

**WINNEBAGO COUNTY BOARD MEETING
TUESDAY, MAY 17, 2011**

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: Konetzke, Barker, Englebert, Eisen, Ramos, Miller, Roh, Smith, Widener, Hamblin, Albrecht, Gabert, Swanson, Thompson, Lennon, Reynolds, Hall, Wingren, Jacobson, Norton, Warnke, Robl, Singstock, Neubauer, Kline, Locke, Hegg, Finch, Sievert, Farrey, Diakoff, Brennand, Egan, Ellis, Rengstorf and Kriescher.

Motion by Supervisor Robl and seconded to adopt the amended agenda. CARRIED BY VOICE VOTE.

Supervisor Farrey called for a point of order. He stated that he does not feel that proper procedures were followed in regards to tonight's amended agenda and corrected Resolution No. 241-52011: Adopt Tentative County Supervisory District Plan – Option 3.

Motion by Supervisor Farrey and seconded to reconsider the motion to approve tonight's amended agenda. Supervisor Farrey explained that it was his understanding that the County Board directed the Judiciary & Public Safety Committee to present at least two redistricting plans to the Board for consideration. The amended agenda removed the Judiciary & Public Safety Committee's Resolution No. 240-52011: Adopt Tentative County Supervisory District Plan – Option 2, which left only one redistricting resolution on the agenda. Resolution No. 240-52011 was pulled by Supervisor Rengstorf, Chairman of the Judiciary & Public Safety Committee. John Bodnar, Winnebago County Corporation Counsel, explained that County Board Rule 8.8 allows the chairman of the committee presenting a resolution to pull it from the County Board agenda at any time. After further discussion, Supervisor Farrey withdrew his motion to reconsider.

PUBLIC HEARING

No one addressed the Board.

COMMUNICATIONS, PETITIONS, ETC.

Sue Ertmer, County Clerk, asked those Supervisors who haven't updated their directory information yet, to do so and return the information sheet to Ms. Ertmer at tonight's meeting.

A letter from Congressman Petri acknowledging receipt of the Board's resolution on nursing homes was read to the Board. The letter was placed on file with the proceedings from this meeting.

Notice of Claim from Lawyer Cole for reimbursement for his wedding band that was lost while he was an inmate in the county jail was referred to the Personnel & Finance Committee.

Notice of Claim from Hillary Hollis for damage to her vehicle caused when she hit a pot hole on Highway 116 in Waukau was referred to the Personnel & Finance Committee.

Ms. Ertmer noted two corrections for the proceedings from the April 19, 2011:

- Correct the spelling of Mary Scoon's name on Page 173
- List Supervisor Locke as being present when the meeting was called to order.

REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS

Supervisor Widener reported on the high school seniors who will be receiving 2011 county scholarships:

- two seniors from Neenah High School
- two seniors from St. Mary's Central
- two seniors from Winneconne High School
- one senior from Oshkosh Lourdes
- one senior from Appleton Xavier
- one senior from Oshkosh West High School

Supervisor Widener asked that Supervisors speak directly into their microphones, otherwise it's very hard to hear them when they speak.

Supervisor Kline reported that there will be a Legislative Committee meeting on Monday, May 23 at 8:30 a.m. at the James P. Coughlin Center.

Supervisor Neubauer reported that the Town of Algoma is having their annual picnic on Saturday, June 4. Everyone is invited.

Motion by Supervisor Finch and seconded to approve the proceedings from the April 19, 2011 Winnebago County Board meeting. Supervisor Roh asked that his "abstain" votes on Ordinance No. 175-42011 be corrected to "aye" vote. Vote on proceedings as corrected—CARRIED BY VOICE VOTE.

COUNTY EXECUTIVE'S REPORT

Executive Harris reported that county departments have been instructed to develop their 2012 budgets based on the tax levy remaining "flat". In addition, each department will have to reduce their expenditures to absorb their share of the loss of \$1.4 Million in revenue sharing and other funding cuts.

Executive Harris stated that there will be savings in department's employee benefits costs because of anticipated changes that require employee's to contribute to the state retirement program. He believes that these savings will offset most of the losses in revenue sharing.

Executive Harris also noted that other issues affecting the county's budgeting for 2012:

- pending legislation that will give a two-year suspension on rate limits for counties
- anticipated real estate value rates for residential properties was flat in 2010; anticipated real estate value rates for commercial properties were negative in 2010

Executive Harris reported on pending legislation on the following issues:

- Sheriff's deputies would be required to contribute to the state retirement system
- mediation and arbitration rights are removed from collective bargaining

Executive Harris then took questions from the Board.

ZONING REPORTS & ORDINANCES

REPORT NO. 001. A report from the Planning & Zoning Committee regarding a requested zoning change from applicants and property owners Bradley Family Trust/LuAnn Ruby, Town of Omro, for a zoning change to A-2/R-1 for tax parcel no. 016-076-01, 016-0767 & 4016-0751. Motion by Supervisor Brennand and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 05-01-11. A requested zoning change from A-2 (General Farming)/R-1 (Rural Residential District)/B-2 (Community Business District) to A-2 (General Farming)/R-1 (Rural Residential District). Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – June 3, 2011)

REPORT NO. 002. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Steven E. Kaiser, Larson Engineering; and property owners Ronald & Jane Johnson, Town of Oshkosh, for a zoning change to M-2 for tax parcel no. 018-0012. Motion by Supervisor Brennand and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 05-02-11. A requested zoning change from M-1 (Light Industrial & Office District) to M-2 (Heavy Industrial District). Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – June 3, 2011)

RESOLUTIONS AND ORDINANCES

RESOLUTION NO. 228-52011: Commendation for Barb Robertson

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

WHEREAS, Barb Robertson 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 Barb Robertson 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 Barb Robertson.

Submitted by,
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 229-52011: Commendation for Linda R. Block

WHEREAS, Linda Block has been employed with Winnebago County at University Extension and Park View Health Center, for the past twenty-one years, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Linda Block 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 Linda Block 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 Linda Block.

Submitted by,
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 230-52011: Authorize the Parks Department to Accept a \$5,000 Donation from Green Lake Greenways and the Funds to the Rehabilitation of the Mascoutin Valley State Recreation Trail

WHEREAS, the Green Lake Greenways organization is made up of a dedicated group of volunteers who have included as part of their mission statement the goal of improving the Mascoutin Valley State Recreation Trail; and

WHEREAS, one of the most important components of the Mascoutin Trail that the Green Lake Greenways organization feels must be maintained at a high standard is the condition of the pathway and the surface material that supports it; and

WHEREAS, in an effort to upgrade the quality of the Mascoutin Trail, Green Lake Greenways is asking for Winnebago County's consideration in accepting the organization's \$5,000.00 donation to go towards trail rehabilitation; and

WHEREAS, the additional funding provided by Green Lake Greenways would allow the Parks Department to perform extra rehabilitative work along the Mascoutin Trail; and

WHEREAS, your undersigned Committees recommend that said donation be accepted and hence be appropriated for the purpose of supporting a project intended to upgrade the quality of the pathway along the Mascoutin Valley State Recreation Trail.

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors that it hereby authorizes the Parks Department to accept a donation from Green Lake Greenways in the amount of \$5,000.00 and appropriate it to the rehabilitation of the Mascoutin Valley State Recreation Trail.

Submitted by:
PARKS & RECREATION COMMITTEE
PERSONNEL & FINANCE COMMITTEE

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

RESOLUTION NO. 231-52011: Oppose the Centralization of Economic Support Programs as Proposed in The Governor's Biennium Budget

WHEREAS, Wisconsin has a long history of providing social services through county government; and

WHEREAS, these programs include eligibility determination for Family Care and the Caretaker Supplement, Medicaid, Badger Care, Food Share, Energy Assistance, Child Care, and Wisconsin Works; and

WHEREAS, in Winnebago County those services are provided by the Department of Human Services, Economic Support Unit; and

WHEREAS, the current biennium budget calls for the centralization of the Medicaid including Family Care and Badger Care, and Food Share programs, thus eliminating local access to economic support services; and

WHEREAS, there are approximately 30,000 citizens of Winnebago County receiving these services; and

WHEREAS, without the knowledge and experience of local personalized assistance many of these citizens may lose their benefits.

NOW THEREFORE, BE IT RESOLVED, that the Winnebago County Board of Supervisors go on record opposing the centralization of these services and encourage our county's legislators to vote against this portion of the Governor's Biennium Budget.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to this county's legislative delegation, as well as the offices of the Governor, Lieutenant Governor, and Secretary of State.

Submitted by:
HUMAN SERVICES BOARD

WITHDRAWN by Supervisor Widener.

ORDINANCE NO. 232-52011:

Amend Winnebago County General Code Section 19.08 Relating to the Closure of Parks Properties

WHEREAS, in the interest of maintaining and protecting Parks properties it is sometimes necessary for Parks Administration to enact measures that effectively eliminate the public's use of certain grounds and/or buildings for an indeterminate period of time; and

WHEREAS, in instances where athletic field turf has been compromised due to saturated soil conditions, it is appropriate for the Parks Administration to attempt to restrict the public's access to such fields as a means of preventing grass damage from occurring as a result of ill-timed use; and,

WHEREAS, as a means of communicating enactment of field closure(s), a series of message boards would be placed at key locations near the athletic fields in order to inform the public regarding said closures; and,

WHEREAS, use of said message boards would also make it possible for both Parks staff and the Oshkosh Police Department to readily enforce Section 19.08 of the General Code and thereby help avert the need to invest resources in repairing field damage brought about by unregulated public activities; and,

WHEREAS, the Winnebago County Parks and Recreation Committee has reviewed and recommends approval of the following amendment to Section 19.08 of the General Code of Winnebago County; and,

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

That Sections 19.08 of the General Code of Winnebago County be amended to read as follows:

19.08 CLOSED AREAS. Any area or facility within a County park may be declared either partially or entirely closed to the public by the Parks Director or Parks Committee at any time and for any interval of time either temporarily or at regular stated intervals. Notification of such closures shall be disseminated using press releases or, in the case of athletic field closures, advertised through the posting of announcements on centralized message boards located within view of the sports field(s).

BE IT FURTHER ORDAINED by the County Board of Supervisors of the County of Winnebago that said amendment to the General Code of Winnebago County shall become effective on the date following the date of publication.

Submitted by:
PARKS & RECREATION COMMITTEE

Motion by Supervisor Finch and seconded to adopt. Supervisor Swanson asked that the Resolution be corrected by adding the word "Parks" in Sec. 19.08 before the word "Committee".

Vote on Resolution as corrected – CARRIED BY VOICE VOTE.

RESOLUTION NO. 233-52011:

Authorize Park View Health Center to Accept a Grant of \$4,815 from the Ladies Benevolent Society and Appropriate the Funds for the Purchase of Four (4) Low Profile Beds

WHEREAS, The Ladies Benevolent Society has offered to grant Park View Health Center \$4,815 for the purchase of four low profile beds complete with wall bumpers and controls; and

WHEREAS, these beds would benefit residents of Park View Health Center with safety enhancement and the reduction of potential injury due to falls; and

WHEREAS, it would be of benefit to Park View Health Center to accept this grant and purchase the beds.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes Park View Health Center to accept a \$4,815 grant and appropriates the funds for the purchase of four low profile beds complete with bumpers and controls.

Submitted by:
PARK VIEW HEALTH CENTER COMMITTEE
PERSONNEL & FINANCE COMMITTEE

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

RESOLUTION NO. 234-52011:

Authorize a Transfer of \$7,300 from the "Clothing" Account to the "Capital Outlay Account" of the Sheriff's Jail Assessment Fund for the Purpose of Purchasing a Replacement Food Tray Conveyor System for the Jail

WHEREAS, the food conveyor in the jail is becoming unreliable and difficult to maintain because of its age; and

WHEREAS, the unit needs to be replaced to prevent delays and backups in the meal serving and cleanup process in the jail; and

WHEREAS, the Sheriff has determined that funds could be transferred from the clothing account to the capital outlay account of the jail assessment fund to cover the cost; and

WHEREAS, the Jail Assessment Fund exists for needs such as this.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes a transfer of \$7,300 from the Jail Assessment clothing account to the capital outlay account for the purchase of a replacement food conveyor system.

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

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

RESOLUTION NO. 235-52011: Adopt Changes to the Winnebago County Investment Policy

WHEREAS, your Finance Director wishes to modify the County Investment Policy so as to allow investment of US Treasury and Agency notes with a five year maturity dates, up from the current three year limit; and

WHEREAS, most of these treasury and agency notes have call provisions and interest rate step-up provisions to protect the County should interest rates rise; and

WHEREAS, step-up interest rate provisions often result in securities being called, thus shortening the effective duration to less than the 5 years; and

WHEREAS, these securities give the Finance Director the ability to get better returns than by investing in CD's and shorter duration treasury and agency notes; and

WHEREAS, both your Finance Director and Treasurer feel it would be more proficient to allow the Finance Director to maintain custody of the papers representing these investments, rather than the Treasurer; and

WHEREAS, most of these investments are book entry only therefore, there is no paper document that can be submitted to the institution where purchased for redemption of the funds, thus there is no real impact on the protections in place to prevent fraud; and

WHEREAS, the County Treasurer is in agreement with the Finance Director relative to all of the proposed changes.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the amendments to the County Investment Policy as outlined on the attached copy.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

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

RESOLUTION NO. 236-52011: Authorize the Facilities Department to Accept a Focus on Energy Grant of \$12,711 and Appropriate the Funds to the Exposition Center HVAC Replacement Capital Project

WHEREAS, the Facilities Department is in the process of upgrading the HVAC system at the Exposition Center as part of a capital project approved by the County Board last year; and

WHEREAS, the Facilities Department applied for a Focus on Energy grant and has been awarded \$12,711 to upgrade and purchase more efficient units; and

WHEREAS, the County has an initiative to work on being as "green" as possible going forward; and

WHEREAS, these energy efficient units would help towards our "green" initiative and result in energy savings to the County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Facilities Department to accept a \$12,711 Focus on Energy grant and appropriates the funds to the Expo Center HVAC replacement project for the purpose of purchasing more energy efficient units.

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

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

RESOLUTION NO. 237-52011: Disallow Claim of Mary Jo Grossman

WHEREAS, your Personnel and Finance Committee has had the claim of Mary Jo Grossman 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 Mary Jo Grossman dated April 6, 2011, 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. 238-52011: Disallow Claim of Extreme Clean Automobile Detailing LLC

WHEREAS, your Personnel and Finance Committee has had the claim of Extreme Clean Automobile Detailing LLC 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 Extreme Clean Automobile Detailing LLC dated April 6, 2011, 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. 239-52011: Disallow Claim of American Family Insurance for Linda L. Cotton

WHEREAS, your Personnel and Finance Committee has had the claim of American Family Insurance for Linda L. Cotton 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 American Family Insurance for Linda L. Cotton dated April 4, 2011, 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.

CORRECTED

RESOLUTION NO. 241-52011: Adopt Tentative County Supervisory District Plan – Option 3

WHEREAS, under Wisconsin Statutes s. 59.10, county governments in Wisconsin are required to redistrict following completion of the federal ten-year decennial census to reflect shifts in population since the last census;

WHEREAS, to meet the statutory requirement for redistricting, county governments are required to create and adopt a tentative county supervisory district plan within 60 days after the results of the federal census is published by the State of Wisconsin, which occurred on March 21, 2011 and ending on May 19, 2011; and

WHEREAS, pursuant to Wisconsin Statutes, the tentative county supervisory district plan must be substantially equal in population for all districts (less than 10% deviation between all districts), keep districts relatively compact, generally keep municipalities contiguous and consider groups of community interest when redrawing supervisory district lines; and

WHEREAS, pursuant to Wisconsin Statutes, the Winnebago County Judiciary and Public Safety Committee has sought the input from local municipalities in the County to ensure their concerns are expressed in the creation of the tentative district plan; and

WHEREAS, the Winnebago County Judiciary and Public Safety Committee on April 18, 2011 agreed to forward two tentative supervisory district plans (identified as Option 2 and Option 3) onto the Winnebago County Board for a Public Hearing on said tentative plans; and

WHEREAS, pursuant to Wisconsin Statutes, on May 3, 2011 the Winnebago County Board of Supervisors held a Public Hearing on the tentative district plans (options 2 and 3).

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that Tentative Supervisory District Plan Option 3 better meets the requirements identified in Wisconsin Statutes relative to generally equal population in all districts (less than 10% deviation between all districts), keeps districts relatively compact, generally keeps municipalities contiguous, and reflects consideration of communities of interest.

WHEREAS, the Winnebago County Judiciary & Public Safety Committee at their meeting on Monday, May 9, 2011 recommended that Tentative Supervisory District Plan Option 3 as presented to them be adopted by the Winnebago County Board of Supervisors.

BE IT FURTHER RESOLVED that the Winnebago County Board of Supervisors hereby adopts Tentative Supervisory District Plan Option 3 and transmits said Tentative Plan to each municipal governing body in the county for the preparation of local ward boundaries. In addition, said adopted Tentative Plan shall hereafter be referred to as the "Winnebago County Tentative Supervisory District Plan".

Submitted by:
JUDICIARY & PUBLIC SAFETY COMMITTEE

Motion by Supervisor Robl and seconded to adopt.

Motion by Supervisor Eisen and seconded to amend Resolution No. 241-52011 by substituting the text from Resolution No. 240-52011: Adopt Tentative County Supervisory District Plan – Option 2, which appeared on the original agenda for this meeting; and further amend Resolution No. 241-52011 by adding the following paragraph: "Be it further resolved, that should the Winnebago County Board of Supervisors defeat Tentative Supervisory District Plan Option 2, then Tentative Supervisory District Plan Option 3 shall be automatically adopted."

Supervisor Wingren asked John Bodnar, Corporation Counsel, for a legal opinion on Supervisor Eisen's motion. Mr. Bodnar stated that it was permissible for Supervisor Eisen to amend Resolution No. 241-52011 with text describing County Supervisory District Plan-Option 2. However, the portion of Supervisor Eisen's motion that would make Option 3, "automatically adopted" if Option 2 is defeated is not permissible.

After Mr. Bodnar's explanation, Supervisor Eisen amended his original motion to amend Resolution No. 241-52011 by substituting County Supervisory District Plan-Option 2 for Option 3.

Vote on Supervisor Eisen's motion – Ayes: 10 – Konetzke, Englebert, Eisen, Hamblin, Gabert, Sievert, Farrey, Ellis, Rengstorf and Kriescher. Nays: 25. Abstain: 1 – Albrecht. LOST.

Vote on Resolution No. 241-52011 as presented – Ayes: 31. Nays: 3. Abstain: 2 – Albrecht and Swanson. CARRIED.

Motion by Supervisor Robl and seconded to adjourn until Tuesday, June 21, 2011. CARRIED BY VOICE VOTE.

The meeting was adjourned at approximately 7:30 p.m.

Submitted by:
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 May 17, 2011.

Susan T. Ertmer
Winnebago County Clerk