

**ADJOURNED SESSION
COUNTY BOARD MEETING
August 17, 1999**

Chairman Joseph Maehl called the meeting to order at 6:00 P.M. in the Supervisors' Room, Fourth Floor, Courthouse, Oshkosh, Wisconsin.

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

Present: Kollath, Barker, Griesbach, Maehl, Koziczkowski, Klitzke, Widener, Lauson, Albrecht, Schwartz, Montgomery, Sundquist, Wingren, Wagner, Warnke, Troxell, Robl, Lawson, Crowley, Kramer, Schaidler, Finch, Spanbauer, Sievert, Arne, Diakoff, Brennand, Egan, Rankin, Rengstorf, O'Brien, Pech, Bertrand and Metzsig. Excused: Savas. Absent: Payne, Footit and Leschke.

Supervisor Robl moved and it was seconded to adopt the agenda with the following changes: act on the Chairman's appointments after the approval of the board proceedings and act on Resolution No. 278-899 after Resolution No. 279-899. CARRIED BY VOICE VOTE.

COMMUNICATIONS, PETITIONS, ETC.

Copies of the following adopted resolutions were received: Bayfield County, No. 99-055, "Opposition to Governor's Budget Proposal To Increase State Administrative Fee For Sales Tax Collection;" Juneau County, No. 99-40, "Oppose 1999 Assembly Bill 321 Relating To Proceeds From Sales Of Tax Delinquent Property;" Langlade County, Resolution #71-99, "Support Proposed Bill to Retain Land Records Fund With The Wisconsin Land Information Board," Resolution #72-99, "Oppose Governor's Budget Proposal To Increase State Administrative Fee For Sales Tax Collection," Resolution #73-99, "Request State Funding For County Jails" and Resolution #74-99, "Support Federal Campaign Finance Reform Legislation;" Lincoln County, Resolution No. 24-99, "Opposition To Governor's Budget Proposal To Increase State Administrative Fee For Sales Tax Collection;" Wood County, Resolution #99-7-10, "Seeking Legislative Policy Relief On County Jails;" and Menominee County, Resolution 99-7, "1999-2001 State Budget Relating to a Soil Mapping and Digitization Initiative in Partnership with Natural Resources Conservation Service (NRCS)."

Letters were received from Rep. Gregg Underheim and Senator Michael Ellis acknowledging receipt of Resolution No. 247-799, "Support Continued State Funding For Recycling Program".

Petition for Zoning Amendment from Jason Appleton for change from B-3 to R-5 for single family residence and multi-family apartment complex was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from James E. Smith for change from A-2/B-3 for Lot 1 and A-2/B-3 for Lot 2 to A-2 (Lot 1 – Hobby Farm) and B-3 (Lot 2 – Auto Dealership) was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Matthew M. Westphal for change from B-2 to B-3 for used car lot and parts sales was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Kurt Koepler for change from Agricultural to R-2 (Lots 1 through 25) and R-5 (Lot 26) was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Dean M. Hinske for zoning change from A-2 to R-1 for residential purposes was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from John E. Buttke and Dale V. Hardt for zoning change from A-2/R-1 to A-2 for single family residence and agriculture was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Raymond and Susan Poff for zoning change from R-1/A-1 to A-2 for agriculture and residential was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Robert P. O'Keefe for zoning change from A-2 to R-1/A-2 for residential purposes was referred to the Planning & Zoning Committee.

COMMITTEE REPORTS

Supervisor Rankin reported that in the last three months, the Public Health Department nursing staff has seen 696 clients, 2,672 people have visited various clinics and 157 environmental contacts (sanitarian) were made.

Supervisor Lauson reported that the Ethics Sub-Committee held their first meeting on August 3 and that Supervisor Schaidler was appointed to chair that sub-committee.

Supervisor Schaidler invited everyone to the next Ethics Sub-Committee meeting on Wednesday, September 8 at 6:30 p.m., in the Lounge Room at the Courthouse. He encouraged the Board to give the sub-committee their input on this issue. Supervisor Schaidler stated that a representative from the State Ethics Board will be at the September 8th meeting.

Supervisor Schaidler invited the Board to the upcoming September Planning & Zoning Committee public meetings. At these meetings, that committee will meet with town officials regarding farmland preservation and the comprehensive land use plan. A schedule of those meetings is in the August edition of the UW-Extension newsletter.

Supervisor Pech announced that he will be holding office hours in the Courthouse Lounge Room from 6:00 to 7:00 p.m. on August 24, September 20 and October 18.

Supervisor Robl reported that the City of Neenah is asking the county for financial assistance for the expansion of County Road JJ. There are plans for extensive development in that area and Supervisor Robl wanted to make the Board aware that this request may be forthcoming. Supervisor Robl also reported that the County Road CB project is slightly behind schedule because of the weather and problems with the sub-soil.

Supervisor Barker commented on the wonderful 1999 County Fair and how much she enjoyed judging the Clover Bud exhibits with Supervisor Rankin.

Supervisor Wagner reported that they will be interviewing construction managers for the new Sheriff's facility on Thursday of this week. They hope to interview for an architect next week.

Supervisor Sievert told the Board that she was honored to be asked to participate in presenting the Key Awards to the graduating seniors in the 4H program last Sunday. She was very impressed by their hard work and achievements.

Supervisor Finch reported that the Awards Committee met last week and that they are establishing clearer guidelines and criteria for the scholarship award program.

Supervisor Sievert asked the Board to attend the Town of Clayton's 150th Anniversary celebration next weekend. She then read the minutes from the first meeting of the Town of Clayton board, dated April 1849.

Motion by Supervisor Lauson and seconded to approve the proceedings from the July 21, 1999 board meeting. CARRIED BY VOICE VOTE.

COUNTY BOARD CHAIRMAN'S REPORT

Chairman Maehl stated that both the 1999 Winnebago County Fair and the 1999 EAA Convention were successes.

Chairman Maehl told the Board that the state's Department of Revenue has reported that Wisconsin's property values grew by \$17.6 billion in 1999. This is the largest one-year increase the state has ever had.

Chairman Maehl also reported that the nationwide ACT results rank Wisconsin first. He stated that 22.3 was the nationwide average score and Neenah's students' average score was 24.6.

Chairman Maehl announced that 350 Neenah senior citizens participated in the 14th Annual Senior Olympics.

Chairman Maehl reported that Wisconsin County Mutual Insurance Corporation will be refunding Winnebago County \$216,213, which is the unused portion of the county's deductible claims fund. Supervisor Brennand reported that in addition to this refund, the county will also receive a dividend check in the amount of \$57,000.

Chairman Maehl reported that Supervisor Helen Savas recently had emergency surgery. He asked that the Board keep her in their thoughts and prayers.

APPOINTMENT TO SUPERVISORY DISTRICT 30

Chairman Maehl introduced Steven J. Spanbauer, 490 Sunrise Bay, Neenah, and asked for the Board's approval of his appointment to Supervisory District 30. Mr. Spanbauer would fill the unexpired

term of John Hue, who retired from the Board. His term would begin immediately and end on April 17, 2000.

Motion by Supervisor O'Brien and seconded to approve. CARRIED BY VOICE VOTE.

COUNTY BOARD CHAIRMAN'S APPOINTMENTS

MILLENNIUM COMMITTEE

Chairman Maehl asked for the Board's approval of his appointment of Supervisor Steven Spanbauer to the Winnebago County Millennium Committee. Supervisor Spanbauer will replace John Hue who resigned from the Winnebago County Board. His term would begin immediately. Motion by Supervisor Troxell and seconded to approve. CARRIED BY VOICE VOTE.

UNIVERSITY OF WISCONSIN EDUCATION, EXTENSION AND AGRICULTURE COMMITTEE

Chairman Maehl asked for the Board's approval of the appointment of Supervisor Egan to the University of Wisconsin Education, Extension and Agriculture Committee. Supervisor Egan will replace John Hue who resigned from the Winnebago County Board. His term would begin immediately. Motion by Supervisor Lauson and seconded to approve. CARRIED BY VOICE VOTE.

LAND CONSERVATION COMMITTEE

Chairman Maehl asked for the Board's approval of the appointment of Supervisor Bernard Egan to the Land Conservation Committee. Supervisor Egan will replace John Hue who resigned from the Winnebago County Board. His term would begin immediately. Motion by Supervisor Lauson and seconded to approve. CARRIED BY VOICE VOTE.

HIGHWAY COMMITTEE

Chairman Maehl asked for the Board's approval of the appointment of Supervisor Robert Klitzke to the Highway Committee. He will complete the term of Supervisor Footit, who resigned from this Committee. Supervisor Klitzke's term will begin immediately. Motion by Supervisor Robl and seconded to approve. CARRIED BY VOICE VOTE.

AVIATION COMMITTEE

Chairman Maehl asked for the Board's approval of the appointment of Supervisor Tom Widener to the Aviation Committee. Supervisor Widener will replace John Hue who resigned from the Winnebago County Board. His term would begin immediately. Motion by Supervisor Troxell and seconded to approve. CARRIED BY VOICE VOTE.

PRESENTATION OF 1ST ANNUAL HIGH SCHOOL SCHOLARSHIP AWARD

Chairman Maehl presented the sixth of seven \$1,000 scholarships to Marisa Lee, a graduate from Oshkosh Christian School. Ms. Lee thanked the Board for their scholarship program and for awarding her one of the scholarships. The seventh recipient's scholarship will be mailed to her.

COUNTY EXECUTIVE REPORT

Executive Van De Hey asked the Board to refer to the report on their desks from the Wisconsin Department of Revenue. This report indicates that Winnebago County's property value increase from 1998 to 1999 is 5.53%, which is 69th in the state. She explained that this is an average increase for other counties in this area.

Executive Van De Hey reported that the budget process has been going very well. She thanked the department heads and supervisors for their cooperation.

Executive Van De Hey explained that she is requesting the Personnel & Finance Committee take responsibility for the disbursement of certain grants to the public sector. This issue will be discussed at the next Personnel & Finance Committee meeting.

Executive Van De Hey asked that the Board support the following: Ordinance No. 281-899, "Create Section 11.12 of the General Code of Winnebago County: Regulation of Tattoo and Body Piercing Establishments;" Resolution No. 284-899, "Authorize Transfer of \$7,721 from General Fund Balance to Capital Improvements Fund (Re: Renovation of Old District Attorney's Office);" and, Resolution No. 285-899, "Authorize Transfer of \$30,000 From Undesignated Fund Balance to Capital Outlay Fund--Winnebago County Maintenance Department (Purchase of Maintenance Van)."

PUBLIC HEARING

Rebecca Young, 2065 Menominee Drive, Oshkosh, representing Shelter Now International of Oshkosh, spoke in support of Resolution No. 292-899, "Authorize Exploration of Donation of Residence at 229 Northwestern Avenue, City of Oshkosh—Habitat for Humanity or Similar Organization."

Delphine Farvour, citizen, spoke in opposition to Amendatory Ordinance No. 08-03-99, request for zoning change from Carl Borchert.

APPOINTMENT – NEENAH LIBRARY BOARD

On behalf of Executive Van De Hey, Chairman Maehl asked for the Board's approval of Supervisor Steven Spanbauer to the Neenah Library Board. Motion by Supervisor Finch and seconded to approve. CARRIED BY VOICE VOTE.

ZONING REPORTS & ORDINANCES

REPORT NO. 001. A report from Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Guy Gerstmeyer for zoning change to P-2 (Institutional & Recreational Park District). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 08-01-99. A request for zoning change from A-1 (Agri-Business) to P-1 (Institutional & Recreational Park District). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

REPORT NO. 002. A report from Planning & Zoning Committee regarding a requested zoning change from applicant Robert Lloyd and property owner William Bartlett for zoning change to B-3 (General Business) Lot 1 only. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 08-02-99. A request for zoning change from R-1 (Single family non-subdivided)/B-2 (Community Business District) to B-3 (General Business) Lot 1 only. Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE.

REPORT NO. 003. A report from Planning & Zoning Committee regarding a requested zoning change from applicant Carl Borchert and property owner Bonny Borchert for zoning change to R-1 (Single Family Non-Subdivided). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 08-03-99. A request for zoning change from A-1 (Farmland Preservation)/R-1 (Single Family Non-Subdivided) to R-1 (Single Family Non-Subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE.

REPORT NO. 004. A report from Planning & Zoning Committee regarding a requested zoning change from applicant Diane Putzer and property owner Thomas Heise for zoning change to A-2 (General Farming). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 08-04-99. A request for zoning change from A-2 (General Farming)/R-1 (Single Family Non-Subdivided) to A-2 (General Farming). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE.

REPORT NO. 005. A report from Planning & Zoning Committee regarding a requested zoning change from property owner and applicant William Roeder for zoning change to R-1 (Single Family Non-Subdivided) for Lots 1 & 2 and A-2 (General Farming) for Lots 3 & 4. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 08-05-99. A request for zoning change from A-2 (General

Farming), M-2 (Heavy Industrial) and R-1 (Single Family Non-Subdivided) to R-1 (Single Family Non-Subdivided) for Lots 1 & 2 and A-2 (General Farming) for Lots 3 & 4. Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE.

REPORT NO. 006. A report from Planning & Zoning Committee regarding a requested zoning change from property owner Jim Tritt and applicant Larry Tritt for zoning change to A-2 (General Farming). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 08-06-99. A request for zoning change from A-2 (General Farming), R-1 (Single Family Non-Subdivided) and B-2 (Community Business District) to A-2 (General Farming). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE.

REPORT NO. 007. A report from Planning & Zoning Committee regarding a requested zoning change from property owner and applicant Tammy Harrer for zoning change to A-2 (General Farming). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 08-07-99. A request for zoning change from A-1 (Farmland Preservation) to A-2 (General Farming). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE.

REPORT NO. 008. A report from Planning & Zoning Committee regarding a requested zoning change from applicant Michael D. Golden and property owner Norman Marohn for zoning change to B-3 (General Business). Motion by Supervisor Schaidler and seconded to accept recommendation to DENY. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 08-08-99. A request for zoning change from A-1 (Agri-Business) to B-3 (General Business). Motion by Supervisor Schaidler and seconded to DENY. Ayes: 29. Nays: 4 – Pech, Sundquist, Arne and Rengstorf. Abstain: 1 – Spanbauer. CARRIED.

REPORT. NO. 009. A report from Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Timothy Goss for zoning change to M-2 (Heavy Industrial). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 08-09-99. A request for zoning change from B-3 (General Business District) to M-2 (Heavy Industrial). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 10. A request from the Town of Utica on behalf of Marvin and Betty Bradley for zoning change from A-2 to A-3. Motion by Supervisor Egan and seconded to adopt. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 11. A request from the Town of Utica on behalf of Richard and Cheryl Langenfeld for zoning change from A-3 to R-1 (Lot A) and A-3 (Lot B). Motion by Supervisor Egan and seconded to adopt. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 12. A request from the Town of Rushford on behalf of Francis H. and Jeffrey Schuster for zoning change from A-1 to A-3. Motion by Supervisor Egan and seconded to adopt. CARRIED BY VOICE VOTE.

REPORTS, RESOLUTIONS & ORDINANCES

ORDINANCE NO. 265-899: Amend Section 11.11, General Code of Winnebago County: Licensure and Regulation of Retail Food Establishments, Taverns, Hotels, Restaurants, Tourist Rooming Houses, and Other Establishments by Winnebago County Health Department

WHEREAS, Section 11.11, Winnebago County General Code, provides for the Winnebago County Health Department to regulate retail food establishments, taverns, hotels, restaurants, tourist rooming houses, and other establishments in unincorporated areas of Winnebago County; and

WHEREAS, said ordinance does not regulate temporary retail food establishments that operate in conjunction with a single event such as a fair, carnival, circus, public exhibition, anniversary sale, or occasional sales promotion; and

WHEREAS, your undersigned Board believes that said regulation is necessary to ensure for proper food safety by such establishments;

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

That Section 11.11(3)(n), Winnebago County General Code, be amended to read as follows:

11.11. Licensure and Regulation of Retail Food Establishments, Taverns, Hotels, Restaurants, Tourist Rooming Houses, and Other Establishments by the Winnebago County Health Department. . .

(3) Definitions.

(n) "Temporary Restaurant" or "Temporary Retail Food Establishment" shall mean a restaurant or temporary retail food establishment that operates at a fixed location in conjunction with a single event such as a fair, carnival, circus, public exhibition, anniversary sale, or occasional sales promotion.

BE IT FURTHER ORDAINED by the Winnebago County Board of Supervisors as follows:

That the Winnebago County Health Department 1999/2000 Permit Fee Schedule, which is an Appendix of Section 11.11, Winnebago County General Code, shall be amended to read as shown in the attached Schedule.

Submitted by:
WINNEBAGO COUNTY HEALTH BOARD

Motion by Supervisor Rankin and seconded to adopt. Ayes: 29. Nays: 4 - Klitzke, Montgomery, Rengstorf and Metzgi. Abstain: 1 - Spanbauer. Excused: Savas. Absent: Payne, Footit and Leschke. CARRIED.

RESOLUTION NO 275-899: Authorize Application for Grant from State of Wisconsin Office of Land Information Services (Land Record Modernization Activities)

WHEREAS, the State of Wisconsin Office of Land Information Services has made available a grant to Winnebago County in the amount of \$4,250 for the development of metadata for geographic (GIS) data; and

WHEREAS, your undersigned Committee deems it to be advisable to apply for said grant.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes David Levine as Winnebago County Data Administrator for the GIS, to receive a grant from the State of Wisconsin Office of Land Information Board in the amount of \$4,250 for the GIS metadata activities..

Submitted by:
PLANNING & ZONING COMMITTEE

Motion by Supervisor Schaidler and seconded to adopt. Ayes: 32. Nays: 0. Abstained: 1 - Spanbauer. Excused: 1 - Savas. Absent: 3 - Payne, Footit and Leschke. CARRIED.

RESOLUTION NO 276-899: Support Senate Bill 145

WHEREAS, Senate Bill 145 would allow 12 and 13 year old minors to be paid for umpiring or refereeing sports events involving minors of the same age group or a lesser age group than themselves for non-profit sports organizations; and

WHEREAS, said Bill would legitimize a practice which occurs widely throughout Winnebago County and the State of Wisconsin and would provide some protection against liability for volunteer sports officials of sports organizations utilizing such practice; and

WHEREAS, your undersigned Committee believes that to allow minors 12 years of age and older to serve as umpires or referees in sports events involving minors of the same or lesser age than

themselves is a beneficial practice for said minors to be involved in.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby expresses its support for Senate Bill 145.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby directs the Winnebago County Clerk to transmit a copy of this resolution to all legislators representing constituents within Winnebago County; to the Wisconsin Counties Association and to the Office of Governor Tommy Thompson.

Submitted by:
LEGISLATIVE COMMITTEE

Motion by Supervisor Lauson and seconded to adopt. CARRIED BY VOICE VOTE. (Supervisor Crowley voting nay.)

RESOLUTION NO 277-899: Authorize Tax Foreclosure on Property located at 1604 Elmwood Avenue, Oshkosh, Wisconsin

WHEREAS, the tax parcel located at 1604 Elmwood Avenue, City of Oshkosh is presently tax delinquent and no taxes have been paid upon said property for approximately 7 years; and

WHEREAS, the Schuppe Estate, which owns said property, is insolvent; and

WHEREAS, said property was formerly utilized in the past as a service station; and

WHEREAS, said property has experienced problems with regard to underground soil contamination as a result of its use as a service station; and

WHEREAS, said property sits on a non-conforming parcel of property and, as a result, future construction upon said property is improbable; and

WHEREAS, said property is presently abandoned and has become a visual nuisance to those living within that neighborhood and an attractive nuisance to children within that neighborhood; and

WHEREAS, the City of Oshkosh wishes to acquire said property and raze it for the purpose of removing such a nuisance within that neighborhood; and

WHEREAS, it is unlikely that any new construction could occur upon said property because of its non-conforming lot size; and

WHEREAS, there is no financial benefit to Winnebago County in allowing said property to continue to remain tax delinquent without foreclosure, provided that the City of Oshkosh would acquire said property immediately upon foreclosure upon it from Winnebago County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Treasurer and the Winnebago County Corporation Counsel to proceed to commence a tax foreclosure action against that property located at 1604 Elmwood Avenue in the City of Oshkosh, contingent upon the Oshkosh City Council adopting a resolution so as to provide that the City of Oshkosh would acquire said property from Winnebago County for the price of \$1.00 pursuant to a quit claim deed immediately subsequent to Winnebago County's foreclosure upon said property.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. Ayes: 32. Nays: 0. Abstain: 1 - Spanbauer. Excused: 1 - Savas. Absent: 3 - Payne, Footit and Leschke. CARRIED.

RESOLUTION NO. 278-899: Resolution Authorizing the Borrowing of Not to Exceed 7,200,000; and Providing for the Issuance and Sale of General Obligation Promissory Notes Therefor

WHEREAS, the County Board of Supervisors of Winnebago County, Wisconsin (the "County") hereby finds and determines that it is necessary, desirable and in the best interest of the County to raise funds for the purpose of paying the cost of acquiring and installing computer hardware, software and systems; constructing, extending and/or improving highways and roads; constructing and/or renovating and improving various new and existing County buildings, sites, parks and facilities; landfill cell

construction; and acquiring equipment, furnishings and fixtures (the "Project"), and there are insufficient funds on hand to pay said costs;

WHEREAS, the County Board of Supervisors hereby finds and determines that the Project is within the County's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b) of the Wisconsin Statutes;

WHEREAS, counties are authorized by the provisions of Section 67.12(12) of the Wisconsin Statutes to borrow money and to issue general obligation promissory notes for such public purposes; and,

WHEREAS, the County Board of Supervisors of the County hereby finds and determines that general obligation promissory notes, issued in one or more series, in the aggregate amount of not to exceed \$7,200,000 should be issued, and it is now necessary and desirable to authorize their issuance and sale.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Supervisors of the County that:

Section 1. Authorization of the Notes. For the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.12(12) of the Wisconsin Statutes, the principal sum of SEVEN MILLION TWO HUNDRED THOUSAND DOLLARS (\$7,200,000) from a purchaser or purchasers to be determined by competitive sale (the "Purchaser").

Section 2. Sale of the Notes. To evidence such indebtedness, the Chairperson and County Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the County, general obligation promissory notes, issued in one or more series, aggregating the principal amount of SEVEN MILLION TWO HUNDRED THOUSAND DOLLARS (\$7,200,000) (the "Notes"). There be and there hereby is levied on all the taxable property in the County a direct, annual tax in such years and in such amounts as are sufficient to pay when due the principal and interest on the Notes.

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

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

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

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

Adopted and recorded this 17th day of August, 1999.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. John Mehan, Robert W. Baird & Co., Inc., presented a "Financial Plan/Capital Improvement Borrowing" report. Ayes: 33. Nays: 0. Abstain: 1 - Spanbauer. Excused: 1 - Savas. Absent: 3 - Payne, Footit and Leschke. CARRIED.

RESOLUTION NO. 279-899: Appropriate \$389,250 for the replacement of the Heating, Ventilating and Air conditioning (HVAC) system in the "1300 Wing" of UW Fox Valley.

WHEREAS, the "1300 Wing" of the UW Fox Valley campus was constructed in 1962 and consists of 8 classrooms, 2 seminar/meeting rooms, and restrooms, and

WHEREAS, air conditioning is presently only available in one room with a rooftop unit and one or two other rooms have window units, and

WHEREAS, ineffective ventilation and air-conditioning in the wing makes teaching and learning challenging during early fall, late spring, and summer months because of the uncomfortable conditions, and

WHEREAS, the heating system in the wing is nearly 40 years old and is problematic and it's replacement was included in the County Executive's 5-year capital improvements program recommendations to the Board, and

WHEREAS, donation funding has become available if used to add on another classroom, and

WHEREAS, addition of the new classroom would by necessity eliminate ventilation to 2 existing classrooms taking them out of code compliance, and

WHEREAS, it would be most efficient to update the HVAC system at the same time the new classroom is built, and

WHEREAS, the funding requested represents ½ of the total cost. Outagamie County would be responsible for the other half.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates a sum of \$389,250 for Winnebago County's share of the replacement of the HVAC system in the "1300 Wing" of UW Fox Valley.

BE IF FURTHER RESOLVED, by the Winnebago County Board of Supervisors that funds to pay for said project are hereby appropriated from the General Fund of Winnebago County, with said fund to be reimbursed from a subsequent bond issue to pay for said costs of said project.

SUBMITTED BY
Personnel & Finance Committee

Motion by Supervisor Albrecht and seconded by adopt. Ayes: 32. Nays: 0. Abstain: 1 - Spanbauer. Excused: 1 - Savas. Absent: 3 - Payne, Footit and Leschke. CARRIED.

ORDINANCE NO. 280-899: Create Section 11.13 General Code of Winnebago County: Appeals Procedure

WHEREAS, Section 66.124, Wisconsin Statutes and Chapters HFS 173.04 and 174.11 of the Wisconsin Administrative Code mandate that a county must adopt an appeals procedure with regard to health matters in which the Winnebago County Health Department or Winnebago County Health Officer acts as an agent of the State of Wisconsin; and

WHEREAS, your undersigned Board supports the adopting of the attached Ordinance so as to bring Winnebago County into compliance with state law.

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

That Section 11.13 of the General Code of Winnebago County be created to read as follows:

APPEALS ORDINANCE FOR PUBLIC HEALTH DEPARTMENT

11.13 APPEALS

(1) **AUTHORITY.** This ordinance is created pursuant to that authority provided by Section 66.124 Stats. And Wisconsin Administrative Code, Chapter HFS 173.04 and 174.11.

(2) **APPLICABILITY.** This ordinance shall apply to the appeal of any written orders of any Winnebago County Health Officer issued pursuant to Sections 11.11 and 11.12 of this Code and to all matters wherein the Health Department has permit-issuing authority, pursuant to Section 254.69, Stats., except that this ordinance shall not apply in those cases where the Appellant has a right to a state administrative appeal hearing.

(3) (a) Within 30 days of issuance of a written order of the Health officer, the subject of such order may appeal such order to the Winnebago County Hearings Appeal Board of the Winnebago County Board of Health.

(b) The Hearings Appeal Board shall consist of any three members of the Winnebago County Board of Health who are available to hear such appeal. Such members shall be chosen at random by the Chairman of the Winnebago County Board of Health to preside at such an appeal subject to the availability of the members.

(4) Any notice issued by the Winnebago County Health Officer or designee pursuant to authority provided under 66.124(2), Stats. Shall be accompanied by a notice of hearing as provided in Sec. 68.11(1), Wis. Stats. Said notice shall provide that any subject of the notice shall have the right to a hearing on an appeal of the notice within 15 days of receipt of the notice by the County Health Officer provided that such appeal is filed within 30 days of the date of the notice.

(5) The Hearings Appeals Board shall issue a final written decision within 10 days of the conclusion of the hearing. Said decisions may include written orders as authorized by Sec. 66.124, Stats.

(6) Pursuant to Sec. 66.124(2)(b), Stats., no food described in any order issued and delivered by any Health Officer may be sold or moved and no operation or method of operation prohibited by any such order may be resumed, pending appeal, without the approval of the County Health Officer unless the order is terminated or any time period prohibiting an action expressed in the order terminates.

(7) EFFECTIVE DATE. This Ordinance shall be effective on the date following the date of publication.

Submitted by:
BOARD OF HEALTH

Motion by Supervisor Rankin and seconded to adopt. Ayes: 33. Nays: 0. Abstain: 1 - Spanbauer. Excused: 1 - Savas. Absent: 3 - Payne, Footit and Leschke. CARRIED.

ORDINANCE NO. 281-899: Create Section 11.12 of the General Code of Winnebago County: Regulation of Tatoo and Body Piercing Establishments

WHEREAS, as the agent for the State of Wisconsin, the State of Wisconsin, Department of Health and Family Services has recommended that Winnebago County adopt an ordinance regulating procedures and cleanliness in tatoo and body piercing establishments operating in those towns and other jurisdictions in which the Winnebago County Health Department has jurisdiction; and

WHEREAS, your undersigned Board recommends that the attached ordinance be adopted by Winnebago County for said purpose.

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

The creation of Section 11.12 of the General Code of Winnebago County which is herewith attached and made a part of this ordinance by reference.

BE IT FURTHER ORDAINED by the County Board of Supervisors of the County of Winnebago as follows:

That said ordinance shall be effective as of October 1, 1999.

Submitted by:
BOARD OF HEALTH

Motion by Supervisor Rankin and second to adopt. Ayes: 29. Nays: 2 – Wingren and Schaidler. Abstain: 1 - Spanbauer. Excused: 1 – Savas. Absent: 5 - Griesbach, Leschke, Footit, Robl and Payne. CARRIED.

RESOLUTION NO. 282-899: Support Adoption of Section 18.05 of Senate Bill 45 (Amendment to Tax Delinquency Statute)

WHEREAS, numerous polluted properties exist within the State of Wisconsin and within Winnebago County which are tax delinquent because of the clean-up costs associated with said

properties; and

WHEREAS, the cancellation of real estate taxes upon said properties result in the county eating those taxes which are npaid upon said properties; and

WHEREAS, Section 18.05 of Senate Bill 45 (the Senate Budget Bill) would provide for an amendment to Section 75.105(3), Statutes, which would read as follows:

"The County Treasurer shall charge back to the taxation district that included the tax delinquent real property on its tax roll any or all of the amount of taxes cancelled and shall include the amount of taxes cancelled as a special charge in the next tax levy against the taxation district."; and

WHEREAS, your undersigned Legislative Committee supports said amendment to Section 75.105(3), Wisconsin Statutes.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby supports the proposed amendment to Section 75.105(3), Wisconsin Statutes as is stated in Section 18.05 of Senate Bill 45..

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that support for said legislation is contingent upon no changes or alterations being made in the present proposed amendment as stated above..

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby directs the Winnebago County Clerk to transmit a copy of this resolution to all legislators representing constituents in Winnebago County, to the Wisconsin Counties Association and to the Office of Governor Tommy Thompson.

Submitted by:
LEGISLATIVE COMMITTEE

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

RESOLUTION NO. 283-899: Authorize Support of Alternative Water Sources Act of 1999

WHEREAS, legislation has been introduced in Congress, hereinafter known as House Resolution 1106 and Senate Bill 968, which is unofficially titled the Alternative Water Sources Act of 1999; and

WHEREAS, such legislation creates a program, within the United States Environmental Protection Agency, to fund the development of alternative water sources which maximize available water supplies while providing protection for natural resources; and

WHEREAS, said Bill would also assist many cities and municipalities with regard to the funding of infrastructure projects to meet future water needs and thus alleviate stresses on already strained municipal budgets.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes its support for the Alternative Water Sources Act of 1999, which is more specifically known as HR 1106 and companion Bill S 968..

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby directs the Winnebago County Clerk to transmit a copy of this resolution to Congressman Thomas Petri, Senators Russell Feingold and Herbert Kohl, and tot he Wisconsin Counties Association.

Submitted by:
LEGISLATIVE COMMITTEE

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

RESOLUTION NO. 284-899: Authorize Transfer of \$7,721 from General Fund Balance to Capital Improvements Fund (Re: Renovation of Old District Attorney's Office)

WHEREAS, the Winnebago County Family Court Counseling Office has requested an

appropriation of funds for the purpose of buying equipment such as cabinets, workstations, tables and for the installation of information systems equipment in relationship to its move from the Family Court Commissioner's Office to the old District Attorney's Office; and

WHEREAS, your undersigned Committee believes that the appropriation of said funds is appropriate and recommends the funds for said purpose be appropriated.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$7,721.00 from the General Fund Balance to the Capital Improvements Fund of the Winnebago County Family Court Counseling Office for the purchase of equipment, information systems items and moving costs in relationship to its relocation to the old District Attorney's Office in the Public Safety Building.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. Ayes: 32. Nays: 1. Abstain: 1 - Spanbauer. Excused: 1 - Savas. Absent: 3 - Payne, Footit and Leschke. CARRIED.

RESOLUTION NO. 285-899: Authorize Transfer of \$30,000 From Undesignated Fund Balance to Capital Outlay Fund - Winnebago County Maintenance Department (Purchase of Maintenance Van)

WHEREAS, the Maintenance van which is presently in use by the Winnebago County Maintenance Department is no longer suitable, because of its age and mechanical problems, for continued use in that capacity; and

WHEREAS, a request has been made to replace said van by the head of that Department, and your undersigned Committees believe that an appropriation for that purpose is reasonable and necessary.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the appropriation of \$30,000 from the Undesignated Fund Balance of the 1999 Winnebago County Budget to the Winnebago County Maintenance Department Budget for the purpose of purchasing a new utility van for that Department.

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

Motion by Supervisor Wagner and seconded to adopt. Ayes: 27. Nays: 6. Excused: 1 - Savas. Absent: 3 - Payne, Footit and Leschke. CARRIED.

RESOLUTION NO. 286-899: Authorize Transfer of \$22,000 from Undesignated Fund Balance to Capital Outlay Fund (Install Loading Dock Overhang - Courthouse Holding Cell Project)

WHEREAS, funding has been requested in the amount of \$22,000 for the installation of an overhang over the loading dock area as part of the Courthouse holding cell project; and

WHEREAS, the purpose of the overhang would be to shelter individuals from the elements; and

WHEREAS, said project is presently ineligible for funding from the Jail Improvement Fund.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$22,000 from the Undesignated Fund Balance to the Capital Outlay Fund of the 1999 Winnebago County Budget for the purpose of installing an overhang over the loading dock area of the Courthouse holding cells.

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

Motion by Supervisor Rengstorf and seconded to adopt. Ayes: 32. Nays: 0. Abstain: 1 - Spanbauer. Excused: 1 - Savas. Absent: 3 - Payne, Footit and Leschke. CARRIED.

RESOLUTION NO. 287-899: Authorize Transfer of \$40,000 from Undesignated Fund Balance to Other Improvements Fund - Winnebago County Maintenance Department (Remodeling of Former District Attorney's Office)

WHEREAS, the costs of remodeling the old District Attorney's Office into a suitable office space for the Family Court Counseling Office and other offices will cost approximately \$40,000; and

WHEREAS, your undersigned Committees believe that the appropriation of funds for said purpose is just and reasonable and in the best interest of Winnebago County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes a transfer of \$40,000 from the Undesignated Fund Balance of the 1999 Winnebago County Budget to the Other Improvements Fund of the Maintenance Department Budget for the purpose of remodeling the old District Attorney's Office in the Public Safety Building for its use as an office for the Winnebago County Family Court Counselors and for other purposes.

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

Motion by Supervisor Wagner and seconded to adopt. Ayes: 33. Nays: 0. Abstain: 1 - Spanbauer. Excused: 1 - Savas. Absent: 3 - Payne, Footit and Leschke. CARRIED.

RESOLUTION NO. 288-899: Adopt Attached Comments to the New Proposed Rules Involving Indian Trust Land

WHEREAS, the Department of the Interior has proposed revisions to Section 25 Code of Federal Regulations Part 151 which would streamline the trust land acquisition process on reservation lands and create tribal land acquisition areas, as well as modifying other rules, and these proposed rules would directly impact the quality of the human environment in counties where indian tribes would seek to acquire land; and

WHEREAS, the impact of proposed rules may be significant because the new rules would increase trust land acquisitions without adequately addressing the revenue losses and jurisdictional concerns of county governments; and

WHEREAS, your Corporation Counsel has reviewed and prepared comments regarding the proposed rules and your undersigned Personnel and Finance Committee believes that these comments should be forwarded to the U.S. Department of the Interior with the strongest possible endorsement by the Winnebago County Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Clerk to transmit the attached comments to the United States Department of Interior, to Congressman Thomas Petri and to Senators Herbert Kohl and Russell Feingold as a strong expression of Winnebago County's concern regarding the proposed changes to 25 CFR Part 151.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. Ayes: 32. Nays: 0. Abstain: 1 - Spanbauer. Excused: 1 - Savas. Absent: 3 - Payne, Footit and Leschke. CARRIED.

RESOLUTION NO. 289-899: Authorize Lease Amendment #3, Ground Lease Agreement Between Winnebago County and John Monnett

WHEREAS, John Monnett entered into a Ground Lease Agreement dated August 1, 1993 for premises located at Wittman Regional Airport; and

WHEREAS, Mr. Monnett wishes to amend said lease to add approximately 1,284 square feet to the description of the lease premises for a new total of approximately 11,284 square feet of land; and

WHEREAS, said additional 1,284 square feet of leased land would be rented to Mr. Monnett at the rate of \$.09 per square foot per year.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves the amendment of the ground lease between Winnebago County and John Monnett originally dated August 1, 1993 pursuant to those terms described above. A copy of the complete lease amendment may be obtained from the office of Winnebago County Corporation Counsel or from the office of the Airport Director.

Submitted by:
AVIATION COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. Ayes: 32. Nays: 0. Abstain: 1 - Spanbauer. Excused: 1 - Savas. Absent: 3 - Payne, Footit and Leschke. CARRIED.

RESOLUTION NO. 290-899: Commendation for Shirley A. Rymer

WHEREAS, Shirley A. Rymer has been employed with Park View Health Center of Winnebago County, for the past 29 years and 11 months, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Shirley A. Rymer has now retired from those duties, and it is appropriate for the Winnebago County Board of Supervisors to acknowledge her years of service.

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that sincere appreciation and commendation be and it hereby is extended to Shirley A. Rymer 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 Shirley A. Rymer.

Submitted by,
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 291-899: Authorize Payment for Excess Committee Days

WHEREAS, Section 59.13(2)(b), Statutes, allows that in counties with a population of 25,000 persons or more, the Board of Supervisors, may by a two-thirds vote of the members present, increase the number of days for compensation and mileage that may be paid in any year and fix the compensation for each additional day; and

WHEREAS, your undersigned Committee recommends that a per diem payment be made for those committee members who have committee days in excess of 30 days for the period between April 1, 1998 and March 31, 1999.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves a per diem compensation for persons serving on committees for more than 30 days as is shown in the attached report which is herewith attached and made a part of this resolution, for the period between April 1, 1998 and March 31, 1999.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. Ayes: 31. Nays: 1. Abstain: 1 - Spanbauer. Excused: 1 - Savas. Absent: 3 - Payne, Footit and Leschke. CARRIED.

**RESOLUTION NO. 292-899: Authorize Exploration of Donation of Residence at 229
Northwestern Avenue, City of Oshkosh - Habitat for Humanity
or Similar Organization**

WHEREAS, the residence which was acquired with the Wisconsin National Life property, which is located at 229 Northwestern Avenue, the City of Oshkosh is presently vacant; and
WHEREAS, it would cost a considerable amount of money to renovate the property so as to make the property a desirable rental residential property; and
WHEREAS, the County would also spend a considerable amount of funds to raze and fill in said property; and
WHEREAS, your undersigned believes that consideration should be given to donating said property to a charitable organization such as Habitat for Humanity or ADVOCAP which may be able to renovate said property.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the County Executive to explore the possibility of donating the residence located at 229 Northwestern Avenue, City of Oshkosh, to a charitable organization such as Habitat for Humanity, ADVOCAP or a similar organization for the purpose of renovating said property, contingent upon Winnebago County reserving a right of first refusal to repurchase said property in the future..

Submitted by:
JACQUELYN WAGNER, DIST # 19
COUNTY BOARD SUPERVISOR

Motion by Supervisor Wagner and seconded to adopt. Motion by Supervisor Brennand and seconded to refer to the Facilities and Property Management Committee. CARRIED BY VOICE VOTE.

Motion by Supervisor Wingren and seconded that his vote on Resolution No. 289-899 be changed from "nay" to "aye". CARRIED BY VOICE VOTE.

Motion by Supervisor Schwartz and seconded to adjourn until Tuesday, September 7, 1999. CARRIED BY VOICE VOTE. The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Susan T. Ertmer
Winnebago County Clerk

I, Susan T. Ertmer, do hereby certify that the foregoing is a true and correct copy of the Journal of the Winnebago County Board of Supervisors for their adjourned meeting held August 17, 1999.

Susan T. Ertmer
Winnebago County Clerk