clerk of Courts	Clerk of Courts					
24	Chief Deputy Coroner	Coroner					
24	Diversion Program Coordinator	District Attorney					
24	Office Supervisor	District Attorney					
24	HVAC Specialist	Facilities					
24	Master Electrician	Facilities					
24	Plumber	Facilities					
24	Purchasing Manager	Finance					
24	Office Supervisor	Highway					
24	Highway Maintenance Supervisor	Highway					
24	Traffic Operations Supervisor	Highway					
24	Human Resource Advisor	Human Resources					
24	Risk Manager	Human Resources					
24	Office Supervisor	Human Services - AD					
24	Special Projects Coordinator	Human Services - AD					
24	Case Manager - Lead	Human Services - BH					
24	Psychiatric Nurse	Human Services - BH					
24	Qualified Therapist - In Training	Human Services - BH					
24	Youth CCS Lead Specialist	Human Services - BH					
24	Systems Analyst	Information Systems					
24	Food and Nutrition Services Manager	Park View Health Center					

Grade	Current Title	Dept	Minimum	Top of Range A	Control Point Top of Range B	Top of Range C	Top of Range D
Grade 14							
14	Tax Listing Specialist	Planning and Zoning	\$16.38	\$17.21	\$18.06	\$20.10	\$22.60
14	Records Associate	Register of Deeds					
Grade 15							
15	Administrative Associate II	Circuit Courts	\$17.29	\$18.15	\$19.06	\$21.22	\$23.86
15	Administrative Associate II	Clerk of Courts					
15	Administrative Associate II	County Clerk					
15	Facilities Specialist	Facilities					
15	Financial Associate I	Highway					
15	Administrative Associate II	Human Services - BH					
15	C.N.A.	Park View Health Center					
15	Restorative Aide	Park View Health Center					
15	Corrections Financial Associate	Sheriff					
15	Financial Associate I	Sheriff					
15	Financial Associate I	Treasurer					
Grade 16							
16	Financial Associate II	Child Support	\$17.98	\$19.06	\$20.01	\$22.28	\$24.81
16	Administrative Associate III	Circuit Courts					
16	Administrative Associate III	Clerk of Courts					
16	Financial Associate II	Clerk of Courts					
16	Jury Clerk	Clerk of Courts					
16	Administrative Associate III	Corporation Counsel					
16	Administrative Associate III	County Clerk					
16	Administrative Associate III	District Attorney					
16	Financial Associate II	Finance					
16	Administrative Associate III	Highway					

County to County Fee Comparison Table (Fees Per Parent)

COUNTY	PARENT EDUCATION GROUP FEE	MEDIATION FEE (after 1 free session)	CUSTODY STUDY RETAINER FEE	CUSTODY STUDY HOURLY FEE	STUDY TEAM MEMBERS
WINNEBAGO	\$10	\$150	\$400*	\$40	2 Evaluators
OUTAGAMIE	\$10 (going to \$20 in 3/23)	\$100	\$350	\$35 (anticipated request to raise fees occurring in 2023)	1 Evaluator
CALUMET	\$20	\$160	\$500	\$48	1 Evaluator
LACROSSE	\$50	\$100	\$3,550 maximum flat fee	N/A	1 Evaluator, GAL, mental health provider
DANE	\$40	\$100	\$2,000 maximum flat fee	N/A	1 Evaluator
DODGE	\$20 in person \$40 on-line	\$100	\$175	\$50/hour	1 Evaluator
JEFFERSON	\$10 (basic course) \$75 (high conflict course)	\$150	\$750 flat fee	N/A	1 Evaluator
WAUKESHA	\$60	\$200	\$1,000 maximum flat fee	N/A	1 Evaluator

FOND DU LAC	\$40	\$100	\$600	\$30	1 Evaluator
ROCK	\$40	\$75 to \$125	N/A	N/A	GAL only, fee is \$350

*Winnebago County is the only county that does not require pre-payment of fees in order to access services immediately

When retainer/hourly billing utilized, final billing ranges from \$700 to \$1500 per parent depending on complexity of case

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RESOLUTION: Establishing a new fee schedule for mediation and custody study fees charged by Family Court Services by setting mediation fees at the existing amount of \$150 per parent, increasing custody study fees to \$50/hour and increasing the up-front retainer fee payment for a custody study to \$525 per parent

TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:

WHEREAS, Wis. Stat. § 814.615 provides the parameters for mediation and custody study fees, and allows for a county to establish a fee schedule to recover its reasonable costs of providing services in lieu of these fees; and

WHEREAS, a fee schedule for mediation or custody study fees was last addressed circa 2001; and

WHEREAS, the departmental cost of conducting a custody study is not covered by the current fee structure; and

WHEREAS, establishment of a new, simplified fee schedule would be beneficial for both mediators and clients; and

WHEREAS, the Winnebago County Circuit Court Judges unanimously approved the proposed increase for custody study fees in December 2022.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby sets the Family Court Services mediation fee at the existing rate of \$150 per parent.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby increases custody study fees to \$50 per hour and increases the up-front retainer payment fee for a custody study to \$525 per parent.

Fiscal Note: No budget transfer is required. The proposed fee change would increase revenue to the County by an amount which will vary from year to year, estimated to average approximately \$2,000 per year.

Respectfully submitted by:
JUDICIARY & PUBLIC SAFETY COMMITTEE

Committee Vote: **5-0**

Respectfully submitted by:
PERSONNEL & FINANCE COMMITTEE

Committee Vote: **4-1**

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

Approved by the Winnebago County Executive this ____ day of _____, 2023.

Jonathan D. Doemel
Winnebago County Executive

DATE: February 8, 2023

FROM: Jill Burchardt, Manager Family Court Services/Tara Berry, Clerk of Courts

RE: Establishing a new fee schedule for mediation and custody study fees

General Description:

Family Court Services is requesting to establish a new fee schedule for mediation and custody study fees and to increase the fees specifically for custody studies.

Action Requested:

Motion to approve a resolution to establish a new fee schedule for mediation and custody study fees, specifically to set mediation fees at the existing amount of \$150/parent, to increase custody study fees to \$50/hour and to increase the up-front retainer fee payment to \$525/parent.

Procedural Steps:

Committee of Jurisdiction: JPS
Action taken: Motion Approved
Other Committee: P&F
Action taken: Motion Approved
County Board

Meeting date: January, 9 2023
Vote: Unanimous
Meeting date: February 8, 2023
Vote: 4 yes, 1 no
Meeting date: February 28, 2023

Background:

The last time that a fee schedule for mediation or custody study fees was addressed was in approximately 2001. No information is available from prior FCS Directors/Managers to review regarding the prior fee schedule, nor can the fee schedule that was established be located.

Pursuant to Wis. Stat. 814.615, the county shall collect no fee for the first mediation session, a single fee of \$200 for mediation provided after the first session, regardless of the number of sessions held, and \$300 for a custody study. In lieu of these fees, a county may establish a fee schedule to recover its reasonable costs of providing services.

FCS is not requesting any change to the mediation fee, which is currently set at \$150/parent when the parents go beyond one session. The first mediation session is free of charge.

Custody evaluation fees currently require a parent to pay a \$400 retainer fee at the outset of the evaluation process. Work conducted during the study process is billed to a parent at the rate of \$40/hour. At the conclusion of the study process, the parents then owe for any amount that is above the \$400 initial retainer fee paid. If the custody study team provides less than 10 hours of work, a refund is issued to the parent of the unused portion of the retainer fee. Parents are also billed for the cost of obtaining any records.

At present, the departmental cost of conducting a custody study is not covered by the current fee structure.

Given that the prior fee schedule is unable to be located, and the FCS office is clearly working under the terms of an alternate fee schedule, a review of current costs and establishment of a new fee schedule

that can located and referenced would be beneficial. The judges unanimously approved the proposed increase in custody study fees in December 2022.

Policy Discussion:

The number of custody studies that are conducted by FCS is variable from one year to the next and this number is wholly dependent upon the number of court referrals that are made. A survey of the past five years shows, on average, that 16 studies are completed and submitted yearly.

FCS has five sources of revenue: a percentage of marriage license fees, a percentage of family court filing fees, a contract to provide mediation services to Waushara County, mediation and custody study fees. Study fees are projected to bring in \$15,000 yearly, which represents 15% of the total revenues projected.

In a regular year, wherein the court referrals are near the average of 16 studies in a calendar year, revenues collected will exceed projections and the actual revenue collected can provide an additional \$10,000. Despite this, the salary and expenses of conducting a study are not covered by the current fee structure.

Custody studies are conducted by a team of two mediators. Both mediators are present for all in-person appointments, including home visits. The primary mediator is responsible for maintaining the file, record reviews and writing the report. The administrative associate assists and provides work on each file. Mediators routinely collaborate prior to and after appointments, when records are being reviewed and during the writing of the report. It is difficult to pinpoint exactly how much time is spent on these activities, as they vary greatly depending upon the case.

Conducting a survey of billing statements for studies completed in the past five years, 17 hours on average is spent on in-person interviews (two mediators) and 25 hours on records review/drafting the report (one mediator). Hourly billing practices are unlike those of Guardian ad Litem, who bill for every minute spent on a file. In order to keep costs low, the Office of Family Court Services routinely does not bill for things like reading parent submissions or emails, contacts in between formal appointments, interview prep work, and preparing releases. A conservative estimate of unbilled time per study is 10 hours.

Average mediator salary is \$34/hour. Average administrative associate II pay rate is \$20.50. Calculations arrived at by averaging out minimum and maximum salary for the positions.

- Present fee structure at current \$40/hour rate results in collection of a total fee of \$1680
- If billing based on a two-tier approach (one mediator vs. two mediator), this results in collection of a total fee of \$2006 (\$68x17 and \$34x25)
- Proposed billing at a set rate for all work—similar to what occurs now—at a rate of \$50 results in collection of a total fee of \$2,100

FCS proposes a simple, across the board fee of \$50/hour. This results in a minimal increase from what a two-tier billing approach would be (\$94), however, this slight overage would offset the administrative associate's salary, costs associated with printing documents, which can be voluminous, and offset some costs incurred when the mediation team collaborates outside of interviews or provides other, typically

unbilled, work on the file. This simple billing system remains easy to track, manage and follow, for both mediators and clients.

Comparisons with other counties regarding their services provided for custody evaluations vary greatly, so it is almost impossible to provide an "apples to apples" comparison. A table is attached to provide some comparative data.

Custody study fees are split equally between the parents, resulting in a bill to each parent of \$1050. The retainer fee increase to \$525 represents one-half of this amount. Parents may apply for a waiver of custody study fees, and are provided the application at the outset of the process. Even if parents choose not to apply or are denied a waiver if their income is too high, parents are not denied services for failure to pay the fees when they are instructed to pay, which is within 30-days of receiving an invoice. The custody study commences immediately after being ordered, even if they do not pay the retainer fee. The court hearings to determine placement/custody is also not delayed if a parent does not pay the amount due. The parents and their attorneys are provided access to the report and recommendations by the Clerk of Court's Office so they can adequately prepare for the hearing itself.

Attachments:

- Wisconsin Statute 814.615 regarding fees
- Winnebago County 2022 Compensation Schedules for Mediator and Administrative Associate II
- Proposed Draft Fee Schedule
- Tables regarding past 5 years of custody studies completed
- Fee Comparison Tables

814.615 Fees for mediation and studies.

(1)

(a) Except as provided under sub. (2), for family court services provided under s. 767.405 a county shall collect the following fees:

1. For the first mediation session conducted upon referral under s. 767.405 (5), no fee.
2. For all mediation provided after the first session mediation described under subd. 1., a single fee of \$200, regardless of the number of mediation sessions held.
3. For a study under s. 767.405 (14), a fee of \$300.

(b) The county shall determine when and how to collect the fees under par. (a). Subject to sub. (3), the county shall reduce the fees in accordance with the parties' ability to pay or provide the services without payment of the fees if both parties are unable to pay.

(2) In lieu of the fee under sub. (1)(a) 2. or 3., a county may establish a fee schedule to recover its reasonable costs of providing family court services under s. 767.405. A fee schedule established under this subsection may apply in lieu of the fee under sub. (1)(a) 2. or 3. or both, and shall require no fee for the first mediation session conducted upon referral under s. 767.405 (5); provide for payment for any other services based on the parties' ability to pay; and take into account the fees the county collects under s. 814.61 (1)(b) and (7)(b). Fees shall be based on services actually provided. The county may not collect a single fee applicable without regard to the number of sessions or services provided. Subject to sub. (3), the county shall provide family court services to the parties even if both parties are unable to pay.

(3) The court or a circuit court commissioner shall direct either or both parties to pay any applicable fee under this section. If either or both parties are unable to pay, the court shall grant a separate judgment for the amount of the fees in favor of the county and against the party or parties responsible for the fees.

(4) The county treasurer shall deposit fees collected under this section in a separate account for the exclusive purpose of providing mediation services and studies under s. 767.405.

History: 1987 a. 355; 1991 a. 269; 2001 a. 61; 2005 a. 443 ss. 264, 265.

NOTE: 1987 Wis. Act 355 contains explanatory notes.

Grade	Current Title	Dept	Minimurs	Top of Range A	Control Point Top of Range B	Top of Range C	Top of Range D
24	Grade 24 - Hourly		\$28,63	\$30,07	\$31,57	\$35,31	\$39,50
24	Grade 24 - Salaried		\$59,557	\$62,535	\$65,660	\$73,462	\$82,189
24	Maintenance & Operations Manager	Airport					
24	Office Supervisor	Child Support					
24	Family Court Services Mediator	Circuit Courts					
24	Chief Deputy Clerk of Courts	Clerk of Courts					
24	Chief Deputy Coroner	Coroner					
24	Division Program Coordinator	District Attorney					
24	Office Supervisor	District Attorney					
24	HVAC Specialist	Facilities					
24	Master Electrician	Facilities					
24	Plumber	Facilities					
24	Purchasing Manager	Finance					
24	Office Supervisor	Highway					
24	Highway Maintenance Supervisor	Highway					
24	Traffic Operations Supervisor	Highway					
24	Human Resource Advisor	Human Resources					
24	Risk Manager	Human Resources					
24	Office Supervisor	Human Services - AD					
24	Special Projects Coordinator	Human Services - AD					
24	Case Manager - Lead	Human Services - BH					
24	Psychiatric Nurse	Human Services - BH					
24	Qualified Therapist - In Training	Human Services - BH					
24	Youth CCS Lead Specialist	Human Services - BH					
24	Systems Analyst	Information Systems					
24	Food and Nutrition Services Manager	Park View Health Center					

Grade	Current Title	Dept	Minimum	Top of Range A	Control Point Top of Range B	Top of Range C	Top of Range D
14			\$16.38	\$17.21	\$18.06	\$20.10	\$22.50
Grade 14							
14	Tax Listing Specialist	Planning and Zoning					
14	Records Associate	Register of Deeds					
Grade 15							
15	Administrative Associate II	Circuit Courts	\$17.29	\$18.15	\$19.06	\$21.22	\$23.86
15	Administrative Associate II	Clerk of Courts					
15	Administrative Associate II	County Clerk					
15	Facilities Specialist	Facilities					
15	Financial Associate I	Highway					
15	Administrative Associate II	Human Services - BH					
15	C.N.A.	Park View Health Center					
15	Restorative Aide	Park View Health Center					
15	Corrections Financial Associate	Sheriff					
15	Financial Associate I	Sheriff					
15	Financial Associate I	Treasurer					
Grade 16							
16	Financial Associate II	Child Support	\$17.98	\$19.06	\$20.01	\$22.28	\$24.81
16	Administrative Associate III	Circuit Courts					
16	Administrative Associate III	Clerk of Courts					
16	Financial Associate II	Clerk of Courts					
16	Jury Clerk	Clerk of Courts					
16	Administrative Associate III	Corporation Counsel					
16	Administrative Associate III	County Clerk					
16	Administrative Associate III	District Attorney					
16	Financial Associate II	Finance					
16	Administrative Associate III	Highway					

Fees for Mediation and Custody Study

1. For a mediation referred under Wis. Stat. 767.405(5):
 - a. For the first mediation session conducted upon a referral, no fee shall be charged.
 - b. For all mediation provided after the first mediation session, a single fee of \$150 assessed to each parent, regardless of the number of mediation sessions held.
2. For a custody study referred under Wis. Stat. 767.405(14):
 - a. An initial retainer fee of \$525 assessed to each parent.
 - b. An hourly billing rate of \$50 per hour to be assessed for all services provided. Unearned portions of the retainer fee will be returned upon completion and submission of the custody study. Amounts in excess of the retainer fee will be billed upon the completion and submission of the custody study.
 - c. Parents shall be assessed the cost to obtain records from third-party, collateral sources when such records are deemed necessary for the completion of the custody study.
3. Parents that incur fees for mediation or custody study services may apply to have the fee waived by returning an application to the office of Family Court Services as follows:
 - a. For mediation services provided pursuant to paragraph 1, within two weeks of the date the mediation file is closed.
 - b. For custody study services provided pursuant to paragraph 2, within 30 days of the court order referring the matter for study.
 - c. A separate waiver application must be submitted for each service.

Completed Custody Study Billing History

	2018	
CLIENT (15)	INTERVIEW TIME	DRAFTING TIME
BIRDER	14.5 HOURS	16.5 HOURS
CLOUGH	19.5 HOURS	43.5 HOURS
EWENS	16.5 HOURS	19 HOURS
GRAHAM	12.5 HOURS	25 HOURS
GRIFFIN	18 HOURS	26.5 HOURS
HEIDEMAN	15 HOURS	17 HOURS
HUGHES	22.25 HOURS	26 HOURS
KNAGGS	17.5 HOURS	22.5 HOURS
LLOYD	10 HOURS	34 HOURS
RAYMOND	12.5 HOURS	21 HOURS
ROSENBERG	13.5 HOURS	21 HOURS
RUSCH	12.5 HOURS	20 HOURS
SIMS	18 HOURS	29 HOURS
STAERKEL	17 HOURS	32 HOURS
STAERKEL (UPDATE)	6.5 HOURS	15 HOURS
AVERAGE HOURS SPENT	15 HOURS (15.0)	23 HOURS (23.1)

	2019	
CLIENT (16)	INTERVIEW TIME	DRAFTING TIME
BANCROFT	17 HOURS	34 HOURS
BANJAK	8.5 HOURS	9.5 HOURS
BANJAK (UPDATE)	11.75 HOURS	9.0 HOURS
BOTTENSEK	16.5 HOURS	36 HOURS
BRAUN	11.75 HOURS	21 HOURS
BUSKAGER	19 HOURS	19 HOURS
CLOUGH	15.5 HOURS	18.5 HOURS
DOTY	15 HOURS	27 HOURS
FOSS, D	20.5 HOURS	41 HOURS
HAWKINS	22.5 HOURS	35.5 HOURS
HOOYMAN	14.75 HOURS	27 HOURS
JOHANNES	12.50 HOURS	19 HOURS
MOORE	10.5 HOURS	14 HOURS
POPE	18.5 HOURS	29 HOURS
RIOS	8.5 HOURS	11.5 HOURS
VILLALOBOS	16.25 HOURS	22 HOURS
AVERAGE HOURS SPENT	15 HOURS (14.9)	23 HOURS (23.3)

	2020	
CLIENT	INTERVIEW TIME	DRAFTING TIME
DOMKOWSKI	13 HOURS	17.5 HOURS
HIMES	18.5 HOURS	45 HOURS
HOLM	14 HOURS	23 HOURS
SPRUILL	16 HOURS	27 HOURS
AVERAGE HOURS SPENT	15 HOURS (15.3)	28 HOURS (28.1)
	2021	
CLIENT (17)	INTERVIEW TIME	DRAFTING TIME
BAHR	24 HOURS	28 HOURS
CLOUGH (UPDATE)	9.75 HOURS	14 HOURS
DOMKOWSKI (UPDATE)	7.5 HOURS	12.5 HOURS
DRIER	22 HOURS	40.5 OURS
FETT	24.5 HOURS	28 HOURS
FLYNN	22 HOURS	27.5 HOURS
FOSS-DENT	16.5 HOURS	39 HOURS
FOSS	17 HOURS	26 HOURS
GANT	21.5 HOURS	24 HOURS
KEEHAN	16.5 HOURS	19.5 HOURS
LEIBY	10.75 HOURS	14 HOURS
MURPHY	18 HOURS	33.5 HOURS
STREBE	20.25 HOURS	31 HOURS
WEYERS	19 HOURS	28 HOURS
WILLIAMS	19 HOURS	25.5 HOURS
AVERAGE HOURS SPENT	18 HOURS (17.8)	26 HOURS (26.0)

	2022	
CLIENT (9)	INTERVIEW TIME	DRAFTING TIME
BAIN	19.5 HOURS	23 HOURS
DENSON	25 HOURS	30 HOURS
ECKSTEIN	19 HOURS	32 HOURS
HODGES	19 HOURS	25.5 HOURS
MEYER	18 HOURS	20.5 HOURS
PIPKORN	16.5 HOURS	14.5 HOURS
RAYBURN	19 HOURS	20 HOURS
SULLIVAN	29.5 HOURS	20 HOURS
VANG	20 HOURS	28 HOURS
AVERAGE TIME SPENT	21 HOURS (20.6)	24 HOURS (23.7)

5-YEAR AVERAGES

INTERVIEW TIME: 17 HOURS (16.8)

DRAFTING TIME: 25 HOURS (24.8)

County to County Fee Comparison Table (Fees Per Parent)

COUNTY	PARENT EDUCATION GROUP FEE	MEDIATION FEE (after 1 free session)	CUSTODY STUDY RETAINER FEE	CUSTODY STUDY HOURLY FEE	STUDY TEAM MEMBERS
WINNEBAGO	\$10	\$150	\$400*	\$40	2 Evaluators
OUTAGAMIE	\$10 (going to \$20 in 3/23)	\$100	\$350	\$35 (anticipated request to raise fees occurring in 2023)	1 Evaluator
CALUMET	\$20	\$160	\$500	\$48	1 Evaluator
LACROSSE	\$50	\$100	\$3,550 maximum flat fee	N/A	1 Evaluator, GAL, mental health provider
DANE	\$40	\$100	\$2,000 maximum flat fee	N/A	1 Evaluator
DODGE	\$20 in person \$40 on-line	\$100	\$175	\$50/hour	1 Evaluator
JEFFERSON	\$10 (basic course) \$75 (high conflict course)	\$150	\$750 flat fee	N/A	1 Evaluator
WAUKESHA	\$60	\$200	\$1,000 maximum flat fee	N/A	1 Evaluator

FOND DU LAC	\$40	\$100	\$600	\$30	1 Evaluator
ROCK	\$40	\$75 to \$125	N/A	N/A	GAL only, fee is \$350

*Winnebago County is the only county that does not require pre-payment of fees in order to access services immediately

When retainer/hourly billing utilized, final billing ranges from \$700 to \$1500 per parent depending on complexity of case

814.615 Fees for mediation and studies.

(1)

(a) Except as provided under sub. (2), for family court services provided under s. 767.405 a county shall collect the following fees:

1. For the first mediation session conducted upon referral under s. 767.405 (5), no fee.
2. For all mediation provided after the first session mediation described under subd. 1., a single fee of \$200, regardless of the number of mediation sessions held.
3. For a study under s. 767.405 (14), a fee of \$300.

(b) The county shall determine when and how to collect the fees under par. (a). Subject to sub. (3), the county shall reduce the fees in accordance with the parties' ability to pay or provide the services without payment of the fees if both parties are unable to pay.

(2) In lieu of the fee under sub. (1)(a) 2. or 3., a county may establish a fee schedule to recover its reasonable costs of providing family court services under s. 767.405. A fee schedule established under this subsection may apply in lieu of the fee under sub. (1)(a) 2. or 3. or both, and shall require no fee for the first mediation session conducted upon referral under s. 767.405 (5); provide for payment for any other services based on the parties' ability to pay; and take into account the fees the county collects under s. 814.61 (1)(b) and (7)(b). Fees shall be based on services actually provided. The county may not collect a single fee applicable without regard to the number of sessions or services provided. Subject to sub. (3), the county shall provide family court services to the parties even if both parties are unable to pay.

(3) The court or a circuit court commissioner shall direct either or both parties to pay any applicable fee under this section. If either or both parties are unable to pay, the court shall grant a separate judgment for the amount of the fees in favor of the county and against the party or parties responsible for the fees.

(4) The county treasurer shall deposit fees collected under this section in a separate account for the exclusive purpose of providing mediation services and studies under s. 767.405.

History: 1987 a. 355; 1991 a. 269; 2001 a. 61; 2005 a. 443 ss. 264, 265.

NOTE: 1987 Wis. Act 355 contains explanatory notes.

Fees for Mediation and Custody Study

1. For a mediation referred under Wis. Stat. 767.405(5):
 - a. For the first mediation session conducted upon a referral, no fee shall be charged.
 - b. For all mediation provided after the first mediation session, a single fee of \$150 assessed to each parent, regardless of the number of mediation sessions held.
2. For a custody study referred under Wis. Stat. 767.405(14):
 - a. An initial retainer fee of \$525 assessed to each parent.
 - b. An hourly billing rate of \$50 per hour to be assessed for all services provided. Unearned portions of the retainer fee will be returned upon completion and submission of the custody study. Amounts in excess of the retainer fee will be billed upon the completion and submission of the custody study.
 - c. Parents shall be assessed the cost to obtain records from third-party, collateral sources when such records are deemed necessary for the completion of the custody study.
3. Parents that incur fees for mediation or custody study services may apply to have the fee waived by returning an application to the office of Family Court Services as follows:
 - a. For mediation services provided pursuant to paragraph 1, within two weeks of the date the mediation file is closed.
 - b. For custody study services provided pursuant to paragraph 2, within 30 days of the court order referring the matter for study.
 - c. A separate waiver application must be submitted for each service.

	2018	
CLIENT (15)	INTERVIEW TIME	DRAFTING TIME
BIRDER	14.5 HOURS	16.5 HOURS
CLOUGH	19.5 HOURS	43.5 HOURS
EWENS	16.5 HOURS	19 HOURS
GRAHAM	12.5 HOURS	25 HOURS
GRIFFIN	18 HOURS	26.5 HOURS
HEIDEMAN	15 HOURS	17 HOURS
HUGHES	22.25 HOURS	26 HOURS
KNAGGS	17.5 HOURS	22.5 HOURS
LLOYD	10 HOURS	34 HOURS
RAYMOND	12.5 HOURS	21 HOURS
ROSENBERG	13.5 HOURS	21 HOURS
RUSCH	12.5 HOURS	20 HOURS
SIMS	18 HOURS	29 HOURS
STAERKEL	17 HOURS	32 HOURS
STAERKEL (UPDATE)	6.5 HOURS	15 HOURS
AVERAGE HOURS SPENT	15 HOURS (15.0)	23 HOURS (23.1)

	2019	
CLIENT (16)	INTERVIEW TIME	DRAFTING TIME
BANCROFT	17 HOURS	34 HOURS
BANJAK	8.5 HOURS	9.5 HOURS
BANJAK (UPDATE)	11.75 HOURS	9.0 HOURS
BOTTENSEK	16.5 HOURS	36 HOURS
BRAUN	11.75 HOURS	21 HOURS
BUSKAGER	19 HOURS	19 HOURS
CLOUGH	15.5 HOURS	18.5 HOURS
DOTY	15 HOURS	27 HOURS
FOSS, D	20.5 HOURS	41 HOURS
HAWKINS	22.5 HOURS	35.5 HOURS
HOOYMAN	14.75 HOURS	27 HOURS
JOHANNES	12.50 HOURS	19 HOURS
MOORE	10.5 HOURS	14 HOURS
POPE	18.5 HOURS	29 HOURS
RIOS	8.5 HOURS	11.5 HOURS
VILLALOBOS	16.25 HOURS	22 HOURS
AVERAGE HOURS SPENT	15 HOURS (14.9)	23 HOURS (23.3)

	2020	
CLIENT	INTERVIEW TIME	DRAFTING TIME
DOMKOWSKI	13 HOURS	17.5 HOURS
HIMES	18.5 HOURS	45 HOURS
HOLM	14 HOURS	23 HOURS
SPRUILL	16 HOURS	27 HOURS
AVERAGE HOURS SPENT	15 HOURS (15.3)	28 HOURS (28.1)

	2021	
CLIENT (17)	INTERVIEW TIME	DRAFTING TIME
BAHR	24 HOURS	28 HOURS
CLOUGH (UPDATE)	9.75 HOURS	14 HOURS
DOMKOWSKI (UPDATE)	7.5 HOURS	12.5 HOURS
DRIER	22 HOURS	40.5 OURS
FETT	24.5 HOURS	28 HOURS
FLYNN	22 HOURS	27.5 HOURS
FOSS-DENT	16.5 HOURS	39 HOURS
FOSS	17 HOURS	26 HOURS
GANT	21.5 HOURS	24 HOURS
KEEHAN	16.5 HOURS	19.5 HOURS
LEIBY	10.75 HOURS	14 HOURS
MURPHY	18 HOURS	33.5 HOURS
STREBE	20.25 HOURS	31 HOURS
WEYERS	19 HOURS	28 HOURS
WILLIAMS	19 HOURS	25.5 HOURS
AVERAGE HOURS SPENT	18 HOURS (17.8)	26 HOURS (26.0)

	2022	
CLIENT (9)	INTERVIEW TIME	DRAFTING TIME
BAIN	19.5 HOURS	23 HOURS
DENSON	25 HOURS	30 HOURS
ECKSTEIN	19 HOURS	32 HOURS
HODGES	19 HOURS	25.5 HOURS
MEYER	18 HOURS	20.5 HOURS
PIPKORN	16.5 HOURS	14.5 HOURS
RAYBURN	19 HOURS	20 HOURS
SULLIVAN	29.5 HOURS	20 HOURS
VANG	20 HOURS	28 HOURS
AVERAGE TIME SPENT	21 HOURS (20.6)	24 HOURS (23.7)

5-YEAR AVERAGES

INTERVIEW TIME: 17 HOURS (16.8)

DRAFTING TIME: 25 HOURS (24.8)

Grade	Current Title	Dept	Minimum	Top of Range A	Central Point Top of Range B	Top of Range C	Top of Range D
24			\$28,63	\$30,07	\$31,57	\$35,31	\$39,50
24			\$59,557	\$62,535	\$65,660	\$73,462	\$82,189
24	Maintenance & Operations Manager	Airport					
24	Office Supervisor	Child Support					
24	Family Court Services Mediator	Circuit Courts					
24	Chief Deputy Clerk of Courts	Clerk of Courts					
24	Chief Deputy Coroner	Coroner					
24	Diversion Program Coordinator	District Attorney					
24	Office Supervisor	District Attorney					
24	HVAC Specialist	Facilities					
24	Master Electrician	Facilities					
24	Plumber	Facilities					
24	Purchasing Manager	Finance					
24	Office Supervisor	Highway					
24	Highway Maintenance Supervisor	Highway					
24	Traffic Operations Supervisor	Highway					
24	Human Resource Advisor	Human Resources					
24	Risk Manager	Human Resources					
24	Office Supervisor	Human Services - AD					
24	Special Projects Coordinator	Human Services - AD					
24	Case Manager - Lead	Human Services - BH					
24	Psychiatric Nurse	Human Services - BH					
24	Qualified Therapist - In Training	Human Services - BH					
24	Youth CCS Lead Specialist	Human Services - BH					
24	Systems Analyst	Information Systems					
24	Food and Nutrition Services Manager	Park View Health Center					

Grade	Current Title	Dept	Minimum	Top of Range A	Control Point Top of Range B	Top of Range C	Top of Range D
14	Tax Letting Specialist	Planting and Zoning	\$16.38	\$17.21	\$18.05	\$20.10	\$22.60
14	Records Associate	Register of Deeds					
15	Administrative Associate II	Circuit Courts	\$17.29	\$18.15	\$19.06	\$21.22	\$23.86
15	Administrative Associate II	Clerk of Courts					
15	Administrative Associate II	County Clerk					
15	Facilities Specialist	Facilities					
15	Financial Associate I	Highway					
15	Administrative Associate II	Human Services - BH					
15	C.N.A.	Park View Health Center					
15	Restorative Aide	Park View Health Center					
15	Corrections Financial Associate	Sheriff					
15	Financial Associate I	Sheriff					
15	Financial Associate I	Treasurer					
16	Financial Associate II	Child Support	\$17.98	\$19.06	\$20.01	\$22.28	\$24.81
16	Administrative Associate III	Circuit Courts					
16	Administrative Associate III	Clerk of Courts					
16	Financial Associate II	Clerk of Courts					
16	Jury Clerk	Clerk of Courts					
16	Administrative Associate III	Corporation Counsel					
16	Administrative Associate III	County Clerk					
16	Administrative Associate III	District Attorney					
16	Financial Associate II	Finance					
16	Administrative Associate III	Highway					

Burchardt, Jill

From: Burchardt, Jill
Sent: Monday, December 12, 2022 10:14 AM
To: 'Daniel Bissett'; Basiliere, Teresa; Woldt, Scott; Gibbs, Michael; Keberlein, Bryan; Jorgensen, John
Cc: Krueger, Lisa; Berry, Tara
Subject: RE: MEMO TO JUDGES

Thank you all for your consideration and your very quick action! I certainly appreciate your continued support of the Office of Family Court Services.

Jill Burchardt
Family Court Services Manager
Winnebago County Family Court Services
415 Jackson St., Room 220
Oshkosh, WI 54903
(920)236-4794
(920)303-3189 (fax)

Starting September 1st, 2022 my email will be changing from jburchardt@co.winnebago.wi.us to jburchardt@winnebagoountywi.gov. Please update your address book so messages sent from the new address are not blocked.

From: Daniel Bissett <Daniel.Bissett@WICOURTS.GOV>
Sent: Monday, December 12, 2022 9:42 AM
To: Basiliere, Teresa <teresa.basiliere@wicourts.gov>; Woldt, Scott <scott.woldt@wicourts.gov>; Burchardt, Jill <JBurchardt@winnebagoountywi.gov>; Gibbs, Michael <Michael.Gibbs@wicourts.gov>; Keberlein, Bryan <Bryan.Keberlein@wicourts.gov>; Jorgensen, John <john.jorgensen@wicourts.gov>
Cc: Krueger, Lisa <Lisa.Krueger@wicourts.gov>; Berry, Tara <tara.berry@wicourts.gov>
Subject: RE: MEMO TO JUDGES

I vote to approve motion. Dan

From: Teresa Basiliere <Teresa.Basiliere@WICOURTS.GOV>
Sent: Friday, December 9, 2022 3:22 PM
To: Scott Woldt <Scott.Woldt@WICOURTS.GOV>; 'Burchardt, Jill' <JBurchardt@winnebagoountywi.gov>; Daniel Bissett <Daniel.Bissett@WICOURTS.GOV>; Michael Gibbs <Michael.Gibbs@Wlcourts.gov>; Bryan Keberlein <Bryan.Keberlein@Wlcourts.gov>; John Jorgensen <John.Jorgensen@WICOURTS.GOV>
Cc: Lisa M Krueger <Lisa.Krueger@WICOURTS.GOV>; Tara Berry <Tara.Berry@WICOURTS.GOV>
Subject: Re: MEMO TO JUDGES

I second the motion

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From: Scott Woldt <Scott.Woldt@WICOURTS.GOV>

Sent: Friday, December 9, 2022 3:17:47 PM

To: 'Burchardt, Jill' <JBurchardt@winnebagocountywi.gov>; Teresa Basiliere <Teresa.Basiliere@WICOURTS.GOV>; Daniel Bissett <Daniel.Bissett@WICOURTS.GOV>; Michael Gibbs <Michael.Gibbs@Wicourts.gov>; Bryan Keberlein <Bryan.Keberlein@Wicourts.gov>; John Jorgensen <John.Jorgensen@WICOURTS.GOV>

Cc: Lisa M Krueger <Lisa.Krueger@WICOURTS.GOV>; Tara Berry <Tara.Berry@WICOURTS.GOV>

Subject: RE: MEMO TO JUDGES

I move to raise the Custody Study retainer fee to \$525 and that the hourly billing rate to be raised to \$50 per hour.

From: Burchardt, Jill <JBurchardt@winnebagocountywi.gov>

Sent: Friday, December 9, 2022 2:58 PM

To: Teresa Basiliere <Teresa.Basiliere@WICOURTS.GOV>; Daniel Bissett <Daniel.Bissett@WICOURTS.GOV>; Scott Woldt <Scott.Woldt@WICOURTS.GOV>; Michael Gibbs <Michael.Gibbs@Wicourts.gov>; Bryan Keberlein <Bryan.Keberlein@Wicourts.gov>; John Jorgensen <John.Jorgensen@WICOURTS.GOV>

Cc: Lisa M Krueger <Lisa.Krueger@WICOURTS.GOV>; Tara Berry <Tara.Berry@WICOURTS.GOV>

Subject: [E] MEMO TO JUDGES

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[E] CAUTION: This email originated from outside the Wisconsin Judicial Branch. Do not click links or attachments unless you recognize the sender and know the content is safe. If this email appears suspicious, or is asking you to provide sensitive information, contact the CCAP Call Center for further guidance.

Good Afternoon,

In an effort to streamline the process of requesting a fee increase for custody studies, I'm forwarding to you all just a brief synopsis of what I'm proposing. Normally, I know that this proposal would come in person at a Judge's meeting. However, since the judges meeting was cancelled in December, Tara and I discussed circulating the information to you electronically.

FCS is on the agenda for the 1/9/23 JPS committee meeting to address the fee increase you have already approved for our parent ed course, and we are able to add an agenda item for the study fee increase if it can be submitted prior to 12/22/22.

Tara indicated that you have approved things outside of a formal meeting in the past, and if you are able and willing to consider this proposal and provide electronic approval, we could then pair the fee issues together.

Again, the attached memo is a very brief overview. I can provide the more extensive notes and tables I have that supplement the request. I'm also happy to speak to anyone by phone or in person. This is a bit more involved than the parent ed course fee, so I do completely understand that if you think appearing in person at a judges meeting is a more appropriate avenue. I'd work with Tara then to get on your agenda.

Thank you for your time and attention to this request.

Jill Burchardt

Family Court Services Manager

Winnebago County Family Court Services

415 Jackson St., Room 220

Oshkosh, WI 54903

(920)236-4794

(920)303-3189 (fax)

Starting September 1st, 2022 my email will be changing from jburchardt@co.winnebago.wi.us to

jburchardt@winnebagocountywi.gov. Please update your address book so messages sent from the new address are not blocked.

2

3 **RESOLUTION: Approval of a Capital Improvement Project in the Amount of \$230,000 for the Replacement**
4 **of the Oshkosh Human Services Building Public Elevator Controls and Necessary Building**
5 **Modifications, to be Funded with Transfers from the Unassigned General Fund Balance**
6 **which will either Reduce the Unassigned General Fund Balance or will be Reimbursed by a**
7 **Subsequent Bond Issue**

8

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

10 **WHEREAS**, the Oshkosh Human Services Building Addition was constructed in 1995 and was built to provide
11 a single public elevator to the upper floors; and

12 **WHEREAS**, the elevator controls have an expected life expectancy of 15 to 25 years; and

13 **WHEREAS**, the elevator controls, a proprietary system of Otis Elevator Co., are discontinued and
14 unavailable; and

15 **WHEREAS**, the public elevator controls have developed a nonrepairable fault; and

16 **WHEREAS**, an operational public elevator is needed to comply with the Americans with Disabilities Act to
17 maintain adequate accessibility throughout the building.

18

19 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
20 authorizes a capital improvements project in the amount of \$230,000 for the replacement of the Oshkosh Human
21 Services Building public elevator controls and necessary building modifications, to be funded with transfers from the
22 Unassigned General Fund balance which will either reduce the Unassigned General Fund balance or will be
23 reimbursed by a subsequent bond issue.

24

25 *Fiscal Note: The project expense of \$230,000 will be funded with transfers from the Unassigned General Fund*
26 *Balance which will either reduce the Unassigned General Fund Balance or will be reimbursed by a subsequent bond*
27 *issue.*

28 Respectfully submitted by:

29 **FACILITIES AND PROPERTY MANAGEMENT**
30 **COMMITTEE**

31 Committee Vote: **4-0**

32 Respectfully submitted by:

33 **PERSONNEL AND FINANCE COMMITTEE**

34 Committee Vote: **5-0**

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

36 Approved by the Winnebago County Executive this ____ day of _____, 2023.

37

38

39

40

Jonathan D. Doemel
Winnebago County Executive

Agenda Item Report



Winnebago County
The Wave of the Future

DATE: January 10, 2023
FROM: Mike Elder, Director of Facilities
RE: Oshkosh Human Services Building Public Elevator Repairs

General Description:

In early Fall 2022 the public elevator for the Oshkosh Human Services Building suffered a controls failure rendering the elevator inoperable.

Action Requested:

Approval of a resolution and budget transfer for a project to replace the elevator controls for the public elevator.

Procedural Steps:

Committee of Jurisdiction: Facilities and Property Mgmt Action taken: Approved	Meeting date: 1/18/2023 Vote: 4-0
Committee of Jurisdiction: Personnel and Finance Action taken: _____	Meeting date: 2/8/2023 Vote: _____
County Board Action taken: _____	Meeting date: 2/21/2023 Vote: _____

Background:

The Oshkosh Human Services Building has one public elevator. The elevator was originally installed in 1995 when an addition was added to the original structure. The controls have failed and replacement parts are not available.

Policy Discussion:

The Oshkosh Human Services Building was built in 2 stages. The older section was completed in 1927. In 1995 an addition was constructed to the north. A single public elevator was installed during that project. This elevator has been maintained consistently. It has operated well over the last 28 years without any major failures or upgrades. Early this Fall the electronic processor that controls the operation of the elevator failed. It has been sent to the manufacturer 3 times for troubleshooting and repair. Each time it has been returned and the operational problem continued.

A replacement processor is not available for purchase to replace the original. Additionally, the electronics in the processor and ancillary controls are obsolete and unavailable. Several national elevator companies have been consulted for options for solutions. Each company stated that the parts

are old, obsolete and the controls should be upgraded to current industry standards. It is an Otis elevator and utilizes proprietary parts and software.

This project will upgrade the controls of the public elevator. New non-proprietary elevator controls will be installed. The result will be an elevator with operational controls that any elevator company can service and get parts for.

Attachments:

Resolution

Opinion of probable cost for the project

2 **RESOLUTION: Approve an Extension of Ground Lease between Cellco Partnership d/b/a**
3 **Verizon Wireless and Winnebago County and Outagamie County**

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

7 **WHEREAS**, Cellco Partnership d/b/a Verizon Wireless desires to continue a ground lease with Winnebago
8 County and Outagamie County to maintain a cell tower at the University of Wisconsin Oshkosh – Fox Cities Campus;
9 and

10 **WHEREAS**, the cell tower is an existing structure acquired by the counties jointly when the ATS
11 Manufacturing site was purchased in 2011; and

12 **WHEREAS**, said lease shall be for an initial period of five (5) years, from July 10, 2022, through June 30,
13 2027 with six (6) additional five-year options for a total of 35 years; and

14 **WHEREAS**, the lease is able to be terminated by the tenant at the end of each 5 year term with a 90 day
15 notice prior to the end of any five year term or extension; and

16 **WHEREAS**, Cellco Partnership d/b/a Verizon Wireless agrees to pay Winnebago County and Outagamie
17 County \$3,000 per month, totaling \$36,000 per year for the first 5 year extension, with a 3% increase each year after
18 the first year.

19 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
20 approves execution by the Winnebago County Executive and Winnebago County Clerk of the attached Ground
21 Lease Agreement between Cellco Partnership d/b/a Verizon Wireless and Winnebago County and Outagamie
22 County for the purpose of maintaining a cell tower at the University of Wisconsin – Fox Cities Campus.

23
24 *Fiscal Note: This lease amendment and extension will produce revenue to the County of \$18,000 in 2023, and of*
25 *that amount plus an increase of 3.0% each year for the next 34 years, or until this lease is terminated or amended.*
26

27 Respectfully submitted by:
28 **FACILITIES & PROPERTY MANAGEMENT COMMITTEE**

29 Committee Vote: 4-0

30 Respectfully submitted by:
31 **PERSONNEL & FINANCE COMMITTEE**

32 Committee Vote: 5-0

33
34 Vote Required for Passage: **Majority of Members Present**

35
36 Approved by the Winnebago County Executive this ____ day of _____, 2023.

37
38 _____
39 Jonathan D. Doemel
40 Winnebago County Executive
41

Agenda Item Report



Winnebago County
The Wave of the Future

DATE: January 10, 2023
FROM: Mike Elder, Director of Facilities
RE: Ground Lease Approval for Cell Tower at UWO-Fox Cities

General Description:

There is a cell tower located on the UWO-Fox Cities Campus. American Tower Corporation has a ground lease that is nearing the end of its term and requires renewal.

Action Requested:

A motion to approve the multi-year lease and authorize the County Executive to execute the lease.

Procedural Steps:

Committee of Jurisdiction: Facilities and Property Mgmt	Meeting date: 1/18/2023
Action taken: Approved	Vote: 4-0
Committee of Jurisdiction: Personnel and Finance	Meeting date: 2/8/2023
Action taken: _____	Vote: _____
County Board	Meeting date: 2/21/2023
Action taken: _____	Vote: _____

Background:

This is the second lease extension since the counties acquired the property and cell tower lease. Cell tower companies want to lock in long term leases due to the difficulty in siting towers, the cost to erect and potential disruption in cell service to their customers.

Policy Discussion:

UWO-Fox Cities is jointly owned by Winnebago County and Outagamie County. In 2011, UWO-Fox Cities proposed to acquire the ATS Manufacturing building to house the engineering program. Both counties approved and funded the purchase of the building. Situated on the ATS building property is a cell tower own by the American Tower Corporation (ATC) and operated by Verizon. There is a ground lease between ATC and both counties. The leases have usually been for an initial 5 years with multiple 5-year extension. ATC has made it a practice to renew earlier than the end of the multi-year periods to lock in the location.

The last lease was due to expire in July of 2022. The rent was \$10,368 per year. The previous leases incorporated 5-year extensions with the option to not renew solely with ATC. Both counties desired to get more favorable terms, both with rent and the option to not renew the lease at the end of the 5-year

extensions. Winnebago County Facilities negotiated a rent increase to \$1,000 per month and the option to not renew. Outagamie County determined that the rent could be increased.

Outagamie County was successful in increasing the rent to \$3,000 per month, with an increase of 3% each succeeding year. A summary of the expected rental income is attached. The term of the lease is an initial 5 years with 6 additional 5-year periods with the lease being able to be terminated by ATC with 90-day notice.

Both Winnebago County and Outagamie County need to agree to the terms of this lease extension. Both corporation counsel offices have reviewed and approved the lease document.

Attachments:

Rent Summary
Lease agreement

THE FIRST AMENDMENT TO SITE AGREEMENT

This First Amendment to Site Agreement (this "**Amendment**") is made effective as of the latter signature date hereof (the "**Effective Date**") by and between **Winnebago County, WI**, a Wisconsin municipal entity and **Outagamie County, WI**, a Wisconsin municipal entity ("**Landlord**") and **Cellco Partnership d/b/a Verizon Wireless** ("**Tenant**") (Landlord and Tenant being collectively referred to herein as the "**Parties**").

RECITALS

WHEREAS, Landlord owns the real property described on **Exhibit A** attached hereto and by this reference made a part hereof (the "**Parent Parcel**"); and

WHEREAS, Landlord (or its predecessor-in-interest) and Tenant (or its predecessor-in-interest) entered into that certain Site Agreement dated June 27, 1997 (as the same may have been amended, collectively, the "**Lease**"), pursuant to which the Tenant leases a portion of the Parent Parcel and is the beneficiary of certain easements for access and public utilities, all as more particularly described in the Lease (such portion of the Parent Parcel so leased along with such portion of the Parent Parcel so affected, collectively, the "**Leased Premises**"), which Leased Premises are also described on **Exhibit A**; and

WHEREAS, Tenant, Verizon Communications Inc., a Delaware corporation, and other parties identified therein, entered into a Management Agreement and a Master Prepaid Lease, both with an effective date of March 27, 2015 and both with ATC Sequoia LLC, a Delaware limited liability company ("**American Tower**"), pursuant to which American Tower subleases, manages, operates and maintains, as applicable, the Leased Premises, all as more particularly described therein; and

WHEREAS, Tenant has granted American Tower a limited power of attorney (the "**POA**") to, among other things, prepare, negotiate, execute, deliver, record and/or file certain documents on behalf of Tenant, all as more particularly set forth in the POA; and

WHEREAS, Landlord and Tenant desire to amend the terms of the Lease to extend the term thereof and to otherwise modify the Lease as expressly provided herein.

NOW THEREFORE, in consideration of the foregoing recitals and the mutual covenants set forth herein and other good and valuable consideration, the receipt, adequacy, and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

1. **Lease Term Extended**. Notwithstanding anything to the contrary contained in the Lease, the Parties agree that the Lease, without giving effect to this Amendment and assuming the exercise by Tenant of all remaining renewal terms in the Lease, has a final expiration date of July 10, 2022 (the "**Current Expiration Date**"). Tenant shall have the option to extend the Lease for each of six (6) additional five (5) year renewal terms (each a "**New Renewal Term**" and, collectively, the "**New Renewal Terms**"). The first New Renewal Term shall commence on the day immediately following the Current Expiration Date, and all existing renewal terms and New Renewal Terms shall automatically renew unless Tenant notifies Landlord that Tenant elects not to renew the Lease not less than ninety (90) days prior to the expiration of the then current term.
2. **Rent and Escalation**. Commencing with the first rental payment due following the Effective Date, the rent payable from Tenant to Landlord under the Lease is hereby increased to **Three Thousand and No/100 Dollars (\$3,000.00)** per month (the "**Rent**"). Commencing on the first annual anniversary of the Effective Date and on each successive annual anniversary thereof, Rent due under the Lease shall increase by an amount equal to **three percent (3%)** of the then current Rent. In the event of any overpayment of Rent prior to or after the Effective Date, Tenant shall have the right to deduct from any future Rent payments an amount equal to the overpayment amount. Notwithstanding anything to the

contrary contained in the Lease, all Rent and any other payments expressly required to be paid by Tenant to Landlord under the Lease and this Amendment shall be paid to Winnebago County, WI and Outagamie County, WI. The escalations in this Section shall be the only escalations to the Rent and any/all rental escalations otherwise contained in the Lease are hereby null and void and are of no further force and effect. Notwithstanding anything to the contrary in the Lease, as amended, in the event the Lease terminates prior to ten (10) years after the Effective Date hereof (the "**Rent Guarantee Date**"), Tenant shall pay to Landlord in one lump-sum the total remaining Rent payments that would have otherwise been due to the Landlord through the Rent Guarantee Date (the "**Rent Guarantee Amount**") within thirty (30) days after termination of the Lease, provided however, the Rent Guarantee Amount shall not be paid to Landlord in the event that: (i) the Lease is terminated by Tenant due to an uncured breach of the Lease by Landlord; or (ii) the Lease is terminated by either party or any applicable third party having a legal or statutory right to terminate the Lease due to a condemnation or taking of the Leased Premises and/or Parent Parcel by the applicable local, state or federal jurisdiction or agency.

3. **Landlord and Tenant Acknowledgments.** Except as modified herein, the Lease and all provisions contained therein remain in full force and effect and are hereby ratified and affirmed. In the event there is a conflict between the Lease and this Amendment, this Amendment shall control. The Parties hereby agree that no defaults exist under the Lease. To the extent Tenant needed consent and/or approval from Landlord for any of Tenant's activities at and uses of the site prior to the Effective Date, including subleasing to American Tower, Landlord's execution of this Amendment is and shall be considered consent to and approval of all such activities and uses and confirmation that no additional consideration is owed to Landlord for such activities and uses. Landlord hereby acknowledges and agrees that Tenant shall not need consent or approval from, or to provide notice to, Landlord for any future activities at or uses of the Leased Premises, including, without limitation, subleasing and licensing to additional customers, installing, modifying, repairing, or replacing improvements within the Leased Premises, and/or assigning all or any portion of Tenant's interest in the Lease, as modified by this Amendment. Tenant and Tenant's sublessees and customers shall have vehicular (specifically including truck) and pedestrian access to the Leased Premises from a public right of way on a 24 hours per day, 7 days per week basis, together with utilities services to the Leased Premises from a public right of way. Upon request by Tenant and at Tenant's sole cost and expense and for no additional consideration to Landlord, Landlord hereby agrees to promptly execute and return to Tenant building permits, zoning applications and other forms and documents, including a memorandum of lease, as required for the use of the Leased Premises by Tenant and/or Tenant's customers, licensees, and sublessees. The terms, provisions, and conditions of this Section shall survive the execution and delivery of this Amendment.
4. **Notices.** The Parties acknowledge and agree that Section 19(G) of the Lease is hereby deleted in its entirety and is of no further force and effect. From and after the Effective Date the notice address and requirements of the Lease, as modified by this Amendment, shall be controlled by this Section of this Amendment. All notices must be in writing and shall be valid upon receipt when delivered by hand, by nationally recognized courier service, or by First Class United States Mail, certified, return receipt requested to the addresses set forth herein: to Landlord at: 112 Otter Street, P.O. Box 2808, Oshkosh, WI 54903-2808; to Tenant at: Verizon Wireless, Attn.: Network Real Estate, 180 Washington Valley Road, Bedminster, NJ 07921; with copy to: American Tower, Attn.: Land Management, 10 Presidential Way, Woburn, MA 01801; and also with copy to: Attn.: Legal Dept. 116 Huntington Avenue, Boston, MA 02116. Any of the Parties, by thirty (30) days prior written notice to the others in the manner provided herein, may designate one or more different notice addresses from those set forth above. Refusal to accept delivery of any notice or the inability to deliver any notice because of a changed address for which no notice was given as required herein, shall be deemed to be receipt of any such notice.

5. **Tenant's Securitization Rights; Estoppel.** Landlord hereby consents to the granting by Tenant and/or American Tower of one or more leasehold mortgages, collateral assignments, liens, and/or other security interests (collectively, a "**Security Interest**") in Tenant's (or American Tower's) interest in the Lease, as amended, and all of Tenant's (or American Tower's) property and fixtures attached to and lying within the Leased Premises and further consents to the exercise by Tenant's (or American Tower's) mortgagee ("**Tenant's Mortgagee**") of its rights to exercise its remedies, including without limitation foreclosure, with respect to any such Security Interest. Landlord shall recognize the holder of any such Security Interest of which Landlord is given prior written notice (any such holder, a "**Holder**") as "Tenant" hereunder in the event a Holder succeeds to the interest of Tenant and/or American Tower hereunder by the exercise of such remedies. Landlord further agrees to execute a written estoppel certificate within thirty (30) days of written request of the same by Tenant, American Tower or Holder.
6. **Taxes.** The Parties acknowledge and agree that Section 5 of the Lease is hereby deleted in its entirety and is of no further force and effect. From and after the Effective Date the obligations of the Parties with respect to taxes shall be controlled by this Section of this Amendment. During the term of the Lease, as modified by this Amendment, Tenant shall pay when due all real property, personal property, and other taxes, fees, and assessments that are directly attributable to Tenant's improvements on the Leased Premises (the "**Applicable Taxes**") directly to the local taxing authority to the extent that the Applicable Taxes are billed directly to Tenant. Tenant hereby agrees to reimburse Landlord for any Applicable Taxes billed directly to Landlord (which shall not include any taxes or other assessments attributable to periods prior to the Effective Date). Landlord must furnish written documentation (the substance and form of which shall be reasonably satisfactory to Tenant) of any Applicable Taxes along with proof of payment of the same by Landlord. Landlord shall submit requests for reimbursement in writing to: *American Tower Corporation, Attn: Landlord Relations, 10 Presidential Way, Woburn, MA 01801* unless otherwise directed by Tenant from time to time. Subject to the requirements set forth in this Section, Tenant shall make such reimbursement payment within forty-five (45) days of receipt of a written reimbursement request from Landlord. Anything to the contrary notwithstanding, Landlord is only eligible for reimbursement if Landlord requests reimbursement within one (1) year after the date such taxes became due. Additionally, Landlord shall not be entitled to reimbursement for any costs associated with an increase in the value of Landlord's real property calculated based on any monetary consideration paid from Tenant to Landlord. If Landlord fails to pay when due any real property, personal property, and other taxes, fees, and assessments affecting the Parent Parcel, Tenant shall have the right, but not the obligation, to pay such taxes on Landlord's behalf and: (i) deduct the full amount of any such taxes paid by Tenant on Landlord's behalf from any future payments required to be made by Tenant to Landlord hereunder; (ii) demand reimbursement from Landlord, which reimbursement payment Landlord shall make within thirty (30) days of such demand by Tenant; and/or (iii) collect from Landlord any such tax payments made by Tenant on Landlord's behalf by any lawful means.
7. **Termination and Removal.** The Parties hereby acknowledge and agree that Section 7 of the Lease is hereby deleted in its entirety and is of no further force and effect. Within 120 days of the expiration or termination of the Lease, Tenant shall remove all of its communications equipment and other personal property from the Leased Premises, including the removal of any foundation to six (6) inches below grade, but not including underground utilities, if any, and restore the Leased Premises to its original condition, reasonable wear and tear excepted.
8. **Conflict/Capitalized Terms.** The Parties hereby acknowledge and agree that in the event of a conflict between the terms and provisions of this Amendment and those contained in the Lease, the terms and provisions of this Amendment shall control. Except as otherwise defined or expressly provided in this Amendment, all capitalized terms used in this Amendment shall have the meanings or definitions ascribed to them in the Lease. To the extent of any inconsistency in or conflict between the meaning,

definition, or usage of any capitalized terms in this Amendment and the meaning, definition, or usage of any such capitalized terms or similar or analogous terms in the Lease, the meaning, definition, or usage of any such capitalized terms in this Amendment shall control.

9. **Counterparts**. This Amendment may be executed in multiple counterparts, each of which when so executed and delivered, shall be deemed an original and all of which, when taken together, shall constitute one and the same instrument.

[SIGNATURES COMMENCE ON FOLLOWING PAGE]

LANDLORD:

Outagamie County, WI
a Wisconsin municipal entity

Signature: _____
Print Name: _____
Title: _____
Date: _____

Signature: _____
Print Name: _____
Title: _____
Date: _____

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

APPROVED AS TO FORM:



Kyle J. Sargent
Corporation Counsel
Outagamie County

Date Approved: 11/30/22

TENANT:

Cellco Partnership d/b/a Verizon Wireless

By: ATC Sequoia LLC, a Delaware limited liability company

Title: Attorney-in-Fact

Signature: _____

Print Name: _____

Title: _____

Date: _____

ATC Site No: 410909
VZW Site No: 113335
Site Name: Menasha WI

EXHIBIT A

This Exhibit A may be replaced at Tenant's option as described below

PARENT PARCEL

Tenant shall have the right to replace this description with a description obtained from the vesting deed (or deeds) to the fee owner of the Parent Parcel that includes the land area encompassed by the Lease and Tenant's improvements thereon

The Parent Parcel consists of the entire legal taxable lot owned by Landlord as described in a deed (or deeds) to Landlord of which the Leased Premises is a part thereof with such Parent Parcel being described below:

Being situated in the County of Winnebago, State of Wisconsin, and being known as
Winnebago County APN: 6-01671-00.

LEASED PREMISES

Tenant shall have the right to replace this description with a description obtained from the Lease or from a description obtained from an as-built survey conducted by Landlord.

The Leased Premises consists of that portion of the Parent Parcel as defined in the Lease which shall include access and utilities easements. The square footage of the Leased Premises shall be the greater of: (i) the land area conveyed to Tenant in the Lease; (ii) Tenant's (and Tenant's customers) existing improvements on the Parent Parcel; or (iii) the legal description or depiction below (if any).

All that part of the Southeast 1/4 of the Southwest 1/4 of Section one (1), Township Twenty (20) North of Range Seventeen (17) East, formerly in the Town of Menasha, now in the city of Menasha, Winnebago County, Wisconsin, bounded and described as follows:

Commencing at the South 1/4 corner of said Section 1; thence West along the South line of said Section 1, 663.45 feet to a point; thence N 1° 05' W 1194.32 feet to the point of beginning; thence N 89° 50' W 573.60 feet to the East line of Chain Drive; thence Southerly along the East line of Chain Drive 150 feet to a point; thence S 89° 50' E 574.04 feet to a point; thence N 1° 05' W 150 feet to the point of beginning.

Parcel ID #6-01671-00

ACCESS AND UTILITIES

The access and utility easements include all easements of record as well that portion of the Parent Parcel currently utilized by Tenant (and Tenant's customers) for ingress, egress and utility purposes from the Leased Premises to and from a public right of way

ATC Site No: 410909
VZW Site No: 113335
Site Name: Menasha WI

EXHIBIT B

FORM OF MEMORANDUM OF LEASE

Prepared by and Return to:

American Tower
10 Presidential Way
Woburn, MA 01801
Attn: Land Management/Dylan Woods Esq.
ATC Site No: 410909
ATC Site Name: Menasha WI
Assessor's Parcel No(s): 6-01671-00

Prior Recorded Lease Reference:

Document No: 1464492
State of Wisconsin
County of Winnebago

MEMORANDUM OF LEASE

This Memorandum of Lease (the "**Memorandum**") is entered into on the _____ day of _____, 202__ by and between **Winnebago County, WI**, a Wisconsin municipal entity and **Outagamie County, WI**, a Wisconsin municipal entity ("**Landlord**") and **Cellco Partnership d/b/a Verizon Wireless** ("**Tenant**").

NOTICE is hereby given of the Lease (as defined and described below) for the purpose of recording and giving notice of the existence of said Lease. To the extent that notice of such Lease has previously been recorded, then this Memorandum shall constitute an amendment of any such prior recorded notice(s).

1. **Parent Parcel and Lease.** Landlord is the owner of certain real property being described in **Exhibit A** attached hereto and by this reference made a part hereof (the "**Parent Parcel**"). Landlord (or its predecessor-in-interest) and Tenant (or its predecessor-in-interest) entered into that certain Site Agreement dated June 27, 199 (as the same may have been amended from time to time, collectively, the "**Lease**"), pursuant to which the Tenant leases a portion of the Parent Parcel and is the beneficiary of certain easements for access and public utilities, all as more particularly described in the Lease (such portion of the Parent Parcel so leased along with such portion of the Parent Parcel so affected, collectively, the "**Leased Premises**"), which Leased Premises is also described on **Exhibit A**.
2. **American Tower.** Tenant, Verizon Communications Inc., a Delaware corporation, and other parties identified therein, entered into a Management Agreement and a Master Prepaid Lease, both with an effective date of March 27, 2015 and both with ATC Sequoia LLC, a Delaware limited liability company ("**American Tower**"), pursuant to which American Tower subleases, manages, operates and maintains, as applicable, the Leased Premises, all as more particularly described therein. In connection with these responsibilities, Tenant has also granted American Tower a limited power of attorney (the "**POA**") to, among other things, prepare, negotiate, execute, deliver, record and/or file certain documents on behalf of Tenant, all as more particularly set forth in the POA.
3. **Expiration Date.** Subject to the terms, provisions, and conditions of the Lease, and assuming the exercise by Tenant of all renewal options contained in the Lease, the final expiration date of the Lease would be July 10, 2052. Notwithstanding the foregoing, in no event shall Tenant be required to exercise any option to renew the term of the Lease.

ATC Site No: 410909
VZW Site No: 113335
Site Name: Menasha WI

4. **Effect/Miscellaneous.** This Memorandum is not a complete summary of the terms, provisions and conditions contained in the Lease. In the event of a conflict between this Memorandum and the Lease, the Lease shall control. Landlord hereby grants the right to Tenant to complete and execute on behalf of Landlord any government or transfer tax forms necessary for the recording of this Memorandum. This right shall terminate upon recording of this Memorandum.
5. **Notices.** All notices must be in writing and shall be valid upon receipt when delivered by hand, by nationally recognized courier service, or by First Class United States Mail, certified, return receipt requested to the addresses set forth herein: to Landlord at: 112 Otter Street, P.O. Box 2808, Oshkosh, WI 54903-2808; to Tenant at: Verizon Wireless, Attn.: Network Real Estate, 180 Washington Valley Road, Bedminster, NJ 07921; with copy to: American Tower, Attn.: Land Management, 10 Presidential Way, Woburn, MA 01801, and also with copy to: Attn.: Legal Dept. 116 Huntington Avenue, Boston, MA 02116. Any of the parties hereto, by thirty (30) days prior written notice to the other in the manner provided herein, may designate one or more different notice addresses from those set forth above. Refusal to accept delivery of any notice or the inability to deliver any notice because of a changed address for which no notice was given as required herein, shall be deemed to be receipt of any such notice.
6. **Counterparts.** This Memorandum may be executed in multiple counterparts, each of which when so executed and delivered, shall be deemed an original and all of which, when taken together, shall constitute one and the same instrument.

[SIGNATURES COMMENCE ON FOLLOWING PAGE]

ATC Site No: 410909
VZW Site No: 113335
Site Name: Menasha WI

IN WITNESS WHEREOF, Landlord and Tenant have each executed this Memorandum as of the day and year set forth below.

LANDLORD

2 WITNESSES

Winnebago County, WI
a Wisconsin municipal entity

Signature: _____
Print Name: _____
Title: _____
Date: _____

Signature: _____
Print Name: _____

Signature: _____
Print Name: _____

WITNESS AND ACKNOWLEDGEMENT

State of Wisconsin

County of Winnebago

On this ____ day of _____, 202____, before me, the undersigned Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public
Print Name: _____
My commission expires: _____

[SEAL]

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

LANDLORD

2 WITNESSES

Outagamie County, WI
a Wisconsin municipal entity

Signature: _____
Print Name: _____
Title: _____
Date: _____

Signature: _____
Print Name: _____

Signature: _____
Print Name: _____

WITNESS AND ACKNOWLEDGEMENT

State of Wisconsin

County of Outagamie

On this ____ day of _____, 202__, before me, the undersigned Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public
Print Name: _____
My commission expires: _____

[SEAL]

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

APPROVED AS TO FORM:



Kyle J. Sargent
Corporation Counsel
Outagamie County
Date Approved: 11/30/22

TENANT

WITNESS

Cellco Partnership d/b/a Verizon Wireless

By: ATC Sequoia LLC,
a Delaware limited liability company
Title: Attorney-in-Fact

Signature: _____
Print Name: _____

Signature: _____
Print Name: _____
Title: _____
Date: _____

Signature: _____
Print Name: _____

WITNESS AND ACKNOWLEDGEMENT

Commonwealth of Massachusetts

County of Middlesex

On this ____ day of _____, 202____, before me, the undersigned Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public
Print Name: _____
My commission expires: _____

[SEAL]

EXHIBIT A

This Exhibit A may be replaced at Tenant's option as described below

PARENT PARCEL

Tenant shall have the right to replace this description with a description obtained from the vesting deed (or deeds) to the fee owner of the Parent Parcel that includes the land area encompassed by the Lease and Tenant's improvements thereon

The Parent Parcel consists of the entire legal taxable lot owned by Landlord as described in a deed (or deeds) to Landlord of which the Leased Premises is a part thereof with such Parent Parcel being described below:

Being situated in the County of Winnebago, State of Wisconsin, and being known as
Winnebago County APN: 6-01671-00.

LEASED PREMISES

Tenant shall have the right to replace this description with a description obtained from the Lease or from a description obtained from an as-built survey conducted by Landlord.

The Leased Premises consists of that portion of the Parent Parcel as defined in the Lease which shall include access and utilities easements. The square footage of the Leased Premises shall be the greater of: (i) the land area conveyed to Tenant in the Lease; (ii) Tenant's (and Tenant's customers) existing improvements on the Parent Parcel; or (iii) the legal description or depiction below (if any).

All that part of the Southeast 1/4 of the Southwest 1/4 of Section one (1), Township Twenty (20) North of Range Seventeen (17) East, formerly in the Town of Menasha, now in the city of Menasha, Winnebago County, Wisconsin, bounded and described as follows:

Commencing at the South 1/4 corner of said Section 1; thence West along the South line of said Section 1, 663.45 feet to a point; thence N 1° 05' W 1194.32 feet to the point of beginning; thence N 89° 50' W 573.60 feet to the East line of Chain Drive; thence Southerly along the East line of Chain Drive 150 feet to a point; thence S 89° 50' E 574.04 feet to a point; thence N 1° 05' W 150 feet to the point of beginning.

Parcel ID #6-01671-00

ACCESS AND UTILITIES

The access and utility easements include all easements of record as well that portion of the Parent Parcel currently utilized by Tenant (and Tenant's customers) for ingress, egress and utility purposes from the Leased Premises to and from a public right of way.

ATC Site No: 410909
VZW Site No: 113335
Site Name: Menasha WI

Instructions for completing the Resolution and Consent Affidavit

IMPORTANT INFORMATION BELOW

In order to avoid delays in the completion of this transaction, the Resolution and Consent Affidavit must be signed by **ALL** Members, Partners, Directors, Shareholders, Officers or Trustees of the organization. Section 6 of this form allows for the organization to appoint one person to sign the remaining documents but **ONE HUNDRED PERCENT (100%)** of the ownership or voting interest of the organization must sign this first. Failure to comply with these instructions or properly indicate the percentage of ownership and/or voting interest will result in delays and could require the documents to be re-executed. If you have any questions, please contact your land lease representative.

Prepared by and Return to:

American Tower
Attn: Land Management/Dylan Woods, Esq.
10 Presidential Way
Woburn, MA 01801
Assessor's Parcel No(s): 6-01671-00

RESOLUTION AND CONSENT AFFIDAVIT

Winnebago County WI, a Wisconsin municipal entity

Be it known that, under the pains and penalties of perjury, the undersigned Members, Partners, Directors, Shareholders, Officers or Trustees, as applicable (collectively, the "**Affiants**") of the above referenced entity (the "**Landlord**"), hereby declare and resolve the following:

1. Landlord (or its predecessor-in-interest) has leased or subleased a portion of land to **Cellco Partnership d/b/a Verizon Wireless** (the "**Tenant**") pursuant to that certain Site Agreement dated June 27, 1997 (as the same may have been amended from time to time, collectively, the "**Lease**").
2. Landlord and Tenant desire to enter into an amendment of the Lease (the "**Amendment**") in order to extend the term thereof and to further amend the Lease as more particularly set forth in the Amendment.
3. Landlord is duly organized, validly existing, and in good standing in the jurisdiction of its formation, organization, and/or incorporation, as applicable, and is otherwise authorized to transact business and in good standing in any other jurisdictions where such qualifications are required. Landlord has full power and authority to enter into and perform Landlord's obligations under the Amendment and the other Transaction Documents (as hereinafter defined), and the Amendment and the other Transaction Documents have been duly executed and delivered by Landlord. The Affiants listed below are the only legal and equitable owners of Landlord and are the only members, partners, directors, shareholders, officers and/or trustees, as applicable, of Landlord.
4. The Affiants hereby approve of the Transaction Documents and all of the terms and provisions contained therein and declare, resolve and/or affirm, as applicable, that Landlord is hereby authorized to enter into the Transaction Documents with Tenant and effect the transactions contemplated therein. The Affiants hereby declare and affirm that any other corporate and shareholder, member, partner, and/or trustee actions required to effectuate the transactions contemplated in the Amendment and other Transaction Documents have been completed.
5. The Affiants also declare that they have full legal authority to bind Landlord under the laws of the State or Commonwealth in which the Leased Premises (as defined in the Amendment) is located, and Affiants have the full authority to execute any and all of the Transaction Documents on behalf of Landlord and to nominate individuals to act on Landlord's behalf.
6. The Affiants hereby nominate the below listed individual (the "**Nominee**") as attorney-in-fact to execute and deliver the Amendment, together with any other documents and agreements, including, without limitation, the Memorandum (as defined in the Amendment), required to be executed and delivered pursuant to the terms and provisions of the Amendment (the Amendment and all of such

ATC Site No: 410909
VZW Site No: 113335
Site Name: Menasha WI

other aforementioned agreements and documents, collectively, the "Transaction Documents"), on behalf of Affiants and Landlord. The Nominee shall have full power and authority to act on behalf of Affiants and on behalf of Landlord for purposes of executing and delivering the Transaction Documents and ensuring that Landlord fulfills its obligations thereunder. Additionally, the Nominee shall have full authority to direct the manner in which all payments made by Tenant pursuant to the Amendment are to be made to Landlord, including, without limitation, identifying which bank account(s) to transfer funds to in the event a wire payment is made by Tenant.

NOMINEE: (Print Name) _____
(Address) _____

7. This Resolution and Consent Affidavit shall become effective as of the date of the last notarized signature of the Affiants listed below.
8. Affiants hereby acknowledge and agree that Tenant, its lenders, and its title insurance company are relying upon, and are entitled to rely upon, this Resolution and Consent Affidavit and the contents hereof as a material inducement to entering into the Amendment and other Transaction Documents. Tenant, its lenders, and its title insurance company may rely upon a faxed, scanned or otherwise electronically reproduced fully-executed copy of this document as if it were an original.
9. This document can only be amended or modified by addendum or an amendment that is fully executed and notarized by all Affiants listed hereunder.

[SIGNATURES COMMENCE ON FOLLOWING PAGE]

EXECUTED UNDER THE PAINS AND PENALTIES OF PERJURY ON THE DATE WRITTEN BELOW

AFFIANT NO. 1

2 WITNESSES

Signature: _____

Print Name: _____

Date: _____

Title: (circle one) Member, Partner, Director,
Shareholder, Officer, Trustee

Percentage Ownership or Voting Interest:
_____ %

Signature: _____

Print Name: _____

Signature: _____

Print Name: _____

WITNESS AND ACKNOWLEDGEMENT

State of Wisconsin

County of Winnebago

On this ___ day of _____, 202___, before me, the undersigned Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public
Print Name: _____
My commission expires: _____

[SEAL]

EXECUTED UNDER THE PAINS AND PENALTIES OF PERJURY ON THE DATE WRITTEN BELOW

AFFIANT NO. 2

2 WITNESSES

Signature: _____
Print Name: _____
Date: _____

Signature: _____
Print Name: _____

Title: (*circle one*) Member, Partner, Director,
Shareholder, Officer, Trustee

Signature: _____
Print Name: _____

Percentage Ownership or Voting Interest:
_____ %

WITNESS AND ACKNOWLEDGEMENT

State of Wisconsin

County of Winnebago

On this ____ day of _____, 202__, before me, the undersigned Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public
Print Name: _____
My commission expires: _____

[SEAL]

EXECUTED UNDER THE PAINS AND PENALTIES OF PERJURY ON THE DATE WRITTEN BELOW

AFFIANT NO. 3

2 WITNESSES

Signature: _____
Print Name: _____
Date: _____

Signature: _____
Print Name: _____

Title: (circle one) Member, Partner, Director,
Shareholder, Officer, Trustee

Signature: _____
Print Name: _____

Percentage Ownership or Voting Interest:
_____ %

WITNESS AND ACKNOWLEDGEMENT

State of Wisconsin

County of Winnebago

On this ____ day of _____, 202__, before me, the undersigned Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public
Print Name: _____
My commission expires: _____

[SEAL]

EXECUTED UNDER THE PAINS AND PENALTIES OF PERJURY ON THE DATE WRITTEN BELOW

AFFIANT NO. 4

2 WITNESSES

Signature: _____

Print Name: _____

Date: _____

Title: *(circle one)* Member, Partner, Director,
Shareholder, Officer, Trustee

Percentage Ownership or Voting Interest:
_____ %

Signature: _____

Print Name: _____

Signature: _____

Print Name: _____

WITNESS AND ACKNOWLEDGEMENT

State of Wisconsin

County of Winnebago

On this ____ day of _____, 202__, before me, the undersigned Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public

Print Name: _____

My commission expires: _____

[SEAL]

EXECUTED UNDER THE PAINS AND PENALTIES OF PERJURY ON THE DATE WRITTEN BELOW

AFFIANT NO. 5

2 WITNESSES

Signature: _____

Print Name: _____

Date: _____

Title: (circle one) Member, Partner, Director,
Shareholder, Officer, Trustee

Percentage Ownership or Voting Interest:

_____ %

Signature: _____

Print Name: _____

Signature: _____

Print Name: _____

WITNESS AND ACKNOWLEDGEMENT

State of Wisconsin

County of Winnebago

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WITNESS my hand and official seal.

Notary Public

Print Name: _____

My commission expires: _____

[SEAL]

ATC Site No: 410909
VZW Site No: 113335
Site Name: Menasha WI

EXECUTED UNDER THE PAINS AND PENALTIES OF PERJURY ON THE DATE WRITTEN BELOW

AFFIANT NO. 6

2 WITNESSES

Signature: _____

Print Name: _____

Date: _____

Title: (circle one) Member, Partner, Director,
Shareholder, Officer, Trustee

Percentage Ownership or Voting Interest:
_____ %

Signature: _____

Print Name: _____

Signature: _____

Print Name: _____

WITNESS AND ACKNOWLEDGEMENT

State of Wisconsin

County of Winnebago

On this ____ day of _____, 202__, before me, the undersigned Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public

Print Name: _____

My commission expires: _____

[SEAL]

Prepared by and Return to:

American Tower
Attn: Land Management/Dylan Woods, Esq.
10 Presidential Way
Woburn, MA 01801
Assessor's Parcel No(s): 6-01671-00

RESOLUTION AND CONSENT AFFIDAVIT

Outagamie County WI, a Wisconsin municipal entity

Be it known that, under the pains and penalties of perjury, the undersigned Members, Partners, Directors, Shareholders, Officers or Trustees, as applicable (collectively, the "**Affiants**") of the above referenced entity (the "**Landlord**"), hereby declare and resolve the following:

1. Landlord (or its predecessor-in-interest) has leased or subleased a portion of land to **Cellco Partnership d/b/a Verizon Wireless** (the "**Tenant**") pursuant to that certain Site Agreement dated June 27, 1997 (as the same may have been amended from time to time, collectively, the "**Lease**").
2. Landlord and Tenant desire to enter into an amendment of the Lease (the "**Amendment**") in order to extend the term thereof and to further amend the Lease as more particularly set forth in the Amendment.
3. Landlord is duly organized, validly existing, and in good standing in the jurisdiction of its formation, organization, and/or incorporation, as applicable, and is otherwise authorized to transact business and in good standing in any other jurisdictions where such qualifications are required. Landlord has full power and authority to enter into and perform Landlord's obligations under the Amendment and the other Transaction Documents (as hereinafter defined), and the Amendment and the other Transaction Documents have been duly executed and delivered by Landlord. The Affiants listed below are the only legal and equitable owners of Landlord and are the only members, partners, directors, shareholders, officers and/or trustees, as applicable, of Landlord.
4. The Affiants hereby approve of the Transaction Documents and all of the terms and provisions contained therein and declare, resolve and/or affirm, as applicable, that Landlord is hereby authorized to enter into the Transaction Documents with Tenant and effect the transactions contemplated therein. The Affiants hereby declare and affirm that any other corporate and shareholder, member, partner, and/or trustee actions required to effectuate the transactions contemplated in the Amendment and other Transaction Documents have been completed.
5. The Affiants also declare that they have full legal authority to bind Landlord under the laws of the State or Commonwealth in which the Leased Premises (as defined in the Amendment) is located, and Affiants have the full authority to execute any and all of the Transaction Documents on behalf of Landlord and to nominate individuals to act on Landlord's behalf.
6. The Affiants hereby nominate the below listed individual (the "**Nominee**") as attorney-in-fact to execute and deliver the Amendment, together with any other documents and agreements, including, without limitation, the Memorandum (as defined in the Amendment), required to be executed and delivered pursuant to the terms and provisions of the Amendment (the Amendment and all of such

ATC Site No: 410909
VZW Site No: 113335
Site Name: Menasha WI

other aforementioned agreements and documents, collectively, the "Transaction Documents"), on behalf of Affiants and Landlord. The Nominee shall have full power and authority to act on behalf of Affiants and on behalf of Landlord for purposes of executing and delivering the Transaction Documents and ensuring that Landlord fulfills its obligations thereunder. Additionally, the Nominee shall have full authority to direct the manner in which all payments made by Tenant pursuant to the Amendment are to be made to Landlord, including, without limitation, identifying which bank account(s) to transfer funds to in the event a wire payment is made by Tenant.

NOMINEE: (Print Name) _____
(Address) _____

7. This Resolution and Consent Affidavit shall become effective as of the date of the last notarized signature of the Affiants listed below.
8. Affiants hereby acknowledge and agree that Tenant, its lenders, and its title insurance company are relying upon, and are entitled to rely upon, this Resolution and Consent Affidavit and the contents hereof as a material inducement to entering into the Amendment and other Transaction Documents. Tenant, its lenders, and its title insurance company may rely upon a faxed, scanned or otherwise electronically reproduced fully-executed copy of this document as if it were an original.
9. This document can only be amended or modified by addendum or an amendment that is fully executed and notarized by all Affiants listed hereunder.

[SIGNATURES COMMENCE ON FOLLOWING PAGE]

EXECUTED UNDER THE PAINS AND PENALTIES OF PERJURY ON THE DATE WRITTEN BELOW

AFFIANT NO. 1

2 WITNESSES

Signature: _____
Print Name: _____
Date: _____

Signature: _____
Print Name: _____

Title: (circle one) Member, Partner, Director,
Shareholder, Officer, Trustee

Signature: _____
Print Name: _____

Percentage Ownership or Voting Interest:
_____ %

WITNESS AND ACKNOWLEDGEMENT

State of Wisconsin

County of Outagamie

On this ____ day of _____, 202__, before me, the undersigned Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public
Print Name: _____
My commission expires: _____

[SEAL]

APPROVED AS TO FORM:



Kyle J. Sargent
Corporation Counsel
Outagamie County

Date Approved: 11/30/22

ATC Site No: 410909
VZW Site No: 113335
Site Name: Menasha WI

EXECUTED UNDER THE PAINS AND PENALTIES OF PERJURY ON THE DATE WRITTEN BELOW

AFFIANT NO. 2

2 WITNESSES

Signature: _____
Print Name: _____
Date: _____

Signature: _____
Print Name: _____

Title: (circle one) Member, Partner, Director,
Shareholder, Officer, Trustee

Signature: _____
Print Name: _____

Percentage Ownership or Voting Interest:
_____ %

WITNESS AND ACKNOWLEDGEMENT

State of Wisconsin

County of Outagamie


On this ____ day of _____, 202__, before me, the undersigned Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public
Print Name: _____
My commission expires: _____

[SEAL]

APPROVED AS TO FORM:



Kyle J. Sargent
Corporation Counsel
Outagamie County
Date Approved: 11/30/20

ATC Site No: 410909
VZW Site No: 113335
Site Name: Menasha WI

EXECUTED UNDER THE PAINS AND PENALTIES OF PERJURY ON THE DATE WRITTEN BELOW

AFFIANT NO. 3

2 WITNESSES

Signature: _____
Print Name: _____
Date: _____

Signature: _____
Print Name: _____

Title: (circle one) Member, Partner, Director,
Shareholder, Officer, Trustee

Signature: _____
Print Name: _____

Percentage Ownership or Voting Interest:
_____ %

WITNESS AND ACKNOWLEDGEMENT

State of Wisconsin

County of Outagamie

On this ____ day of _____, 202__, before me, the undersigned Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public
Print Name: _____
My commission expires: _____

[SEAL]

APPROVED AS TO FORM:

Kyle J. Sargent
Corporation Counsel
Outagamie County
Date Approved: _____

11/30/22

ATC Site No: 410909
VZW Site No: 113335
Site Name: Menasha WI

EXECUTED UNDER THE PAINS AND PENALTIES OF PERJURY ON THE DATE WRITTEN BELOW

AFFIANT NO. 4

2 WITNESSES

Signature: _____

Print Name: _____

Date: _____

Title: (circle one) Member, Partner, Director,
Shareholder, Officer, Trustee

Percentage Ownership or Voting Interest:
_____ %

Signature: _____

Print Name: _____

Signature: _____

Print Name: _____

WITNESS AND ACKNOWLEDGEMENT

State of Wisconsin

County of Outagamie

On this ____ day of _____, 202__, before me, the undersigned Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public

Print Name: _____

My commission expires: _____

[SEAL]

APPROVED AS TO FORM:

Kyle J. Sargent

Corporation Counsel

Outagamie County

Date Approved: 11/30/12

ATC Site No: 410909

VZW Site No: 113335

Site Name: Menasha WI

EXECUTED UNDER THE PAINS AND PENALTIES OF PERJURY ON THE DATE WRITTEN BELOW

AFFIANT NO. 5

2 WITNESSES

Signature: _____
Print Name: _____
Date: _____

Signature: _____
Print Name: _____

Title: (circle one) Member, Partner, Director,
Shareholder, Officer, Trustee

Signature: _____
Print Name: _____

Percentage Ownership or Voting Interest:
_____ %

WITNESS AND ACKNOWLEDGEMENT

State of Wisconsin

County of Outagamie


On this ____ day of _____, 202__, before me, the undersigned Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public
Print Name: _____
My commission expires: _____

[SEAL]

APPROVED AS TO FORM:



Kyle J. Sargent
Corporation Counsel
Outagamie County
Date Approved: 11/30/22

ATC Site No: 410909
VZW Site No: 113335
Site Name: Menasha WI

EXECUTED UNDER THE PAINS AND PENALTIES OF PERJURY ON THE DATE WRITTEN BELOW

AFFIANT NO. 6

2 WITNESSES

Signature: _____

Print Name: _____

Date: _____

Signature: _____

Print Name: _____

Title: (circle one) Member, Partner, Director,
Shareholder, Officer, Trustee

Signature: _____

Print Name: _____

Percentage Ownership or Voting Interest:
_____ %

WITNESS AND ACKNOWLEDGEMENT

State of Wisconsin

County of Outagamie

On this ____ day of _____, 202____, before me, the undersigned Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s) or the entity upon which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public

Print Name: _____

My commission expires: _____

[SEAL]

APPROVED AS TO FORM:

Kyle J. Sargent

Corporation Counsel

Outagamie County

Date Approved: 11/31/22

ATC Site No: 410909
VZW Site No: 113335
Site Name: Menasha WI

LANDLORD:

Winnebago County, WI
a Wisconsin municipal entity

Signature: _____
Print Name: _____
Title: _____
Date: _____

Signature: _____
Print Name: _____
Title: _____
Date: _____

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

Cell Tower Lease Option Summary

UWO-FC Tower Site

Proposal December 2022		3%	3%	3%	3%	
Years - Initial Term	1	2	3	4	5	
Monthly Rent Amounts	\$3,000	\$3,090	\$3,183	\$3,278	\$3,377	
Months	12	12	12	12	12	Contract Total Payments
Annual Rent	\$36,000	\$37,080	\$38,192	\$39,338	\$40,518	\$191,129
Years - Renewal 1	6	7	8	9	10	
Monthly Rent Amounts	\$3,478	\$3,583	\$3,690	\$3,801	\$3,915	
Months	12	12	12	12	12	
Annual Rent	\$41,363	\$42,604	\$43,882	\$45,198	\$46,554	\$219,600
Years - Renewal 2	11	12	13	14	15	
Monthly Rent Amounts	\$4,032	\$4,153	\$4,278	\$4,406	\$4,539	
Months	12	12	12	12	12	
Annual Rent	\$48,389	\$49,841	\$51,336	\$52,876	\$54,463	\$256,906
Years - Renewal 3	16	17	18	19	20	
Monthly Rent Amounts	\$4,675	\$4,815	\$4,960	\$5,109	\$5,262	
Months	12	12	12	12	12	
Annual Rent	\$56,102	\$57,785	\$59,519	\$61,304	\$63,143	\$297,853
Years - Renewal 4	21	22	23	24	25	
Monthly Rent Amounts	\$5,420	\$5,582	\$5,750	\$5,922	\$6,100	
Months	12	12	12	12	12	
Annual Rent	\$65,038	\$66,989	\$68,999	\$71,069	\$73,201	\$345,297
Years - Renewal 5	26	27	28	29	30	
Monthly Rent Amounts	\$6,283	\$6,471	\$6,666	\$6,866	\$7,072	
Months	12	12	12	12	12	
Annual Rent	\$75,396	\$77,658	\$79,988	\$82,387	\$84,859	\$400,288
Years - Renewal 6	31	32	33	34	35	
Monthly Rent Amounts	\$7,284	\$7,503	\$7,728	\$7,960	\$8,198	
Months	12	12	12	12	12	
Annual Rent	\$87,410	\$90,032	\$92,733	\$95,515	\$98,381	\$464,071
Total of Initial and all option renewals						\$2,175,145

1 **189-022023**

2

3 **RESOLUTION: Authorizing a Purchase of One TruNarc Handheld Narcotic Analyzer and Two TruNarc**
4 **Solution Kits for the Sheriff's Department, to be Funded from the Opioid Abatement**
5 **Account**

6

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

8 **WHEREAS**, the opioid crisis has hit a critical point in Winnebago County affecting both the civilian population
9 and law enforcement agencies; and

10 **WHEREAS**, law enforcement personnel in Winnebago County have been injured via exposure to synthetic
11 opiates such as fentanyl; and

12 **WHEREAS**, the Winnebago County Sheriff's Department is of the opinion that a TruNarc handheld narcotic
13 analyzer and accompanying solution kits will prevent further exposure-related injuries to patrol deputies, correctional
14 officers, and inmates; and

15 **WHEREAS**, the \$33,000 in funding for purchasing one TruNarc handheld narcotic analyzer and two TruNarc
16 solution kits is an appropriate use of dollars from the Opioid Abatement Account, which contains moneys received under
17 various national opioid litigation settlement agreements;

18

19 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it authorizes a
20 purchase of one TruNarc handheld narcotic analyzer and two TruNarc solution kits for the Sheriff's Department, to be
21 funded with \$33,000 from the Opioid Abatement Account.

22

23 *Fiscal Note: This purchase will reduce the funds in the Opioid Abatement Account by \$33,000.*

24

25 Respectfully submitted by:

26 **CONLEY HANSON, District 26**

27 **JACOB FLOAM, District 16**

28

29 Respectfully submitted by:

30 **JUDICIARY & PUBLIC SAFETY COMMITTEE**

31 Committee Vote: 5-0

32

33 **PERSONNEL & FINANCE COMMITTEE**

34 Committee Vote: 5-0

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

36

37 Approved by the Winnebago County Executive this ____ day of _____, 2023.

38

39

40

41

42

Jonathan D. Doemel
Winnebago County Executive



Winnebago County

The Wave of the Future

Agenda Item Report

DATE: 2/28/2023

FROM: Supervisors Floam and Hanson

RE: Resolution Authorizing a Purchase of One TruNarc Narcotic Analyzer and Two TruNarc Solution Kits for the Sheriff's Department

General Description:

A resolution requesting that the Winnebago County Board authorizes the purchase of one TruNarc Narcotic Analyzer and two TruNarc Solution Kits for the Sheriff's Department.

Action Requested:

A motion to approve the attached resolution which makes an appropriation to purchase the items listed in the resolution.

Procedural Steps:

(Show each level of committee and board approval needed, with meeting dates.)

Committee of Jurisdiction: <u>Judiciary & Public Safety</u>	Meeting date: <u>2/6/23</u>
Action taken: <u>passed committee</u>	Vote: <u>5-0</u>
Other Committee: <u>Personnel & Finance</u>	Meeting date: <u>2/8/23</u>
Action taken: <u>passed committee</u>	Vote: <u>5-0</u>
County Board: _____	Meeting date: <u>2/28/23</u>

Background:

In light of law enforcement around the country being injured due to exposure to powerful synthetic opioids such as fentanyl, the Winnebago County Sheriff's Department has requested a TruNarc Narcotic Analyzer and two TruNarc Solution Kits in order to protect patrol deputies, corrections officers, and inmates from these kinds of exposure-related injuries.

Fiscal Impact: \$33,000

Policy Discussion:

Seizures of synthetic opioids by law enforcement are becoming more frequent, and these busts are growing larger in quantity. Additionally, fentanyl (the main culprit), is starting to be found in other street drugs. Unfortunately, encounters with these powerful drugs are now a more common occurrence for local law enforcement. We have to be ready to handle this without injuries to personnel. The TruNarc analyzer is a way for us to keep our people safe.

The preferred source of funding for this would be from the Opioid Settlement Fund. This is an appropriate use of these dollars.

Attachments:

Included with this memo is the draft board resolution, three documents explaining how TruNarc works, a document outlining the 2019-2022 Winnebago County fatal overdose statistics, a document with MEG unit case activity, and a 2017 Post Crescent article detailing a situation about fentanyl exposure.

Post Crescent.

Tentanyi exposure

Andy Thompson USA TODAY NETWORK-Wisconsin

Published 6:20 p.m. CT July 22, 2017

A Menasha police officer was heading to Oshkosh in his squad car last Sunday when he started feeling lethargic and groggy. He felt a tingling sensation in his hands and feet. His heart started racing and he felt a surge of warmth. Then he felt extremely tired — to the point of nearly passing out.

“His goal was to get to the (Winnebago County) Sheriff’s Department,” Menasha Police Chief Tim Styka said of the officer. “He didn’t want to die on the side of the highway.”

The officer, who hasn’t been identified by authorities, didn’t die.

But he was exposed to fentanyl — a potentially deadly synthetic opioid that can be disguised as heroin and is 50 times more potent — while responding to a drug overdose death in Menasha earlier that day. If he hadn't been administered two doses of Narcan, an opioid antidote, the outcome could have been far worse.

It was believed to be the first incident in Wisconsin involving a police officer who was exposed to fentanyl and became ill, said Wisconsin Attorney General Brad Schimel.

And it was a forceful reminder of the need for police, Emergency Medical Technicians and medical personnel to take precautions when responding to drug overdose calls.

“I figured this (Menasha incident) was inevitable,” Schimel told USA TODAY NETWORK-Wisconsin. “Law enforcement comes into contact with drug-users and controlled substances every day. They don’t anticipate they will be facing (fentanyl).”

“For law enforcement, it is critical that they be prepared for anything.”

Post Crescent.

Styka said the close call involving the Menasha officer, who has returned to work, shows that law enforcement and medical rescue workers face this unnerving reality:

“We all want to jump in and help someone who is not breathing. But exposure (to fentanyl) ups the ante for us. We have to make sure we size up the (crime) scene and find out what else could be going on there.”

Taking precautions

Fentanyl has been a thorn in the side of police and emergency medical workers across Wisconsin.

In Wausau, it started showing up with regularity in drug seizures in early 2017, said Lt. Nathan Cihlar of the Wausau Police Department.

“It’s pretty frequent now in a heroin seizure that there is some component of fentanyl to that heroin,” Cihlar said.

In addition to getting trained on the perils of fentanyl and having access to Narcan, officers who respond to overdose calls use protective eyewear, respiration-type masks and gloves to prevent exposure.

“With any of these situations, specifically when it comes to a drug-involved scene, there has always been an element of danger to it,” Cihlar said. “(Heroin laced with fentanyl) is an added element. It’s not too shocking that we’ve gotten to this point. Now we have to assume that fentanyl could be involved.”

RELATED: Deadly drug carfentanil may be headed to Fox Cities

RELATED: Opioid-fueled homicide charges rise sharply in Outagamie County

Lt. Cody Johnson of the Green Bay Metro Fire Department said officers are aware of the danger that fentanyl poses and are cautious in administering care in overdose cases.

Post Crescent.

Johnson said fentanyl and carfentanyl — a synthetic opioid that is considerably more powerful — are forces to be reckoned with.

“It’s some very potent stuff,” he said.

Nick Romenesko, staff development manager at the Fox Cities-based Gold Cross Ambulance Service, said paramedics understand what they might encounter when responding to an overdose call.

“Anytime we respond to an overdose, we treat it as an active crime scene,” he said. “We don’t touch any drug paraphernalia. We do as little as we can to disturb a scene.”

Romenesko said performing life-saving intervention with victims of overdoses can pose challenges of exposure to dangerous drugs.

“There’s some inherent risk with every job and, unfortunately,” he said. “This is becoming part of that.”

Andy Thompson: 920-996-7270 or awthompson@postcrescent.com; on Twitter @Thompson_AW

Overdose Statistics

2019

20 confirmed fatal overdoses

11 Fentanyl in substances

2020

37 confirmed fatal overdoses

27 Fentanyl in substances

2021

41 confirmed fatal overdoses

27 Fentanyl in substances

2022

31 confirmed fatal overdoses

19 Fentanyl in substances

7 Pending

4 Fentanyl (on tox report or positive on rapid screen at autopsy)

DOD	Manner	Substance	Gender	Age	Location
1/15/2019	ACCIDENTAL	METHAMPHETAMINE, FENTANYL, HEROIN, ACETYLFENTANYL	37	M	OSHKOSH
1/19/2022	SUICIDE	PROPANOLOL, ETHANOL	34	F	NEENAH
2/27/2019	ACCIDENTAL	FENTANYL	43	M	OSHKOSH
3/9/2019	ACCIDENTAL	HEROIN	54	M	MENASHA
4/6/2019	SUICIDE	QUETISPINE, VENLAFAXINE	55	F	OSHKOSH
5/20/2019	ACCIDENTAL	METHAMPHETAMINE, FENTANYL	28	M	OSHKOSH
6/19/2019	ACCIDENTAL	FENTANYL, HEROIN	46	M	NEENAH
7/1/2019	SUICIDE	BUPROPION, CITALOPRAM	36	F	MENASHA
7/22/2019	ACCIDENTAL	ETHANOL, LSD, MDMA, ALPRAZOLAM	22	M	OSHKOSH
8/3/2019	ACCIDENTAL	BUPROPION, FLUXOXETINE	27	M	OSHKOSH
8/19/2019	ACCIDENTAL	OXYCODONE, ACETAMINOPHEN	49	M	FOX CROSSING
8/19/2019	ACCIDENTAL	METHADONE, OXYCODONE	27	M	OSHKOSH
9/13/2019	ACCIDENTAL	METHAMPHETAMINE, FENTANYL	28	M	OSHKOSH
9/28/2019	ACCIDENTAL	FENTANYL, METHADONE	45	M	OSHKOSH
10/11/2019	ACCIDENTAL	METHAMPHETAMINE, HEROIN, FENTANYL, PREGABALIN	39	M	FOX CROSSING
10/30/2019	ACCIDENTAL	COCAINE, FENTANYL, HYDROCODONE, ALPRAZOLAM	30	M	OSHKOSH
11/3/2019	ACCIDENTAL	FENTANYL	26	M	MENASHA
11/25/2019	ACCIDENTAL	CLONAZEPAM, FENTANYL, MITRAGYLINE	33	M	NEENAH
12/22/2019	ACCIDENTAL	FLUALPRAZOLAM, METHAMPHETAMINE, HEROIN	56	M	NEENAH
12/24/2019	ACCIDENTAL	FENTANYL	29	F	FOX CROSSING

DOD	Manner	Substance	Gender	Age	Location
1/4/2020	ACCIDENTAL	ALPRAZOLAM, COCAINE, FENTANYL	32	M	OSHKOSH
1/11/2020	ACCIDENTAL	ALCOHOL, FLUALPRAZOLAM, ISOTONITAZINE	50	F	OSHKOSH
1/17/2020	ACCIDENTAL	EPHEDRINE, FENTANYL, METHAMPHETAMINE	32	M	OSHKOSH
1/31/2020	ACCIDENTAL	COCAINE, FENTANYL, HEROIN	37	M	NEENAH
2/8/2020	ACCIDENTAL	FENTANYL, HEROIN	22	F	OSHKOSH
2/10/2020	ACCIDENTAL	FENTANYL, METHAMPHETAMINE	37	F	OSHKOSH
2/17/2020	ACCIDENTAL	COCAINE, FENTANYL	28	M	NEENAH
2/24/2020	ACCIDENTAL	COCAINE, FENTANYL	50	F	OMRO
3/18/2020	ACCIDENTAL	ALPRAZOLAM, COCAINE, FENTANYL, CLONAZEPAM, OXYCODONE	70	M	MENASHA
4/2/2020	ACCIDENTAL	FENTANYL, METHAMPHETAMINE	19	M	NEENAH
4/19/2020	ACCIDENTAL	COCAINE, FENTANYL	56	M	FOX CROSSING
4/20/2020	ACCIDENTAL	FENTANYL, METHAMPHETAMINE	44	F	NEENAH
4/25/2020	SUICIDE	METHADONE	37	M	OSHKOSH
4/30/2020	ACCIDENTAL	FENTANYL, METHAMPHETAMINE, ETHANOL	31	F	APPLETON
5/7/2020	ACCIDENTAL	COCAINE	50	M	OSHKOSH
5/12/2020	ACCIDENTAL	FENATNYL, ETHANOL	32	M	MENASHA
5/26/2020	ACCIDENTAL	CHLODIAZEPINE, ETHANOL, LORAZEPAM	35	M	OSHKOSH
5/27/2020	ACCIDENTAL	LOPERAMIDE, METHAMPHETAMINE	48	M	OSHKOSH
6/6/2020	ACCIDENTAL	METHAMPHETAMINE	44	M	LARSEN
6/15/2020	ACCIDENTAL	FENTANYL, HEROIN	51	M	OSHKOSH
6/16/2020	ACCIDENTAL	TRAMADOL	64	M	OSHKOSH
6/20/2020	ACCIDENTAL	FENTANYL	34	F	OSHKOSH
6/29/2020	ACCIDENTAL	AMPHETAMINE, CLONAZEPAM, FENTANYL	25	F	OMRO
7/29/2020	ACCIDENTAL	FENTANYL	30	F	OSHKOSH

8/17/2020	ACCIDENTAL	AMITRIPTYLINE, METHAMPHETAMINE, METHADONE	49	F	NEENAH
9/3/2020	ACCIDENTAL	BRORPHINE, FENTANYL	25	F	OSHKOSH
9/7/2020	ACCIDENTAL	FENTANYL	38	M	OSHKOSH
9/9/2020	ACCIDENTAL	CLONAZEPAM, COCAINE, FENTANYL METHAMPHETAMINE, METHYLPHENIDATE	38	F	OSHKOSH
9/25/2020	ACCIDENTAL	FENTANYL, METHAMPHETAMINE	29	M	OSHKOSH
9/26/2020	ACCIDENTAL	COCAINE, FENTANYL	35	M	OSHKOSH
9/28/2020	ACCIDENTAL	FENTANYL, HEROIN	39	F	APPLETON
9/29/2020	ACCIDENTAL	ACETYLFENTANYL, CARFENTANYL, FENTANYL, ALPRAZOLAM	50	M	OSHKOSH
10/2/2020	ACCIDENTAL	LITHIUM	71	M	OSHKOSH
10/25/2020	ACCIDENTAL	BUPRENORPHINE, COCAINE, FENTANYL, ETIZOLAM, FLUALPRAZOLAM	24	F	MENASHA
11/6/2020	SUICIDE	MORPHINE, LORAZEPAM	75	M	OSHKOSH
11/26/2020	ACCIDENTAL	FENTANYL, METHAMPHETAMINE	21	M	NEENAH
12/15/2020	ACCIDENTAL	DIAZEPAM, FENTANYL	40	M	OSHKOSH

DOD	Manner	Substance	Gender	Age	Location
1/3/2021	ACCIDENTAL	DEXTROMETHORPHAN, CODEINE	M	25	OSHKOSH
1/4/2021	ACCIDENTAL	ACETYLFENTANYL, METHAMPHETAMINE, FENTANYL	M	28	NEENAH
1/8/2021	ACCIDENTAL	ACETYLFENTANYL, METHAMPHETAMINE, FENTANYL	M	35	OSHKOSH
1/11/2021	SUICIDE	SERTRALINE, OLANZAPINE	F	74	NEENAH
1/16/2021	ACCIDENTAL	METHAMPHETAMINE	M	37	OSHKOSH
1/22/2021	ACCIDENTAL	COCAINE, FENTANYL	M	42	NEENAH
1/27/2021	ACCIDENTAL	METHAMPHETAMINE	F	54	WINNECONNE
2/20/2021	SUICIDE	DIPHENHYDRAMINE, FLUOXETINE	F	29	NEENAH
2/20/2021	ACCIDENTAL	CHLORDIAZEPOXIDE, ALCOHOL	F	46	OSHKOSH
3/19/2021	ACCIDENTAL	FLUALPRAZOLAM	M	34	OSHKOSH
3/25/2021	SUICIDE	BUPROPION, ALCOHOL	F	35	APPLETON
4/15/2021	ACCIDENTAL	COCAINE, FENTANYL	M	69	OSHKOSH
4/15/2021	ACCIDENTAL	FENTANYL, METHAMPHETAMINE	M	41	OSHKOSH
4/18/2021	ACCIDENTAL	FENTANYL, METHAMPHETAMINE	M	23	OSHKOSH
4/27/2021	ACCIDENTAL	METHAMPHETAMINE	M	31	OSHKOSH
4/27/2021	ACCIDENTAL	FENTANYL	F	29	NEENAH
5/2/2021	ACCIDENTAL	CLONAZEPAM, FENTANYL, HEROIN	F	34	OSHKOSH
5/5/2021	ACCIDENTAL	COCAINE	M	33	OSHKOSH
5/6/2021	ACCIDENTAL	FENTANYL	M	29	OSHKOSH
5/27/2021	ACCIDENTAL	ALCOHOL, FENTANYL	F	37	NEENAH
5/30/2021	ACCIDENTAL	COCAINE, FENTANYL	M	22	NEENAH
6/29/2021	ACCIDENTAL	ALPRAZOLAM, METHAMPHETAMINE, FENTANYL	M	29	MENASHA

7/7/2021	ACCIDENTAL	EUTYLONE, FENTANYL, HEROIN, TRAMADOL	M	60	OSHKOSH
7/14/2021	ACCIDENTAL	ALCOHOL, FENTANYL	M	50	OSHKOSH
7/27/2021	ACCIDENTAL	ACETYL FENTANYL, COCAINE, FENTANYL, MORPHINE	F	32	NEENAH
8/6/2021	SUICIDE	ALCOHOL, HYDROXYZINE, SERTRALINE	M	29	OSHKOSH
8/16/2021	ACCIDENTAL	FENTANYL, PARAFLUOROFENTANYL	M	29	OSHKOSH
9/29/2021	ACCIDENTAL	FENTANYL	M	32	OSHKOSH
10/20/2021	ACCIDENTAL	FENTANYL, METHAMPHETAMINE	F	31	OSHKOSH
11/18/2021	ACCIDENTAL	HEROIN	M	24	OSHKOSH
11/21/2021	ACCIDENTAL	ALCOHOL, FENTANYL	M	41	NEENAH
11/23/2021	ACCIDENTAL	AMPHETAMINE, FENTANYL, HEROIN PARAFLUOROFENTANYL	M	35	OSHKOSH
11/25/2021	ACCIDENTAL	ALPRAZOLAM, METHAMPHETAMINE, FENTANYL, XYLAZINE, BUPRENORPHINE	F	56	OSHKOSH
11/25/2021	ACCIDENTAL	DIAZEPAM, METHAMPHETAMINE, FENTANYL	M	31	NEENAH
11/27/2021	ACCIDENTAL	FENTANYL, METHAMPHETAMINE	M	36	NEENAH
12/3/2021	ACCIDENTAL	METHAMPHETAMINE	M	36	OSHKOSH
12/8/2021	ACCIDENTAL	FENTANYL, METHAMPHETAMINE	M	55	OSHKOSH
12/10/2021	ACCIDENTAL	FENTANYL, METHAMPHETAMINE	M	40	BUTTE DES MORTS
12/15/2021	ACCIDENTAL	COCAINE, FENTANYL, CLONAZEPAM	M	40	OSHKOSH
12/15/2021	ACCIDENTAL	FENTANYL, PARAFLUOROFENTANYL	F	43	FOX CROSSING
12/28/2021	ACCIDENTAL	HEROIN, METONITAZENE	M	31	FREMONT

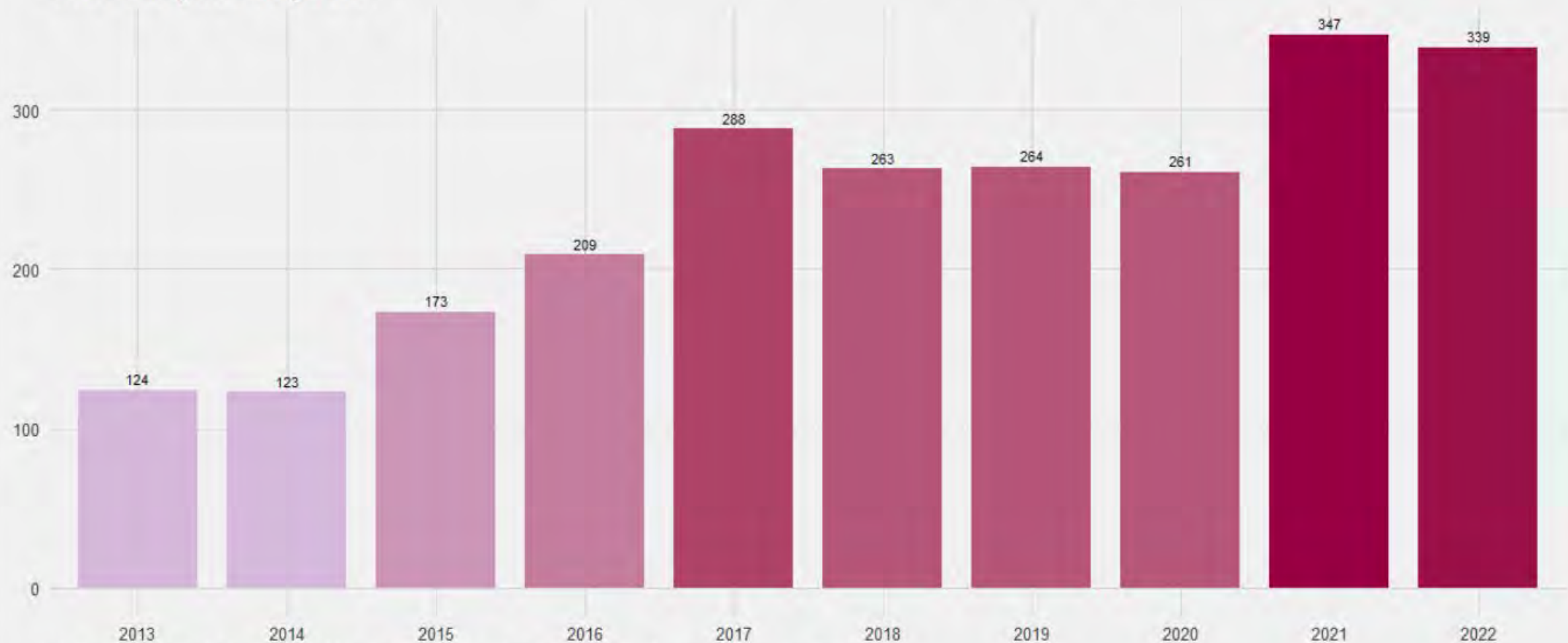
DOD	Manner	Substance	Gender	Age	Location
1/2/2022	ACCIDENTAL	ALCOHOL, DIAZAPAM	M	39	MENASHA
1/3/2022	ACCIDENTAL	COCAINE, FENTANYL	M	23	CLAYTON
1/25/2022	ACCIDENTAL	FENTANYL, METHAMPHETAMINE, MORPHINE	M	29	OSHKOSH
1/29/2022	ACCIDENTAL	FENTANYL	M	21	OSHKOSH
3/19/2022	SUICIDE	ALCOHOL, DEXTRONMETHORPHAN	M	24	OSHKOSH
3/23/2022	ACCIDENTAL	ALCOHOL, DIPHENHYDRAMINE, FENTANYL	M	47	OSHKOSH
3/28/2022	ACCIDENTAL	ALPRAZOLAM, AMPHETAMINE, FENTANYL, METHYLPHENIDATE	F	25	NEENAH
4/2/2022	ACCIDENTAL	FENTANYL, METHAMPHETAMINE, MORPHINE	M	30	MENASHA
4/6/2022	ACCIDENTAL	FENTANYL, METHAMPHETAMINE	M	48	OSHKOSH
4/11/2022	ACCIDENTAL	CLONAZEPAM, HYDROCODONE	M	41	OSHKOSH
4/29/2022	ACCIDENTAL	HEROIN	M/F	16	FOX CROSSING
5/4/2022	ACCIDENTAL	COCAINE, FENTANYL, HEROIN	M	49	OMIRO
5/16/2022	ACCIDENTAL	CLONAZEPAM, COCAINE, DULOXTINE, HYDROCODONE, QUETIAPINE	F	54	OSHKOSH
5/20/2022	ACCIDENTAL	METHAMPHETAMINE	F	68	OSHKOSH
5/24/2022	ACCIDENTAL	FENTANYL, TRAMADOL	M	60	MENASHA
6/19/2022	SUICIDE	BUPRENORPHINE, SERTRALINE	M	26	FOX CROSSING
6/24/2022	ACCIDENTAL	ALCOHOL, ALPRAZOLAM, COCAINE, FENTANYL, METHAMPHETAMINE	M	35	NEENAH
6/25/2022	ACCIDENTAL	FENTANYL	M	17	MENASHA
7/4/2022	ACCIDENTAL	ALCOHOL, COCAINE, FENTANYL, XYLAZINE	M	29	OSHKOSH

7/10/2022	ACCIDENTAL	METHAMPHETAMINE, FENTANYL	F	28	OSHKOSH
7/11/2022	ACCIDENTAL	FENTANYL	M	36	OSHKOSH
7/15/2022	ACCIDENTAL	AMPHETAMINE, FENTANYL, FLUBROMAZOLAM, HYDROXIZINE	M	26	NEENAH
7/18/2022	ACCIDENTAL	METHAMPHETAMINE, METHYLPHENIDATE	M	54	OSHKOSH
7/23/2022	ACCIDENTAL	1,1-DIFLUOETHANE	M	32	NEENAH
7/30/2022	ACCIDENTAL	ALPRAZOLAM, FENTANYL, METHAMPHETAMINE OXYCODONE	M	53	OSHKOSH
8/9/2022	ACCIDENTAL	FENTANYL	F	38	MENASHA
8/14/2022	ACCIDENTAL	FENTANYL	F	34	OSHKOSH
8/15/2022	ACCIDENTAL	METHAMPHETAMINE	F	22	OSHKOSH
8/26/2022	SUICIDE	CHLORPROMAZINE, HYDROCODONE, VENLAFAXINE	F	49	OSHKOSH
9/2/2022	ACCIDENTAL	CLONAZEPAM, COCAINE, FENTANYL	F	29	OSHKOSH
9/5/2022	ACCIDENTAL	3-MEO-PHENCYCLIDINE, 3-HYDROXY-PHENCYCLIDINE,	M	30	NEENAH

Possession of Highly Addictive Drugs Winnebago County

JANUARY 1, 2013 – DECEMBER 31, 2022

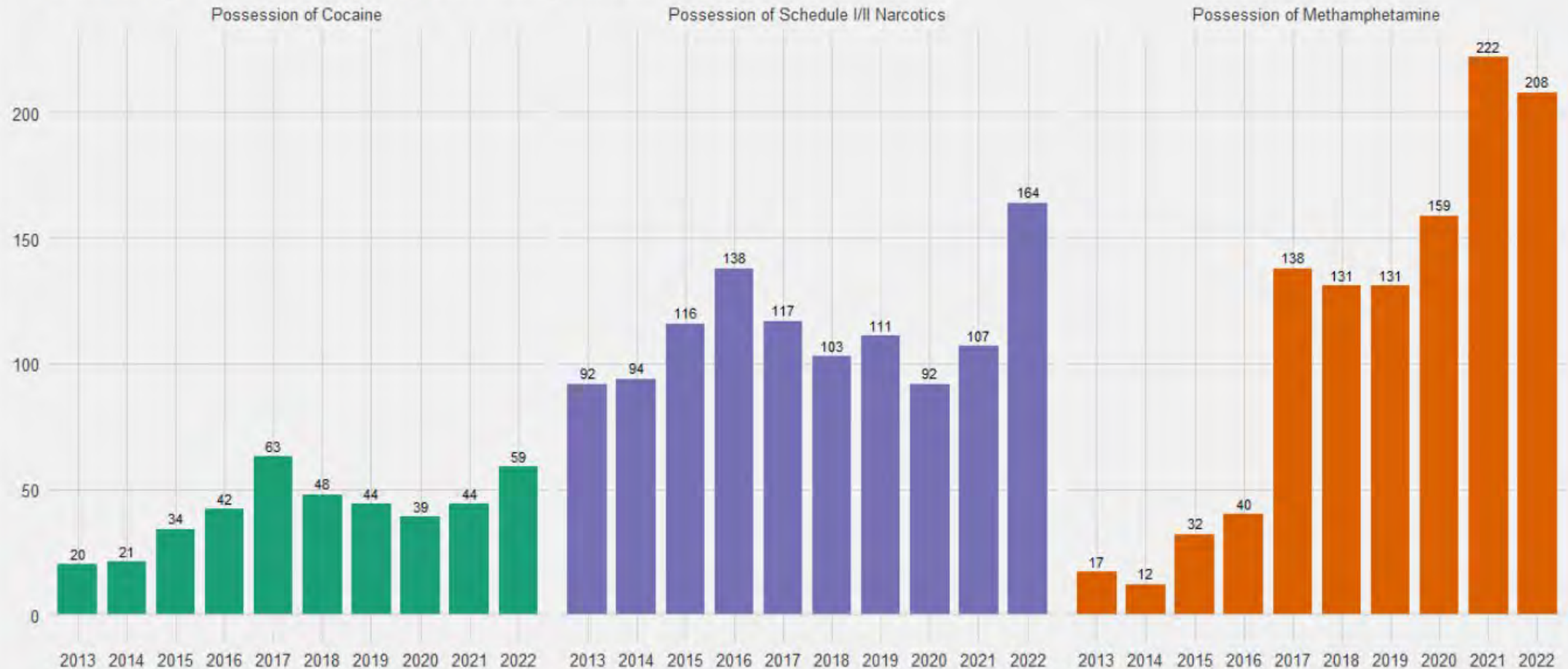
We saw a 173% increase in cases referred with a possession charge for highly addictive substances* over the past 10 years.



*A case was included if it was referred to the District Attorney's Office with at least one of the following statutes:
961.41(3g)(am) - Possession of Schedule I and II Narcotic Drugs
961.41(3g)(c) or 961.41(3g)(c)*F - Possession of Cocaine (includes 2nd & subsequent)
961.41(3g)(g) - Possession of Methamphetamine

Note: Referrals that included a Possession with Intent to Distribute statute but not a Possession statute are not included in these data.

Starting in 2017, the increase in referrals for these types of possession cases has been primarily driven by cases including methamphetamine.



*A case was included if it was referred to the District Attorney's Office with at least one of the following statutes:

- 961.41(3g)(am) - Possession of Schedule I and II Narcotic Drugs
- 961.41(3g)(c) or 961.41(3g)(c)*F - Possession of Cocaine (includes 2nd & subsequent)
- 961.41(3g)(g) - Possession of Methamphetamine

2022 - CASE ACTIVITY

1st Quarter

2nd Quarter

3rd Quarter

4th Quarter

Cases Opened	55	Cases Opened	53	Cases Opened	59	Cases Opened	57
Persons Arrested	51	Persons Arrested	60	Persons Arrested	31	Persons Arrested	71
Controlled Buys	53	Controlled Buys	60	Controlled Buys	52	Controlled Buys	36
UC Purchases	1	UC Purchases	3	UC Purchases	6	UC Purchases	4
Search Warrants	27	Search Warrants	35	Search Warrants	32	Search Warrants	30
Consent Searches	4	Consent Searches	10	Consent Searches	8	Consent Searches	6
Training Given	7	Training Given	5	Training Given	5	Training Given	8
Meth Lab Responses	0	Meth Lab Responses	0	Meth Lab Responses	0	Meth Lab Responses	1
Act 79 Searches	7	Act 79 Searches	8	Act 79 Searches	2	Act 79 Searches	7

Form for 2022

SEIZURE DATA

Currency Seized	\$ 11,394.00	Currency Seized	\$ 40,567.10	Currency Seized	\$ 88,070.00	Currency Seized	\$ 143,385.00
Firearms Seized	5	Firearms Seized	9	Firearms Seized	32	Firearms Seized	4
Cocaine - Base (g)	12.2	Cocaine - Base (g)	154.5	Cocaine - Base (g)	18.8	Cocaine - Base (g)	46.94
Cocaine - Powder (g)	246.8	Cocaine - Powder (g)	4228.8	Cocaine - Powder (g)	638.9	Cocaine - Powder (g)	279.57
Fentanyl (g)	45.11	Fentanyl (g)	157.6	Fentanyl (g)	230.6	Fentanyl (g)	5867.87
Heroin (g)	19.7	Heroin (g)	51.2	Heroin (g)	0.4	Heroin (g)	23.5
THC Products (g)	7531.5	THC Products (g)	14053.3	THC Products (g)	11968.1	THC Products (g)	2276.04
Marijuana Plants	32	Marijuana Plants	0	Marijuana Plants	0	Marijuana Plants	0
Meth (g)	664.47	Meth (g)	6448.2	Meth (g)	8233.7	Meth (g)	1175.15
Prescription (du)	439.5	Prescription (du)	180.5	Prescription (du)	389	Prescription (du)	60
Psilocybin (g)	49.1	Psilocybin (g)	0	Psilocybin (g)	561.2	Psilocybin (g)	84.92
LSD (g)	3.3	LSD (g)	0	LSD (g)	0.1	LSD (g)	5.31
MDMA (g)	0	MDMA (g)	9	MDMA (g)	0	MDMA (g)	5.78

LARRY
DUE TO
ONE SEIZURE
BUY EVIDENCES
TO INCREASE
STEADY

5 Year Comparisons

<u>CASE ACTIVITY</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Cases Opened	470	363	280	234	224
Persons Arrested	517	382	212	230	213
Controlled Buys	244	190	178	182	201
UC Purchases	41	13	7	10	14
Search Warrants	216	157	160	152	124
Consent Searches	52	52	55	42	28
Training Given	0	31	18	19	25
Meth Labs	1	3	3	0	1
Act 79 Searches	8	37	18	25	24

SEIZURES

Currency Seized	\$221,210.00	\$190,298.00	\$534,271.54	\$503,459.98	\$283,416.10
Firearms Seized	54.00	39.00	26.00	50.00	50.00
Cocaine - Base (g)	632.90	128.80	49.80	230.50	232.44
Cocaine - HCL (g)	463.40	485.00	3278.70	277.90	3696.07
* Fentanyl (g)	32.30	26.20	42.47	139.00	6301.18
Heroin (g)	236.90	126.55	60.00	219.00	94.80
THC Products (g)	50343.30	36835.30	719487.86	329711.30	35828.94
Marijuana Plants	109.00	95.00	40.00	22.00	32.00
* Meth (g)	6427.30	35334.40	1574.52	54521.10	16521.52
Prescription (du)	2497.55	580.50	920.00	1240.00	1069.00
Psilocybin (g)	131.00	109.70	493.30	2399.40	695.22
LSD (g)	10.90	66.80	6.90	10.40	8.71
MDMA (g)	115.50	168.20	62.60	73.00	14.78

FENTANYL 600% INCREASE 2021 → 2022

1 **190-022023**

2

3 **RESOLUTION: Amend County Board Rule 6.0 Order of Business to Replace 6.1 (E) "Approval and**
4 **Correction of Minutes of the Previous Meeting" with a "Consent Calendar"**

5

6

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

8 **WHEREAS**, the County Board Chairman is seeking ways to reduce the length of County Board meetings; and

9 **WHEREAS**, adopting a "Consent Calendar" is a proven technique to deal with non-controversial business by
10 grouping routine meeting discussion points into a single agenda item and in so doing the grouped items can be approved
11 in one motion rather than multiple motions; and

12 **WHEREAS**, a "Consent Calendar" is sufficiently flexible so that any Supervisor can request an item to be
13 removed from the Consent Calendar for discussion, debate, and recorded vote; and

14 **WHEREAS**, it is estimated that a Consent Calendar can save 15 minutes of time to a County Board meeting.

15 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
16 amends Rule 6.1E to strike "Approval and correction of minutes of the previous meeting" and replace it with "Consent
17 Calendar" to include approval and correction of the minutes of the previous meeting as well consideration of routine
18 discussion points and other qualifying items of business.

19

20 *Fiscal Note: No fiscal impact.*

21

22
23 Respectfully submitted by:

24 **JUDICIARY & PUBLIC SAFETY COMMITTEE**

25 Committee Vote: 5-0

26 Vote Required for Passage: **Two-Thirds of Members Present**

27

28 Approved by the Winnebago County Executive this ____ day of _____, 2023.

29

30

31

32

Jonathan D. Doemel
Winnebago County Executive

1 **191-022023**

2

3 **RESOLUTION: Establish an Ad-Hoc Task Force on the Per Diem Structure of the**
4 **Winnebago County Board of Supervisors**

5

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

7 **WHEREAS**, organizational reform for the Winnebago County Board of Supervisors has been discussed a
8 number of times over the years; and

9 **WHEREAS**, the Judiciary and Public Safety Committee has an opportunity to examine how it can better
10 serve the people of Winnebago County in an efficient and effective manner; and

11 **WHEREAS**, an ad-hoc task force of Winnebago County Board supervisors can serve as an appropriate
12 clearinghouse to meaningfully discuss and vet practical organizational reforms for the Winnebago County Board of
13 Supervisors; and

14 **WHEREAS**, these organizational reforms will include per diem structures of the Winnebago County Board of
15 Supervisors; and

16 **WHEREAS**, this ad-hoc task force will report its findings and recommendations to the Judiciary and Public
17 Safety Committee for consideration.

18 **NOW, THEREFORE, BE IT RESOLVED** that an ad-hoc task force on per diem structures of the Winnebago
19 County Board of Supervisors is established; and

20 **BE IT FURTHER RESOLVED** that this ad-hoc task force will consist of seven supervisors appointed by the
21 chairman of the Judiciary and Public Safety Committee and will report its findings and recommendations to the
22 Judiciary and Public Safety Committee for consideration; and

23 **BE IT FURTHER RESOLVED** that this ad-hoc task force will automatically disband on April 1st, 2024.

24 *Fiscal Note: No fiscal impact.*

25 Respectfully submitted by:

26 **BETSY ELLENBERGER, District 7**

27 **JACOB FLOAM, District 16**

28 **CONLEY HANSON, District 26**

29

30

31

32 **JUDICIARY & PUBLIC SAFETY COMMITTEE**

33 Committee Vote: 4-1

34

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

36

37 Approved by the Winnebago County Executive this ____ day of _____, 2023.

38

39

40

41

Jonathan D. Doemel
Winnebago County Executive

3 **RESOLUTION:** Authorizing Winnebago County to Enter into the Settlement Agreements with Teva
4 Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walgreen Co., Walmart, Inc., CVS
5 Health Corporation and CVS Pharmacy, Inc., Agree to the Terms of the Addendum to the
6 MOU Allocating Settlement Proceeds, and Authorize Entry into the MOU with the Attorney
7 General
8
9

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

11 **WHEREAS**, the Winnebago County Board of Supervisors previously authorized Winnebago County to enter
12 into an engagement agreement with von Briesen & Roper, s.c., Crueger Dickinson LLC and Simmons Hanly Conroy
13 LLC (the "Law Firms") to pursue litigation against certain manufacturers, distributors, and retailers of opioid
14 pharmaceuticals (the "Opioid Defendants") in an effort to hold the Opioid Defendants financially responsible for
15 Winnebago County's expenditure of vast money and resources to combat the opioid epidemic; and

16 **WHEREAS**, on behalf of Winnebago County, the Law Firms filed a lawsuit against the Opioid Defendants;
17 and

18 **WHEREAS**, the Law Firms filed similar lawsuits on behalf of 66 other Wisconsin counties and all Wisconsin
19 cases were coordinated with thousands of other lawsuits filed against the same or substantially similar parties as the
20 Opioid Defendants in the Northern District of Ohio, captioned *In re: Opioid Litigation*, MDL 2804 (the "Litigation"); and

21 **WHEREAS**, four (4) additional Wisconsin counties (Milwaukee, Dane, Waukesha, and Walworth) hired
22 separate counsel and joined the Litigation; and

23 **WHEREAS**, since the inception of the Litigation, the Law Firms have coordinated with counsel from around
24 the country (including counsel for Milwaukee, Dane, Waukesha, and Walworth Counties) to prepare Winnebago
25 County's case for trial and engage in extensive settlement discussions with the Opioid Defendants; and

26 **WHEREAS**, the settlement discussions with Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC,
27 Walgreen Co., Walmart, Inc., CVS Health Corporation and CVS Pharmacy, Inc.. (the "Settling Defendants") resulted
28 in a tentative agreement as to settlement terms pending agreement from Winnebago County and other plaintiffs
29 involved in the Litigation; and

30 **WHEREAS**, copies of the various settlement agreements relating to the Settling Defendants (collectively
31 "Settlement Agreements") representing the terms of the tentative settlement agreements with the Settling Defendants
32 have been provided with this Resolution; and

33 **WHEREAS**, the Settlement Agreements provide, among other things, for the payment of certain sums to
34 Participating Subdivisions (as defined in the Settlement Agreements) upon the occurrence of certain events detailed
35 in the Settlement Agreements; and

36 **WHEREAS**, Winnebago County is a Participating Subdivision in the Settlement Agreements and has the
37 opportunity to participate in the benefits associated with the Settlement Agreement provided Winnebago County (a)
38 approves the Settlement Agreements; (b) approves the Memorandum of Understanding allocating proceeds from the
39 Settlement Agreements among the various Wisconsin Participating Subdivisions, a copy of which is attached to this
40 Resolution (the "Allocation MOU"); (c) approves the Memorandum of Understanding with the Wisconsin Attorney
41 General regarding allocation of settlement proceeds, a copy of which is attached to this Resolution (the "AG MOU");
42 and (d) the Legislature's Joint Committee on Finance approves the terms of the Settlement Agreements and the AG
43 MOU; and

44 **WHEREAS**, 2021 Wisconsin Act 57 created Section 165.12 of the Wisconsin Statutes relating to the
45 settlement of all or part of the Litigation; and

46 **WHEREAS**, pursuant to Wis. Stat. § 165.12(2), the Legislature’s Joint Committee on Finance is required to
47 approve the Settlement Agreements and the AG MOU; and

48 **WHEREAS**, pursuant to Wis. Stat. § 165.12(2), the proceeds from any settlement of all or part of the
49 Litigation are distributed 70% to local governments in Wisconsin that are parties to the Litigation and 30% to the
50 State; and

51 **WHEREAS**, Wis. Stat. § 165.12(4)(b)2. provides the proceeds from the Settlement Agreement must be
52 deposited in a segregated account (the “Opioid Abatement Account”) and may be expended only for approved uses
53 for opioid abatement as provided in the Settlement Agreements; and

54 **WHEREAS**, Wis. Stat. § 165.12(7) bars claims from any Wisconsin local government against the Opioid
55 Defendants filed after June 1, 2021; and

56 **WHEREAS**, the definition of Participating Subdivisions in the Settlement Agreements recognizes a statutory
57 bar on claims such as that set forth in Wis. Stat. § 165.12(7) and, as a result, the only Participating Subdivisions in
58 Wisconsin are those counties and municipalities that were parties to the Litigation (or otherwise actively litigating a
59 claim against one, some, or all of the Opioid Defendants) as of June 1, 2021; and

60 **WHEREAS**, the Legislature’s Joint Committee on Finance is not statutorily authorized or required to approve
61 the allocation of proceeds of the Settlement Agreements among Wisconsin Participating Subdivisions; and

62 **WHEREAS**, the Law Firms have engaged in extensive discussions with counsel for all other Wisconsin
63 Participating Subdivisions resulting in the proposed Allocation MOU, which is an agreement between all of the
64 entities identified in the Allocation MOU as to how the proceeds payable to those entities under the Settlement
65 Agreements will be allocated; and

66 **WHEREAS**, the proposed Addendum to the MOU (“Addendum”) provided with this Resolution provides for
67 allocation of settlement proceeds among the Wisconsin Participating Subdivisions according to the same percentages
68 as that provided in the previously-approved MOU allocating the settlement proceeds of the settlements involving
69 McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen
70 Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc.; and

71 **WHEREAS**, there is provided with this Resolution a summary of the essential terms of the Settlement
72 Agreements, the deadlines related to the effective dates of the Settlement Agreements, the ramifications associated
73 with the County’s refusal to enter into the Settlement Agreements, the form of the Addendum, the form of the AG
74 MOU, and an overview of the process for finalizing the Settlement Agreements; and

75 **WHEREAS**, Winnebago County, by this Resolution, shall deposit the proceeds of the Settlement
76 Agreements consistent with the terms of this Resolution and Wis. Stat. § 165.12(4)(b); and

77 **WHEREAS**, pursuant to Winnebago County’s engagement agreement with the Law Firms, Winnebago
78 County shall pay up to an amount equal to 25% of the proceeds from successful resolution of all or part of the
79 Litigation, whether through settlement or otherwise, plus the Law Firms’ costs and disbursements, to the Law Firms
80 as compensation for the Law Firms’ efforts in the Litigation and any settlement; and

81 **WHEREAS**, the Law Firms anticipate making application to the national fee fund established in the
82 Settlement Agreements seeking payment, in whole or part, of the fees, costs, and disbursements owed the Law
83 Firms pursuant to the engagement agreement with Winnebago County; and

84 **WHEREAS**, it is anticipated the amount of any award from the fee fund established in the Settlement
85 Agreements will be insufficient to satisfy Winnebago County's obligations under the engagement agreement with the
86 Law Firms; and

87 **WHEREAS**, Winnebago County, by this Resolution, and pursuant to the authority granted Winnebago
88 County in the applicable Order emanating from the Litigation in relation to the Settlement Agreements and payment
89 of attorney fees, shall authorize and direct the escrow agent responsible for the receipt and distribution of the
90 proceeds from the Settlement Agreements to establish an account for the purpose of segregating funds to pay the
91 fees, costs, and disbursements of the Law Firms owed by Winnebago County (the "Attorney Fees Account") in order
92 to fund a local "backstop" for payment of the fees, costs, and disbursements of the Law Firms; and

93 **WHEREAS**, in no event shall payments to the Law Firms out of the Attorney Fees Account and the fee fund
94 established in the Settlement Agreements exceed an amount equal to 25% of the amounts allocated to Winnebago
95 County in the Addendum; and

96 **WHEREAS**, the intent of this Resolution is to authorize Winnebago County to enter into the Settlement
97 Agreements, the Addendum, and the AG MOU, establish Winnebago County's Opioid Abatement Account, and
98 establish the Attorney Fees Account; and

99 **WHEREAS**, Winnebago County, by this Resolution, shall authorize Winnebago County's Corporation
100 Counsel or designee to finalize and execute any escrow agreement and other document or agreement necessary to
101 effectuate the Settlement Agreements and the other agreements referenced herein.

102
103 **NOW, THEREFORE, BE IT RESOLVED** the Winnebago County Board of Supervisors hereby approves:

- 104 1. The execution of the Settlement Agreements and any and all documents ancillary thereto and
105 authorizes the County Executive or designee to execute same.
- 106 2. The final negotiation and execution of the Addendum in form substantially similar to that presented
107 with this Resolution and any and all documents ancillary thereto and authorizes the County Executive
108 or designee to execute same upon finalization provided the percentage share identified as allocated
109 to Winnebago County is substantially similar to that identified in the Addendum provided to the Board
110 with this Resolution.
- 111 3. The final negotiation and execution of the AG MOU in form substantially similar to that presented with
112 this Resolution and any and all documents ancillary thereto and authorizes the County Executive or
113 designee to execute same.
- 114 4. The execution by the County Executive or designee of any additional documents or agreements for
115 the receipt and disbursement of the proceeds of the Settlement Agreements as referenced in the
116 Addendum.

117 **BE IT FURTHER RESOLVED**, all proceeds from the Settlement Agreements not otherwise directed to the
118 Attorney Fees Account shall be deposited in Winnebago County's Opioid Abatement Account. The Opioid
119 Abatement Account shall be administered consistent with the terms of this Resolution, Wis. Stat. § 165.12(4), and the
120 Settlement Agreements.

121 **BE IT FURTHER RESOLVED**, Winnebago County hereby authorizes the establishment of an account
122 separate and distinct from any account containing funds allocated or allocable to Winnebago County which shall be
123 referred to by the County as the "Attorney Fees Account." An escrow agent shall deposit a sum equal to up to, but in
124 no event exceeding, an amount equal to 20% of Winnebago County's proceeds from the Settlement Agreements into
125 the Attorney Fees Account. If the payments to Winnebago County are not enough to fully fund the Attorney Fees
126 Account as provided herein because such payments are made over time, the Attorney Fees Account shall be funded
127 by placing up to, but in no event exceeding, an amount equal to 20% of the proceeds from the Settlement
128 Agreements attributable to Local Governments (as that term is defined in the Allocation MOU) into the Attorney Fees
129 Account for each payment. Funds in the Attorney Fees Account shall be utilized to pay the fees, costs, and
130 disbursements owed to the Law Firms pursuant to the engagement agreement between Winnebago County and the
131 Law Firms provided, however, the Law Firms shall receive no more than that to which they are entitled under their
132 fee contract when considering the amounts paid the Law Firms from the fee fund established in the Settlement
133 Agreements and allocable to Winnebago County. The Law Firms may make application for payment from the
134 Attorney Fees Account at any time and Winnebago County shall cooperate with the Law Firms in executing any
135 documents necessary for the escrow agent to make payments out of the Attorney Fees Account.

136 **BE IT FURTHER RESOLVED**, that all actions heretofore taken by the Board of Supervisors and other
137 appropriate public officers and agents of Winnebago County with respect to the matters contemplated under this
138 Resolution are hereby ratified, confirmed and approved.
139

140 *Fiscal Note: These settlements will produce revenue to the County over a period of years in amounts which are not*
141 *yet determined. Based on a comparison with previous settlements involving distributors, annual payments under*
142 *these settlements may be in the range of \$167,000 to \$315,000 per year over ten or more years. This revenue will*
143 *be placed in the Opioid Abatement Account and must be spent on opioid abatement measures as allowed by the*
144 *settlement agreements, with expenditures subject to future County Board approval.*
145

146
147

Respectfully submitted by:
PERSONNEL & FINANCE COMMITTEE

148 Committee Vote: 5-0

150

JUDICIARY AND PUBLIC SAFETY COMMITTEE

151 Committee Vote: 5-0

153 Vote Required for Passage: **Majority of Members Present**

155 Approved by the Winnebago County Executive this ____ day of _____, 2023.

158 _____
Jonathan D. Doemel
159 Winnebago County Executive

WISCONSIN LOCAL GOVERNMENT MEMORANDUM OF UNDERSTANDING

WHEREAS, the people of the State of Wisconsin (“State”) and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities that engage in or have engaged in the manufacture, marketing, promotion, distribution or dispensing of an opioid analgesic, including but not limited to those persons or entities identified as Defendants in the matter captioned *In re: Opioid Litigation*, MDL 2804 pending in the United States District Court for the Northern District of Ohio (“Litigation”);

WHEREAS, certain Wisconsin local governments identified on the attached Exhibit A (“Local Governments”), through their counsel, are separately engaged in litigation and settlement discussions seeking to hold the Defendants in the Litigation accountable for the damage caused by their misfeasance, nonfeasance and malfeasance;

WHEREAS, the Local Governments share a common desire to abate and alleviate the impacts of the misfeasance, nonfeasance and malfeasance described above throughout the State of Wisconsin and in its local communities;

WHEREAS, the settlement discussions with McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (“Settling Defendants”) resulted in a tentative agreement as to settlement terms (“Settlement Agreements”) pending agreement from the State of Wisconsin, the Local Governments and other plaintiffs involved in the Litigation;

WHEREAS, the Settlement Agreements provide, among other things, for the payment of certain sums to Participating Subdivisions (as defined in the Settlement Agreements) upon the occurrence of certain events detailed in the Settlement Agreements;

WHEREAS, while the Local Governments recognize that the sums which may be available from the aforementioned litigation will likely be insufficient to fully abate the public health crisis caused by the Opioid epidemic, they share a common interest in dedicating the most resources possible to the abatement effort; and

WHEREAS, the Local Governments intend this Local Government Memorandum of Understanding (“MOU”) to effectuate the terms of the Settlement Agreements and allocate the proceeds of the Settlement Agreements to each of the Local Governments in percentages substantially similar to those identified on the attached Exhibit A.

NOW, THEREFORE, the Local Governments enter into this MOU upon the terms described herein.

1. The Local Governments shall in good faith cooperate and negotiate with the State to identify an appropriate escrow agent (“Escrow Agent”) and, thereafter, prepare an Escrow Agreement relating to the receipt and distribution of the proceeds payable to the State and the Local Governments under the Settlement Agreements (“Opioid

Funds”) consistent with the terms of the MOU between the State and the Local Governments and otherwise consistent with this MOU. The Escrow Agreement shall govern the Escrow Agent’s receipt and distribution of all Opioid Funds.

2. The Escrow Agreement shall authorize the escrow agent to establish an account separate and distinct from any account containing funds allocated or allocable to a Local Government which shall be referred to herein as the “Attorney Fees Account.” Pursuant to Wis. Stat. § 165.12(6) a sum up to but in no event exceeding an amount equal to 20% of the total proceeds from the Settlement Agreements attributable to Local Governments shall be deposited into the Attorney Fees Account. If the payments from a single year are not enough to fully fund the Attorney Fees Account as provided herein because such payments are made over time, the Attorney Fees Account shall be funded by placing up to, but in no event exceeding, an amount equal to 20% of each payment. A minimum of 80% of the Settlement proceeds attributable to Local Governments shall be paid to each Local Government’s segregated Opioid Abatement Account, which may be expended only for approved uses for opioid abatement as provided in the Settlement Agreements and supporting Memorandums of Understanding. Funds in the Attorney Fees Account shall be utilized to pay the fees, costs, and disbursements of counsel to a Local Government. The Attorney Fees Account shall be further split and attributed among the Local Governments according to the allocation percentages set forth on Exhibit A and counsel shall make application, and receive payment, only on the allocations within the Attorney Fees Account attributable to its clients. The parties shall cooperate in the appointment of a Special Master in the event of any disputes. Any amounts paid counsel from the national fee fund established in the Settlement Agreements and allocable to the Local Government will be deducted from the Attorneys’ Fees Account so that no counsel to the Local Government may recover more than their fee contract with the Local Government. Any excess amounts remaining in the Attorney Fee Fund after funds have been allocated and paid to counsel shall revert back to the Local Governments and the escrow agent shall allocate such sums to Local Governments based on the allocation set forth on Exhibit A, which assigns each Local Government a percentage share. Counsel may make application for payment from the Attorney Fees Account at any time and the Local Governments shall cooperate with counsel in executing any documents necessary for the escrow agent to make payments out of the Attorney Fees Account.
3. Opioid Funds shall not be considered funds of the Local Government unless and until such time as an allocation is made to the Local Government following funding of the Attorney Fees Account as provided in Paragraphs 2 above.
4. The Escrow Agreement shall allocate Opioid Funds as follows: (i) 30% to the State of Wisconsin (“State Share”); (ii) 56% to Local Governments (“LG Share”); and (iii) 14% to the Attorney Fees Account.
5. The LG Share shall be paid to each Local Government by the Escrow Agent based on the allocation created and agreed to by the Local Governments and attached hereto as Exhibit A, which assigns each Local Government a percentage share of the LG Share.

6. Nothing in this MOU is intended to alter or change any Local Government's right to pursue its own claim. Rather, the intent of this MOU is to provide a mechanism for the receipt and expenditure of Opioid Funds.
7. This MOU may be executed in counterparts. Electronic signatures shall in all respects be considered valid and binding.

IN WITNESS WHEREOF, the parties hereby execute this MOU as of the date set forth below.

ON BEHALF OF THE LOCAL GOVERNMENTS:

Adams County
Printed: _____

Date: _____

Ashland County
Printed: _____

Date: _____

Barron County
Printed: _____

Date: _____

Bayfield County
Printed: _____

Date: _____

Brown County
Printed: _____

Date: _____

Buffalo County
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Date: _____

Burnett County
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Date: _____

Calumet County
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Date: _____

Chippewa County
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Date: _____

Clark County
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Date: _____

Columbia County
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Date: _____

Crawford County
Printed: _____

Date: _____

Dane County
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Date: _____

Dodge County
Printed: _____

Date: _____

Door County
Printed: _____

Date: _____

Douglas County
Printed: _____

Date: _____

Superior, City of
Printed: _____

Date: _____

Dunn County
Printed: _____

Date: _____

Eau Claire County
Printed: _____

Date: _____

Florence County
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Date: _____

Fond Du Lac County
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Forest County
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Grant County
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Green County
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Green Lake County
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Iowa County
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Iron County
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Jackson County
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Jefferson County
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Date: _____

Juneau County
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Date: _____

Kenosha County
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Date: _____

Kenosha, City of
Printed: _____

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Pleasant Prairie, City of
Printed: _____

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Kewaunee County
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La Crosse County
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Lafayette County
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Langlade County
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Lincoln County
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Manitowoc County
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Marathon County
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Marinette County
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Marinette, City of
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Marquette County
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Menominee County
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Milwaukee County
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Cudahy, City of
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Franklin, City of
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Greenfield, City of
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Milwaukee, City of
Printed: _____

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Oak Creek, City of
Printed: _____

Date: _____

South Milwaukee, City of
Printed: _____

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Wauwatosa, City of
Printed: _____

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West Allis, City of
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Monroe County
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Oconto County
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Oneida County
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Outagamie County
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Ozaukee County
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Pepin County
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Pierce County
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Polk County
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Portage County
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Price County
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Racine County
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Mount Pleasant, City of
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Sturtevant, City of
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Union Grove, City of
Printed: _____

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Yorkville Town
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Richland County
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Rock County
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Rusk County
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Sauk County
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Sawyer County
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Shawano County
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Sheboygan County
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St. Croix County
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Taylor County
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Trempealeau County
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Vernon County
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Vilas County
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Walworth County
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Washburn County
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Washington County
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Waukesha County
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Waupaca County
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Waushara County
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Date: _____

Winnebago County
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Date: _____

Wood County
Printed: _____

Date: _____

EXHIBIT A

Allocation of Proceeds Among the Local Governments

The following chart is agreed upon by and between the Local Governments identified below as representing the allocation of proceeds from the Settlement Agreements following (a) allocation to the Local Governments; and (b) allocation to the Attorney Fee Fund. The Local Governments shall cooperate with one another and the State in the negotiation and execution of an Escrow Agreement to effectuate the terms of the State-Local Government MOU, the Local Government MOU and the allocation set forth below. **The dollar figures below are estimates based upon full participation and qualification under the Settlement Agreements. The figures will be calculated consistent with the Settlement Agreements.**

Estimated Full Participation Total Cash Value to Wisconsin (Big 3 + J&J)	\$ 402,168,925.80
Local Government Percentage	70%
Estimated Amount to Local Government	\$ 281,518,248.06

Local Government Type	Wisconsin Litigating Local Government	Allocation Percentage	Estimated Amount to Litigating LG
County	Adams County	0.327%	\$ 920,857.75
County	Ashland County	0.225%	\$ 632,683.94
County	Barron County	0.478%	\$ 1,344,657.56
County	Bayfield County	0.124%	\$ 348,803.41
County	Brown County	2.900%	\$ 8,164,847.97
County	Buffalo County	0.126%	\$ 354,625.52
County	Burnett County	0.224%	\$ 629,898.53
County	Calumet County	0.386%	\$ 1,085,573.38
County	Chippewa County	0.696%	\$ 1,960,377.77
County	Clark County	0.261%	\$ 735,869.43
County	Columbia County	1.076%	\$ 3,027,919.34
County	Crawford County	0.195%	\$ 549,582.65
County	Dane County	8.248%	\$ 23,220,547.57
County	Dodge County	1.302%	\$ 3,665,587.68
County	Door County	0.282%	\$ 794,488.51
County	Douglas County	0.554%	\$ 1,559,112.49
City	Superior	0.089%	\$ 250,362.65
County	Dunn County	0.442%	\$ 1,245,283.66
County	Eau Claire County	1.177%	\$ 3,314,731.87

County	Florence County	0.053%	\$ 149,825.25
County	Fond Du Lac County	1.196%	\$ 3,367,738.26
County	Forest County	0.127%	\$ 356,238.12
County	Grant County	0.498%	\$ 1,400,826.32
County	Green County	0.466%	\$ 1,313,012.89
County	Green Lake County	0.280%	\$ 788,436.02
County	Iowa County	0.279%	\$ 784,771.02
County	Iron County	0.061%	\$ 172,904.29
County	Jackson County	0.236%	\$ 663,323.35
County	Jefferson County	1.051%	\$ 2,959,875.98
County	Juneau County	0.438%	\$ 1,232,571.35
County	Kenosha County	3.712%	\$ 10,448,562.62
City	Kenosha	0.484%	\$ 1,362,915.84
City	Pleasant Prairie	0.059%	\$ 166,668.88
County	Kewaunee County	0.156%	\$ 439,004.32
County	La Crosse County	1.649%	\$ 4,641,001.59
County	Lafayette County	0.134%	\$ 378,207.19
County	Langlade County	0.312%	\$ 879,642.19
County	Lincoln County	0.350%	\$ 984,084.26
County	Manitowoc County	1.403%	\$ 3,948,777.09
County	Marathon County	1.259%	\$ 3,543,763.04
County	Marinette County	0.503%	\$ 1,416,659.12
City	Marinette	0.032%	\$ 90,081.84
County	Marquette County	0.246%	\$ 693,899.93
County	Menominee County	0.080%	\$ 224,716.94
County	Milwaukee County	25.220%	\$ 71,000,000.00
City	Cudahy	0.087%	\$ 243,615.24
City	Franklin	0.155%	\$ 434,997.99
City	Greenfield	0.163%	\$ 458,534.05
City	Milwaukee	7.815%	\$ 22,000,000.00
City	Oak Creek	0.166%	\$ 466,459.26
City	South Milwaukee	0.096%	\$ 269,776.41
City	Wauwatosa	0.309%	\$ 870,694.67
City	West Allis	0.378%	\$ 1,064,393.09
County	Monroe County	0.655%	\$ 1,844,626.56
County	Oconto County	0.336%	\$ 945,758.82
County	Oneida County	0.526%	\$ 1,481,854.26
County	Outagamie County	1.836%	\$ 5,168,112.55
County	Ozaukee County	1.036%	\$ 2,915,812.19

Exhibit A – Local Government MOU

County	Pepin County	0.055%	\$	155,731.14
County	Pierce County	0.387%	\$	1,090,097.04
County	Portage County	0.729%	\$	2,051,646.77
County	Price County	0.149%	\$	418,982.95
County	Racine County	3.208%	\$	9,032,259.53
City	Mount Pleasant	0.117%	\$	328,726.36
City	Sturtevant	0.018%	\$	51,024.75
City	Union Grove	0.007%	\$	20,391.93
City	Yorkville Town	0.002%	\$	5,789.19
County	Richland County	0.218%	\$	613,039.53
County	Rock County	2.947%	\$	8,296,997.44
County	Rusk County	0.159%	\$	446,480.93
County	Sauk County	1.226%	\$	3,452,494.04
County	Sawyer County	0.258%	\$	726,277.60
County	Shawano County	0.418%	\$	1,177,533.50
County	Sheboygan County	1.410%	\$	3,968,065.47
County	St Croix County	0.829%	\$	2,334,940.90
County	Taylor County	0.159%	\$	446,606.58
County	Trempealeau County	0.320%	\$	900,061.49
County	Vernon County	0.322%	\$	907,265.83
County	Vilas County	0.468%	\$	1,317,892.57
County	Walworth County	1.573%	\$	4,428,578.12
County	Washburn County	0.185%	\$	520,869.98
County	Washington County	1.991%	\$	5,606,362.93
County	Waukesha County	6.035%	\$	16,990,548.02
County	Waupaca County	0.606%	\$	1,706,110.45
County	Waushara County	0.231%	\$	649,836.14
County	Winnebago County	2.176%	\$	6,126,478.97
County	Wood County	0.842%	\$	2,369,203.43

Exhibit A – Local Government MOU

**WISCONSIN STATE-LOCAL GOVERNMENT MEMORANDUM OF
UNDERSTANDING FOR THE ALLOCATION OF
OPIOID SETTLEMENT PROCEEDS**

WHEREAS, the State of Wisconsin (“State”), its communities, and their people have been harmed by misfeasance, nonfeasance and malfeasance committed by certain entities that engage in or have engaged in the manufacture, marketing, promotion, distribution or dispensing of an opioid analgesic, specifically related to the covered conduct by Defendants *In re: Opioid Litigation*, MDL 2804 pending in the United States District Court for the Northern District of Ohio (“Litigation”);

WHEREAS, certain Wisconsin local governments identified on the attached Exhibit A (“Local Governments”), through their counsel, and the State of Wisconsin, through its Attorney General, are separately engaged in investigations, litigation, and settlement discussions seeking to hold the Defendants in the Litigation accountable for the damage caused by their misfeasance, nonfeasance and malfeasance;

WHEREAS, the State of Wisconsin and the Local Governments share a common desire to abate and alleviate the impacts of the misfeasance, nonfeasance and malfeasance described above throughout the State of Wisconsin and in its local communities;

WHEREAS, the settlement discussions with Walgreens, Walmart, CVS, Teva, and Allergan (“Settling Defendants”) resulted in tentative agreements as to settlement terms (“Settlement Agreements”) pending agreement from the State of Wisconsin, the Local Governments and other parties involved in the Litigation;

WHEREAS, while the Local Governments and the State recognize that the sums which may be available from the aforementioned Settlement Agreements will likely be insufficient to fully abate the public health crisis caused by the Opioid epidemic, they share a common interest in dedicating the most resources possible to the abatement effort;

WHEREAS, the State of Wisconsin enacted Wis. Stat. § 165.12 which provides for an allocation of opioid settlement proceeds;

WHEREAS, the State and the Local Governments intend this Memorandum of Understanding (“MOU”) to effectuate the terms of future Settlement Agreements arising out of the Litigation in a manner consistent with Wis. Stat. § 165.12(2); and

WHEREAS, this MOU does not supersede or alter any previously agreed upon MOU between the State and Local Governments related to the Litigation.

NOW, THEREFORE, the State and the Local Governments, enter into this MOU upon the terms described herein.

1. As used in this MOU, the term “Opioid Settlement Proceeds” shall mean all funds allocated by a Settlement Agreement (“Settlement Payments”) to the State or Local

Governments for purposes of opioid remediation activities, as well as any repayment of those funds and any interest or investment earnings that may accrue as those funds are temporarily held before being expended on opioid remediation strategies. “Opioid Settlement Proceeds” do ***not*** include the “Additional Restitution Amount” (also known as additional remediation, or any other fund, proceed, or amount paid to States who did not utilize outside counsel), reimbursement of the United States Government, or separate funds identified in Settlement Agreements as direct or indirect compensation for a Party’s litigation fees, expenses, and/or costs.

2. The Settlement Administrator shall directly distribute the Opioid Settlement Proceeds to the State and to Local Governments in such proportions and for such uses as set forth in this MOU.
3. Opioid Settlement Proceeds shall be allocated as follows: (i) 30% to the State of Wisconsin (“State Share”); and (ii) 70% to Local Governments (“LG Share”). Opioid Settlement Proceeds shall not be considered funds of the State or any Local Government unless and until such time as each annual distribution is made.
4. 100% of the “Additional Restitution Amount” shall be paid to the State and deposited with the Department of Health Services.
5. Except for Opioid Settlement Funds expended in payment of attorney fees as provided in Wis. Stat. § 165.12(6), all Opioid Settlement Proceeds, regardless of allocation, and the entire “Additional Restitution Amount,” shall, consistent with Wis. Stat. § 165.12(3) and (4), and except as provided in Wis. Stat. § 165.12(5), be utilized only for purposes identified as approved uses for abatement in a Settlement Agreement.
6. If any portion of the LG Share is used for the payment of owed attorney fees as authorized under Wis. Stat. § 165.12(6), the Local Governments shall report to the Attorney General and the Joint Committee on Finance the amount of the payment(s) and provide the contract(s) under which the attorney fees are purportedly owed.

Notwithstanding any limitations or characterization of funds herein to the contrary, any payments for attorneys’ fees and expenses may only be paid for out of the owing Local Governments’ share.

7. The parties agree to comply with the terms of the Settlement Agreements, including but not limited to (a) a requirement that a certain percentage of the Settlement Payment be spent on remediation, and (b) that at least 70% of a Settlement Payment be used solely for future Opioid Remediation as defined by the Settlement Agreements.
8. The LG Share shall be paid to each Local Government by the Settlement Administrator based on the allocation created and agreed to by the Local Governments which assigns each Local Government a percentage share of the LG Share, less any applicable attorney fees as authorized under Wis. Stat. § 165.12(6) and referenced above.

9. Nothing in this MOU is intended to alter or change any Local Government's right to pursue its own claim. Rather, the intent of this MOU is to provide a mechanism for the receipt and expenditure of Opioid Settlement Proceeds. Notwithstanding the foregoing, only Local Governments who are Participating Subdivisions under a Settlement Agreement, and who agree to the terms of this MOU may directly receive Opioid Settlement Proceeds.
10. Notwithstanding any limitations or characterization of funds herein to the contrary, any payments for Local Government attorney's fees and expenses may be applied only to the LG Share or any Local Government share of the LG Share. The State shall have no responsibility for payment of attorneys' fees or litigation expenses.
11. The parties understand that the United States may claim a portion of the Opioid Settlement Proceeds for Medicaid reimbursement. The parties agree that, to the extent a claim for Medicaid reimbursement is made, the parties shall bear the liability for the reimbursement on a pro rata basis based upon the particular claims made by the United States related to the Medicaid reimbursement. The parties agree to meet, confer, and cooperate in good faith concerning the allocation of any such liability.
12. The Attorney General may extend this MOU to apply to future settlements with other entities who engage in or have engaged in the manufacture, marketing, promotion, distribution or dispensing of an opioid analgesic, specifically related to the covered conduct by Defendants in the Litigation. To exercise this option, the Attorney General shall send written notice to counsel for the Local Governments. The Local Governments shall have 30 days from the date of the notice to express in writing any objection(s) to the extension of the MOU to the settlement(s). If any Local Government objects to the extension of the MOU to the settlement(s), it shall not be extended.

Notice to the Local Governments shall be sent via regular U.S. Mail or email to:

Andrew Phillips
Attolles Law, s.c.
222 E. Erie Street
Suite 210
Milwaukee, WI 53202
aphillips@attolles.com

Erin Dickinson
Crueger Dickinson LLC
4532 N. Oakland Ave.
Milwaukee, WI 53211
ekd@cruegerdickinson.com

Burton LeBlanc
2600 CitiPlace Drive
Suite 400
Baton Rouge, LA 70809
bleblanc@baronbudd.com

Shayna Sacks
360 Lexington Avenue
Eleventh Floor
New York, NY 10017
ssacks@napolilaw.com

Christopher Smith
von Briesen & Roper, s.c.
411 E. Wisconsin Ave.
Suite 1000
Milwaukee, WI 53202
christopher.smith@vonbriesen.com

Steven Nelson
von Briesen & Roper, s.c.
411 E. Wisconsin Ave.
Suite 1000
Milwaukee, WI 53202
steven.nelson@vonbriesen.com

Any objection(s) by a Local Government shall be sent via regular U.S. Mail or email to:

Laura E. McFarlane
Assistant Attorney General
Wisconsin Department of Justice
17 W. Main Street
Post Office Box 7857
Madison, Wisconsin 53707-7857
mcfarlanele@doj.state.wi.us

and

R. Duane Harlow
Assistant Attorney General
Wisconsin Department of Justice
17 West Main Street
Post Office Box 7857
Madison, Wisconsin 53707-7857
harlowrd@doj.state.wi.us

13. This MOU may be executed in counterparts. Electronic signatures shall in all respects be considered valid and binding.

[Signatures on Following Page]

IN WITNESS WHEREOF, the parties hereby execute this MOU as of the date set forth below.

ON BEHALF OF THE STATE OF WISCONSIN:

Attorney General Josh Kaul

Date: _____

ON BEHALF OF THE LOCAL GOVERNMENTS:

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EXHIBIT A
Litigating Local Governments

Adams County
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Burnett County
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Chippewa County
Clark County
Columbia County
Crawford County
Dane County
Dodge County
Door County
Douglas County
City of Superior
Dunn County
Eau Claire County
Florence County
Fond Du Lac County
Forest County
Grant County
Green County
Green Lake County
Iowa County
Iron County
Jackson County
Jefferson County

Juneau County
Kenosha County
City of Kenosha
Village of Pleasant Prairie
Kewaunee County
La Crosse County
Lafayette County
Langlade County
Lincoln County
Manitowoc County
Marathon County
Marinette County
City of Marinette
Marquette County
Menominee County
Milwaukee County
City of Cudahy
City of Franklin
City of Greenfield
City of Milwaukee
City of Oak Creek
City of South Milwaukee
City of Wauwatosa
City of West Allis
Monroe County
Oconto County
Oneida County
Outagamie County
Ozaukee County

Pepin County
Pierce County
Portage County
Price County
Racine County
Village of Mount Pleasant
Village of Sturtevant
Village of Union Grove
Town of Yorkville
Richland County
Rock County
Rusk County
Sauk County
Sawyer County
Shawano County
Sheboygan County
St Croix County
Taylor County
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Vernon County
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Walworth County
Washburn County
Washington County
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Waupaca County
Waushara County
Winnebago County
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**ADDENDUM TO WISCONSIN LOCAL GOVERNMENT
MEMORANDUM OF UNDERSTANDING**

WHEREAS, the Local Governments entered into the MOU for purposes of memorializing their agreement surrounding, among other things, allocation of the proceeds of the settlements with McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho- McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc.;

WHEREAS, the settlement discussions with Walgreens, Walmart, CVS, Teva, and Allergan resulted in tentative agreements as to settlement terms (“Settlement Agreements”) pending agreement from the State of Wisconsin, the Local Governments and other parties involved in the Litigation; and

WHEREAS, the Local Governments intend this Addendum to the MOU to effectuate the terms of the Settlement Agreements and allocate the proceeds of the Settlement Agreements to each of the Local Governments in the same manner and same percentages as set forth in the MOU and Exhibit A thereto.

NOW, THEREFORE, the Local Governments enter into this Addendum to the MOU upon the terms described herein.

1. The Local Governments ratify, confirm and agree in all respects to the MOU. By this Addendum, the Local Governments agree that any and all proceeds of the Settlement Agreements defined herein shall be distributed, allocated and otherwise disposed of in the same manner as set forth in the MOU and Exhibit A thereto.
2. Nothing in this MOU is intended to alter or change any Local Government’s right to pursue its own claim. Rather, the intent of this MOU is to provide a mechanism for the receipt and expenditure of Opioid Funds.
3. This MOU may be executed in counterparts. Electronic signatures shall in all respects be considered valid and binding.

[Signatures on Following Page]

IN WITNESS WHEREOF, the parties hereby execute this Addendum as of the date set forth below.

ON BEHALF OF THE LOCAL GOVERNMENTS:

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1 **193-022023**

2

3 **RESOLUTION: Approval of a budget transfer in the amount of \$23,000 from the**
4 **Contingency Fund for GASB (Government Accounting Standards Board)**
5 **87 Leases for the 2022 audit**

6

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

8 **WHEREAS**, GASB (Government Accounting Standards Board) passed Pronouncement 87 on Leases that
9 requires a change in the way leases are calculated and recorded in the general ledger. GASB 87 is effective for the
10 2022 audit year. CLA (Clifton Larsen Allen), our audit firm, will begin our audit on April 24, 2023 and recommends
11 that Winnebago County have the leases recorded per GASB 87 by April 10th for CLA's review; and

12 **WHEREAS**, the Finance Director analyzed three (3) options: CLA, Visual Lease, and DebtBook. The most
13 complete package was through DebtBook as they review the leases with their staff of CPA's and lawyers and enter
14 the lease information into the software system for Winnebago County use. DebtBook also includes training. The
15 other two options (2) would be a combination of CLA review and Visual Lease software. When it was mentioned to
16 CLA that Winnebago County was going with DebtBook they were glad as they had seen many instances of this
17 software being used and would recommend it.

18 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it
19 authorizes a transfer of \$23,000 from the Contingency Fund to the Finance Department for the purpose of funding the
20 purchase of DebtBook services, software, and support.

21

22 *Fiscal Note: The Contingency Fund will be decreased by \$23,000.*

23

24 Respectfully submitted by:

25 **PERSONNEL & FINANCE COMMITTEE**

26 Commission Vote: 5-0

27

28 Vote Required for Passage: **Two-Thirds of membership**

29

30 Approved by the Winnebago County Executive this ____ day of _____, 2023.

31

32

33

34

Jonathan D. Doemel
Winnebago County Executive

Agenda Item Report



Winnebago County
The Wave of the Future

DATE: *January 31, 2023*
TO: *Personnel & Finance Committee*
FROM: *Paul Kaiser, Director of Finance*
RE: *Transfer from Wages to Professional Services*

Background:

CLA was relied upon to do additional work besides the normal audit due to the departure of the Finance Director and the Assistant Finance Director. The additional work was mapping the accounts from CLA's system to the MUNIS (ERP) system. This was previously done manually by the Assistant Finance Director.

Justification:

CLA had additional one time cost for mapping that can now be used in future years.

Request:

Quoted price of \$15,000 for 2022.

Attachments:

None

2 **RESOLUTION: Approval of Capital Improvement Projects for 2023, to Be Funded with**
3 **Transfers from the Unassigned General Fund Balance Which Will Either**
4 **Reduce the Unassigned General Fund Balance or Will Be Reimbursed by**
5 **a Subsequent Bond Issue.**

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

9 **WHEREAS**, the County annually engages in a capital improvement planning process, and prepares a
10 Capital Improvements Plan which projects capital needs over a five-year period as well as listing projects anticipated
11 for the current year; and

12 **WHEREAS**, the Capital Improvements Plan for 2023 through 2027 calls for 23 specific Capital Improvement
13 Projects which will include spending in 2023, and which are recommended by staff for approval at this time; and

14 **WHEREAS**, department heads have made presentations at previous meetings of the County Board
15 providing information about each of these 2023 projects including information about the need for each project and the
16 associated costs expected; and

17 **WHEREAS**, the total amount of County funding that will be needed for these 2023 projects is within the
18 range of capital spending approved by the Board in previous years, and is a reasonable and prudent amount which
19 will avoid sharp fluctuations or increases to the debt service levy; and

20 **WHEREAS**, it is desirable to approve the 2023 projects promptly in order to avoid any delay or potential cost
21 increases; and

22 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
23 authorizes capital improvement projects in the amounts and for the purposes listed below, for a total of \$10,319,362
24 in County funding and total expenditures of \$14,005,118 including outside funding sources:

- 25 (1) Design of Taxiway A reconstruction at the airport, with 2023 County funding of \$15,000, and
26 additional outside funding of \$285,000, for total 2023 spending of \$300,000;
- 27 (2) Replacement of a plow truck at the airport, with County funding of \$140,000;
- 28 (3) Courthouse fourth floor ceiling repairs, with County funding of \$155,000;
- 29 (4) Design and engineering for boiler replacement at the J.P. Coughlin Center, with County funding of
30 \$10,000;
- 31 (5) Installation of fall protection measures at the courthouse, with County funding of \$125,000;
- 32 (6) Masonry maintenance projects, with County funding of \$162,000;
- 33 (7) Design and engineering for boiler replacement at Neenah Human Services; with County funding of
34 \$10,000;
- 35 (8) Park View Health Center fire alarm replacement, with County funding of \$113,640;
- 36 (9) Roof replacement program, with County funding of \$275,624;
- 37 (10) CTH F (Omro to CTH D), with County funding of \$1,626,818;
- 38 (11) CTH JJ (CTH CB to STH 76), with County funding of \$929,600;
- 39 (12) CTH P (Midway Road to STH 47), with County funding of \$150,000;
- 40 (13) Highway Department office and shop renovation and repair, with County funding of \$600,000;

- 42 (14) CTH II (USH 45 to North County Line), with County funding of \$1,886,385 and additional outside
43 funding of \$450,641, for total 2023 spending of \$2,337,006;
- 44 (15) Repair and improvement of the Waukau Creek Dam, with County funding of \$230,000;
- 45 (16) Wiring and cameras at the jail, with County funding of \$350,000;
- 46 (17) Dispatch console work station replacement, with County funding of \$260,000;
- 47 (18) UWO-Fox Cities Barlow Planetarium updates, with County funding of \$77,500 and additional outside
48 funding of \$77,500, for total 2023 spending of \$155,000;
- 49 (19) UWO-Fox Cities food service and union facilities, with County funding of \$2,209,000 and additional
50 outside funding of \$2,209,000, for total 2023 spending of \$4,418,000;
- 51 (20) UWO-Fox Cities HVAC controls replacement, with County funding of \$44,165 and additional outside
52 funding of \$44,165, for total 2023 spending of \$88,330;
- 53 (21) UWO-Fox Cities library roof replacement, with County funding of \$175,000 and additional outside
54 funding of \$175,000, for total 2023 spending of \$350,000;
- 55 (22) UWO-Fox Cities replacement of science wing windows, with County funding of \$232,050 and
56 additional outside funding of \$232,050, for total 2023 spending of \$464,100; and
- 57 (23) Installation of redundant fiber loop, with County funding of \$542,600 and additional outside funding
58 of \$212,400, for total 2023 spending of \$755,000.

59 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that each of these projects
60 will receive a transfer from the unassigned general fund balance in the amount of the County funding stated above,
61 and project funding will either reduce the unassigned general fund balance or will be later reimbursed by a
62 subsequent bond issue.

63

64 *Fiscal Note: The total expenditures of \$14,005,118 authorized by this resolution will be funded with \$3,685,756 in*
65 *outside funding and County funding of \$10,319,862, which will come from transfers from the unassigned general fund*
66 *balance, and will either reduce the unassigned general fund or will be later reimbursed by a subsequent bond issue,*
67 *or a combination of these two funding sources.*

68

69 Respectfully submitted by:

70 **PERSONNEL & FINANCE COMMITTEE**

71 Committee Vote: 5-0

72

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

74

75 Approved by the Winnebago County Executive this ____ day of _____, 2023.

76

77 _____

78 Jonathan D. Doemel

79 Winnebago County Executive