

**ADJOURNED SESSION  
COUNTY BOARD MEETING  
Tuesday, April 15, 2003**

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

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

The following Supervisors were present: Sevenich, Griesbach, Hotynski, Scoville, Maehl, Koziczkowski, Klitzke, Widener, Lauson, Albrecht, Thompson, Steineke, Madison, Radewan, Sundquist, Wingren, Jacobson, Norton, Robl, Eichman, Kline, Tierney, Kramer, Schaidler, Finch, Farrey, Sievert, Arne, Diakoff, Brennand, Egan, Rankin, Pech, O'Brien and Rengstorf. Excused: Barker, Nielsen and Hert.

Motion by Supervisor Robl and seconded to adopt the agenda with moving Resolution 186-42003 to follow Resolution 165-32003. CARRIED BY VOICE VOTE.

**COMMUNICATIONS, PETITIONS, ETC.**

Notice of Claim from Jerome R. Beier for damage to his vehicle's tires caused by a spike from a stop strip that the Winnebago County Sheriff's Department used in a high speed car chase was referred to the Personnel & Finance Committee.

The following resolutions from various counties were received and forwarded to the Legislative Committee:

- Marinette County - Resolution No. 115 – "Request Legislative Action on the Merits of Wisconsin's Comprehensive Planning Law"
- Monroe County – Resolution 4-03-2- "Requesting Waiver from the State Mandate Administrative Code, Chapter 20 Regarding Lottery and Gaming Credit Processing"
- Oconto County - Resolution #18-03 - "To support federal legislation proposed by Senator Russ Feingold and Senator Grassley of Iowa to change the Medicare payment inequities between states."
- Waupaca County - Resolution 46 (2002-2003) – To Support Federal Legislation Proposed by Senator Russ Feingold and Senator Grassley of Iowa to Change Medicare Payment Inequities Between States"

The following resolution was received and forwarded to the Land Conservation Committee:

- Marinette County - Resolution 116 - "Opposing Wisconsin Department of Natural Resources Efforts to Amend NR115 to Address Nonconforming Structures"

Information from the Wisconsin Counties Association about an educational seminar entitled, "Non-Metallic Mining" was shared with the Board. It will be held on Monday, April 28 at the Park Inn International in Wausau. Any one who is interested in attending should contact the County Clerk's Office.

A Mini-Conference entitled "Economic Development in Smaller Communities" sponsored by East Central Wisconsin Regional Planning and UW-Extension Offices in the East Central Region will be held Friday morning, April 25 at La Sure's Banquet Hall & Catering. There is no charge for registration and no need for advance registration.

A letter from John L. Reinert, 8746 County Road MM, Larsen, expressing his concerns about the county's process for developing a comprehensive land use plan was read to the Board.

Petition for Zoning Amendment from Richard A. Happel, Town of Menasha, for zoning change from R-1 and B-2 to R-3 for a residential duplex was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Donavon Bradley, Town of Nekimi, for zoning change from AG-1 to AG-2 for residential purposes was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Charles Thompson, Town of Neenah, for zoning change from Agriculture/P-1/R-5 to R-2 for a single-family residence was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Greg Schuh for G & G Investments, LLC, Town of Wolf River, for zoning change from B-2 to R-5 for a residential condominium development was referred to the Planning & Zoning Committee.

**REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS**

Supervisor Finch reported 29 students applied for scholarships. Two schools, Oshkosh North and St. Mary's, Menasha did not have any students applying. Lourdes High School had 12 applicants and Oshkosh West had 8. Supervisor Finch said the committee will be working this summer to find ways for more students to participate.

Supervisor Finch asked Supervisor Schaidler why the Town of Menasha had to remain in Town/County zoning and how and when that could change. Supervisor Schaidler explained that once you have opted to participate

in Town/County Zoning, there is only one way to get out, and that is if a comprehensive rewrite of the zoning ordinance is done. Supervisor Schaidler felt that that may be done in 2010 after the Comprehensive Land Use Plan is completed. He hoped there will be a comprehensive rewrite of the zoning ordinance at that time.

Supervisor Norton invited all supervisors to the annual meeting and picnic for Advocap, which will be held Thursday, May 15 at 6:00.

Supervisor Kline announced one of Wittman Airport's tenants, Bruce and Rae Bottermann of New View Technologies, received the Wisconsin Aviation Business of the Year Award at the Wisconsin Aviation Conference.

Supervisor Widener said he would like to update the surplus to \$700,000 Park View Health Center had at year-end 2002. He also read a letter Ms. Rankin received from a resident's family thanking them for all their care and concern. Chairman Maehl stated Supervisor Widener had made a donation to Park View Health Center for personal care.

Supervisor Madison had questions regarding the Legislative Committee, their composition and how agenda items are determined. He was referred to Supervisor Barker.

Motion by Supervisor Lauson and seconded to approve the proceedings from the March 11 and March 25, 2003 County Board meetings. CARRIED BY VOICE VOTE.

### **COUNTY EXECUTIVE'S REPORT**

Executive Van De Hey asked for the Board's support of the following resolutions:

- Resolution 165-32003: Support Continuance of Agricultural Chemical Clean Sweep Program-(Sustain veto); Executive Van De Hey explained she had to veto this resolution, for it was in direct conflict with a resolution passed by the Solid Waste Management Board in December 2002.
- Resolution 180-42003: Support Transfer of \$500,000,000 from State Transportation Fund to State Shared Revenue Fund;
- Resolution 186-42003: Authorize the Project Expenditures for the 2003 Phase of Construction for the CTH JJ Project Between Tullar Road and CTH CB;
- Resolution 192-42003: Combine the Part-Time Position of Director of Activity/Volunteer Services and the Full-Time Position of Director of Social Services into One Full-Time Position of Director of Activity and Social Services;
- Resolution 194-42003: Authority to Execute 2003 Labor Agreement with the Winnebago County Highway Department Employees' Union, Local 1903, AFSCME;
- Resolution 195-42003: Support of U.S. Military & Warrant Officer Mark Nielsen.

Executive Van De Hey reported on an ad hoc committee cooperatively with Outagamie County. Supervisor O'Brien is currently the chair. This committee will be looking at ways to create partnerships that will assist both counties in trying to compensate for State Revenue Sharing reductions. These partnerships will include all areas of transportation, airport, aviation authority, joint purchase, personnel and insurance issues, medical examiners and regional approaches to crime.

### **COUNTY EXECUTIVE'S APPOINTMENTS**

#### **Advocap Board of Directors – Winnebago County**

Executive Van De Hey asked for the Board's approval of her re-appointments of Supervisors Alfred Jacobson, Ron Eichman and Phillips L. Scoville as Winnebago County's representatives on the Advocap Board of Directors. These are two-year terms that will expire on April 20, 2005.

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

#### **Affirmative Action Commission**

Executive Van De Hey asked for the Board's approval of her re-appointment of Supervisor David Albrecht to the Affirmative Action Commission. This is a three-year term that will expire on April 20, 2006.

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

#### **Board of Adjustment**

Executive Van De Hey asked for the Board's approval of her appointment of Mary Mathwig to the Board of Adjustment. Ms. Mathwig will complete Betty Pollack's term, which will expire on June 30, 2003.

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

### **Commission on Aging**

Executive Van De Hey asked for the Board's approval of her appointment of Supervisor Don Griesbach to the Commission on Aging. Mr. Griesbach will replace Supervisor Koziczowski whose term has expired. This is a three-year term that will expire on April 20, 2006.

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

### **Commission on Aging**

Executive Van De Hey asked for the Board's approval of her appointment of Mr. Roger Jaeger, 214 East River Drive, Omro, to the Commission on Aging. Mr. Jaeger will replace Zeno Job whose term has expired. This is a three-year term that will expire on April 20, 2006.

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

### **Commission on Aging**

Executive Van De Hey asked for the Board's approval of her re-appointment of Esther Walling to the Commission on Aging. This is a three-year term that will expire on April 20, 2006.

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

### **Winnebago County Housing Authority**

Executive Van De Hey asked for the Board's approval of her appointment of Rebecca Hackett, 1618 Sheridan Street, Oshkosh, to the Winnebago County Housing Authority. Ms. Hackett will replace Charles Retzlaff whose term has expired. This is a five-year term that will expire on April 21, 2008.

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

### **Solid Waste Management Board**

Executive Van De Hey asked for the Board's approval of her appointment of Michael Easker, 1115 Pendleton Road, Neenah, to the Solid Waste Management Board. Mr. Easker will complete the unexpired term of Roger Jaeger who resigned. This is a three-year term that will expire on April 21, 2005.

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

### **CHAIRMAN'S REPORT**

Chairman Maehl extended happy birthday wishes to Supervisors Sevenich, Widener, Barker, O'Brien and Albrecht. He also thanked Supervisors Albrecht and O'Brien for their financial contributions to the Scholarship Fund. Chairman Maehl announced to date \$5,000.00 has been given to the Scholarship Fund through Supervisor contributions.

Chairman Maehl noted Supervisor Nielsen was deployed right after his promotion to Warrant Officer and hoped Supervisor Hert's promotion to Major would not result in the same fate.

At this point in the meeting, Chairman Maehl asked the Board to go to Resolution 195-42003.

### **RESOLUTION NO. 195-42003: Support of the U.S. Military & Warrant Officer Mark Nielsen**

WE, AS THE WINNEBAGO COUNTY BOARD OF SUPERVISORS, of the State of Wisconsin, United States of America, hereby state that we unequivocally support our men and women in the service of our country; and with special consideration for Warrant Officer Mark Nielsen, USMC.

Submitted by,  
WILLIAM WINGREN, SUPERVISOR DIST. 18  
JOSEPH MAEHL, SUPERVISOR DIST. 6  
COUNTY BOARD SUPERVISORS

Motion by Supervisor Wingren and seconded to adopt. Ayes: 35. Nays: 0. Excused: 3 - Barker, Nielsen and Hert. CARRIED.

## PUBLIC HEARING

Jeff Christianson, representing Radke Contractors, spoke regarding Zoning Report No. 008 and Amendatory Ordinance # 04/08/03 - "Applicant is requesting a text amendment to add Section 17.31, Section A-Construction Site Erosion Control and Section B-Stormwater Management Zoning in accordance with Section 59.693, Wisconsin Statutes." He noted several areas that were either unclear or in error. He requested the ordinance be sent back to committee and that it would return with an effective date of January 1, 2004. Supervisor Schaidler asked Mr. Christianson for a copy of his presentation.

## ZONING REPORTS & ORDINANCES

REPORT NO. 001. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Deborah Noffke, Town of Omro for zoning change to A-2. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 04-01-03. A request for zoning change from R-1 (Single family non-subdivided) to A-2 (General Farming). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – April 17, 2003)

REPORT NO. 002. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Emerson Rieckmann, Town of Clayton, for zoning change to A-2. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 04-02-03. A request for zoning change from A-1 (Exclusive Agriculture) to A-2 (General Farming). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date –April 17, 2003 )

REPORT NO. 003. A report from the Planning & Zoning Committee regarding a requested zoning change from applicants and property owners Peter and Susann Vander Wielen, et al, Town of Menasha, for zoning change to M-2. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 04-03-03. A request for zoning change from M-1 (Light Industrial) to M-2 (Heavy Industrial). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – April 17, 2003)

REPORT NO. 004. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Alan Davey for zoning change to R-2. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 04-04-03. A request for zoning change from A-2 (General Farming) to R-2 (Single Family subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. Nay: 1 - Brennand. Abstain: 1 - Schaidler. (Effective date – April 17, 2003)

REPORT NO. 005. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Wayne Erdmann, Town of Clayton, for zoning change to R-1. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 04-05-03. A request for zoning change from A-1 (Exclusive Agriculture) to R-1 (Single Family non-subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – April 17, 2003)

REPORT NO. 006. A report from the Planning & Zoning Committee regarding a requested zoning change from applicants Steven & Tammy Brooks and property owners Ronald & Shelby Becker, Town of Winneconne, for zoning change to B-3. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 04-06-03. A request for zoning change from A-2 (General Farming) to B-3 (General Business). Motion by Supervisor Schaidler and seconded to adopt **subject to approval by the Village of Winneconne per the extraterritorial zoning jurisdiction**. CARRIED BY VOICE VOTE. (Effective date – April 17, 2003)

REPORT NO. 007. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Kenneth Allcox, et al, Town of Neenah, for zoning change to A-2. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 04-07-03. A request for zoning change from R-1 (Single Family non-subdivided) to A-2 (General Farming). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – April 17, 2003)

REPORT NO. 008. A report from the Planning & Zoning Committee regarding a requested text amendment to Sec. 17.31, Section A – Construction Site Erosion Control and Section B – Stormwater Management Zoning. Motion by Supervisor Schaidler and seconded to accept. Supervisor Farrey stated only 7 out of 16 towns are in favor

of this Ordinance. Motion by Supervisor Farrey and seconded to send ordinance back to committee for review.  
CARRIED BY VOICE VOTE.

At approximately 7:25 p.m. Chairman Maehl asked for a brief recess. At approximately 7:40 p.m. the Board reconvened.

**RESOLUTIONS & ORDINANCES**

**COUNTY EXECUTIVE’S VETO  
MESSAGE OF:**

**RESOLUTION NO. 165-32003: Support Continuance of Agricultural Chemical Clean Sweep Program**

WHEREAS, the State of Wisconsin's Agricultural Chemical Clean Sweep Program provides grants which play a critical role in helping counties collect dangerous chemicals from the agricultural community in a safe, convenient and efficient manner; and

WHEREAS, since 1990, Clean Sweep collections have grown to become frequent, multi-faceted events which have diverted over two million pounds of chemicals per year from Wisconsin landfills ; and

WHEREAS, even though a large range of chemicals are accepted at clean sweeps and only 10% of waste is pesticide-related, pesticide product registration fees have been the sole source of state grants for both the Department of Agriculture and Department of Natural Resources Household Hazardous Waste Grant Program; and

WHEREAS, there is a significant shortfall in the Department of Agricultural Management Program which presently places the Agricultural Clean Sweep grants to counties in jeopardy; and

WHEREAS, it is unlikely that most clean sweep programs will continue on a county-wide basis without the continuation of state grants.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby supports the continued funding of Agricultural Clean Sweep Grants by the State of Wisconsin through a combination of Recycling Fund surplus revenues, pesticide product fees and hazardous product surcharges.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it supports the combination and administration of the Agricultural Clean Sweep Program and the Household Hazardous Waste Program within the Department of Agriculture to achieve a more efficient and succinct administration at both the state and local level.

Submitted by:  
NANCY BARKER, DISTRICT #2  
STEPHEN A. RANKIN, DISTRICT #36  
COUNTY BOARD SUPERVISORS

Motion by Supervisor Rankin and seconded to reconsider. CARRIED BY VOICE VOTE. Motion by Supervisor O'Brien and seconded to remove from line 29 - "Recycling Fund surplus revenue,". Supervisor O'Brien withdrew his motion. Motion by Supervisor Rankin to table this resolution. Motion failed for lack of second. Motion by Supervisor O'Brien and seconded to sustain veto. Supervisor O'Brien stated the reason to sustain the veto was to then allow a new resolution to be brought forward by the Solid Waste Management Board in the future. Ayes: 34. Nays: 1 - Schaidler. Excused: 3 - Barker, Nielsen and Hert. CARRIED.

**RESOLUTION NO. 186-42003: Authorize the project expenditures for the 2003 phase of construction for the CTH JJ project between Tullar Road and CTH CB**

WHEREAS, the Winnebago County Board of Supervisors supports the reconstruction of CTH JJ and,  
WHEREAS, the design phase of the project has been completed and all of the right of way has been acquired and,

WHEREAS, the project was included in the Five Year Capital Improvement Plan and,

WHEREAS, the project will have a positive economic impact on Winnebago County due to increased development in the area that adjoins CTH JJ and,

WHEREAS, the portions of CTH JJ that are located west of CTH CB will continue to see increased average daily traffic and,

WHEREAS, Pendleton Road in the City of Neenah will be constructed as a four lane facility including a pedestrian bike path, which will intersect with CTH JJ and CTH CB and,

WHEREAS, the pedestrian – bike path will allow safe travel for residents of Winnebago County along CTH JJ, CTH CB and Pendleton Road.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates \$857,000 to the CTH JJ project from the General Fund of Winnebago County.

BE IT FURTHER RESOLVED that funds to pay for said improvements be accepted from CHIP funding and the City of Neenah with the remainder amount of \$577,000 being advanced from the General Fund of Winnebago County, with said fund to be reimbursed from a subsequent bond issue.

*Fiscal Impact: Approximate annual debt service = \$ 72,100 or just under 1-penny on the tax rate.*

Submitted by:  
HIGHWAY COMMITTEE

Motion by Supervisor Robl and seconded to adopt. John Haase, Highway Commissioner, gave a brief overview of the project. Vote on resolution - Ayes: 34. Nays: 1 - Wingren. Excused: 3 - Barker, Nielsen and Hert. CARRIED.

**RESOLUTION NO. 177-42003: Authorize the transfer of 1345 feet of CTH W to the Town of Winchester**

WHEREAS, the Winnebago County Board of Supervisors previously approved the transfer of CTH W to the State of Wisconsin in order to allow the former county trunk highway to become a frontage road for the newly constructed portion of USH 10 in the Town of Winchester and,

WHEREAS, approximately 1345 feet of CTH W was inadvertently omitted in the original transfer agreement and,

WHEREAS, the Town of Winchester is willing to accept jurisdiction of this portion of CTH W and,

WHEREAS, there is no economic impact to Winnebago County,

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves the transfer jurisdiction of the portion of CTH W to the Town of Winchester beginning at the boundary of the North County Line of Winnebago County and the South County Line of Waupaca County and continuing southward for approximately 1345 feet to its terminus with Spiegelberg Road.

Submitted by:  
HIGHWAY COMMITTEE

Motion by Supervisor Robl and seconded to adopt. Ayes 34. Nays. 0. Absent: 1 - Widener. Excused: 3 - Barker, Nielsen and Hert. CARRIED.

**RESOLUTION NO. 178-42003: Authorize Execution of Ground Lease Between Joseph B. Norris and Winnebago County (Wittman Regional Airport)**

WHEREAS, the Winnebago County Aviation Committee has approved the execution of a ground lease between Winnebago County and Joseph B. Norris for a 4,096 square foot parcel of property at Wittman Regional Airport for a term of twenty (20) years at an initial rate of \$.11 per square foot per year with said rent to be subject to renegotiation at three (3) year intervals; and

WHEREAS, said property will be used for the purpose of the construction of a hangar for aircraft storage.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the execution of a twenty (20) year lease agreement between Winnebago County and Joseph B. Norris for a 4,096 square foot parcel of property at Wittman Regional Airport at an initial rate of \$.11 per square foot per year. (A copy of the proposed lease is incorporated by reference and may be obtained upon request to the office of the Airport Director or Corporation Counsel.)

Submitted by:  
AVIATION COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 33. Nays: 1 - Widener. Absent: 1 - Egan. Excused: 3 - Barker, Nielsen and Hert. CARRIED.

**RESOLUTION NO. 179-42003: Authorize Purchase of Fletcher Property By Winnebago County (Wittman Regional Airport)**

WHEREAS, the Fletcher family, which owns property located at 2819 Hughes Street in the Town of Algoma, Tax Parcel No. 052101 has offered to sell that parcel, which is adjacent to Wittman Regional Airport and contains approximately 1.71 acres of property, to Winnebago County; and

WHEREAS, it is the recommendation contained in the Airport Master Plan that Winnebago County purchase properties contained within that Plan as they become available for purchase along perimeter of Wittman Regional Airport; and

WHEREAS, the Aviation Committee has recommended that \$132,152 be appropriated for the purchase of said property; and

WHEREAS, it is estimated that \$125,452 of said funds will be reimbursable from Federal and State matching grant funds.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Executive and Winnebago County Clerk and Wittman Regional Airport's Director to purchase Tax Parcel No. 052101 located at 2819 Hughes Street in the Town of Algoma which is more specifically described as follows:

Pt NW SE COM 548 FT S OF NE COR SW IN CL HWY 296.50 FT POB  
N82DG49W 367 FT S7DG11W 166 FT S54DG49E 246 FT TO CL HWY  
N35DG11E ALG CL 319.8 FT TO POB

from the Fletcher family for a price of approximately \$132,152.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that \$6,700 shall be appropriated from the Airport Fund Balance and \$125,452 shall be appropriated from the Undesignated Fund Balance of the General Fund of Winnebago County for the purchase of said property.

BE IT FURTHER RESOLVED that any funds obtained by the Airport Manager from Federal and State matching funds for the purchase of said property shall be returned to the Undesignated Fund Balance of the General Fund of Winnebago County upon receipt.

Submitted by:  
AVIATION COMMITTEE  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 32. Nays: 3 - Jacobson, Tierney and Finch. Excused: 3 - Barker, Nielsen and Hert. CARRIED.

**RESOLUTION NO. 180-42003: Support Transfer of \$500,000,000 from State Transportation Fund to State Shared Revenue Fund**

WHEREAS, Governor Doyle has recommended transferring a total of \$500,000,000 from the State Transportation Fund to the General Fund of the State of Wisconsin for the purpose of providing \$230,000,000 in shared revenue to municipalities within the State of Wisconsin during the fiscal year 2003-2004 and \$170,000,000 to municipalities within the State in the fiscal year 2004-2005; and

WHEREAS, the Governor has also recommended transferring \$20,000,000 from the Utility Public Benefits Fund to the General Fund of the State of Wisconsin for the purpose of providing shared revenue to Wisconsin municipalities during fiscal year 2004-2005; and

WHEREAS, the Legislative Committee of the Winnebago County Board of Supervisors supports the Governor's proposal in that it serves the best interests of Winnebago County citizens and recommends to the Winnebago County Board of Supervisors that it support said plan.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby supports the plan of Governor Doyle to transfer a total of \$500,000,000 from the State Transportation Fund and the Utility Public Benefits Fund to the General Fund of the State of Wisconsin during the 2003-2004 and 2004-2005 fiscal years for the purpose of providing shared revenue to municipalities within the State of Wisconsin.

Submitted by:  
LEGISLATIVE COMMITTEE

Motion by Supervisor Brennand and seconded to adopt. Motion by Supervisor Norton to make a friendly amendment by adding: "BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes and directs the Winnebago County Clerk to transmit a copy of this resolution to all legislators representing

constituents within Winnebago County; to the Office of Governor Doyle, the Senate Majority and Minority leaders and the Speaker of the Assembly." Vote on resolution as amended: Ayes: 33. Nays: 2 - Wingren and Kline. Excused: 3 - Barker, Nielsen and Hert. CARRIED.

**RESOLUTION NO. 181-42003:                    Declare April, 2003 Child Abuse Prevention Month in Winnebago County**

WHEREAS, the incidence and prevalence of child abuse and neglect have reached alarming proportions in the United States and Wisconsin; and

WHEREAS, Wisconsin and Winnebago County face a continuing need to support innovative programs to prevent child abuse and assist parents and family members when child abuse occurs; and

WHEREAS, in Wisconsin and Winnebago County we have dedicated individuals and organizations who work daily to counter the problem of child abuse and neglect and to help parents obtain the assistance they need; and

WHEREAS, all children deserve freedom from verbal abuse, sexual abuse, emotional and physical abuse and neglect; and

WHEREAS, we believe all children have an inalienable right to a safe and nurturing childhood; and

WHEREAS, it is indeed appropriate and fitting to focus attention upon the problem of child abuse and neglect in Wisconsin and Winnebago County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby declares the month of April, 2003 as Child Abuse Prevention Month in Winnebago County.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it calls upon its citizens to observe the month with appropriate programs, presentations and other activities.

Submitted by:  
MARK MADISON, DISTRICT #15  
COUNTY BOARD SUPERVISOR

Motion by Supervisor Madison and seconded to adopt. Court Commissioner, Dan Bissett, representing HOPE Center (Helping Others Parent Effectively), addressed the Board in support of this resolution. Vote on resolution - Ayes: 34. Nays: 0. Absent: 1 - Lauson. Excused: 3 - Barker, Nielsen and Hert. CARRIED.

**RESOLUTION NO. 182-42003:                    Disallow Claim of Gloria Mack**

WHEREAS, your Personnel and Finance Committee has had the claim of Gloria Mack referred to it for attention; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that the claim of Gloria Mack dated February 25, 2003, be and the same is hereby disallowed for the reason that there is no basis for liability on the part of Winnebago County.

Submitted by:  
PERSONNEL AND FINANCE COMMITTEE

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

**RESOLUTION NO. 183-42003:                    Commendation for Melvin Tebo**

WHEREAS, Melvin Tebo has been employed with the Winnebago County Parks Department, for the past twenty-five years, and during that time has been a most conscientious and devoted County employee; and

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

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

Submitted by,  
PERSONNEL AND FINANCE COMMITTEE

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

**RESOLUTION NO. 184-42003: Commendation for Lynn Tamms**

WHEREAS, Lynn Tamms has been employed with the Winnebago County Department of Human Services, for the past twenty-eight years, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Lynn Tamms 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 Lynn Tamms 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 Lynn Tamms.

Submitted by,  
PERSONNEL AND FINANCE COMMITTEE

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

**RESOLUTION NO. 185-42003: Commendation for Mae Blanchfield**

WHEREAS, Mae Blanchfield has been employed with Park View Health Center, for the past thirty-six years, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Mae Blanchfield 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 Mae Blanchfield 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 Mae Blanchfield.

Submitted by,  
PERSONNEL AND FINANCE COMMITTEE

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

**RESOLUTION NO. 187-42003: Transfer of \$49,313 from General Fund to Courthouse Security Fund to pay for past project costs originally intended to be reimbursed with Bond proceeds.**

WHEREAS, the Winnebago County Board of Supervisors approved the appropriation of \$56,000 for engineering and design of a courthouse security project pursuant to Resolution 7-42000 in April of 2000; and

WHEREAS, the resolution indicated that the funds would be advanced from the General Fund and reimbursed from a subsequent bond issue; and

WHEREAS, costs incurred on the project totaled \$49,313, and

WHEREAS, because the project was terminated, the project engineering and design costs cannot be treated as a capital expenditure in that they do not qualify for general obligation bonding.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby transfers \$49,313 from the Undesignated Fund Balance of the General Fund of Winnebago County to the Courthouse Security Capital Project fund to cover the costs of those engineering costs previously incurred.

Submitted by:  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. Ayes: 34. Nays: 0. Absent: 1 - Lauson. Excused: 3 - Barker, Nielsen and Hert. CARRIED.

**RESOLUTION NO. 188-42003: Appropriate Wisconsin Focus on Energy Grant funds to conduct a study to improve energy consumption of the Facilities Department**

**buildings.**

WHEREAS, a grant has been made available from the Wisconsin Focus on Energy Program to conduct studies of energy consumption by businesses; and

WHEREAS, the heating system at the Facilities Department is aging and is not very energy efficient; and

WHEREAS, Winnebago County could realize potential savings by replacing the heating systems for these buildings.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates monies received from the Wisconsin Focus on Energy grant in the amount of \$15,000 to the Professional Services Account of the Facilities Department to conduct a study of energy consumption at the Facilities Department buildings.

Fiscal note: Total expenditures to conduct the study would not exceed the amount of the grant thus there is -0- cost to Winnebago County.

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

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

**RESOLUTION NO. 189-42003: Establish Policy for Naming of County Buildings**

WHEREAS, your undersigned Board members believe that it is essential that a policy be created so as to establish a procedure for the naming of all County-owned properties and/or buildings.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby establishes the following policy with regard to the naming of all County-owned properties and/or buildings:

1. That any formal name given to a County property or building be first submitted for approval to the appropriate Committee having jurisdiction over the property or building;
2. That upon approval of the suggested name by the appropriate Committee, that the suggested name be submitted to the full County Board of Supervisors for approval.

Submitted by:  
MARK MADISON, DISTRICT #15  
ALFRED JACOBSON, DISTRICT #19  
COUNTY BOARD SUPERVISORS

Motion by Supervisor Madison and seconded to adopt. Motion by Supervisor Schaidler and seconded to refer to the Facilities and Property Management Committee for recommendation. CARRIED BY VOICE VOTE.

**ORDINANCE NO. 190-42003: Amend Section 11.11 of the General Code of Winnebago County (Licensure of Retail Food Establishments, Taverns, Hotels, Restaurants, Etc. by Winnebago County Health Department)**

WHEREAS, the Board of Health of Winnebago County has recommended that Section 11.11 of the General Code of Winnebago County be amended so as to clarify the wording of said Ordinance and to amend the fee schedule for permits and inspections; and

WHEREAS, said proposed amended Ordinance is attached hereto.

NOW, THEREFORE, the County Board of Supervisors of the County of Winnebago does ordain as follows: That Section 11.11 of the 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 be amended as follows:

**11.11 LICENSURE AND REGULATION OF RETAIL FOOD ESTABLISHMENTS, TAVERNS, HOTELS, RESTAURANTS, TOURIST ROOMING HOUSES AND OTHER ESTABLISHMENTS BY WINNEBAGO COUNTY HEALTH DEPARTMENT**

**(1)** AUTHORITY AND PURPOSE. (A) This ordinance is adopted pursuant to that authority provided by Section 97.41, Wisconsin Statutes, Section 125.68(5), Wisconsin Statutes, Section 251.04(3), Wisconsin Statutes Section

254.47, Wisconsin Statutes, and Section 254.69(2), Wisconsin Statutes; and by Wisconsin Administrative Chapters ADM 65, ATCP 74 and 75, HFS 172, 175, 178, 192, 195, 196, 197 and 198, and ILHR 90. The purpose of this ordinance is to protect and improve the public health and to authorize the Winnebago County Health Department to become the designated agent of the State Department of Health and Family Services for the purpose of establishing permit fees; issuing permits; and making investigations or inspections of hotels, motels, tourist rooming houses, restaurants, bed and breakfast establishments, campgrounds and camping resorts, recreational and educational camps, public swimming pools and establishments possessing permanent Class B and Class C alcoholic beverage licenses with the exception of those licenses serving beverages solely, directly from cans or bottles and those licenses selling beverages at a retail level, and in making investigations and inspections of food vending machines, their operators and vending machine commissaries; and authorizing the Winnebago County Health Department to become the designated agent of the State Department of Agriculture, Trade, and Consumer Protection, for the purpose of establishing permit fees; issuing permits and making investigations or inspections of retail food establishments; and for the purpose of enacting local regulations governing these establishments which may be more strict than state law.

(2) **APPLICABILITY.** (A) The provisions of this ordinance shall apply to the owner and operator of any retail food establishment, hotel, motel, tourist rooming house, restaurant, bed and breakfast establishment, campground and camping resort, recreational and educational camp, public swimming pool, establishments possessing Class B or Class C alcoholic beverage licenses, vending machine commissary or vending machine in all unincorporated areas of Winnebago County and the City of Omro and Village of Winneconne.

(3) **DEFINITIONS.** (A) All definitions as set forth in Chapters 97, 125, 251 and 254, Wisconsin Statutes and Wisconsin Administrative Code Chapters ADM 65, ATCP 74 and 75, HFS 172, 175, 178, 192, 195, 196, 197 and 198, and ILHR 90 are incorporated in this ordinance by reference and they shall be construed, read and interpreted as fully set forth herein until amended and then shall apply as amended.

(B) "Annual Permit Fee" shall mean a fee for on-site inspection of the entire facility, and one follow-up inspection to determine that establishments identified in the ordinance are compliant with the statutes and administrative codes that govern their operation.

(C) "Duplicate Permit Fee" shall mean a fee for the replacement of an original permit.

(D) "Health Department" shall mean the Winnebago County Health Department.

(E) "Late Application Fee" shall mean a fee that is twice the amount of the current "Annual Permit Fee" and is charged for failure to comply with the application time frame specified in the applicable statute and administrative code for completion and submission of the required application for permit to the Health Department.

(F) "Limited Food Service" shall mean the serving of food which is prepared and packaged off the premises with preparation on the premises limited to heating and serving with single-service articles, i.e. hermetically wrapped sandwiches or frozen pizza.

(G) "Mobile Restaurant" shall mean a restaurant operating from a movable vehicle, pushcart, trailer or boat which periodically or continuously changes location and wherein meals or lunches are prepared or served or sold to the general public, excepting those vehicles used in delivery of pre-ordered meals or lunches prepared in a licensed restaurant.

(H) "Operator" shall mean the owner or person responsible to the owner for the operations of the hotel, motel, bed and breakfast establishment, food service establishment or beverage establishment, vending machine commissary and/or vending machine, campground, camping resort, recreational/educational camps, or public swimming pools.

(I) "Outdoor Grilling" shall mean the cooking of food on an outdoor grill on the premises of a licensed food service facility. The purpose for outdoor cooking shall not increase the production capability of the restaurant kitchen by circumventing codes applicable to indoor cooking facilities. Hot holding shall be limited to what can be held on the cooking unit.

(J) "Penalty Fee" shall mean a fee for failure to pay established or assessed fees in a timely manner.

(K) (a) "Potentially Hazardous Food" shall mean a FOOD that is natural or synthetic and that requires temperature control because it is in a form capable of supporting:

(i) The rapid and progressive growth of infectious or toxigenic microorganisms;

(ii) The growth and toxin production of *Clostridium botulinum*; or

(iii) In raw shell eggs, the growth of *Salmonella enteritidis*.

(b) "Potentially hazardous food" includes an animal FOOD (a FOOD of animal origin) that is raw or heat-treated; a FOOD of plant origin that is heat-treated or consists of raw seed sprouts; cut melons, and garlic and oil mixtures that are not acidified or otherwise modified at a FOOD PROCESSING PLANT in a way that results in mixtures that do not support growth as specified under Subparagraph (a) of this definition.

(c) "Potentially hazardous food" does not include:

(i) An air-cooled hard-boiled egg with shell intact;

(ii) A FOOD with an a/w value of 0.85 or less;

(iii) A FOOD with a pH level of 4.6 or below when measured at 24C (75F);

- (iv) A FOOD in an unopened HERMETICALLY SEALED CONTAINER, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution; and
- (v) A FOOD for which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic microorganisms or growth of S. enteritidis in eggs or C. botulinum can not occur, such as a FOOD that has an a/w and a pH that are above the levels specified under Subparagraphs (c)(ii) and (iii) of this definition and that may contain a preservative, other barrier to growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms.
- (vi) A FOOD that may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness, but that does not support the growth of microorganisms as specified under Subparagraph (a) of this definition.

(L) "Pre-Inspection Fee" shall mean a fee for consultative services offered within a six (6) - month period from the date of permit application to persons intending to operate a new hotel, tourist rooming house, bed and breakfast establishment, restaurant, vending machine commissary or retail food establishment, or to a person intending to be the new operator of an existing hotel, tourist rooming house, bed and breakfast establishment, restaurant, vending machine commissary or retail food establishment.

(M) "Re-Inspection Fee" shall mean a fee **structure** for the subsequent inspections needed to address compliance issues with the statutes and administrative codes that govern their operation.

(N) "Restaurant" shall mean any building, room or place where meals are prepared, served or sold to transients or the general public, and all places used in connection with the building, room or place and includes any public or private school lunchroom for which food service is provided by contract. "Restaurant" does not include

- (a) Taverns that serve free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish or bread and butter;
- (b) Churches, religious, fraternal, youth or patriotic organization, service clubs and civic organizations which occasionally prepare, serve or sell meals to the general public;
- (c) Any public or private school lunchroom for which food service is directly provided by the school;
- (d) Any food service provided solely for needy persons;
- (e) Bed and breakfast establishments; or
- (f) A private individual selling food from a movable or temporary stand at a public farm sale.

(O) "Retail Food Establishment" shall mean any of the following, but does not include a restaurant or other establishment holding a permit to the extent that the activities of the establishment are covered by that permit:

- (a) A permanent or mobile food processing facility where food is processed primarily for direct retail sale to consumers at the facility.
- (b) A mobile facility from which potentially hazardous food is sold to customers at retail.
- (c) A permanent facility from which food is sold to consumers at retail, whether or not that facility sells potentially hazardous food or is engaged in food processing.

(P) "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 for a period of no more than fourteen consecutive days or less.

(Q) "Vending Machine" shall mean any self-service device offered for public use which, upon insertion of a coin or token, or by other means, dispenses unit servings of food or beverage either in bulk or in package, without the necessity of replenishing the device between each vending operation. "Vending machine" does not include a device which dispenses only bottled, prepackaged or canned soft drinks, a one cent vending device, a vending machine dispensing only candy, gum, nuts, nut meats, cookies or crackers, or a vending machine dispensing only prepackaged grade A pasteurized milk or milk products.

(R) "Vending Machine Commissary" shall mean any building, room or place in the state at which foods, containers, transport equipment or supplies for vending machines are kept, handled, prepared or stored by a vending machine operator, except a place at which the operator is licensed to manufacture, distribute or sell food products under Ch. 97, Stats.

**(4) ENFORCEMENT.** (A) The provisions of this ordinance shall be administered by or under the direction of the Health Officer of the Health Department, who in person or by duly authorized representatives shall have the right to enter, at reasonable hours, upon premises affected by this regulation to inspect the premises, secure samples or specimens, examine and copy relevant documents and records or obtain photographic or other evidence needed to enforce this ordinance.

**(5) LICENSE AND PERMIT.** (A) No person shall operate a retail food establishment, bed and breakfast establishment, hotel, motel, tourist rooming house, restaurant, campground and camping resort, recreational and educational camp, public swimming pool, or a Class B or Class C alcoholic beverage licensure establishment without first obtaining a non-prorated permit from the Health Department. Such permits shall expire on June 30 of each year following their issuance except that permits initially issued during the period beginning on April 1 and ending June 30 shall expire June 30 of the following year. The issuance of a permit may be conditioned upon the Permittee correcting a violation of this ordinance within a specified period of time. If the condition is not met within the specified period of time, the permit shall be voided. The permit shall not be transferable to a location other than the one for which it was issued, nor shall a permit be transferred from one operator to another subject to the express exception of: (1) As to location, temporary permits may be transferred; (2) As to operator, a permit of a non-retail food establishment operator may be transferred to an individual who is an immediate family member of the operator if the operator is transferring operation of the establishment or vending machine to that immediate family member. A parent, child, step-child, grandchild, sibling or step-sibling shall be considered an immediate family member for purposes of this ordinance.

(B) Operators or permittees of temporary restaurants whom the Health Department has found to be uncooperative or habitual violators of this Ordinance may be denied a permit to operate. Temporary permits may be transferred to a premises other than that for which it was issued, provided that the approval of the new premises is secured from the Health Department prior to operating at the new premises.

(C) With the exception of those establishments defined herein as "temporary", no permits shall be granted to any person under this Ordinance without a pre-inspection by the Health Department of the premises for which the permit shall be granted.

(D) No permit shall be issued until all application fees have been paid.

**(6) APPLICATION.** (A) Application for permits shall be made in writing to the Health Department on forms developed and provided by the Health Department, stating the name and address of the proposed applicant and operator, and the address and location of the proposed establishment, together with any such other information as may be required. The Health Department shall either approve the application or deny the permit within thirty (30) days after receipt of a complete application.

**(7) FEES.** (A) Fees for the issuance of permits, the making of investigations, inspections, providing education, training and technical assistance to all establishments covered pursuant to this Ordinance, plus the costs required to be paid to the state for each permit issued, are herewith established pursuant to this Ordinance and may be amended from time to time upon the approval of the Winnebago County Board of Supervisors and the Winnebago County Executive. In addition, separate pre-inspection fees are hereby established with regard to new establishments or existing establishments which have been transferred to a new operator. Said fee schedule is also set forth in Appendix "A" and may be amended from time to time by the Winnebago County Board of Supervisors upon the approval of the Winnebago County Executive.

**(8) PERMIT PUBLIC DISPLAY.** (A) Every establishment required to obtain a permit pursuant to this Ordinance shall display said permit, at all times, in a conspicuous public place.

**(9) PERMIT SUSPENSION AND REVOCATION.** (A) Any permit issued by the Health Department pursuant to this Ordinance may be temporarily suspended for a violation of any provision of this Ordinance or rules adopted by reference by this Ordinance, if the department determines that an immediate danger to health exists. Such permits may be permanently revoked after repeated violations.

**(10) REGULATIONS, RULES AND LAWS ADOPTED BY REFERENCE.** (A) The applicable laws, rules and regulations as set forth in Chapters 97, 125, 251, 254, Statutes, Wisconsin Administrative Code Chapters ADM 65, ATCP 74 and 75, and HFS 172, 175, 178, 192, 195, 196, 197 and 198, and ILHR 90 are incorporated in this regulation by reference and they shall be construed, read and interpreted as fully set forth herein until amended and then shall apply as amended. The expressed provisions of this Ordinance shall control where more restrictive.

**(11) VIOLATION-PENALTIES.** (A) Any person who violates or refuses to comply with any provisions of this ordinance shall be subject to a forfeiture of \$250.00 for each offense and/or revocation or amendment of their applicable permit. Each day a violation exists or continues shall be considered a separate offense. Where appropriate, injunctive relief may be sought by the Health Department against continuing violations. In the alternative, the Health Department may pursue enforcement of such section of these regulations as are prosecutable.

**(12) EFFECTIVE DATE.** (A) This Ordinance shall be effective as of June 1, 1998.

## 11.12

## REGULATION OF TATTOO ESTABLISHMENT ORDINANCE

(1) **AUTHORITY AND PURPOSE:** This chapter is promulgated under the authority of ss. 252.23 (4), 252.24 (4) and 252.245 (9), Stats., for the purpose of regulating tattooists, tattoo establishments, body piercers and body-piercing establishments in order to protect public health and safety.

(2) **SCOPE:** (a) **APPLICABILITY.** This chapter applies to all tattoo establishments and body-piercing establishments in all unincorporated areas of Winnebago County, the Village of Winneconne, and the City of Omro.  
(b) **APPROVED COMPARABLE COMPLIANCE.** When it appears to the Department that strict adherence to a provision of this chapter is impractical for a tattoo establishment or body-piercing establishment, the Department may approve a modification in that requirement for that establishment if the Department is provided with satisfactory proof that the grant of a variance will not jeopardize the public's health, safety or welfare.

(3) **DEFINITIONS:** For purposes of this Ordinance:

- (a) "Antiseptic" means a chemical that kills or inhibits the growth of organisms on skin or living tissue.
- (b) "Approved" means acceptable to the Department based on its determination of conformance to this chapter and good public health practices.
- (c) "Autoclave" means an apparatus that is registered and listed with the federal food and drug administration for sterilizing articles by using superheated steam under pressure.
- (d) "Body pierce," as a verb, means to perforate any human body part or tissue, except an ear, and to place a foreign object in the perforation to prevent the perforation from closing.
- (e) "Body piercer" means a person who performs body piercing on another person at that person's request.
- (f) "Body piercing" means perforating any human body part or tissue, except an ear, and placing a foreign object in the perforation to prevent the perforation from closing.
- (g) "Body-piercing establishment" means the premises where a body piercer performs body piercing.
- (h) "Cleaning" means the removal of foreign material from objects, normally accomplished with detergent, water and mechanical action.
- (i) "Department" means the Winnebago County Health Department.
- (j) "Disinfectant" means a chemical that is capable of destroying disease-causing organisms on inanimate objects, with the exception of bacterial spores.
- (k) "Duplicate Permit Fee" shall mean a fee for the replacement of an original permit.
- (l) "Hot water" means water at a temperature of 110°F. or higher.
- (m) "Inspection Fee" shall mean a fee for on-site visits, limited to two (2), to determine that establishments identified in the ordinance are compliant with the statutes and administrative codes that govern their operation.
- (n) "Late Fee" shall mean a fee for failure to pay established fees in a timely manner.
- (o) "Local health department" means an agency of local government that takes any of the forms specified in s.250.01(4), Stats.
- (p) "Operator" means the owner or person responsible to the owner for the operation of a tattoo or body-piercing establishment.
- (q) "Patron" means a person receiving a tattoo or body piercing.
- (r) "Practitioner" means a tattooist or body piercer.
- (s) "Pre-Inspection Fee" shall mean a fee for consultative services offered within a six (6) - month period from the date of permit application to persons intending to operate a new tattoo or body piercing establishment.
- (t) "Premises" means a building, structure, area or location where tattooing or body piercing is performed.
- (u) "Re-Inspection Fee" shall mean a fee for the third (3rd) and subsequent inspection needed to address compliance issues with the statutes and administrative codes that govern their operation.
- (v) "Sharps waste" means waste that consists of medical equipment or clinical laboratory articles that may cause punctures or cuts, such as hypodermic needles, syringes with attached needles and lancets, whether contaminated, unused or disinfected.
- (w) "Single-use" means a product or item that is disposed of after one use, such as a cotton swab, a tissue or paper product, a paper or soft plastic cup, or gauze or other sanitary covering.
- (ww) "Sterilization" means the killing of all organisms and spores through use of an autoclave operated at a minimum of 250°F. (121°C.) at pressure of at least 15 pounds per square inch for not less than 30 minutes or through use of an autoclave approved by the department that is operated at different temperature and pressure levels but is equally effective in killing all organisms and spores.
- (x) "Tattoo," as a verb, means to insert pigment under the surface of the skin of a person, by pricking with a

needle or otherwise, so as to produce an indelible mark or figure through the skin.

(xx) "Tattoo establishment" means the premises where a tattooist applies a tattoo to another person.

(y) "Tattooist" means a person who tattoos another person at that person's request.

(yy) "Tempered water" means water ranging in temperature from 85°F. to less than 110°F.

(z) "Temporary establishment" means a single building, structure, or area or a location where a tattooist or body piercer performs tattooing or body piercing for a maximum of 7 days per event.

**(4) LICENSES:** (a) APPLICATION FOR ESTABLISHMENT LICENSE. (1) Requirement. No person may operate a tattoo establishment or body-piercing establishment or a combined tattoo and body-piercing establishment in any jurisdiction wherein this ordinance is applicable unless he or she has obtained a license for the establishment from Winnebago County Health Department by application made upon a form furnished by the Winnebago County Health Department. An application submitted to Winnebago County Health Department shall be accompanied by the fee required under par. (b).

(2) Fees: The operator of a tattoo establishment or body-piercing establishment or a combined tattoo and body-piercing establishment shall pay an annual license fee to the Winnebago County Health Department. Fees for the issuance of permits, the making of investigations, inspections, providing education, training and technical assistance to all establishments covered pursuant to this Ordinance, plus the costs required to be paid to the state for each permit issued, are herewith established pursuant to this Ordinance and may be amended from time to time upon the approval of the Winnebago County Board of Supervisors and the Winnebago County Executive. In addition, separate pre-inspection fees are hereby established with regard to new establishments. Said fee schedule is also set forth in Exhibit "A" and may be amended from time to time by the Winnebago County Board of Supervisors upon the approval of the Winnebago County Executive.

(b) ACTION BY THE DEPARTMENT. (1) Within 30 days after receiving a completed application for a license, the Winnebago County Health Department shall either approve the application and issue a license or deny the application. If an application for a license is denied, the Winnebago County Health Department shall give the applicant reasons, in writing, for the denial and provide information about how the applicant may appeal that decision under s. HFS 173.12 (4).

(2) The Winnebago County Health Department shall not issue a license to a new tattoo or body-piercing establishment or a new operator at an existing establishment without completing a prior inspection of the establishment to ensure that the establishment complies with the requirements of this chapter.

(c) DISPLAY OF LICENSE. The operator of a tattoo or body-piercing establishment shall conspicuously display in the establishment the license issued by the Winnebago County Health Department for the establishment.

(d) CHANGE OF OPERATOR. The operator of a tattoo or body-piercing establishment shall promptly notify the department or its agent of cessation of operation within 5 days of said cessation. A license is not transferable. Any new operator of an establishment must submit an application under sub. (1) for a new license prior to the commencement of operations.

**(5) PATRONS:** (a) LIMITATIONS. (1) A Body-piercing establishment shall post a notice in a conspicuous place in the establishment stating that it is illegal to body pierce a person under the age of 18 without the signed, informed consent of that person's parent or legal guardian.

(2) A tattoo establishment shall post a sign in a conspicuous place in the establishment stating that no person under the age of 18 may be tattooed.

**(6) PHYSICAL FACILITIES AND ENVIRONMENT:** (a) FLOORS. Floors in the area where tattoo or body-piercing procedures are performed shall be constructed of smooth, durable and non-porous material and shall be maintained in a clean condition and in good repair. Carpeting is prohibited.

(b) WALLS AND CEILINGS. Walls and ceilings in the area where tattoo and body-piercing procedures are performed shall be light-colored, smooth and easily cleanable.

(c) LIGHTING. Tattoo and body-piercing application areas shall maintain a minimum illumination of 50 footcandles.

(d) PREMISES. The premises and all facilities used in connection with the premises shall be maintained in a clean, sanitary and vermin-free condition.

(e) LIVING AREAS. Tattoo and body-piercing areas shall be completely separated from any living quarters by floor-to-ceiling partitioning and solid doors which are kept closed during business hours. A direct outside entrance to the tattoo or body-piercing establishment shall be provided.

(f) TOILET ROOMS. (1) All tattoo and body-piercing establishments shall have a public toilet and handwashing facility which is separated from any living area.

(2) Toilet room fixtures shall be kept clean and in good repair. An easily cleanable covered waste receptacle shall be provided in the toilet room.

(g) **HANDWASHING FACILITIES.** (1) At least one handwashing facility shall be conveniently located in the tattoo or body-piercing area, in addition to what is provided in the toilet room.

(2) Anti-bacterial soap in a dispenser and single-service towels for drying hands shall be provided at all handwashing facilities.

(3) Hot and cold potable water under pressure shall be available at all handwashing facilities except that tempered water rather than hot water may be provided.

(h) **REFUSE.** Easily cleanable waste containers with non-absorbent, durable plastic liners shall be used for disposal of all tissues, towels, gauze pads and other similar items used on a patron. Infectious waste, including sharps waste, shall be stored and disposed of in an approved manner consistent with subch. II of Ch. NR 526, Wisconsin Administrative Code.

(i) **EQUIPMENT STORAGE.** Instruments, dyes, pigments, stencils and other tattoo and body-piercing equipment shall be stored in closed cabinets exclusively used for that purpose.

(j) **PRIVACY.** A panel or other barrier of sufficient height and width to effectively separate a patron on whom a procedure is being performed from any unwanted observers or waiting patrons shall be in place or readily available at the patron's request.

(k) **SMOKING AND EATING PROHIBITED IN AREA OF PROCEDURE.** No smoking or consumption of food or drink is permitted in the area where a tattoo or body-piercing procedure is performed, except that clients may consume a non-alcoholic beverage during the procedure.

(l) **ANIMALS PROHIBITED IN ESTABLISHMENT.** No animals, except for those that provide services to persons with disabilities, are permitted in a tattoo or body-piercing establishment.

**(7) EQUIPMENT:** (a) All surfaces, counters and general-use equipment in the tattoo or body-piercing area shall be cleaned and disinfected before a patron is seated.

(b) All inks and pigments shall be obtained from sources generally recognized as safe. Information indicating the sources of all inks and pigments shall be available to the department or agent upon request. Sterile single-use or sterile individual containers of pigment or ink shall be used for each patron. No pigment or ink in which needles were dipped may be used on another person. Pigment and ink cups shall be for single-patron use. All bulk materials used for the procedure shall be dispensed with single-use utensils. The remainder of dispensed portions shall be disposed of after application.

(c) Needles, bars and tubes shall be constructed in a manner that permits easy cleaning and sterilizing.

(d) Acetate tattoo stencils shall be single-use.

**(8) CLEANING AND STERILIZATION:** (a) **CLEANING.** (1) After each use, tattooing and body-piercing equipment shall be cleaned to remove blood and tissue residue before sterilization.

(2) Reusable needles, tubes and body-piercing equipment shall be placed in a covered stainless steel container of cleaning or disinfectant solution until they can be cleaned and sterilized.

(3) All containers holding contaminated needles, tubes, reusable body-piercing equipment and container lids shall be cleaned and disinfected at least daily.

(4) The tattoo machine shall be cleaned and disinfected before each use.

(5) Gloved personnel shall clean needles and tubes prior to sterilization by doing all of the following:

(A) Manually pre-cleaning the items with care taken to ensure removal of residue; thoroughly rinsing the items with warm water and then draining the water; cleaning the items by soaking them in a protein-dissolving detergent-enzyme cleaner used according to manufacturer's instructions; and cleaning the items further in an ultrasonic cleaning unit which operates at 40 to 60 hertz and is used according to the manufacturer's instructions.

(B) Rinsing and drying the items.

(C) Prior to autoclaving, all needles and tubes shall be packaged either individually or in quantities appropriate for individual procedures. Packages shall be identifiable and dated.

(6) **STERILIZATION.** (A) Equipment requiring sterilization shall be pressure-sterilized at the establishment in an autoclave and in accordance with the manufacturer's instructions.

(B) Each batch of sterilized equipment shall be monitored for sterilization by use of heat-sensitive indicators capable of indicating approximate time and temperature achieved.

(C) Autoclaves shall be spore-tested at least monthly. Spore kill test effectiveness shall be conducted by an independent laboratory.

(D) Sterilized equipment shall be wrapped or covered and stored in a manner which will ensure that it will remain sterile until used.

(E) Each tattoo or body-piercing establishment shall maintain sterilization records including spore tests for at least one year from the date of the last entry, which shall include the following information:

1. Date of sterilization.

2. Name of the person operating the equipment.

3. Result of heat-sensitive indicator.

(F) Sterilized equipment shall be re-sterilized if the package is opened, damaged or becomes wet.

(G) All methods of sterilization other than autoclaving are prohibited.

**(9) TEMPORARY ESTABLISHMENTS:** In addition to requirements under ss. HFS 173.01 to 173.10 that apply to all tattoo and body-piercing establishments, the following requirements apply specifically to temporary establishments:

(a) LICENSE. (1) No temporary establishment may be operated without a license granted by the department or its agent. Application for a temporary license shall be made under s. HFS 173.04 (1), Wisconsin Administrative Code.

(2) No temporary license may be issued without a prior inspection.

(3) A temporary establishment's license along with the license of each on-staff tattooist or body piercer shall be conspicuously displayed in the temporary establishment.

(4) An operator of a temporary establishment whom the Winnebago County Health Department has found to repeatedly violate any provision of this chapter may be denied a license to operate the establishment or may have the license revoked.

(b) WATER. A temporary establishment shall have all of the following:

(1) An approved toilet and handwashing facility.

(2) Potable water under pressure.

(3) Hot or tempered water for handwashing and cleaning.

(4) Connection to an approved sewage collection system.

**(10) ENFORCEMENT:** (a) ACCESS. An authorized employee of the Winnebago County Health Department, upon presenting proper identification, shall be permitted to enter any tattoo or body-piercing establishment at any reasonable time to determine if the establishment and the practitioners are in compliance with this chapter. The department's authorized employee or agent shall be permitted to examine *and copy relevant documents* of the establishment to obtain information about supplies purchased, received or used and information relating to patrons who received tattoos or body piercing, secure samples or specimens, or obtain photographic or other evidence needed to enforce this ordinance.

(b) ENFORCEMENT POLICY. (1) Order to correct violations. If upon inspection of a tattoo or body-piercing establishment, the authorized inspector finds that the tattoo or body-piercing establishment is not planned, equipped or operated as required by this chapter, the inspector shall notify the operator in writing. The notice shall include an order that directs the operator to make specified changes that will bring the establishment into compliance with standards established in this chapter and that stipulates the time period within which compliance is to take place. If the order to correct violations is not carried out by the expiration of the time period stipulated in the order, or any reasonable extension of time granted for compliance, the Winnebago County Health Department may issue an order suspending or revoking the license to operate the tattoo or body-piercing establishment or the practitioner's license, or both.

(2) Order to deal with an immediate danger to public health. If there is reasonable cause to believe that any construction, sanitary condition, operation of the premises or of equipment or a procedural practice creates an immediate danger to health, Winnebago County Health Department may, pursuant to ss. 227.51 (3) and 252.04 (1) and (7), Stats., issue a temporary order to remove the immediate danger to health. The order shall take effect upon delivery to the operator or other person in charge of the tattoo or body-piercing establishment and shall remain in effect for 14 days unless it is terminated by the department by notice to the operator within that period or is kept in effect beyond that period, pending a hearing, by department notification to the operator. The order shall be limited to prohibiting specific procedures or methods of operation, or a combination of these, except that if a more limited order will not remove the immediate danger to health, the order may direct that all operations authorized by the license cease. If, before scheduled expiration of the temporary order, the department determines that the immediate danger to health does in fact exist and continues to exist, the temporary order shall remain in effect with notification to the operator. Winnebago County Health Department shall notify the operator of the right to appeal any notice or order of the Department in accordance with Section 11.13, Winnebago County General Code.

(c) PENALTY PROVISION. Pursuant to s. 252.25, Stats., any person who willfully violates or obstructs the execution of s. 252.23 or 252.24, Stats., or this ordinance for which no other penalty is prescribed, shall be imprisoned for not more than 30 days or fined not more than \$500 or both. This shall include establishment sanitary violations. Each day a violation exists or continues shall be considered a separate offense. Where appropriate, injunctive relief may be sought by the Health Department against continuing violations. In the alternative, the Health Department may pursue enforcement of such section of these regulations as are prosecutable.

(d) APPEAL BY THE OPERATOR OR PRACTITIONER. Any operator or practitioner aggrieved by an order of the Winnebago County Health Department under s. HFS 173.04 (2) or 173.11 (1) (d), or under sub. (2)(a), may

request a hearing to challenge the order *in* accordance with Sec. 11.13, General Code of Winnebago County.

(11) PERMIT SUSPENSION AND REVOCATION. Any permit issued by the Department pursuant to this Ordinance may be temporarily suspended for a violation of any provision of this Ordinance or rules adopted by reference by this Ordinance, if the department determines that an immediate danger to health exists. Such permits may be permanently revoked after repeated violations.

(12) EFFECTIVE DATE. This ordinance shall be effective as of October 1, 1999.

**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.

CHAPTER 11

HISTORY INDEX

- 11.01 Ordinance adopted 9/17/73
- 11.01 Ordinance Rescinded and recreated 10/19/99
- 11.02 Ordinance adopted 2/24/76
- Ordinance amended 4/24/96
- 11.02(7)
- and (8) Ordinance amended 9/22/98
- 11.04 Ordinance adopted 3/15/83
- Ordinance Rescinded 3/26/96
- 11.05 Ordinance adopted 2/18/87
- 11.06 Ordinance adopted 7/19/94
- thru
- 11.09
- 11.11 Ordinance adopted 1/20/98
- Ordinance amended 4/21/98

11.11(7)(A) Adopted 3/16/99  
11.11(3)(n) Amended 8/17/99  
11.11 Fee Schedule Amended 3/21/00

11.12 Adopted 8/17/99  
11.12(5)(a)(2) Amended 9/21/99  
11.12 Fee Schedule Amended 3/21/00  
11.13 Adopted 8/17/99



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

Submitted by:  
BOARD OF HEALTH

Motion by Supervisor Rankin and seconded to adopt. Ayes: 33. Nays: 1 - Tierney. Absent: 1 - Lauson. Excused: 3 - Barker, Nielsen and Hert. CARRIED.

**RESOLUTION NO. 191-42003:                    Establish Storm Water and Erosion Ordinance Control Permit Fees**

WHEREAS, it is necessary to establish storm water and erosion control permit fees in relationship to Winnebago County's new storm water and erosion control ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby establishes the following fee schedule, which is herewith attached, in relationship to its storm water and erosion control ordinance.

Submitted by:  
PLANNING & ZONING COMMITTEE

Supervisor Schaidler withdrew this resolution.

**RESOLUTION NO. 192-42003:                    Combine the Part-Time Position of Director of Activity/Volunteer Services and the Full-Time Position of Director of Social Services into One Full-Time Position of Director of Activity and Social Services: Park View Health Center**

WHEREAS, the recent vacancy in the position of Director of Social Services has provided the Administrator of Park View Health Center with an opportunity to evaluate and reorganize several administrative functions in order to better utilize existing staff positions and to reduce costs; and

WHEREAS, the best staffing arrangement at this time would be to restructure the part-time (80%) position of Director of Activity/Volunteer Services into a full-time position that would also include the duties of the Director of Social Services.

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that the part-time position of Director of Activity/Volunteer Services and the full-time position of Director of Social Services at Park View Health Center be combined into a single full-time position of Director of Activity and Social Services.

Submitted by:  
PERSONNEL AND FINANCE COMMITTEE  
PARK VIEW COMMITTEE

Motion by Supervisor Widener and seconded to adopt. Ayes: 35. Nays: 0. Excused: 3 - Barker, Nielsen and Hert. CARRIED.

**RESOLUTION NO. 193-42003:                    Reauthorization of the Winnebago County Self-Funded Workers' Compensation Insurance Program**

WHEREAS, the County of Winnebago is a qualified political subdivision of the State of Wisconsin; and  
WHEREAS, the Wisconsin Worker's Compensation Act (Act) provides that employers covered by the Act either insure their liability with worker's compensation insurance carriers authorized to do business in Wisconsin, or to be exempted (self-insured) from insuring liabilities with a carrier and thereby assuming the responsibility for its own worker's compensation risk and payment; and

WHEREAS, the State and its political subdivisions may self-insure worker's compensation without a special order from the Department of Workforce Development (Department) if they agree to report faithfully all compensable injuries and agree to comply with the Act and rules of the Department; and

WHEREAS, the Personnel and Finance Committee at its meeting of April 3, 2003, approved the continuation

of the self-insured worker's compensation program, in compliance with Wisconsin Administrative Code DWD 80.60(3).

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that the following is ordained:

- (1) That the self-insured worker's compensation program that is currently in effect, be continued.
- (2) That the County Clerk forward a certified copy of this Resolution to the Worker's Compensation Division, Wisconsin Department of Workforce Development.

Submitted by:  
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. Ayes: 35. Nays: 0. Excused: 3 - Barker, Nielsen and Hert. CARRIED.

**RESOLUTION NO. 194-42003: Authority to Execute 2003 Labor Agreement with the Winnebago County Highway Department Employees' Union, Local 1903, AFSCME**

**BE IT RESOLVED**, by the Winnebago County Board of Supervisors, that the County Executive and the County Clerk be, and they hereby are, authorized to execute a one-year Agreement on behalf of Winnebago County and the Winnebago County Highway Department Employees' Union, Local 1903, AFSCME, for the year 2003, effective January 1, 2003, which Agreement will provide the following major changes from the previous Agreement:

- 1) **WAGES**  
3.0% across-the-board effective January 1, 2003
- 2) **RECLASSIFICATION**  
Upgrade two Class 2 Operators to Class 3 in the Solid Waste Department effective July 1, 2003.
- 3) **ARTICLE 13 – VACATIONS**
  - A. Modify the fourth paragraph of this article for clarification purposes as follows:  
Vacation shall not be granted in increments of less than ~~one (1)~~ one-half of a working day. For vacation purposes, the working day shall be considered eight (8) scheduled hours or ten (10) scheduled hours, depending upon the work schedule in effect in the employee's department at the time.
  - B. Modify the sixth paragraph of this article as follows:  
If an employee has been on military leave, leave of absence without pay, or layoff, for more than ~~thirty (30) days~~ 176 hours, during the period used to determine his annual earned vacation, he shall receive a pro rata vacation...
- 4) **ARTICLE 14 – SICK LEAVE**
  - A. Modify the second sentence of the first paragraph of this article as follows:  
If an employee has been on military leave, leave of absence without pay, or layoff, or has received weekly temporary disability benefits pursuant to Worker's Compensation laws of the State of Wisconsin for an injury which occurred while in the employ of Winnebago County, for more than ~~thirty (30) days~~ 176 hours, during the annual period used to determine sick leave with pay, he shall accrue pro rata sick leave...
- 5) **ARTICLE 18 - GROUP HEALTH INSURANCE PROGRAM**
  - A. Modify the first paragraph of this article to eliminate outdated provisions:  
All employees shall be eligible for any of the group health programs currently offered by Winnebago County. ~~Effective January 1, 2001, and continuing through the premium for the month of September, 2001, the County will pay 97% of the family or full single monthly premium for employees who desire and qualify for Network HMO and Network Point of Service plans and~~

~~05% of the family or single monthly premium for employees who desire and qualify for the Winnebago County Preferred Provider Plan.~~

- B. Effective with the premium for the month of May, 2003 and thereafter, continue the employee contribution rate of 5% toward the monthly premium of all plans with maximum employee contribution caps increased to \$35 per month for single coverage and \$60 per month for family coverage.

6) **ARTICLE 21 – HOURS OF WORK**

**Parks:** Approve the special work schedules for two new part-time positions of Parks Caretaker at the Expo Center.

**Solid Waste:** Revise the work day definition to provide for a work day of eight hours (containing a half-hour unpaid lunch period) scheduled between 6:30 A.M. and 4:30 P.M. and eliminate the second shift language for the Recycling Center.

7) **ARTICLE 24 – RETIREMENT**

Eliminate the outdated first sentence of this article:

~~The Employer shall pay the full amount (not to exceed 6.2%) of the mandatory employee contribution to the Wisconsin Retirement System in addition to the Employer's mandatory contribution.~~

8) **ARTICLE 26 – STRIKES AND LOCKOUTS**

Update the language of the first paragraph of the Article as shown:

The Union agrees for itself and its members that there shall be no picketing, strikes, sympathetic strikes or sitdowns for any reason whatsoever or any other work interruption or interference with the affairs of ~~the Winnebago County Highway Department~~ **any department or operation of Winnebago County** and the County agrees...

9) **ARTICLE 30 – GENERAL PROVISIONS**

Change the language of items 2, 3-d and 4 as follows:

2. **Tool Allowance:**

Add the position of Solid Waste Maintenance Technician to the list of positions eligible for a tool allowance.

3. **Coveralls:**

d. ~~Highway employees assigned to the landfill~~ **Solid Waste Department employees** who do major service work ~~and the Utility Grounds person~~ (2 coveralls per month).

4. **Protective Gloves:**

The County shall provide ~~Highway Department employees assigned to the Landfill~~ **Solid Waste Department employees** who do major service work ~~and the Utility Grounds person~~ with a reimbursement of up to twenty dollars (\$20)...

10) **LETTER OF UNDERSTANDING—SNOW PLOWING ROUTES:**

The parties will enter into a letter of understanding regarding a new procedure for the posting and filling of winter snow plowing routes.

11) **LETTER OF UNDERSTANDING—TESTING:**

The parties will enter into a letter of understanding providing for a written test and a hands-on test for all internal job applicants and for otherwise qualified external job applicants for positions listed in pay

classifications 4 and 5 and for a hands-on test for all internal job applicants and for otherwise qualified external job applicants for positions listed in pay classification 3.

In addition to the foregoing, the new agreement provides for minor modifications to the articles covering holiday dates, duration, and a revision to Appendix A (pay schedules).

Submitted by,  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. Ayes: 29. Nays: 6 - Maehl, Klitzke, Pech, Radewan, Kramer and O'Brien. Excused: 3 - Barker, Nielsen and Hert. CARRIED.

Motion by Supervisor Robl and seconded to adjourn until 6:00 p.m. on Tuesday, May 6, 2003. CARRIED BY VOICE VOTE.

The meeting was adjourned at 9:10 p.m.

Respectfully submitted,  
Patricia Rabe  
Winnebago County Deputy Clerk

State of Wisconsin)  
County of Winnebago) ss

I, Patricia Rabe, 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 April 15, 2003.

Patricia Rabe  
Winnebago County Deputy Clerk