

**ADJOURNED SESSION
COUNTY BOARD MEETING
TUESDAY, FEBRUARY 17, 2004**

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

Motion by Supervisor Robl and seconded to approve the agenda by moving Resolution No. 333-22004 and Resolution No. 331-22004 before Resolution No. 327-22004. CARRIED BY VOICE VOTE.

COMMUNICATIONS, PETITIONS, ETC.

A thank you card was received from the family of Blondie Pawlowski for flowers sent by the Board for his recent death.

An e-mail was read from Kathleen Propp, President of the Oshkosh Area League of Women Voters. A copy of a letter from the Oshkosh Area League of Women Voters was placed on each Supervisor's desk.

Resolution No. 9-2-04 from Jackson County was received regarding "Support of Municipal Employment Relations Reforms" and forwarded to the Legislative Committee.

REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS

Supervisor Lauson asked each Supervisor to look at a handout on their desk regarding a summary of the Boat Trailer Parking Fee Program. Rob Way, Parks Director, gave a brief overview of the handout. The program brought in more money than had been anticipated (\$98,425.05); however, the expenses were also higher (\$49,587.15). Mr. Way anticipates expenditures to be reduced by one-half due to the elimination of the start-up cost. Mr. Way estimates revenue for next year will be \$20,000 to \$26,000. He feels revenues may be reduced by as much as \$15,000 due to boaters choosing to purchase an annual or multi-year permits rather than the \$4.00 daily fee. There may be an increase in revenue in the enforcement area. Supervisor Lauson ended by reminding everyone that all profits from the sale of the permits will go to maintain and improve the boat launches. Supervisor Lauson wanted to commend Mr. Way and his staff, especially his secretary, for the additional work done to make this project a success.

Supervisor Norton asked Supervisors to look at two handouts placed on their desk. The first was a summary of highlights from the WCA Annual Legislative Exchange. The second was an article entitled "Colorado tax 'freeze' ices services". The article was relating to a bill called the "TABOR" (Taxpayers Bill of Rights). There is legislation currently pending in Wisconsin regarding this matter. Supervisor Norton also invited all Supervisors to make a pledge to either himself or Supervisor Pech for the upcoming Polar Plunge. Profits will go to Special Olympics.

Supervisor Radewan traveled to Oshkosh West, Oshkosh North and Lourdes high schools promoting the Scholarship Program. Oshkosh West ran out of applications. Additional applications were taken to all three high schools.

Supervisor Finch reported the scholarship program is going very well. He appeared on Channel 10 promoting the scholarship program. The program will be aired in Oshkosh as well as the northern part of the County.

Supervisor Barker stated although no agenda was on their desks, a Legislative Committee meeting will be held on Monday, February 23, 9:00 a.m. at the Coughlin Building. One of the topics being discussed is TABOR.

Supervisor Brennand reported Chairman Maehl had requested he check on the cost savings realized by having the zoning maps put on the web page, rather than printed in color. The savings per year would be \$2,400 and there is a miniscule cost for getting the maps put on the web page.

COUNTY EXECUTIVE'S REPORT

County Executive Van De Hey stated she had attended the WCEA (Wisconsin County Executive Administrator) meeting where TABOR had also been discussed. This legislation is being watched very carefully because of the negative impact similar legislation had in Colorado.

County Executive Van De Hey announced she had attended the swearing in of Judge Scott Woldt, the newest Circuit Court Judge.

County Executive Van De Hey stated work is beginning on the upcoming budget. She is hoping to have a budget equal to this year's.

COUNTY EXECUTIVE'S APPOINTMENTS
Director of Public Health

Executive Van De Hey asked for the Board's approval of her appointment of Douglas D. Gieryn as the Director of Health.

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

Winnefox Library System Board

Executive Van De Hey asked for the Board's approval of her appointments of Tom Willardsen and Carol Stinson to the Winnefox Library Board. Mr. Willardsen will complete the term of Don Stolley and Ms. Stinson will complete the term of Dorothy Nimmer. These are three-year terms that will expire on December 31, 2006.

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

CHAIRMAN'S REPORT

Chairman Maehl extended happy birthday wishes to Supervisors Nielsen and Radewan as well as Sue Ertmer, County Clerk.

Chairman Maehl brought Supervisors' attention to two informative pieces of literature, "Shhhout about libraries" and "The Legislative Review" received in their packet. He also wanted each supervisor to look at a graph, which could be found on their desk, showing the usage of the meeting rooms at the J.P. Coughlin Center.

Chairman Maehl notified Supervisors of the passing of past Sheriff Krause. The funeral will be Wednesday, February 18 at 11:00 a.m. in Neenah.

Chairman Maehl shared Winnebago County will be receiving another check from Wisconsin Counties Insurance Company of \$12,434. This is in addition to the \$306,000 check received in January.

PUBLIC HEARING

Dick Dorsey, Town of Utica, spoke regarding Resolution No. 338-22004: "Oppose Assembly Bill 608 (Smart Growth Comprehensive Planning Law)". Julie Leschke, 2015 Menomonee Drive, Oshkosh, spoke against resolution No. 327-22004: "Oppose Assembly Bill 606: Authorizing referendum to Allow Reduction of Size of County Boards".

ZONING REPORTS & ORDINANCES

REPORT NO. 001. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Raymond Weitz and property owner Ronald Weitz Family Trust, Town of Omro, for zoning change to A-2/R-1. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE. Supervisor Brennand abstained.

AMENDATORY ORDINANCE NO. 02-01-04. A request for zoning change from M-2/A-2/R-1/B-2(Heavy Industrial/General Farming/Single Family non-subdivided/Community Business District) to A-2/R-1 (General Farming/Single Family nonsubdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. Supervisor Brennand abstained. (Effective date – February 23, 2004)

REPORT NO. 002. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Warren Utecht and property owner Dave Voss, Town of Wolf River, for zoning change to eliminate wetland district. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 02-02-04. A request for zoning change from wetland district to eliminate wetland district. Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – February 23, 2004)

REPORT NO. 003. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Spencer Rolph, Town of Omro, for zoning change to R-1. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 02-03-04. A request for zoning change from A-2 (General Farming) to R-1 (Single Family non-subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – February 23, 2004)

REPORT NO. 004. A report from the Planning & Zoning Committee regarding a requested zoning change from applicants and property owners Gordon Garvens and Esther Bartelt Revocable Trust, Town of Omro, for zoning change to B-2. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE. Supervisor

Brennand abstained.

AMENDATORY ORDINANCE NO. 02-04-04. A request for zoning change from A-2/B-2 (General Farming/Community Business) to B-2 (Community Business). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. Supervisor Brennand abstained. (Effective date – February 23, 2004)

REPORT NO. 005. A report from the Planning & Zoning Committee regarding a requested zoning change from applicants and property owners Austin and Mary Wheaton, Town of Wolf River, for zoning change to MH-1. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 02-05-04. A request for zoning change from B-2 (Community Business) to MH-1 (Mobile Home District). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – February 23, 2004)

REPORT NO. 006. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Mark Jooster and property owners Matt and Irene Kuepper, Town of Menasha, for zoning change to R-1. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 02-06-04. A request for zoning change from A-2 (General Farming) to R-1 (Single family non-subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – February 23, 2004)

REPORT NO. 007. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant John Gabbey and property owners Frances and Carol Rasmussen, Town of Neenah, for zoning change to R-2. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 02-07-04. A request for zoning change from A-1/A-2 (Exclusive Agriculture/General Farming) to R-2 (Single Family subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – February 23, 2004)

REPORT NO. 008. A report from the Planning & Zoning Committee regarding requested zoning change from applicant Warren Utecht and property owner Jim Sorenson, Town of Neenah, for zoning change to R-1. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 02-08-04. 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 – February 23, 2004)

AMENDATORY ORDINANCE NO. 9. A request from the Town of Winneconne on behalf of Ball Prairie LLC-Radtke Contractors, for zoning change from A-2 to R-1/A-1. Motion by Supervisor Rengstorf and seconded to adopt. CARRIED BY VOICE VOTE. Supervisor Sundquist abstained. (Effective date – February 23, 2004)

AMENDATORY ORDINANCE NO. 10. A request from the Town of Poygan on behalf of Steven Brooks, for zoning change from A-2 to R-1. Motion by Supervisor Rengstorf and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – February 23, 2004)

RESOLUTIONS & ORDINANCES

RESOLUTION NO. 333-22004: Authorize Appropriation of \$15,198.69 to the East Wisconsin Counties Railroad Consortium

WHEREAS, Winnebago County became a member of the East Wisconsin Counties Railroad Consortium in April, 1980 for the purpose of facilitating the continuance of rail service on the Northern Division of the Milwaukee Road and the preservation of the facilities for the continuation of such service; and

WHEREAS, Winnebago, Dodge, Fond du Lac, Green Lake and Washington Counties are members of said Consortium; and

WHEREAS, railroad service is needed in Winnebago County to help provide efficient and cost-effective transportation to existing and potential businesses; and

WHEREAS, the East Wisconsin Counties Railroad Consortium and the State of Wisconsin own the rail trackage and right-of-way of the former Northern Division of the Milwaukee Road; and

WHEREAS, Crawford, Grant, Iowa, Dane, Sauk, Walworth, Rock and Waukesha Counties are now members of the Wisconsin River Rail Transit Commission; and

WHEREAS, said Commission and the State of Wisconsin own a portion of the rail trackage and right-of-way of the former Southern Division of the Milwaukee Road; and

WHEREAS, rail trackage and right-of-way located in Rock County, Wisconsin, from Anderson Siding to Milton Junction, are in need of rehabilitation in order to provide adequate rail service on the former Northern Division and the former Southern Division of the Milwaukee Road; and

WHEREAS, the Wisconsin and Southern Railroad Company, a private corporation, has proposed a program to rehabilitate this rail trackage and right-of-way in 2004 at a total cost of \$1,975,829.65; and

WHEREAS, eighty per cent (80%) of the cost of this rehabilitation is available in the form of a grant from the

Wisconsin Department of Transportation with the remaining twenty per cent (20%) to be provided by other sources; and

WHEREAS, the Wisconsin & Southern Railroad Company will participate in this rehabilitation program to the extent of providing ten per cent (10%) of the cost of the rehabilitation; and

WHEREAS, the East Wisconsin Counties Railroad Consortium has proposed to participate in this rehabilitation program by providing 3.8% of the cost of the rehabilitation program; and

WHEREAS, in order to participate in this program, the East Wisconsin Counties Railroad Consortium has requested each of its members to contribute the sum of \$15,198.69 to the East Wisconsin Counties Railroad Consortium; and

WHEREAS, the Wisconsin River Rail Transit Commission has proposed to participate in this program to the extent of providing 6.2% of the cost of the rehabilitation; and

WHEREAS, to enable the Wisconsin River Rail Transit Commission to participate, that Commission has requested each of its member counties to contribute \$15,198.69 to the Commission.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates \$15,198.69 from the Contingency Fund of the Winnebago County 2004 Adopted Budget as a contribution to the East Wisconsin Counties Railroad Consortium for rehabilitation of the right-of-way located in Rock County, Wisconsin from Anderson Siding to Milton Junction.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that in the event that one or more of the Wisconsin Counties that are members of the Wisconsin River Rail Transit Commission or one or more of the Wisconsin Counties that are members of the East Wisconsin Counties Railroad Consortium do not appropriate \$15,198.69 for the rehabilitation of rail trackage and right-of-way located in Rock County, as described above during the calendar year 2004, that Winnebago County is hereby authorized to withhold said contribution to the East Wisconsin Counties Railroad Consortium.

Submitted by:
PERSONNEL & FINANCE COMMITTEE
HIGHWAY COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. Supervisor Pech announced he would be abstaining on this resolution. After much discussion, Supervisor Albrecht withdrew the resolution.

RESOLUTION NO. 331-22004: Authorize Grant Funded Position in the MEG Unit, Winnebago County Sheriff's Department

WHEREAS, a grant-funded position in the MEG Unit has been vacated; and

WHEREAS, it is the desire of the Winnebago County Sheriff and the MEG Unit to fill said position with an officer who would be an employee of the Winnebago County Sheriff's Department, Detective Unit; and

WHEREAS, all associated expenses with regard to the position are in place, pursuant to grant revenue received in relationship to the position and has been in place for several years; and

WHEREAS, your undersigned Committee has approved the filling of the position with a Detective from the Winnebago County Sheriff's Department.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the creation of a position within the Winnebago County Sheriff's Department Detective Unit for the purpose of filling a grant-funded position in the MEG Unit of the Winnebago County Sheriff's Department.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Sheriff to accept grant funds from the State of Wisconsin in the amount of \$70,606 to fund wages and fringe benefits in relationship to said position.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that should funding for said position expire, the first vacancy thereafter in the Detective Unit in the Winnebago County Sheriff's Department would not be filled and said position would be allowed to lapse through attrition.

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

Motion by Supervisor Rengstorf and seconded to adopt. Supervisor Rengstorf made the following correction: on line 32 delete "in the Detective Unit" and insert on line 32 "sworn officer" after the word "first". Ayes: 31. Nays: 0. Excused: 4 - Hert, Nielsen, Sievert and Widener. Absent: 3 - Koziczowski, Thompson and Tierney. CARRIED.

RESOLUTION NO. 327-22004: Oppose Assembly Bill 606: Authorizing Referendum to Allow Reduction of Size of County Boards

WHEREAS, Representative Greg Underheim has introduced Assembly Bill 606, which basically would allow a referendum during the decade after the last census to reduce the size of the County Boards of Supervisors upon a vote equal to at least 25% of the total votes cast in the County for the office of County Board Supervisor at the most recent spring election proceeding the date of filing; and

WHEREAS, said law does not set a limit on the number of such referenda that can be held nor does it set a limit on the size to which a County Board could be reduced; and

WHEREAS, said law provides no authority for a referendum to increase the size of the County Board; and

WHEREAS, if said referendum were passed, according to said proposed Bill, the County Board Districts would be established by a committee of one person appointed by the County Board Chairperson and two persons appointed by the County Clerk; and

WHEREAS, presently, the County Board Supervisory Districts are established by the County Board of Supervisors pursuant to a majority vote of those supervisors elected by the people of Winnebago County; and

WHEREAS, said Bill would remove such authority from duly elected officials; and

WHEREAS, each redistricting which would occur would involve numerous man hours spent by County staff in assisting said Committee; and

WHEREAS, each redistricting effort would result in an undetermined amount of money spent by Winnebago County in relationship to said redistricting in addition to the costs it would have on underlying municipalities with regard to the establishment of district and precinct boundaries; and

WHEREAS, there is no indication or proof at the present time that County government is inefficient nor in need of amendment; and

WHEREAS, the recent history of county government throughout Wisconsin indicates that counties have acted appropriately and conservatively in relationship to safeguarding and utilizing public monies, in contrast to the recent history of the Wisconsin State Legislature.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it voices its opposition to the passage of Assembly Bill 606.

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 James Doyle.

Submitted by:
LEGISLATIVE COMMITTEE

Motion by Supervisor Barker and seconded to adopt. Motion by Supervisor Pech and seconded to lay on table. Ayes: 4 - Pech, Wingren, Norton and Eichman. Nays: 27. Excused: 4 - Hert, Nielsen, Sievert and Widener. Absent: 3 - Koziczkowski, Thompson and Tierney. LOST. Vote on resolution - Ayes: 27. Nays: 4 - Pech, Wingren, Jacobson and Eichman. Excused: 4 - Hert, Nielsen, Sievert and Widener. Absent: 3 - Koziczkowski, Thompson and Tierney. CARRIED.

RESOLUTION NO. 328-22004: Commendation for David Gollhofer

WHEREAS, David Gollhofer has been employed with the Winnebago County Highway Department, for the past twenty-six years, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, David Gollhofer 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 David Gollhofer 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 David Gollhofer.

Submitted by,
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 329-22004: Accept Donation of \$5,000 and Appropriate to Expenditures to Meet Resident Needs at Park View Health Center.

WHEREAS, The Community Foundation of the Fox Valley would like to donate \$5,000 to Park View Health Center, and

WHEREAS, the Foundation would like the donation to be used for expenditures that would help meet resident needs, and

WHEREAS, this donation will be the third of a five-year pledge.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes Park View Health Center to accept the \$5,000 donation and appropriates the funds to expenditures to help meet resident needs.

Fiscal note: Total donation revenue will equal \$5,000
Total expenses will equal \$5,000.
Levy or County cost impact = \$-0-

Submitted by,
Park View Health Center
Personnel & Finance Committee

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

RESOLUTION NO. 330-22004: Authorize Sale of Property to City of Neenah and Authorize Temporary Limited Construction Easement to City of Neenah (State Highway 114 Reconstruction Project)

WHEREAS, the City of Neenah has offered to purchase from Winnebago County approximately 75 square feet of property located at the Winnebago County Department of Human Services Building, 211 North Commercial Street, Neenah, for the purpose of completing reconstruction of State Highway 114 (Commercial Street) in the City of Neenah; and

WHEREAS, the City of Neenah has also identified a need for a limited construction easement over said property for that same purpose; and

WHEREAS, the City of Neenah has offered Winnebago County the sum of Three-Hundred Seventy-Five Dollars (\$375.00) for said tract of land and for said temporary limited construction easement; and

WHEREAS, the Winnebago County Facilities and Property Management Committee has approved said offer and recommends its acceptance by Winnebago County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Clerk and the Winnebago County Executive, upon approval of this resolution, to transfer fee title to the following tract of land to the City of Neenah, Winnebago County, Wisconsin for the sum of Three-Hundred Seventy-Five Dollars (\$375.00):

Fee title in and to the following tract of land in the City of Neenah, Winnebago County, Wisconsin, described as follows:

All that land of the owner in Lot 10 and the adjoining outlot, Assessors Plat of Block 9, being part of Jones Plat of the Island, in Government Lot 6, Section 22, T20N, R17E, contained in the following traverse:

Beginning at the southwest corner of Assessors Plat of Block 9, being the intersection of the northerly line of E. North Water Street with the easterly line of N. Commercial Street; Thence N33°26'15"E along the easterly line of N. Commercial Street 14.32 feet; thence S29°45'33"E 11.81 feet to the northerly line of E. North Water Street; Thence S82°58'41"W along the northerly line of E. North Water Street 13.86 feet to the point of beginning. Said new right-of-way contains 75 square feet, more or less.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Clerk and Winnebago County Executive, upon approval of this resolution to provide a temporary limited easement for construction purposes to the City of Neenah, including for such purpose the right to operate necessary equipment thereon, the right of ingress and egress, and the right to preserve, protect, plant or remove any vegetation that the highway authorities may deem necessary to prevent erosion of the soil in relationship to the property owned by Winnebago County at 211 N. Commercial Street in the City of Neenah. The easement shall terminate upon completion of the construction of Project I.D. #4068-06-71. Said easement consists of the following tracts of land in the City of Neenah, Winnebago County, Wisconsin and described as follows:

All that land of the owner in Lots 7, 8, 9, 10 and the adjoining outlot, Assessors Plat of Block 9, being part of Jones Plat of the Island, in Government Lot 6, Section 22, T20N, R17E, contained in the following:

The westerly 3.00 feet of Lots 7, 8, 9, 10 and the adjoining outlot, Assessors Plat of Block 9, exclusive of those lands described as fee title above. Being a strip of land 3.00 feet in width lying adjacent to, parallel with and

easterly of the easterly line of N. Commercial Street.

Also, the northerly 3.00 feet of Lot 7, Assessors Plat of Block 9. Being a strip of land 3.00 Feet in width lying adjacent to, parallel with and southerly of the southerly line of E. Forest Avenue.

Excluding those lands currently occupied by buildings.

Said temporary limited easement contains 1025 square feet, more or less.

Submitted by:
FACILITIES AND PROPERTY MANAGEMENT COMMITTEE

Motion by Supervisor Egan and seconded to adopt. Ayes: 29. Nays: 0. Excused: 4 - Hert, Nielsen, Sievert and Widener. Absent: 5 - Koziczowski, Thompson, Robl, Tierney and Finch. CARRIED.

RESOLUTION NO. 332-22004: Authorize Settlement Agreement with Harrison Sturgis Jr.

WHEREAS, Winnebago County has completed construction of County Trunk Highway "CB" in the Town of Neenah; and

WHEREAS, property for construction of said highway was taken from Harrison Sturgis Jr.; and

WHEREAS, a final settlement with regard to said taking from Mr. Sturgis has not occurred; and

WHEREAS, money to pay Mr. Sturgis for said taking continues to be held in the Winnebago County Highway Department's budget; and

WHEREAS, several previous tentative agreements have been reached with Mr. Sturgis which have required the approval of the Town of Neenah but said settlements have not reached fruition because of the refusal of the Town of Neenah to take action which would have been necessary to complete said agreements; and

WHEREAS, a tentative agreement has been reached between Winnebago County and Mr. Sturgis whereby Winnebago County would pay Mr. Sturgis \$32,000 for that property taken from him and would also transfer land consisting of a construction berm to Mr. Sturgis as part of the settlement agreement in relationship to said matter; and

WHEREAS, the Highway Committee is in agreement with said transfer in that it would effectively settle this matter, provided that no subsequent offer of settlement nor additional remunerations shall be provided to Mr. Sturgis in relationship to this matter.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Highway Commissioner to make payment to Harrison Sturgis Jr. in the amount of \$32,000 for the taking of real estate owned by Mr. Sturgis for the construction of County Trunk Highway "CB".

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that as part of this settlement, the following parcel of property shall be quit claimed to Harrison Sturgis Jr.:

A part of the Southeast ¼ of the Southeast ¼ of Section 19, Township 20 North, Range 17 East, in the Town of Neenah, Winnebago County, Wisconsin containing 67,678 square feet (1.554 Acres) of land and described as follows:

Commencing at the Northeast corner of Lot 3 of Certified Survey Map No. 5366 as recorded in Volume 1 of Maps on page 5366 as Document No. 1285626; Thence S00°51'37"E, 313.96 feet along the East line of said Lot 3 and the West right-of-way line of County Trunk Highway CB to the Southeast corner of said Lot 3 and the Point of Beginning; Thence continuing S00°51'37"E, 100.00 feet along said West right-of-way line of C.T.H. "CB"; Thence S85°55'32"W, 520.22 feet; thence S08°10'46"W, 179.05 feet to the East line of Lot 3 of said Certified Survey Map No. 5366; Thence N03°05'28"W, 307.00 feet along said East line to a South line of Lot 3 of said Certified Survey Map No. 5366; Thence N89°13'07"E, 559.49 feet along said South line to the Point of Beginning. Subject to all easements and restrictions of record. The above described parcel is to be sold to and combined with adjacent lands to the North and is to remain with said lands and cannot be sold separately without Town and County approval. A Certified Survey Map will be completed in the future to portray this parcel combined with Lot 3 of Certified Survey Map No. 5366.

BE IT FURTHER RESOLVED that Winnebago County shall be granted an ingress-egress easement as follows:

A part of the Southeast ¼ of the Southeast ¼ of Section 19, Township 20 North, Range 17 East, in the Town of Neenah, Winnebago County, Wisconsin and described as follows:

Commencing at the Northeast corner of Lot 3 of Certified Survey Map No. 5366 as recorded in Volume 1 of Maps on Page 5366 as Document No. 1285626; Thence S00°51'37"E, 313.96 feet along the East line of said Lot 3 and the West right-of-way line of County Trunk Highway CB to the Southeast corner of said Lot 3 and the Point of Beginning; Thence continuing S00°51'37"E, 100.00 feet along said West right-of-way line of C.T.H. "CB"; Thence S85°55'32"W, 162.63 feet; Thence N55°14'14"E, 195.64 feet to the Point of Beginning. The above-described parcel

is to be used for ingress and egress purposes only.

Submitted by:
HIGHWAY COMMITTEE

Motion by Supervisor Egan and seconded to adopt. Ayes: 30. Nays: 0. Excused: 4 - Hert, Nielsen, Sievert and Widener. Absent: 4 - Koziczkowski, Thompson, Tierney and Kramer. CARRIED.

RESOLUTION NO. 334-22004: Request Authority to Apply For Funds to Assist in the Marketing and Management of the Community Park Autumn Fest Event

WHEREAS, Winnebago County is interested in establishing an annual revenue generating program within the Community Park based on the running of a two day Autumn Fest Event open to the general public; and

WHEREAS, the program will utilize the Community Park and Expo facilities to attract all types of sponsors and vendors to perform any number of activities including the sale of goods, marketing of organizations, and the hosting of a special events; and

WHEREAS, Winnebago County is further interested in gaining funding that will assist in the marketing and management of the Autumn Fest Event; and

WHEREAS, the Wisconsin Department of Tourism Joint Effort Marketing (JEM) Grant Program provides partnership funding to help non-profit organizations promote tourism in their area; and

WHEREAS, in order to participate in this project it is necessary that the County Board authorize submittal of an application for said funds.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the County Executive and the County Clerk are hereby authorized to make application on behalf of Winnebago County with the Department of Tourism for any financial aid that may be available for marketing and management of the Community Parks Autumn Fest Event.

Submitted by,
PARKS AND RECREATION COMMITTEE

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

RESOLUTION NO. 335-22004: Request Authority to Apply For Funds For Maintenance Of County-Owned Snowmobile Trails

WHEREAS, Winnebago County is interested in maintaining County owned and leased lands for public snowmobile trail use; and

WHEREAS, funds are available for snowmobile trail maintenance and snowmobile trail bridge maintenance through the Department of Natural Resources pursuant to Sec. 23.09(26), Wisconsin Statutes; and

WHEREAS, in order to participate in this project it is necessary that the County Board authorize submittal of an application for said funds.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the County Executive and the County Clerk are hereby authorized to make application on behalf of Winnebago County with the Department of Natural Resources, pursuant to Sec. 23.09(26), Wisconsin Statutes, for any financial aid that may be available for public snowmobile trail use and maintenance in Winnebago County.

Submitted by,
PARKS AND RECREATION COMMITTEE

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

ORDINANCE NO. 336-22004: Amend Winnebago County General Code Sections 19.24(11)(D)(2) Relating to Parks Department Boat Trailer Parking Fees

WHEREAS, the Parks and Recreation Committee has recommended the following changes to Section 19.24(11)(D)(2) relating to Boat Trailer Parking Fees.

NOW, THEREFORE, the County Board of Supervisors of the County of Winnebago does ordain as follows: That Section 19.24(11)(D)(2) read as follows:

19.24.1 (11) (D) (2) BOAT TRAILER PARKING FEES.

(D) FEES.....

(2) An individual currently owning property within Winnebago County as is indicated by a tax receipt from the prior year.

At the time of the initial transaction when an annual or multi-year boat trailer parking permit is being purchased, residents may purchase a second permit for other automobile, motor home or truck registered to the same individual which they intend to use to pull a boat trailer. The second permit shall cost \$5.00. At any time following the initial transaction, a second permit or a replacement permit may be purchased at the Parks Department office for the same permit period at a cost of **\$5.00** per permit. Proof of vehicle registration shall be provided for all transactions. Annual and multi-year permit stickers shall be prominently displayed and permanently affixed to the lower corner of the interior of the windshield on the **drivers** side of the automobile, motor home or truck utilized to pull the boat trailer. Daily boat trailer parking permit fees shall be \$4.00. The printed side of the daily permit shall be prominently displayed on the interior of the passenger side windshield of the automobile, motor home or truck pulling the boat trailer.

BE IT FURTHER ORDAINED by the County Board of Supervisors of the County of Winnebago that this ordinance shall be effective as of the date following the date of its publication.

Submitted by,
PARKS & RECREATION COMMITTEE

Motion by Supervisor Lauson and seconded to adopt. Ayes: 29. Nays: 1 - Rengstorf. Excused: 4 - Hert, Nielsen, Sievert and Widener. Absent: 4 - Koziczowski, Thompson, Tierney and Kramer. CARRIED.

RESOLUTION NO. 337-22004: Disallow Claim of Auto-Owners Insurance for George and Anna Farmer

WHEREAS, your Personnel and Finance Committee has had the claim of Auto-Owners Insurance for George and Anna Farmer 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 Auto-Owners Insurance for George and Anna Farmer dated January 13, 2004, 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. Ayes: 30. Nays: 0. Excused: 4 - Hert, Nielsen, Sievert and Widener. Absent: 4 - Koziczowski, Thompson, Tierney and Kramer. CARRIED.

RESOLUTION NO. 338-22004: Oppose Assembly Bill 608 - (Smart Growth Comprehensive Planning Law)

WHEREAS, in 1999 the State of Wisconsin passed the Comprehensive Smart Growth Planning Act which requires all municipalities to prepare comprehensive plans by January 1, 2010; and

WHEREAS, the purpose of the Comprehensive Smart Growth Planning Law is to require that land use and development decisions by local governmental units be consistent with the comprehensive plan; and

WHEREAS, that law presently requires that comprehensive plans be consistent with 19 functions or actions of local government (copy of pertinent statute attached); and

WHEREAS, Assembly Bill 608, which is attached hereto, attempts to reduce the number of functions of local government that are required to be consistent with the municipalities comprehensive plan from 19 to 6; and

WHEREAS, the Winnebago County Legislative Committee and the Winnebago County Planning and Zoning Committee recognize the broad impact that the development of real estate has on the many programs and actions with which government is involved; and

WHEREAS, the reduction of the number of functions and actions which must be consistent with the comprehensive plan of a municipality serves to erode the usefulness of comprehensive plans in relationship to the review of developmental activity; and

WHEREAS, the above-mentioned Committees have gone on record to unanimously oppose AB 608 for the reasons stated herein.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby states its opposition to Assembly Bill 608.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that a copy of this resolution be transmitted by the Winnebago County Clerk to all legislators representing constituents within Winnebago County; to all County Clerks; to the Wisconsin Counties Association and to the Office of Governor James Doyle.

Submitted by:
LEGISLATIVE COMMITTEE
PLANNING & ZONING COMMITTEE

Motion by Supervisor Barker and seconded to adopt. Ayes: 29. Nays: 1 - Farrey. Excused: 4 - Hert, Nielsen, Sievert and Widener. Absent: 4 - Koziczkowski, Thompson, Tierney and Kramer. CARRIED.

RESOLUTION NO. 339-22004: Oppose Assembly Bill 527 (Elimination of Shoreland Zoning Requirements in Areas that are Annexed into a City or Village)

WHEREAS, prior to 1983, property annexed into a city or village was automatically removed from county shoreland zoning requirements; and

WHEREAS, subsequent to 1983, Wisconsin law has required that shoreland areas, if annexed, shall remain under the county's shoreland zoning requirements which were established to provide for consistent and uniform management of the County's important shoreland resources regardless of various jurisdictional boundaries; and

WHEREAS, Assembly Bill 527, a copy of which is herewith attached, proposes to amend Wisconsin law so as to negate County shoreland zoning in areas which are annexed to a city or village, thus creating a significant imbalance in the management of shoreland resources between incorporated shoreland areas and unincorporated shoreland areas; and

WHEREAS, the Legislative Committee, Planning and Zoning Committee and the Land Conservation Committee have unanimously expressed their opposition to Assembly Bill 527 for the reasons stated herein.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby states its opposition to the passage of Assembly Bill 527.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that a copy of this resolution be transmitted to all legislators representing Winnebago County constituents within the State Legislature; to all Wisconsin County Clerks; to the Wisconsin Counties Association and to the Office of Governor James Doyle.

Submitted by:
LAND CONSERVATION COMMITTEE
LEGISLATIVE COMMITTEE
PLANNING & ZONING COMMITTEE

Motion by Supervisor Maehl and seconded to adopt. Ayes: 30. Nays: 0. Excused: 4 - Hert, Nielsen, Sievert and Widener. Absent: Koziczkowski, Thompson, Tierney and Kramer. CARRIED.

RESOLUTION NO. 340-22004: Transfer \$35,000 from Contingency Fund to Professional Services Fund, County Executive's Budget (Tri-County Ad Hoc Committee on Consolidation)

WHEREAS, the Winnebago County Board of Supervisors previously approved Winnebago County's participation with Outagamie County and Calumet County in an ad hoc committee dedicated to exploring the possible consolidation of services within those three counties; and

WHEREAS, the Ad Hoc Committee desires to retain consultants to advise the Committee in relationship to the consolidation of services in those counties; and

WHEREAS, the three counties have also agreed to reimburse any County for the labor expenses which may be involved by any employee from either of the Counties dedicating a substantial amount of time to said Ad Hoc Committee; and

WHEREAS, it is estimated that Winnebago County share of said expenses should not exceed \$35,000.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby a budget transfer of \$35,000 from the Contingency Fund of the Winnebago County Budget to the Professional Services Fund of the Winnebago County Executive's Budget in relationship to the payment of consultant services and employee services in relationship to the Tri-County Ad Hoc Committee on consolidation.

Submitted by:
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PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. Supervisor Albrecht withdrew this resolution.

RESOLUTION NO. 341-22004: Approve Inter-Governmental Agreement Re: Tri-County Committee on Governmental Consolidation

WHEREAS, the Winnebago County Board of Supervisors has previously approved Winnebago County's participation in an Ad Hoc Committee with Outagamie County and Calumet County in relationship to the possibility of consolidating governmental services within those counties; and

WHEREAS, it is the consensus of the Ad Hoc Committee that an inter-governmental agreement is necessary between the three counties, pursuant to Section 66.0301, Wisconsin Statutes, to set forth the financial responsibilities of each party in relationship to the assignment of employees to perform work on behalf of the Ad Hoc Committee and in relationship to the payment of expenses in relationship to the retainer of any consultants or professionals advising said Committee; and

WHEREAS, an inter-governmental agreement relating to the above issues has been drafted and it is recommended that said agreement be approved by the Winnebago County Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves the attached Inter-Governmental Agreement, pursuant to Section 66.0301, Wisconsin Statutes, relating to finances and expenses incurred with regard to the Tri-County Ad Hoc Committee on the consolidation of government. (A copy of the proposed Inter-Governmental Agreement shall be provided to County Board Supervisors at the time of the County Board Meeting.)

Submitted by:
PATRICK O'BRIEN, DISTRICT #38
COUNTY BOARD SUPERVISOR

Supervisor O'Brien withdrew this resolution.

Motion by Supervisor Robl and seconded to adjourn until 6:00 p.m. on Tuesday, March 9, 2004. CARRIED BY VOICE VOTE.

The meeting was adjourned at approximately 8:15 p.m.

Respectfully submitted,
Patricia Rabe, Deputy
Winnebago County 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 February 17, 2004.

Patricia Rabe, Deputy
Winnebago County Clerk