

**ADJOURNED SESSION  
COUNTY BOARD MEETING  
TUESDAY, SEPTEMBER 26, 2006**

Chairman David Albrecht 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 Lennon.

The following Supervisors were present: Weber, Barker, Griesbach, Hotynski, Ramos, Maehl, Koziczowski, Pollnow, Widener, Lauson, Albrecht, Anderson, Thompson, Lohry, Lennon, Farrell, Hall, Wingren, Jacobson, Norton, Warnke, Drexler, Robl, Schmuhl, Kline, Locke, Eisen, Schaidler, Farrey, Sievert, Arne, Brennand, Egan, Ellis, Rengstorf, and O'Brien. Excused: Finch and Diakoff.

Motion by Supervisor Robl and seconded to approve the agenda with the change of order of resolutions so that Nos. 89-92006, 91-92006 & 92-92006 will be acted on immediately after 82-92006. CARRIED BY VOICE VOTE.

**COMMUNICATIONS, PETITIONS, ETC.**

A "Notice of Claim" received from Kathy Bradley for damage to her vehicle caused by the crossing gates on the Oregon Street Bridge in Oshkosh was referred to the Personnel & Finance Committee.

The following resolution from Dunn County was shared with the Board:

- 2006 Resolution No.74, "Referendum Question Requesting Legislative Action on Health Care" - referred to the Legislative Committee.

Thank you notes were received from Mary Robl and John Bodnar thanking the Board for the flowers that they sent to them.

Petition for zoning amendment from Gary Zamzow, Town of Oshkosh, for a zoning change from A-2 to R-1 for tax parcel no. 018-030201 for single family residential was referred to the Planning & Zoning Committee.

Petition for zoning amendment from John Clark Porter, Town of Nepeuskun, for a zoning change from A-2 to R-1 for tax parcel nos. 014-0574-01 & 014-0617-01(p) for single family residential purposes was referred to the Planning & Zoning Committee

Petition for zoning amendment from Thomas R. & Judith Rammer, Town of Oshkosh, for a zoning change from A-2 to R-5 for tax parcel no. 018-0563 for 4 residential lots was referred to the Planning & Zoning Committee.

Petition for zoning amendment from Rick C. Luft, Town of Winchester, for a zoning change from A-2 to B-3 (H.B.) for tax parcel no. 028-0430 for mini and maxi warehousing was referred to the Planning & Zoning Committee.

Petition by zoning amendment from Peter Kromm, Town of Omro, for a zoning change from A-2/R-1 to R-1 for Lot 1 and A-2 for Lot 2 of tax parcel no. 016-0199 for single-family residence and farm was referred to the Planning & Zoning Committee.

Petition for zoning amendment from Dale D. Howard, Town of Wolf River, for zoning change from A-2/B-2 for tax parcel nos. 032-0525 and 032-0523 for a bait shop and new residence was referred to the Planning & Zoning Committee.

Petition for zoning amendment from Vern Kienast, Town of Oshkosh, for a zoning change from M-1/R-1 to M-2 for tax parcel nos. 018-0067 and 018-0067-02 for allowable M-2 use was referred to the Planning & Zoning Committee.

Petition for zoning amendment from Shawn & Brenda Doolittle, Town of Nekimi, for zoning change from A-2 to R-1 for tax parcel no. 012-0296-03 for a single-family residence was referred to the Planning & Zoning Committee.

**REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS**

Supervisor Barker announced that there will not be a Legislative Committee meeting in September. Items for the October agenda should be given to her as soon as possible. Supervisor Barker asked that the Board read the article on UW-Extension that was sent with their packet. The article compliments the county's UW-Extension Department for the "Community Economic Development Preparedness Index for Menasha" that they developed and encourages the City of Oshkosh to ask them to do the same for them.

Supervisor Norton announced his next town hall meeting will be held on Monday, October 9 from 6:00 p.m. to 7:30 p.m. in Room 60 at the courthouse. Supervisor Norton stated that he attended a workshop at the WCA convention called "Realigning and Reinvigorating Local & State Relationships" that was attended by representatives from various levels of government. Supervisor Norton suggested that the county facilitate similar workshops here in

Winnebago County.

Supervisor Sievert commended Cindy Draws and Belinda DeGoey, nurses with the county's Public Health Department, for the presentation they made at the state Public Health Nurses' Conference. Supervisor Sievert also congratulated Ms. Draws on her receiving the Wisconsin 2006 Mary Adelaide Nutting Award for the Academic Linkages Award for Public Health Nurses.

Supervisor Eisen reported that Supervisor Lohry and he attended the 61<sup>st</sup> Annual Meeting and Banquet of the Winnebago County Farm Bureau on September 21. He enjoyed the opportunity to meet with them and learn about the bureau.

Supervisor Jacobson reported that Park View Health Center held its annual Fall Festival and parade on September 13. It was well attended, but he hopes that more supervisors will attend next year. Supervisor Jacobson shared his pictures of the event with the Board.

Supervisor Hall stated that he believed that although a motion was made and seconded to approve tonight's amended agenda, no vote was taken on that motion. After some discussion on whether a vote was taken or not, motion by Supervisor Albrecht and seconded to approve tonight's amended agenda as amended. CARRIED BY VOICE VOTE.

***(After reviewing the tape for this meeting, it was discovered that a voice vote had been taken on the amended agenda when the motion was made at the beginning of this meeting.)***

Supervisor O'Brien asked that the Board read the memo from Jennifer Semrau in regards to their program called "Operation Take Back Medication" as well as the press release from the DNR that supports this program. Supervisor O'Brien explained that this program and annual event will allow for the proper disposal of unused medications.

Motion by Supervisor Lauson and seconded to approve the August 15, 2006 County Board Proceedings. CARRIED BY VOICE VOTE.

## **COUNTY EXECUTIVE'S PRESENTATION - COUNTY SALES TAX**

Executive Harris presented his proposal for a .5% county sales tax that he stated will be used to provide direct county property tax relief and preserve county services and personnel.

Executive Harris explained that the figures used in this presentation are based on a .5% county sales tax going into effect in April 2007. During that nine-month period, it is estimated that approximately \$9 Million in revenue would be generated from a county sales tax. Of that \$9 Million, approximately \$900,000 would come from nonresidents. That \$9 Million would be used as follows:

- \$ 800,000 - retain essential county personnel
- \$7,400,000 - county property tax relief (\$.65 rate cut)
- \$ 800,000 - given to the county's cities, towns and village

Executive Harris stated that if a county sales tax is not implemented and the county has a budget that uses that maximum allowable levy, the average home owner will see a \$40 increase in their property tax. If the county sales tax is implemented and \$7.4 Million is applied to property tax relief, the average home owner will see a \$55 decrease in their property tax.

Executive Harris explained that based on the median annual household income of \$48,000 and the median home valued at \$124,000, a Winnebago County resident would pay \$73.80 in county sales tax and save \$94.24 in property tax. That would provide a net savings of \$20.44.

Additional information presented by Executive Harris included:

- The average equalized property tax rate in the 10 counties that don't have a county sales tax or stadium tax is \$6.05 (Winnebago County is \$5.59). The statewide average equalized property tax rate is \$4.01.
- The growth in the property tax base in the 10 counties that don't have a county sales tax averaged 6.94% (Winnebago County's total growth was 6.73%). The statewide average was 9.59%.
- Winnebago County ranks 14<sup>th</sup> in tourism in Wisconsin's 72 counties.
- In 2005, tourists spent over \$230 Million in Winnebago County.
- A shift between property taxes and a county sales tax will benefit property owners with modest incomes, high medical expenses or children in college; farmers who are land rich and cash poor; manufacturers and their workers.

Executive Harris stated that he believes the county must act now on this issue because the state legislature

continues to, "flirt with revenue limits that might cut off the sales tax option in the future."

Executive Harris also pointed out that 59 counties have adopted a county sales tax since 1986 and none of those counties are considering reversing that decision. He further explained that none of those counties share their revenue with their municipalities.

Following his presentation, Executive Harris took questions from the Board.

A copy of Executive Harris's PowerPoint presentation is on file in the County Clerk's Office.

## **COUNTY BOARD CHAIRMAN'S REPORT**

Chairman Albrecht announced that Supervisors Diakoff and Finch are excused from tonight's meeting.

Chairman Albrecht stated that there are important resolutions on tonight's agenda and he hopes everyone gives them a lot of thought before casting their vote. He had hoped that the committee on county board size would have had more time to study this issue, but unfortunately, they did not. Chairman Albrecht stated that he hopes this committee will continue so that the size of the county board can be properly studied before the 2010 census.

## **PUBLIC HEARING**

Jeremy Monnett, 2426 Bowen Street, Oshkosh, spoke in support of Resolution No. 82-92006, "Authorize County Executive to Enter Into Agreement Between Wittman Regional Airport; Chamco, Incorporated and CommAvia." He also spoke on behalf of the group "Citizens Unite to Transform County Board" (CUT) and in opposition to the three resolutions on tonight's agenda that would reduce the size of the board. CUT feels the Board should allow this issue to be decided by a referendum question and not decided at tonight's meeting.

Doug Pearson, Executive Director of Chamco, spoke in support of Resolution No. 82-92006, "Authorize County Executive to Enter Into Agreement Between Wittman Regional Airport; Chamco, Incorporated and CommAvia."

Larry Spanbauer, 842 Eckhardt Court, Oshkosh, who serves on the county's Temporary Committee on County Board Size, asked that the Board not take any action on the three resolutions regarding reducing the size of the Board. He also asked that Progress Oshkosh and CUT not submit their petition for a referendum question until February 1 so that the committee has time to study the issue.

Steve Rankin, 1215 North Eagle Street, Oshkosh, a former Winnebago County Board Supervisor, spoke against reducing the size of the board. He is concerned that if the Board is reduced in size, rural communities would not have an equal voice in county government.

Al Doyle, 700 West 8<sup>th</sup> Avenue, Oshkosh, spoke in opposition to the county sales tax.

Dick Spanbauer, 3040 Sheldon Drive, Oshkosh, expressed his concern about reducing the size of the county board. He feels it could jeopardize the representation of rural communities, as well as negatively impact the work load of the board's committees.

Jay Schroeder, 1295 North Lark Street, Neenah, spoke in opposition to a county sales tax.

Rob Stone, 2139 Morrissey Road, Ripon, President of the Winnebago County Farm Bureau, opposes reducing the size of the county board.

Ron Hardy, 1437 North Main Street, Oshkosh, expressed his concerns about the Diebold touch screen voting equipment. He also believes that more study needs to be done to determine an appropriate size for the county board.

Chad Westengard of the Christine Ann Center spoke in support of Resolution No. 85-92006, "Declare October, 2006 As Domestic Violence Awareness Month in Winnebago County."

Bob Fick, 2291 Patriot Lane, Oshkosh, opposes the board taking any action on board size before the Temporary Committee on County Board Size has a chance to study the issue in more depth. He recommended that they look at the structure of the board as well as its size.

Steve Spanbauer, 490 Sunrise Bay Road, Neenah, expressed his opposition to a reduction in the size of the county board.

John Lemberger, 736 Evans Street, Oshkosh, stated that he opposes a reduction in the size of the county board.

Raymond Batley, 1519 Cowling Bay Road, Neenah, opposes a reduction in the size of the county board. However, if the board decides to reduce their size, he would support Resolution No. 89-92006, "Reduce Size of Winnebago County Board to 36 Members."

Ann Frisch, 3565 Bambi Lane, Oshkosh, supports Resolution No. 90-92006, "Withhold Payment to Diebold for Voting Machines Until Fully Functional." She also stated that she has not seen any justification to reduce the size

of the county board at this time. If action needs to be taken on this issue right now, she would support Resolution No. 89-92006.

Jerry Frey, 4804 Island View Drive, Oshkosh, opposes any reduction in the size of the county board.

Kathy Propp, 1936 Hazel Street, Oshkosh, opposes the board taking any action on Resolution Nos. 89-92006 or 91-92006, which would reduce the board by 2 or 6 members respectively. She encouraged the board to let the public vote on a referendum to reduce the size of the county board.

Chairman Albrecht called for a brief recess at 8:05 p.m. The board reconvened at 8:20 p.m.

### **ZONING REPORTS & ORDINANCES**

REPORT NO. 001. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Harris & Associates, Robert Harris, and property owner Dave Bures, Town of Clayton, for zoning change to R-1 for tax parcel no. 006-0331-05. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 09-01-06. A requested 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: October 2, 2006)

REPORT NO. 002. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Joseph Jira and property owner Roehl Properties, Town of Menasha, for zoning change to M-2 for tax parcel no. 008-0178-02. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 09-02-06. A requested zoning change from A-2 (General Farming) to M-2 (Heavy Industrial). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date: October 2, 2006)

REPORT NO. 003. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner David Ruedinger, Town of Omro, for zoning change to A-2 for tax parcel no. 016-0492. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 09-03-06. A requested zoning change from A-2/R-1/B-2 (General Farming/Single Family non-subdivided/Community Business) to A-2 (General Farming). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date: October 2, 2006)

REPORT NO. 004. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Glenn Scheff, Town of Wolf River, for zoning change to A-2/R-1 for tax parcel nos. 032-0609-01 & 032-0609-05. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 09-04-06. A requested zoning change from A-2/MH-1 (General Farming/Mobile Home District) to A-2/R-1 (General Farming/Single Family non-subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date: October 2, 2006)

REPORT NO. 005. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Lawrence Kriescher and property owner David McNamee, Town of Winchester, for zoning change to R-2 for tax parcel no. 028-0956. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 09-05-06. A requested zoning change from R-1 (Single Family non-subdivided) to R-2 (Single Family subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date: October 2, 2006)

AMENDATORY ORDINANCE 6. A requested zoning change from Town of Vinland on behalf of Timothy Reichenberger for tax parcel nos. 026-0308 & 026-0308-04 for zoning change to A-2. Motion by Supervisor Farrey and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date: October 2, 2006)

AMENDATORY ORDINANCE 7. A requested zoning change from Town of Poygan on behalf of Elizabeth Leader for tax parcel no. 020-0206-01 for zoning change to A-2. Motion by Supervisor Egan and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date: October 2, 2006)

AMENDATORY ORDINANCE 8. A requested zoning change from Town of Winneconne on behalf of Michael Bingen for tax parcel no. 030-0312-02 for zoning change to R-1/A-1. Motion by Supervisor O'Brien and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date: October 2, 2006)

**RESOLUTIONS & ORDINANCES**

**RESOLUTION NO. 75-82006:                   Amendments to the University of Wisconsin Extension Table of Organization**

WHEREAS, there are currently a three (3) full-time Extension Secretary positions and a part-time 4-H and Satellite Program Assistant position on the Table of Organization for the University of Wisconsin Extension; and

WHEREAS, the Program needs of the Department would be accomplished in a more efficient manner by reducing one (1) Extension Secretary position to part-time status and increasing the 4-H and Satellite Program Assistant position to full-time status; and

WHEREAS, these amendments to the Department's Table of Organization do not increase the Regular Pay and Fringe Benefit budgets of the Department.

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that one (1) Extension Secretary position be reduced to part-time status and the 4-H and Satellite Program Assistant be increased to full-time status on the Department's Table of Organization; and

BE IT FURTHER RESOLVED, that these amendments do not increase the Regular Pay and Fringe Benefit budgets of the Department.

Submitted by,  
PERSONNEL AND FINANCE COMMITTEE  
UNIVERSITY OF WISCONSIN EDUCATION, EXTENSION &  
AGRICULTURE COMMITTEE

Motion by Supervisor Maehl and seconded to adopt. Ayes: 35. Nays: 1 - Eisen. Excused: 2 - Finch & Diakoff. CARRIED.

**RESOLUTION NO. 80-92006:                   Acknowledge Acceptance of An Improvement Project Under the Wisconsin Airport Runway Marking Program**

WHEREAS, the Wisconsin Department of Transportation has initiated an "Airport Runway Marking Program" in the interest of air transportation safety; and

WHEREAS, the Wittman Regional Airport has been selected to participate in this program; and

WHEREAS, by participating in this program, Winnebago County acknowledges and agrees to accept an offer of runway marking improvements to Wittman Regional Airport by the Wisconsin Bureau of Aeronautics, acting on behalf of the Secretary of Transportation.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby grants the Wisconsin Bureau of Aeronautics the authority to perform or contract with others to perform any services necessary for the completion of the Airport Runway Marking Program at Wittman Regional Airport.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it agrees to indemnify and hold harmless the State of Wisconsin, all its officers, employees and agents from and against any suits, causes, actions, claims, costs and expenses, including legal fees and/or the State Attorney's fee, in connection with any bodily injury to any person or damage to property caused directly or indirectly by failure, malfunction, lack of maintenance or construction of Wittman Regional Airport and its facility.

Submitted by:  
AVIATION COMMITTEE

Motion by Supervisor Lennon & seconded to adopt. Ayes: 36. Nays: 0. Excused: 2 - Finch & Diakoff. CARRIED.

**RESOLUTION NO. 81-92006:                   Authorize Airport Lease Agreement Between Wittman Regional Airport and Myers Aviation, Incorporated**

WHEREAS, Myers Aviation, Incorporated has leased Hangar Building "J" for the past ten (10) years; and

WHEREAS, when the original lease term of that lease expired, Myers Aviation renewed the lease for additional one (1) year periods; and

WHEREAS, the owner of Myers Aviation, Incorporated has indicated that he would prefer to have a five (5) year lease upon said building; and

WHEREAS, the leased property, Hangar "J", is a 100 foot by 40 foot hangar building used for storage by Myers Aviation. Said building is of advanced age and has no utilities; and

WHEREAS, the new proposed lease agreement contains a five (5%) per cent escalation clause for each term that the lease shall be extended.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves a lease between Winnebago County and Myers Aviation, Incorporated for property which commonly referred to Hangar Building "J" at Wittman Regional Airport at a rate of \$312.56 per month for a term of five (5) years with an option granted to the Lessee to extend the lease for one (1) additional period of five (5) years.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that a copy of the proposed lease, which is made a part of this Agreement by reference, may be obtained from the Airport Director.

Submitted by:  
AVIATION COMMITTEE

Motion by Supervisor Lennon & seconded to adopt. Ayes: 36. Nays: 0. Excused: 2 - Finch & Diakoff.  
CARRIED.

**RESOLUTION NO. 82-92006:                    Authorize County Executive to Enter Into Agreement Between Wittman Regional Airport, Chamco, Incorporated and CommAvia**

WHEREAS, Wittman Regional Airport is interested in entering into an agreement with Chamco and CommAvia for the purpose of identifying new airport-related business opportunities; and

WHEREAS, pursuant to such a proposed agreement, Chamco and CommAvia would jointly function as economic development agents for aviation-related business at Wittman Regional Airport; and

WHEREAS, Chamco's specific focus under such an agreement would be to continue with business development assistance, guidance to already existing companies and start-up assistance for new businesses, including debt and/or equity financing, labor training grants and business development loans; and

WHEREAS, CommAvia's purpose pursuant to such agreement would be to continue to develop new business at Wittman Regional Airport through the implementation of their current airport marketing plan and their unique aviation industry relationships with manufacturers, the media, aviation trade associations and other government entities; and

WHEREAS, pursuant to such an agreement, Chamco would be paid the sum of \$5,000 per year by Wittman Regional Airport to help defray Chamco's administrative costs related to airport economic development efforts with, however, Chamco committing to contribute a minimum of \$1,500 per year to participate in the airport's efforts to market Chamco as a partner in Wittman Regional Airport's economic development program; and

WHEREAS, pursuant to such an agreement, Chamco would be entitled to a development fee equal to \$.05 per square foot per year from any rental generated by Chamco as a result of businesses locating at Wittman Regional Airport for a period of five (5) years from their initial location at Wittman Regional Airport and a land acquisition commission of 1% of such rental plus the cost of any expenses pre-approved by Wittman Regional Airport's Director; and

WHEREAS, said agreement would be valid for a period of five (5) years with a mutual option to renew the agreement for an additional three (3) year period.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Executive and the Winnebago County Clerk to enter into an agreement with Chamco and CommAvia for business development at Wittman Regional Airport pursuant to those terms provided above, subject to the approval of such agreement by the Winnebago County Corporation Counsel.

Submitted by:  
AVIATION COMMITTEE

Motion by Supervisor Lennon & seconded to adopt. Ayes: 34. Nays: 2 - Pollnow & Widener. Excused: 2 - Finch and Diakoff. CARRIED.

**RESOLUTION NO. 89-92006: Reduce Size of Winnebago County Board to 36 Members**

WHEREAS, Section 59.10, Wisconsin Statutes, as recently amended, provides county boards throughout the State of Wisconsin with the authority to reduce the size of the county board on a one-time basis subsequent to reapportionment after a decennial census; and

WHEREAS, your undersigned supervisors believe that any sizeable reduction in the size of the Winnebago County Board of Supervisors would limit the contact that persons in rural towns have with their elected supervisor; and

WHEREAS, county government is more important to persons in rural areas in that many direct services are provided to persons in unincorporated areas by county government, whereas, such services are provided in incorporated areas by city or village governments; and

WHEREAS, your undersigned supervisors believe that the recent amendment of Section 59.10, Wisconsin Statutes, by the State Legislature is another misguided state mandate imposed on local government by the Wisconsin State Legislature and should be repealed; and

WHEREAS, your undersigned County Board Supervisors believe that it is in the best interest of Winnebago County and the electors within their districts to implement a slight reduction in size of the Winnebago County Board of Supervisors so as to preserve meaningful representation to all persons within Winnebago County in relationship to county government and particularly those in rural areas.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that pursuant to Section 59.10, Wisconsin Statutes, the size of the Winnebago County Board of Supervisors is hereby reduced from 38 supervisors to 36 supervisors.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the Planning Department of Winnebago County is hereby directed to prepare a map with a proposed redistricting plan pursuant to this Resolution and submit such map to the Judiciary and Public Safety Committee of the County Board of Supervisors within ninety (90) days of the date of this Resolution.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that said redistricting map shall be subject to the final approval of the full Winnebago County Board of Supervisors.

Submitted by:  
PATRICK O'BRIEN, DIST. #38  
HARVEY RENGSTORF, DIST. #37  
CHUCK FARREY, DIST. #30  
COUNTY BOARD SUPERVISORS

Motion by Supervisor O'Brien and seconded to adopt.

Motion by Supervisor Thompson and seconded to table this resolution indefinitely. Vote on motion to table - Ayes: 7 - Weber, Ramos, Thompson, Lennon, Wingren, Norton and Drexler. Nays: 27. Abstain: 2 - Koziczkowski and Eisen. Excused: 2 - Finch and Diakoff. LOST

Motion by Supervisor Hotynski to change "36" on Line 32 to "37". No second to this motion.

Vote on Resolution as presented: Ayes: 22. Nays: 13 - Weber, Ramos, Pollnow, Anderson, Thompson, Lennon, Hall, Wingren, Jacobson, Norton, Robl, Schmuhl and Kline. Abstain: 1 - Eisen. Excused: 2 - Finch and Diakoff. CARRIED.

**RESOLUTION NO. 83-92006: Disallow Claim of Paul Landig**

WHEREAS, your Personnel and Finance Committee has had the claim of Paul Landig 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

Paul Landig dated August 9, 2006, 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 Kline and seconded to adopt. CARRIED BY VOICE VOTE.

**RESOLUTION NO. 84-92006: Support Additional Federal Oversight of Railroads with Regard to Controlling Railroad Rates for Captive Rail Customers**

WHEREAS, many electric utilities in Wisconsin rely on rail transportation for the transportation of coal from its source to their power plants; and

WHEREAS, since the railroad industry was deregulated in 1980, the industry has consolidated from more than forty major railroads into seven major railroads with four of the remaining railroads handling 90% of the nation's total rail traffic; and

WHEREAS, many electric utilities in Wisconsin are captive customers to one rail carrier for the coal shipments resulting in an inability to negotiate the terms of their rail transportation in an open and competitive manner; and

WHEREAS, the Wisconsin Public Service Commission has recently opened a docket to review the impact of increased railroad shipping rates and reliability of railroads in shipping coal on electricity generation and its costs in Wisconsin; and

WHEREAS, absent legislative remedies to enhance competitive transportation or provide a means for setting reasonable transportation rates, many electric utilities and their customers will continue to be subject to high rates caused by the high cost of rail transportation of coal as established by railroads who possess a monopoly with regard to shipment of coal in a specific area; and

WHEREAS, high railroad rates result in high energy costs for consumers in Wisconsin in that most of the electrical energy that is generated throughout the State is a product of coal usage.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it supports activities undertaken by the American Public Power Association, the Municipal Electric Utilities of Wisconsin and other coalitions of captive rail customers such as Consumers United for Rail Equity (CURE) and Badger Consumers For Rail Equity in order to support efforts made to amend current laws and federal administrative policies in relationship to the development of competition in the improvement of rail customer protection mechanisms.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it supports federal pro-consumer legislation such as H.R. 2047 or Senate Bill 919, which both create stronger rail customer safeguards and for H.R. 3318, the "Railroad Antitrust and Competition Enhancement Act of 2005", which would eliminate railroad's antitrust exemption.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it authorizes and directs the Winnebago County Clerk to transmit a copy of this resolution to all members of the Wisconsin Congressional and Senate Delegation, 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. CARRIED BY VOICE VOTE.

**RESOLUTION NO. 85-92006: Declare October, 2006 As Domestic Violence Awareness Month In Winnebago County**

WHEREAS, domestic violence and abuse continue to be prevalent problems within our society; and

WHEREAS, there continue to be a significant amount of domestic violence and abuse reports to police agencies within Winnebago County; and

WHEREAS, it is in the best interest of the citizens of Winnebago County that Winnebago County recognizes domestic violence as a continuing problem and promotes continuous awareness of this problem.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby

proclaims October, 2006, as the Domestic Violence Awareness Month in Winnebago County.

Submitted by:  
BILL WINGREN, DIST. #18  
COUNTY BOARD SUPERVISOR

Motion by Supervisor Wingren and seconded to adopt. Ayes: 36. Nays: 0. Excused: 2 - Finch and Diakoff.  
CARRIED.

**RESOLUTION NO. 91-92006: Authorize Reduction Size of County Board from 38 to 32 Members**

WHEREAS, Section 59.10, Wisconsin Statutes, now allows the Winnebago County Board of Supervisors or the citizens of Winnebago County, through a referendum, to reduce the size of the County Board once between each ten (10) year census period; and

WHEREAS, it appears probable that a petition requesting a referendum will be circulated; and

WHEREAS, such a referendum may downsize the County Board of Supervisors to an extent that it would prove detrimental to the citizens of Winnebago County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves a reduction in the membership in the County Board of Supervisors from 38 members to 32 members.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the Planning Department of Winnebago County is hereby directed to prepare a map with a proposed redistricting plan pursuant to this Resolution and submit such map to the Judiciary and Public Safety Committee of the County Board of Supervisors within ninety (90) days of the date of this Resolution.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that said redistricting map shall be subject to the final approval of the full Winnebago County Board of Supervisors.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the Committee appointed by the County Board Chairman to review the size of the County Board continue to examine that issue and provide a recommendation to the County Board as to the size of the County Board subsequent to the 2010 census.

Submitted by:  
DAVID ALBRECHT, DIST. #11  
COUNTY BOARD SUPERVISOR

WITHDRAWN BY SUPERVISOR ALBRECHT.

**RESOLUTION NO. 92-92006: Authorize Reduction of Size of County Board from 38 to 25 Members**

WHEREAS, Section 59.10, Wisconsin Statutes, now allows the Winnebago County Board of Supervisors or the citizens of Winnebago County, through a referendum, to reduce the size of the County Board once between each ten (10) year census period; and

WHEREAS, citizens should have the opportunity to petition requesting a referendum to determine the size of the County Board; and

WHEREAS, people have a right to express their will about the size of their government; and

WHEREAS, good government often involves compromise.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves a reduction in the membership in the County Board of Supervisors from 38 members to 25 members.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the Planning Department of Winnebago County is hereby directed to prepare a map with a proposed redistricting plan pursuant to this Resolution and submit such map to the Judiciary and Public Safety Committee of the County Board of Supervisors within ninety (90) days of the date of this Resolution.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that said redistricting map shall be subject to the final approval of the full Winnebago County Board of Supervisors.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the Committee appointed by the County Board Chairman to review the size of the County Board continue to examine that issue and provide recommendation to the County Board as to the size of the County Board subsequent to the 2010 census.

Submitted by:  
BILL WINGREN, DIST. #18  
COUNTY BOARD SUPERVISOR

WITHDRAWN BY SUPERVISOR WINGREN ON THE ADVICE OF CORPORATION COUNSEL.

**RESOLUTION NO. 86-92006:                    Transfer \$40,000 from the Salary Contingency Fund to the Wage and Benefit Accounts of District Attorney Department's 2006 Budget**

WHEREAS, the 2006 budget for this department was reduced by one legal secretary; and  
WHEREAS, the amount of work has remained the same or increased slightly; and  
WHEREAS, the remaining legal secretaries have worked more overtime to complete the required workload;  
and

WHEREAS, as a result of the three above items, there will not be sufficient funds in the departments budget to fund the wages and benefits for the entire year 2006.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates \$40,000 from the Salary Contingency Fund of Winnebago County's General Fund to the District Attorney's Wage and Benefit Account of the 2006 budget.

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

Motion by Supervisor Rengstorf and seconded to adopt. Ayes: 32. Nays: 2 - Widener and Thompson. Abstained: 2 - Koziczkowski and Lennon. Excused: 2 - Finch and Diakoff. CARRIED.

**RESOLUTION NO. 87-92006:                    Transfer \$9,000 from the Salary Contingency Fund to the Fringe Benefit Accounts of the Register of Deeds Department's 2006 Budget**

WHEREAS, the 2006 fringe benefits for this department were budgeted at 48 percent of wages; and  
WHEREAS, the department has one additional employee receiving health insurance than what was originally budgeted for 2006, which would increase the percentage of fringes to wages; and  
WHEREAS, the actual fringe benefits for this department have been at about 51 percent; and  
WHEREAS, as a result of the three above items, there will not be sufficient funds in the department's budget to fund the fringe benefits for the entire year 2006.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates \$9,000 from the Salary Contingency Fund of Winnebago County's General Fund to the Register of Deeds Fringe Benefit account of the 2006 budget.

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

Motion by Supervisor Rengstorf and seconded to adopt. Ayes: 36. Nays: 0. Excused: 2 - Finch and Diakoff. CARRIED.

**RESOLUTION NO. 88-92006:                    Extend Lease Agreement for Multi – Purpose Copier /Printer Equipment by One Year and Replace Some of Existing Equipment With Color Capable Equipment.**

WHEREAS, Winnebago County entered a document management services agreement with Modern Business Machine on June 21, 2003; and

WHEREAS, the equipment consisted of machines with multiple capabilities where they functioned as copier, printer, fax, and scanner machines, varying slightly depending on the department's needs and the location of the

equipment; and

WHEREAS, a proposed lease extension calls for replacing ten (10) existing machines with color capable machines in departments where color is needed and shifting their equipment to departments whose equipment was in need of replacement; and

WHEREAS, incorporating these new color capable machines into the agreement would not result in any change to the monthly lease payments provided that the lease term is extended by one year; and

WHEREAS, these machines would reduce the number of small inkjet printers which require the use of very expensive color cartridges and operate very slowly; and

WHEREAS, the cost per copy charge for use of the color machines would be 8-cents per copy.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the County Executive and County Clerk to extend the Document Management Services Contract (a copy of which is attached and incorporated into this resolution) by one year to expire August 31, 2009.

Submitted by:

PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 36. Nays: 0. Excused: 2 - Finch and Diakoff.  
CARRIED.

**RESOLUTION NO. 90-92006:                      Withhold Payment to Diebold for Voting Machines Until Fully Functional**

WHEREAS, Winnebago County entered into an agreement with Diebold to purchase the Diebold Electronic voting machine based on a presentation made by two representatives of the manufacturer at the June 14 meeting of the full Winnebago County Board; and

WHEREAS, at that meeting, the representative of Diebold told the Board several times that its electronic touch screen voting solution would incorporate seamlessly into the system that we are currently using; and

WHEREAS, at that meeting the representatives of Diebold informed the Board that its product was fully certified by the Federal Elections Commission and the Wisconsin State Elections Board; and

WHEREAS, Winnebago County has since discovered that Diebold's claims are false and a component of its system needed for efficient use has not been perfected; and

WHEREAS, because this component was not available, the Winnebago County Clerk accrued six (6) hours in overtime expenses during the recent primary election.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby requests resolution of the accrual of overtime expenses by the Winnebago County Clerk due to the failure of Diebold machines to function as promised, either through the paying short of the purchase price of these machines or by other legal means if the invoice is already paid.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that if the invoice from Diebold is not yet paid, payment will not occur until the system functions properly.

Submitted by:

JEF HALL, DIST. #17

COUNTY BOARD SUPERVISOR

Motion by Supervisor Hall and seconded to adopt.

Motion by Supervisor Schaidler and seconded to refer to the Judiciary & Public Safety Committee. Ayes: 29. Nays: 7 - Weber, Widener, Lohry, Farrell, Hall, Wingren and Norton. MOTION TO REFER CARRIED.

Motion by Supervisor Robl and seconded to adjourn until 6:00 p.m. on Tuesday, October 17, 2006.  
CARRIED BY VOICE VOTE.

The meeting was adjourned at 10:40 p.m.

Respectfully submitted,  
Susan T. Ertmer  
Winnebago County Clerk

State of Wisconsin)  
County of Winnebago) ss

I, Susan T. Ertmer, do hereby certify that the foregoing is a true and correct copy of the Journal of the Winnebago County Board of Supervisors for their regular meeting held September 26, 2006.

Susan T. Ertmer  
Winnebago County Clerk