

**ADJOURNED SESSION
COUNTY BOARD MEETING**

Tuesday, October 20, 1998

Chairman Joseph Maehl called the meeting to order at 6:00 p.m. in the County Board Room, Fourth Floor, Courthouse, Oshkosh.

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

The following Supervisors were present: 36 - Kollath, Barker, Griesbach, O'Brien, Maehl, Koziczowski, Klitzke, Lauson, Albrecht, Leschke, Schwartz, Bertrand, Sundquist, Wingren, Wagner, Warnke, Troxell, Payne, Lawson, Crowley, Kramer, Hue, Sievert, Arne, Diakoff, Brennand, Egan, Rankin, Rengstorf, Robl, Metzsig, Montgomery, Finch, Savas, Pech and Widener. Excused: 2 – Footit and Schaidler.

Motion by Supervisor O'Brien and seconded to adopt the proceedings from the September 1 and September 22, 1998, County Board meeting. CARRIED BY UNANIMOUS VOICE VOTE.

Motion by Supervisor Robl and seconded to act on the Zoning Reports and Ordinances immediately following the Public Hearing and to adopt the agenda with this amendment. CARRIED BY UNANIMOUS VOICE VOTE.

COMMUNICATIONS, PETITIONS, ETC.

A Notice of Claim from Eric J. Miller regarding damage to his truck's tail light while at the county's landfill was referred to the Personnel & Finance Committee.

A Notice of Claim from John J. Furman, III, regarding damage to his boat's hull after colliding with a Sheriff's Department patrol boat was referred to the Personnel & Finance Committee.

Petition for Zoning Amendment from John R. Davel for zoning change from A-2 to B-5 for a contractor's office was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Leonard Baer for zoning change from A-1 to R-2 for a residential development was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Sylvester J. Yogerst for zoning change from A-2 to R-2 for a residential development was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Thomas N. Rusch for zoning change from B-3 to B-3 Highway Business for mini-warehousing was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Timothy W. Wrase for zoning change from Agriculture to R-2 (Suburban Residential) for single-family residences was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from James Temmer for zoning change from R-S (single family, non-subdivided) to R-2 (single family subdivided) for single family residences was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Richard M. Gaylord for zoning change from R-1 to R-5 for residential use was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Richard Reed for zoning change from A-2/B-2 to A-2 for residential and hobby farm was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Robert Prescott for zoning change from R-1 to R-2, R-3, R-5 & B-5 for single-family, duplex, multi-family and commercial use was referred to the Planning & Zoning Committee.

Information on the following conferences and workshops were shared with the Board: *Mini-Conference, co-sponsored by East Central Wisconsin Regional Planning Commission and UW-Extension, "Local Regulation of Communication Towers", Friday, October 30, 8:30 a.m., Liberty Hall, Kimberly; *Fall 1998, "Zoning Board of Adjustment/Appeals Workshops", offered through the UW-Extension, various dates and locations; *ETN Sessions regarding "Local Land Use Planning & Zoning", various dates, 1998-1999; *WCA Educational Seminar, "Personnel Issues", November 9, 9:00 a.m., Wausau, Wisconsin.

COMMITTEE REPORTS

Supervisor Montgomery asked the Board to read the section about Park View Health Center in this month's Wavelength.

Supervisor Albrecht reported that approximately 40 people attended the dedication of the

Sesquicentennial memorial tree grove at the Coughlin Center on Saturday, October 17. He also reported that two Winnebago County families, Lee & Lynn Morgan and Thomas & Mary Lou Jones, were recognized by the Hillshire Farm Corp. for their 150 year farms. Supervisor Albrecht also reminded everyone that the Sesquicentennial history books are on sale in the County Clerk's Office.

PUBLIC HEARING

Russell L. Meerdink, 1555 South Park Avenue, Neenah, spoke against Amendatory Ordinance No. 10-04-98, which denies the change of zoning from A-1 (Farmland preservation) to A-2 (General Farming) for property owned by Amos Idhe.

Ron Achterberg, 6314 County Road M, Winneconne, spoke against Amendatory Ordinance Nos. 10-04-98 & 10-05-98, which deny the change of zoning from A-1 (Farmland preservation) to A-2 (General Farming) for properties owned by Amos Idhe and Richard Metzиг respectively.

Lloyd Thede, 9261 Pioneer Road, Neenah, spoke in support of Amendatory Ordinance Nos. 10-04-98 & 10-05-98, which denies the change of zoning from A-1 (Farmland preservation) to A-2 (General Farming) for properties owned by Amos Idhe and Richard Metzиг respectively.

Robert Hurkman, 123 West 15th Avenue, Oshkosh, spoke in support of Amendatory Ordinance No. 10-07-98, which approves his request for a zoning change from A-1 (Farmland preservation) to A-2 (General Farming).

Richard Metzиг, 8358 Valley View Circle, Neenah, asked that Report No. 005 and Amendatory Ordinance No. 10-05-98, be corrected to show that he is requesting a zoning change from A-1 (Farmland Preservation) to A-2 (General Farming). He also spoke against the Planning & Zoning Committees recommendation to deny his request.

Rodney Scholz, 229 Webster, Neenah, spoke against Amendatory Ordinance No. 10-05-98, which denies Richard Metzиг's request for a zoning change from A-1 (Farmland Preservation) to A-2 (General Farming).

COUNTY EXECUTIVE'S REPORT

Executive Van De Hey reported that a Human Services Study Group has been created. Serving on the study group are Supervisors Schwartz and Koziczkowski; Charlene Lowe, Park View Health Center Administrator; Sue Hueslbeck, Health Department Director; Keith Laux, Community Programs Director; and Dennis Wendt, Social Services Director. They will be going to Madison to meet with Joseph Leean, Secretary of Health & Family Services.

The 1999 Executive Budget was distributed to the Board. Executive Van De Hey told the Board that this was a very difficult budget to compile because the debt service is high and state revenue sharing is down. Executive Van De Hey thanked Finance Director Chuck Orenstein and all the department heads for their cooperation.

Executive Van De Hey encouraged the Board to pass Resolution No. 114-1098, "Authorize Executive of Deed to State of Wisconsin (Construction of Wisconsin Department of Natural Resources Building)"; No. 115-1098, "Authorize Execution of Agreement Between Winnebago County and State of Wisconsin Department of Natural Resources (Construction of Department of Natural Resources Office Building)"; and No. 116-1098, "Authorize Agreement Between Winnebago County and the State of Wisconsin Department of Natural Resources (Operations Agreement – Wisconsin Department of Natural Resources Building)".

Executive Van De Hey told the Board that the DNR has been working on the Fox Locks issue, as well as the Fox River remediation issue. She told the Board that the DNR's assistance in the remediation of the Fox River is very important to the county. She explained that it is important to have plans in place so we're not forced into becoming a superfund project.

COUNTY BOARD CHAIRMAN'S REPORT

Chairman Maehl extended "happy birthday" wishes to Supervisors Savas and Pech.

Chairman Maehl reported that Winnebago County received a premium dividend check for \$56,853 and a deductible fund refund check for \$136,748 from Wisconsin Counties Mutual Insurance Corporation.

Chairman Maehl read a letter he received from the Premier Group Real Estate Company

complimenting the GIS Department and the fine services that they provide.

Chairman Maehl commended Supervisor Koziczowski on his appointment as Chairman of the WCA Health & Human Services Steering Committee.

COUNTY BOARD CHAIRMAN'S APPOINTMENT

Parks & Recreation Committee

Chairman Maehl asked that the Board approve his appointment of Supervisor Finch to the Parks & Recreation Committee. He will replace Supervisor O'Brien who has resigned from that committee. Motion by Supervisor O'Brien and seconded to approve. CARRIED BY UNANIMOUS VOICE VOTE.

OVERALL ECONOMIC DEVELOPMENT PROGRAM EAST CENTRAL WISCONSIN REGIONAL PLANNING COMMISSION

Ms. Julie Kautza, Associate Planner with East Central Wisconsin Regional Planning Commission (ECWRPC), presented her Overall Economic Development Program 1998 Update. Ms. Kautza explained that east central Wisconsin is a "designated economic development district". This district is made up of 10 counties, including Winnebago County. It is the responsibility of ECWRPC to prepare the Overall Economic Development Program each year.

Ms. Kautza explained that the original document was created in 1981 and a comprehensive update was done in 1993. She told the Board that this 1998 Update is more comprehensive than the annual reports that they produce. Ms. Kautza told the Board that because there was no updated special data since the 1993 report was done, the focus of this report is an inventory of the region's resources. Included in the report is information on housing, transportation, parks and recreation, environmental characteristics, community facilities, financial resources, and economic and population data.

Ms. Kautza said that ECWRPC plans to have revised data within the next five years for those areas which were not updated in this report.

Ms. Kautza noted that on Page 273 is a list of projects that are up for consideration by the Economic Development Administration (EDA). Requests for projects are submitted annually by the municipalities to ECWRPC.

Also included in the report are inventories of industrial parks, sites and buildings. She told the Board that some of this information is available on their web site. Ms. Kautza asked the Board that if they find any incorrect information, that they inform ECWRPC so it can be corrected.

Ms. Kautza told the Board that information on the ranking of the projects begins on Page 266. She further explained that Winnebago County's projects are usually ranked lower, because economically Winnebago County does very well. The EDA gives priorities to areas that are economically "distressed".

WINNEBAGO COUNTY INDUSTRIAL DEVELOPMENT BOARD REPORT MIKE KOLES, COMMUNITY DEVELOPMENT EDUCATOR – UW EXTENSION

Mike Koles, Community Development Educator at the UW-Extension Office, presented the Winnebago County Industrial Development Board Report. He opened his presentation with the mission statement of the Industrial Development Board (IDB); which is, "to financially assist communities in Winnebago County to expand their tax base and to create jobs, as well as to promote Winnebago County awareness regionally, nationally and internationally as a good place to do business."

Mr. Koles explained that in 1992 an impact analysis of the Industrial Development Board and its revolving loan fund was completed. This report showed that 13 loans, totaling more than \$2.4 Million, had been made. In addition, almost \$200,000 in interest had been collected on those loans by 1992. He explained that prior to 1992, any interest made on these loans went back into the County's general fund. Now, the interest goes back into the IDB revolving loan fund.

Mr. Koles told the Board that as of 1998, 19 loans, totaling more than \$3.7 Million, have been made from the IDB revolving loan fund. These funds have retained or created almost 5,000 jobs in Winnebago County and generated an income of \$162 Million.

Mr. Koles explained that there are also indirect, or multiplier or ripple effect impacts made by these loans. Some of these "ripple effects" are the creation of almost 2,000 new unrelated jobs and an additional \$73 Million in annual income.

Mr. Koles told the Board that the combined direct and indirect impact on jobs in Winnebago County totals 6,472 new or retained jobs. The combined direct and indirect impact on income totals \$235,070,135.

Mr. Koles also provided additional miscellaneous impact information to the Board: to date, \$443,000 interest has been collected; in 1997, \$2.4 Million in annual tax revenue collected from these properties; for every \$1 loaned by the IDB, \$87 in annual income was created; for every \$415 loaned by the IDB, they created or retained one job (the national average is 1 job for every \$5,000).

Mr. Koles presented a real income impact comparison (adjusted for inflation) between 1992 and 1998. He showed that there has been a \$150 Million increase over the last six years. The total number of jobs created or retained since 1992 as a result of the IDB loans is 3,706.

ZONING REPORTS AND ORDINANCES

REPORT NO. 001. A report from the Planning & Zoning Committee regarding a requested zoning change from the Town of Neenah, applicant, for property owned by R. Hesten, R. Dorchnen, D. Kohler, B. Griesbach, D. Hoeft, R. Hesten, F.V. Islamic, R. Hesten, and D. Wendt, for zoning change to R-1 (Single family, non-subdivided). Motion by Supervisor Sievert and seconded to accept. CARRIED BY UNANIMOUS VOICE VOTE.

AMENDATORY ORDINANCE NO. 10-01-98. A request for zoning change from R-3 (Duplex) to R-1 (Single family, non-subdivided). Motion by Supervisor Sievert and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

REPORT NO. 002. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Cheri L. Potratz for property owned by Lionel D. Potratz, for zoning change to A-2 (General Farming). Motion by Supervisor Sievert and seconded to accept. CARRIED BY UNANIMOUS VOICE VOTE.

AMENDATORY ORDINANCE NO. 10-02-98. A request for zoning change from R-1 (Single family, non-subdivided) to A-2 (General farming). Motion by Supervisor Sievert and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

REPORT NO. 003. A report from the Planning & Zoning Committee regarding a requested zoning change from the applicant and property owner James Tritt for zoning change to A-2 (General farming). Motion by Supervisor Sievert and seconded to accept. CARRIED BY UNANIMOUS VOICE VOTE.

AMENDATORY ORDINANCE NO. 10-03-98. A request for zoning change from A-2/R-1 to R-1 (General farming/Single family, non-subdivided) to A-2 (General farming). Motion by Supervisor Sievert and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

REPORT NO. 004. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Meerdink & Associates, Inc., for property owned by Amos Idhe for zoning change to A-2 (General Farming). Motion by Supervisor Sievert and seconded to accept recommendation to deny. CARRIED BY UNANIMOUS VOICE VOTE.

AMENDATORY ORDINANCE NO. 10-04-98. A request for zoning change from A-1 (Farmland Preservation) to A-2 (General farming). Motion by Supervisor Sievert and seconded to deny. Ayes: 12 - O'Brien, Klitzke, Lauson, Pech, Troxell, Robl, Payne, Crowley, Arne, Diakoff, Brennand and Rankin. Nays: 24 - Kollath, Barker, Griesbach, Savas, Maehl, Koziczkowski, Widener, Albrecht, Leschke, Schwartz, Montgomery, Bertrand, Sundquist, Wingren, Wagner, Warnke, Lawson, Kramer, Finch, Hue, Sievert, Egan, Rengstorf and Metzsig. Excused: 2 - Footit and Schaidler. LOST.

REPORT NO. 005. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Richard Metzsig for zoning change to A-2 (General Farming). Motion by Supervisor Sievert and seconded to accept. CARRIED BY UNANIMOUS VOICE VOTE.

AMENDATORY ORDINANCE NO. 10-05-98. A request for zoning change from A-1 (Farmland Preservation) to A-2 (General farming). Motion by Supervisor Sievert and seconded to deny. Ayes: 11 - O'Brien, Klitzke, Lauson, Troxell, Robl, Payne, Crowley, Arne, Diakoff, Brennand and Rankin. Nays: 25 - Kollath, Barker, Griesbach, Savas, Maehl, Koziczkowski, Widener, Albrecht, Pech, Leschke, Schwartz, Montgomery, Bertrand, Sundquist, Wingren, Wagner, Warnke, Lawson, Kramer, Finch, Hue, Sievert, Egan,

Rengstorf and Metzlig. Excused: 2 - Footit and Schaidler. LOST.

AMENDATORY ORDINANCE NO. 6. A request from the Town of Wolf River on behalf of Brian Lee Kempf for zoning change from A-2 to A-3/B-1. Motion by Supervisor Metzlig and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

REPORT NO. 007. A report from the Planning & Zoning Committee regarding a requested zoning change from the applicant and property owner Robert Hurkman for zoning change to A-2 (General farming). Motion by Supervisor Sievert and seconded to accept. CARRIED BY UNANIMOUS VOICE VOTE.

AMENDATORY ORDINANCE NO. 10-07-98. A request for zoning change from A-1 (Farmland Preservation) to A-2 (General farming). Motion by Supervisor Sievert and seconded to adopt. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 8. A request from the Town of Rushford on behalf of Gladys Malson for zoning change from A-2 to A-3. Motion by Supervisor Egan and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

AMENDATORY ORDINANCE NO. 9. A request from the Town of Rushford on behalf of Dallas Kienast/Ryan Slugga for zoning change from A-2 to A-3. Motion by Supervisor Egan and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

RESOLUTIONS AND ORDINANCES

RESOLUTION NO. 106-1098: **ADOPTING THE OVERALL ECONOMIC DEVELOPMENT PROGRAM, 1998 ANNUAL REPORT--PREPARED BY THE EAST CENTRAL REGIONAL PLANNING COMMISSION**

WHEREAS, the East Central Wisconsin Regional Planning Commission has prepared an Overall Economic Development Program (OEDP) which analyzes the economy of the region and sets forth certain strategies to encourage economic development; and

WHEREAS, the Winnebago County Board of Supervisors has previously adopted the OEDP to enable designation of the region as an Economic Development District and continues to support the ongoing District Overall Economic Development Program of the Commission; and

WHEREAS, this program requires annual updating to maintain a current perspective on the economic development issues of Winnebago County and the Region; and

WHEREAS, the annual update maintains eligibility for Economic Development Administration funding of economic development projects and supports local development projects for other Federal and State programs; and

WHEREAS, Winnebago County and its municipalities have participated in the OEDP planning process;

NOW, THEREFORE, BE IT RESOLVED that the Winnebago County Board of Supervisors hereby adopts the Overall Economic Development Program 1998 Annual Report prepared by the East Central Wisconsin Regional Planning Commission.

Submitted by:
INDUSTRIAL DEVELOPMENT BOARD

Motion by Chairman Maehl and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

RESOLUTION NO. 107-1098: **Deny Claim of Roland G. Hansen, Sr.**

WHEREAS, Section 174.11, Wisconsin Statutes, allows for the owner of any domestic animal that is injured or killed by a dog to file a written claim for damages with the Clerk of the town, village or city in which the damages occurred, within three (3) days after the owner has knowledge of the damage and for said owner to be reimbursed from the County's Dog Licensing Fund for said damages; and

WHEREAS, pursuant to the affidavit of Roland G. Hansen Sr. which was filed with the Town

Board of Winchester, damage to chickens on his property which appeared to have occurred as a result of a dog attack occurred on July 31, 1998, but said claim was not filed with the Town Board of Winchester until September 17, 1998; and

WHEREAS, more than three (3) days had elapsed from the time of the damage to Mr. Hansen's chickens until the filing of his claim with the Town of Winchester Board; and

WHEREAS, in that said claim was untimely, your undersigned Personnel and Finance Committee does not believe that the County Board has jurisdiction to consider Mr. Hansen's claim.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby denies the claim of Roland G. Hansen Sr. for reimbursement for damages caused to chickens on his farm by a dog attack on July 31, 1998 in that said claim was untimely filed with the Town Board of Winchester and that the Winnebago County Board of Supervisors is without jurisdiction to consider said claim.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

WITHDRAWN.

RESOLUTION NO. 108-1098: Deny Claim of Ronald Wachholz

WHEREAS, Ronald Wachholz filed a claim with the Town of Nekimi pursuant to Section 174.11, Wisconsin Statutes, on August 21, 1998 for the death of 8 calves; and

WHEREAS, Mr. Wachholz alleged that said damage occurred on August 9, 1998 but no claim was filed with the Town Board of the Town of Nekimi until August 21, 1998; and

WHEREAS, Section 174.11(1), Wisconsin Statutes, requires that any claim for damages to any domestic animal that is injured or killed by a dog be filed with the town board in which the damages occurred within three (3) days after the owner has knowledge of the damages; and

WHEREAS, your undersigned Committee believes that the Winnebago County Board of Supervisors is without jurisdiction to consider said claim in that said claim was not timely filed within three (3) days of the date of the attack upon Mr. Wachholz's calves and thus recommends that said claim be denied.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby denies the claim of Ronald Wachholz pursuant to Section 174.11(1), Wisconsin Statutes, for damages caused by dogs to 8 calves on August 9, 1998 in that said claim was untimely filed with the Town Board of the Town of Nekimi and that the County Board of Supervisors is without jurisdiction to consider said claim.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

RESOLUTION NO. 109-1098: Authorize Increase in Pay for Winnebago County Bailiffs

WHEREAS, the responsibility of bailiffs in Winnebago County has substantially increased in the past several years, particularly in the areas of security and administration; and

WHEREAS, bailiffs receive per diem payment without fringe benefits; and

WHEREAS, bailiffs are part-time employees who are not assured any given number of working days per pay period; and

WHEREAS, the bailiffs in the Winnebago County Circuit Court System have not received a pay

increase in at least 8 years.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the per diem pay for Winnebago County bailiffs be increased from \$60.00 to \$70.00 per day effective January 1, 1999.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the Winnebago County Personnel Department shall review the issue of per diem pay for bailiffs on an annual basis hereafter.

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

Motion by Supervisor Rengstorf and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

RESOLUTION NO. 110-1098: **Authorize Write-Off of Accounts Receivable**

WHEREAS, the Winnebago County Finance Department and Winnebago County Corporation Counsel's Office have attempted to collect various accounts receivable which are owed to Winnebago County; and

WHEREAS, despite said attempts, said departments have been unable to collect a number of accounts receivable; and

WHEREAS, the Winnebago County Finance Director has recommended to your undersigned Committee that said accounts receivable be written off as being uncollectible; and

WHEREAS, the writing off of said debt does not act as a forgiveness of said debt and that the writing off of said debt is done purely for accounting purposes.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the writing off of those accounts as uncollectible which are attached hereto and made a part of this exhibit by reference.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

ORDINANCE NO. 111-1098: **Amend Section 3.07(2) and (3)(e), Winnebago County General Code - Procedure for Purchasing by Winnebago County Departments: Documentation Requirements: Exemptions - Competitive Purchasing**

WHEREAS, upon review of the Winnebago County Competitive Purchasing Ordinance, and the Winnebago County Finance Department, Winnebago County Purchasing Agent and Winnebago County Corporation Counsel identified several inconsistencies with regard to competitive purchasing for professional services which have caused confusion among departments; and

WHEREAS, this proposed amendment to said Ordinance shall amend inconsistent language which has led to confusion among department heads.

NOW, THEREFORE, the County Board of Supervisors of the County of Winnebago does ordain, in pertinent part, as follows:

That Section 3.07 (2) of the General Code of Winnebago County be amended to read as follows:

3.07 PROCEDURE FOR COMPETITIVE PURCHASING BY WINNEBAGO COUNTY DEPARTMENTS: DOCUMENTATION REQUIREMENTS:

(2) COMPETITIVE PURCHASING. Except as hereinafter provided, any procurement of goods and services by any department or other operating unit of Winnebago County, shall be obtained by competitive purchasing. For purposes of this Ordinance, a procurement exceeds \$10,000 if it falls into any of the following categories;...

BE IT FURTHER ORDAINED by the County Board of Supervisors of the County of Winnebago that Section 3.07(3)(e) of the General Code of Winnebago County be amended to read as follows:

(3) EXEMPTIONS.

(e) Services of a nature requiring both professional education and professional experience are exempt from the above requirements, except procurements relative to initial contracts of this nature where total amounts paid to a provider are reasonably expected to exceed \$25,000.

BE IT FURTHER ORDAINED by the County Board of Supervisors of the County of Winnebago that said Ordinance amendment shall take effect as of the date following the date of its publication.

Submitted by:

PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. Motion by Supervisor Wagner and seconded to amend Line 37 by changing "\$25,000" to "\$10,000". Vote on amendment - lost by voice vote. Vote on ordinance - CARRIED BY UNANIMOUS VOICE VOTE.

ORDINANCE NO. 113-1098: Create Section 3.05(8) of the General Code of Winnebago County (Payment to Assessors for Meeting Attendance)

WHEREAS, Section 73.06(1), Statutes, provides for the Wisconsin Department of Revenue to call an annual meeting of all local assessors for conference and instruction relative to their duties and evaluation and assessment of property and to also call a similar meeting of local clerks and other officials for conference and instruction relative to their duties and the evaluation and assessment of property; and

WHEREAS, said Statute further provide that each official attending such a meeting shall receive travel expenses from his or her residence to the meeting site and return and the compensation and mileage that the County Board of Supervisors establishes, but not less than \$5.00 per day and \$.06 per mile; and

WHEREAS, said Statute provides that compensation shall be paid out of the Treasury of the County in which the local official resides upon the certificate of the supervisor of equalization showing attendance and travel; and

WHEREAS, no ordinance has previously been established which establishes a per diem payment rate or a travel expense rate for said assessors; and

WHEREAS, many assessors serving municipalities within Winnebago County do not reside within Winnebago County and thus are not compensable from the Winnebago County Treasury.

NOW, THEREFORE, the County Board of Supervisors of the County of Winnebago does ordain

as follows:

The creation of Section 3.05(8) of the General Code of Winnebago County which shall read as follows:

(8) PER DIEM AND EXPENSE REIMBURSEMENT PURSUANT TO SECTION 73.06, WISCONSIN STATUTES. (1) This Section of the Code is adopted under the authority granted by Section 73.06(1), Wisconsin Statutes.

(2) Per Diem and Expenses. (A) Local municipal assessors, clerks and other officials attending a conference called by the Wisconsin Department of Revenue, pursuant to Section 73.06(1), Statutes, shall be paid a per diem of \$40.00 per day for attendance at said meetings.

(B) Local municipal assessors, clerks and other officials attending meetings called by the Wisconsin Department of Revenue pursuant to Section 73.06(1), Statutes, shall receive mileage expense reimbursement at the rate established pursuant to Section 3.05(4)(a)(1) of the General Code of Winnebago County. Said mileage expense reimbursement shall only be paid to those officials actually operating a motor vehicle as a means of transportation to or from said meetings. Officials utilizing public transportation shall be reimbursed at the actual rate of expense for said transportation, provided that said expense shall not exceed the automobile mileage reimbursement rate established pursuant to Section 3.05(4)(a)(1) of the General Code of Winnebago County.

(3) Residency. (A) Payment certificates of the Supervisor of Equalization showing attendance and travel shall be submitted to the Winnebago County Treasurer.

(B) The Winnebago County Treasurer shall make payments to all local municipal assessors, clerks and other municipal officials attending meetings pursuant to Section 73.06(1), Statutes, upon receipt of a proper certificate from the supervisor of equalization showing attendance and travel and upon proper verification that the residence of said local official was Winnebago County, with said payments to be made from the General Fund of Winnebago County.

(C) Payments to assessors shall be mailed by the Winnebago County Treasurer to the municipality of the assessor's employment with the exception that employees of a private assessment firm may be mailed payments directly by the Winnebago County Treasurer, within the Treasurer's discretion.

(4) EFFECTIVE DATE. This ordinance shall be effective as of the date following the date of its publication.

Submitted by:
PLANNING & ZONING COMMITTEE

Motion by Supervisor Sievert and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

**RESOLUTION NO 114-1098: **Authorize Execution of Deed to State of Wisconsin
(Construction of Wisconsin Department of Natural Resources
Building)****

WHEREAS, the Wisconsin Department of Natural Resources and Winnebago County have mutually agreed that it would be mutually beneficial to the agencies of each party and to the general public for the State of Wisconsin to construct an office building to house the Department of Natural Resources local offices on property adjacent to the James P. Coughlin Center; and

WHEREAS, the State of Wisconsin has indicated a desire to purchase land upon which said property would be constructed for the appraised sum of \$3400.00; and

WHEREAS, in that access to said building would be gained pursuant to a private drive owned by Winnebago County, it is also necessary for Winnebago County to grant the State of Wisconsin and ingress and egress easement to said property.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Clerk and the Winnebago County Executive to execute a deed to the State of Wisconsin for the following described piece of property which is adjacent to the James P. Coughlin Building in the City of Oshkosh, Winnebago County, Wisconsin:

That part of the N.E. 1/4 of Section 36, T19N, R16E, City of Oshkosh, Winnebago County, Wisconsin, which is bounded and described as follows:

Commencing at the N 1/4 Corner of said Section, Thence North 90°00'00" East along the North line of said 1/4 Section 1410.99 ft., thence South 00°00'00" East 239.67 ft. to the most Easterly corner of an existing masonry building, thence South 44°56'47" West along the outer face of the Southeasterly wall of said building 91.10 ft., thence South 45°03'13" East 20.00 ft., thence North 44°56'47" East 13.00 ft., to the Point of Beginning of the Footprint to be described, thence South 45°03'13" East 130.00 ft., thence South 44°56'47" West 78.00 ft., thence North 45°03'13" West 130.00 ft., thence North 44°56'47" East 78.00 ft. to the Point of Beginning.

Grantor further grants to Grantee an easement for ingress and egress to the above-described real estate and for vehicle parking to the following described real estate in Winnebago County, Wisconsin:

That part of the N.E. 1/4 of Section 36, T19N, R16E, City of Oshkosh, Winnebago County, Wisconsin, which is bounded and described as follows:

Commencing at the N 1/4 corner of said Section, thence North 90°00'00" East along the North line of said 1/4 Section 1410.99 ft., thence South 00°00'00" East 33.00 ft. to the Point of Beginning of the area to be described, thence continuing South 00°00'00" East 131.42 ft., thence South 44°29'39" East 45.69 ft., thence North 90°00'00" East 96.71 Ft., thence South 44°58'11" West 111.30 Ft., thence North 78°02'04" West 337.25 Ft., thence North 45°01'57" West 121.29 Ft., thence North 01°21'41" East 265.97 Ft., thence North 44°56'21" East 244.20 Ft., thence North 90°00'00" East along the South line of Sunnyview Road 195.75 Ft. to the Point of Beginning.

Said Deed shall be subject to the following restrictive covenants:

Grantee shall utilize said real estate for the sole purpose of providing office space to State of Wisconsin employees and agents. Grantee by acceptance of this Deed hereby covenants on behalf of itself, its successors and assigns to provide to Grantor the first and last right of refusal should Grantee or its successors or assigns offer said real estate for sale in the future. Grantee further covenants not to gift said real estate without the approval of Winnebago County.

Grantee further covenants on behalf of itself, its successors and assigns to obtain Grantor's prior

approval as to the exterior appearance of any structure constructed upon said real estate, any subsequent exterior alterations thereto, and as to any exterior signs posted upon said real estate. Consent of Grantor to said alterations shall not be unreasonably withheld.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that said deed shall be executed upon payment of \$3400.00 to Winnebago County.

Submitted by:
PROPERTY MANAGEMENT MAINTENANCE COMMITTEE

Motion by Supervisor Wagner and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

RESOLUTION NO. 115-1098: Authorize Execution of Agreement Between Winnebago County and State of Wisconsin Department of Natural Resources (Construction of Department of Natural Resources Office Building)

WHEREAS, the Wisconsin Department of Natural Resources desires to construct an office building to house its local office staff on a site immediately adjacent to the James P. Coughlin Center at 625 E. County Road Y, City of Oshkosh; and

WHEREAS, Winnebago County is willing and agreeable to act as a general contractor on behalf of the State of Wisconsin, Department of Natural Resources for construction of said building; and

WHEREAS, the construction of such a building by Winnebago County can be accomplished at a greater savings to the tax paying public than if said building was constructed by the State of Wisconsin.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Executive and Winnebago County Clerk to enter into a construction agreement whereby Winnebago County will act as a general contractor on behalf of the State of Wisconsin, Department of Natural Resources for the construction of an office building for the Department of Natural Resources adjacent to the James P. Coughlin Center in the City of Oshkosh.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the State of Wisconsin, Department of Natural Resources shall pay Winnebago County a price not to exceed \$1,511,912.00 for the construction of such a building with the actual costs of such project to be subject to bids received by Winnebago County from subcontractors.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that payment to Winnebago County for the costs of construction of said building shall be made in the following manner:

- 1/3 paid prior to the commencement of construction;
- 1/3 payable upon completion of 1/3 of the project;
- \$350,000 payable upon completion of 2/3rds of the project;
- and the balance due within ten (10) days of issuance of a certificate of substantial compliance by the architect/engineer.

A complete copy of the draft of said agreement (47 pages) may be obtained from the Office of Corporation Counsel.

Submitted by:
PROPERTY MANAGEMENT AND MAINTENANCE COMMITTEE

Motion by Supervisor Wagner and seconded to adopt. CARRIED BY UNANIMOUS VOICE

VOTE.

RESOLUTION NO. 116-1098: Authorize Agreement Between Winnebago County and the State of Wisconsin Department of Natural Resources (Operations Agreement - Wisconsin Department of Natural Resources Building)

WHEREAS, Wisconsin Department of Natural Resources intends to construct an office building on a site adjacent to the James P. Coughlin Center in the City of Oshkosh with said office buildings being attached by a connecting atrium; and

WHEREAS, the State of Wisconsin desires to utilize Winnebago County owned roadways and parking lots adjacent to the James P. Coughlin Center; and

WHEREAS, the State and County may desire to occasionally utilize common areas within the building of the opposite party; and

WHEREAS, the State desires Winnebago County to provide janitorial services and to maintain proper roadways, parking lots and sidewalks in relationship to the State's building.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes execution by the Winnebago County Clerk and Winnebago County Executive of an agreement which is attached herewith and made a part of this resolution by reference which shall provide access to employees, agents and guests of the State and County to common areas of the opposite party's building during normal working hours; provides that Winnebago County shall provide janitorial services to the State at a price of \$16,500 per year with said sum to be increased by 3% per year absent any unusual changes in the Consumer Price Index; and for the County to maintain roadways, parking lots and sidewalks used for ingress and egress to the State's building and to remove snow from said areas at a price of \$1583.00 per year. The term of said agreement shall be for one (1) year but shall be renewed automatically absent written notice of intent to discontinue being issued by one of the parties.

Submitted by:

**PROPERTY MANAGEMENT AND
MAINTENANCE COMMITTEE**

Motion by Supervisor Wagner and seconded to adopt. Supervisor Rankin expressed his concern about the use of "common areas" in the James Coughlin Center as addressed in Lines 25-27 in this resolution. He is concerned that there will be a negative impact on the county's use of these "common areas". Vote on resolutions - Ayes: 32. Nays: 1 - Maehl. Excused: 5 - Pech, Footit, Lawson, Schaidler and Finch. CARRIED.

Motion by Supervisor Schwartz and seconded to adjourn to November 9, 1998, at 6:00 p.m. CARRIED BY VOICE VOTE. The meeting was adjourned at 9:26 p.m.

Respectfully submitted,

Susan T. Ertmer
Winnebago County Clerk