

**WINNEBAGO COUNTY BOARD MEETING  
TUESDAY, FEBRUARY 9, 2016**

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 Locke.

The following Supervisors were present: Konezke, Barker, Harpt, Eisen, Ramos, Kiel, Roh, Smith, Scherck, Albrecht, Gabert, Egner, Thompson, Olson, Brewer, Wingren, Lautenschlager, Norton, Warnke, Robl, Singstock, Brooks, Turner, Locke, Hegg, Youngquist, Farrey, Rasmussen, Keller, Egan, Ellis, Snider and Kriescher. Excused: Widener, Hardy and Finch.

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

**PUBLIC HEARING**

No one from the public addressed the board.

**COMMUNICATIONS AND PETITIONS**

The following correspondence was presented to the Board by Sue Ertmer, County Clerk:

- Communications, petitions, etc.
  - Notice of Claims:
    - Notice of Claim from Jeffrey C. Jajtner for damage to his vehicle resulting from an accident with a county snowplow was referred to the Personnel and Finance Committee.
    - Notice of Claim from Victoria Melum for injuries sustained when she fell at Court Tower in Oshkosh was referred to the Personnel and Finance Committee.
  - Resolutions from other counties:
    - Outagamie County – Resolution No. 120-2015-16, a resolution opposing, “any legislation that would allow a dairy farmer to sell unpasteurized (raw) milk and raw milk products such as butter and cheese directly to consumers on the farm where the milk products are produced” was referred to the Legislative Committee.
- Zoning Petitions:
  - No. 001 – Jeffrey L. Leichtfuss and Cullen L. Raasch, Town of Nekimi; tax parcel nos. 012-0424 and 012-0424-01; rezone to R1/A2 - single family residential was referred to the Planning and Zoning Committee.

**REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS**

Supervisor Wingren announced the Legislative Committee will meet on Monday, February 22, 2016. If you have any items to be added to the agenda, contact Supervisor Wingren.

Supervisor Lautenschlager reported on his attendance at the WCA Legislative Exchange Conference held in Madison. He felt the content of the conference was very good.

Supervisor Snider reported on attendance at a meeting on February 1 for the listening session of Governor Scott Walker at the Village of Winneconne Municipal Center. He spoke to Governor Walker regarding the Veterans’ bill and was assured the bill would go away. Supervisor Snider reported on his attendance at the WCA Legislative Exchange and what sessions he attended and legislators that he visited. He lobbied against the Veterans’ bill with legislators and was assured that the bill would not pass. ~~While still in Madison, the bill was pulled.~~ The bill was ultimately pulled on February 4 due to further action by Veterans Advocacy Groups. (Amended at 3/15/2016 meeting.)

Supervisor Warnke placed invitations on everyone’s desk to the Disabled American Veterans’ Fund Raiser event to be held on February 20. All proceeds will go to the Veteran’s Office in Winnebago County. He encourages other supervisors to attend.

Supervisor Norton attended the WCA Legislative Exchange. He sent a Wisconsin Eye YouTube video to the County Clerk’s Office to be shared with all Supervisors.

Motion by Supervisor Robl and seconded by Supervisor Ellis to approve the January 5, 2016 and January 19, 2016 proceedings. CARRIED BY VOICE VOTE.

**COUNTY EXECUTIVE’S REPORT**

Mark Harris, Winnebago County Executive, updated the board on placements at Lincoln Hills. There are five juveniles currently placed there. Human Services has been there to interview the juveniles in regard to their care and their findings were favorable.

## **COUNTY EXECUTIVE APPOINTMENTS**

### **Human Services Board**

County Executive Harris asked for approval of his corrected re-appointments of James Koziczkowski, 104 Lexington Court, Neenah; Tom Widener, 129 Richard Avenue, Neenah; Larry Lautenschlager, 1215 Carr Place; and Jerry Finch, 515 Shreve Lane, Neenah to the Human Services Board. These are three-year terms which will expire on December 31, 2018. The dates on the original appointments incorrectly stated the expiration date as August 31, 2018. Motion by Supervisor Robl and seconded by Supervisor Konetzke to approve. CARRIED BY VOICE VOTE.

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

Chairman Albrecht reported that Supervisors Widener, Hardy, and Finch asked to be excused for tonight's meeting.

## **ZONING REPORTS & ORDINANCES**

- Report No. 001 – A report from the Planning and Zoning Committee regarding a requested zoning change from property owner, Wildwood Creek, LLC; Town of Winneconne, for a zoning change to PDD Planned Development District for tax parcel nos. 030-0340-01-01 and 030-0340-01-02. Motion by Supervisor Egan and seconded by Supervisor Gabert to accept. CARRIED BY VOICE VOTE.
  - Amendatory Ordinance No. 020116 – A requested zoning change from PDD - Planned Development District to PDD - Planned Development District for tax parcel nos. 030-0340-01-01 and 030-0340-01-02. Motion by Supervisor Egan and seconded by Supervisor Farrey to accept. CARRIED BY VOICE VOTE.
- Report No. 002 – A report from the Planning and Zoning Committee regarding a requested zoning change from property owners, Kim and Thomas Lehouillier; Town of Oshkosh, for a zoning change from R-2 to R-2 for tax parcel no. 018-2290. Motion by Supervisor Egan and seconded by Supervisor Ellis to accept. CARRIED BY VOICE VOTE.
  - Amendatory Ordinance No. 020216 – A requested zoning change from R-2 Suburban Low Density Residential to R-2 Suburban Low Density Residential for tax parcel no. 018-2290. Motion by Supervisor Egan and seconded by Supervisor Gabert to accept. CARRIED BY VOICE VOTE.
- Report No. 003 – A report from the Planning and Zoning Committee regarding a request for annexation from property owner, Chris Rhyner; Town of Nekimi, from the Town of Nekimi to the City of Oshkosh for tax parcel no. 012-0265, 012-0266 and 012-0265-01(p). Motion by Supervisor Egan and seconded by Supervisor Gabert to accept. CARRIED BY VOICE VOTE.
  - Amendatory Ordinance No. 020316 – A requested zoning change for annexation from the Town of Nekimi to the City of Oshkosh of tax parcel nos. 012-0265, 012-0266 and 012-0265-01(p). Motion by Supervisor Egan and seconded by Supervisor Gabert to accept. CARRIED BY VOICE VOTE.
- Report No. 004 – A report from the Planning and Zoning Committee regarding a request for annexation from property owner, Neenah Joint School District, Town of Neenah, from the Town of Neenah to the City of Neenah of tax parcel nos. 010-0016-05, 010-0037, 010-0037-01 and 010-0039-04. Motion by Supervisor Egan and seconded by Supervisor Gabert to accept. CARRIED BY VOICE VOTE.
  - Amendatory Ordinance No. 020416 – A requested zoning change for annexation from the Town of Neenah to the City of Neenah of tax parcel nos. 010-0016-05, 010-0037, 010-0037-01 and 010-0039-04. Motion by Supervisor Egan and seconded by Supervisor Gabert to accept. CARRIED BY VOICE VOTE.
- Report No. 005 – A report from the Planning and Zoning Committee regarding a request for annexation from property owner, FVTC Foundation, Inc. – Town of Nekimi; from the Town of Nekimi to the City of Oshkosh for tax parcel no. 012-0182. Motion by Supervisor Egan and seconded by Supervisor Gabert to accept. CARRIED BY VOICE VOTE.
  - Amendatory Ordinance No. 020516 – A requested zoning change for annexation from the Town of Nekimi to the City of Oshkosh of tax parcel no. 012-0182. Motion by Supervisor Egan and seconded by Supervisor Ellis to accept. CARRIED BY VOICE VOTE.
- Report No. 006 – A report from the Planning and Zoning Committee regarding a request for annexation from property owner, DGB Investments, LLC – Town of Nekimi; from the Town of Nekimi to the City of Oshkosh for tax parcel no. 012-0266-03-01. Motion by Supervisor Egan and seconded by Supervisor Gabert to accept. CARRIED BY VOICE VOTE.
  - Amendatory Ordinance No. 020616 – A requested zoning change for annexation from the Town of Nekimi to the City of Oshkosh of tax parcel no. 012-0266-03-01. Motion by Supervisor Egan and seconded by Supervisor Gabert to accept. CARRIED BY VOICE VOTE.
- Report No. 007 – A report from the Planning and Zoning Committee regarding a request for annexation from property owner, P & Q Bencarrie Complex LLC – Town of Neenah; from the Town of Neenah to the City of Neenah of tax parcel no. 010-0277 (p). Motion by Supervisor Egan and seconded by Supervisor Gabert to accept. CARRIED BY VOICE VOTE.
  - Amendatory Ordinance No. 020716 – A requested zoning change for annexation from the Town of Neenah to the City of Neenah of tax parcel no. 010-0277(p). Motion by Supervisor Egan and seconded by Supervisor Gabert to accept. CARRIED BY VOICE VOTE.

- Amendatory Ordinance 8 – A requested zoning change from the Town of Clayton on behalf of Dennis Gehrt for a zoning change from A-2 General Agricultural District to B-2 Community Business District for tax parcel no. 006-0901-04-07. Motion by Supervisor Egan and seconded by Supervisor Gabert to accept. CARRIED BY VOICE VOTE.
- Amendatory Ordinance 9 – A requested zoning change from the Town of Clayton on behalf of Guy Gruett for a zoning change from A-2 General Agricultural District to R-2 Suburban Residential District for tax parcel no. 006-0607-01. Motion by Supervisor Egan and seconded by Supervisor Gabert to accept. CARRIED BY VOICE VOTE.
- Amendatory Ordinance 10 – A requested zoning change from the Town of Clayton on behalf of James Sturgis for a zoning change from A-2 General Farming District to R-1 Rural Residential District for tax parcel no. 006-0531(p). Motion by Supervisor Egan and seconded by Supervisor Ellis to accept. CARRIED BY VOICE VOTE.
- Amendatory Ordinance 11 – A requested zoning change from the Town of Winneconne on behalf of Michael Pamer for a zoning change from A-2 Agriculture to R-1/ A-1 Residential for tax parcel no. 030-0088. Motion by Supervisor Egan and seconded by Supervisor Snider to accept. CARRIED BY VOICE VOTE.

**RESOLUTIONS AND ORDINANCES**

**RESOLUTION NO. 262-22016: Disallow Claims of Lynn Reimer**

WHEREAS, your Personnel and Finance Committee has had the claims of Lynn Reimer referred to it for attention; and

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

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the claims of Lynn Reimer, filed with the County Clerk from December 11, 2015, to the present time, be and the same are 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 Rasmussen and seconded by Supervisor Ellis to approve. CARRIED BY VOICE VOTE.

**ORDINANCE NO. 263-22016: Adopt a 10-Year Update of Winnebago County’s Comprehensive Plan and Amend Chapter 22 of the General Code of Winnebago County**

WHEREAS, on March 21, 2006, the Winnebago County Board of Supervisors (“Board”) adopted a comprehensive plan pursuant to §§ 59.69 and 66.1001, Wis Stats; and

WHEREAS, § 66.1001, Wis Stats, requires an update of an adopted comprehensive plan every 10 years; and

WHEREAS, the Board desires to have an up-to-date comprehensive plan that fully complies with §§ 59.69 and 66.1001, Wis Stats; and

WHEREAS, the process to prepare the 10-year update was formally initiated in 2014 when the Board adopted a public participation plan which outlined the way citizens, local units of government, and others could be involved in the preparation, review, and adoption of the 10-year update; and

WHEREAS, the Winnebago County Planning and Zoning Committee has prepared a 10-year update of Winnebago County's 2006 comprehensive plan; and

WHEREAS, the Planning and Zoning Committee, by a majority vote of the entire Committee as recorded in its official minutes of February 1, 2016, has adopted a resolution recommending to the County Board the adoption of the document entitled “A Multi-Jurisdictional Comprehensive Plan for Winnebago County: 2016-2035;” and

WHEREAS, on January 27, 2016, the Winnebago County Planning and Zoning Committee conducted a public hearing in compliance with § 59.69(3)(d), Wis Stats, and on February 9, 2016, the Winnebago County Board of Supervisors is conducting a public hearing in compliance with the requirements of § 66.1001(4)(c) and (d), Wis Stats; and

WHEREAS, the Board has determined that the provisions included in the adopted public participation plan have been followed.

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

**SECTION 1. COMPREHENSIVE PLAN AMENDMENT**

The Winnebago County Board of Supervisors hereby adopts the comprehensive plan entitled “A Multi-Jurisdictional Comprehensive Plan for Winnebago County: 2016-2035;” which consists of three documents as follows:

- Volume 1: Background Document (attached hereto as Exhibit A)
- Volume 2: Policy Document (attached hereto as Exhibit B)
- Volume 3: Farmland Preservation Plan (Volume 3 remains unchanged)

## SECTION 2. DISTRIBUTION OF ORDINANCE

The Planning Director for Winnebago County is directed to send a copy of this ordinance to those entities enumerated in § 66.1001(4)(b), Wis Stats

## SECTION 3. REPEAL AND RECREATE CHAPTER 22

The County Board of Winnebago County hereby repeals and recreates Chapter 22 of the Winnebago County General Code to read as follows:

### Chapter 22 Winnebago County Comprehensive Plan

22.01 Authority: Pursuant to sections 59.69(2) & (3) and s. 66.1001, Wis. Stats, Winnebago County is authorized and mandated to prepare and adopt a comprehensive plan which allows the county to enact or amend in the following ordinances as enumerated in s. 66.1001(3), Wis. Stats., including but not limited to: local subdivision regulation under s. 236.45 or 236.46, Wis. Stats; County zoning ordinance enacted or amended under s. 59.69, Wis. Stats.; zoning of shorelands or wetlands in shorelands under s. 59.692, Wis. Stats.; and town zoning ordinances that are approved by the County Board and enacted and amended under s. 60.61 or 60.62, Wis. Stats.

22.02 Applicability: Pursuant to s. 59.69(3)(a), Wis. Stats., this ordinance shall be applicable to all lands within Winnebago County which are in unincorporated areas and in those areas within incorporated areas whose governing bodies by resolution agree to having their areas included in the county development plan.

22.03 Official Copy: The County Clerk shall maintain a copy of the adopted comprehensive plan and any amendments made thereto. Such copy shall be made available to the public upon request during normal office hours.

22.04 Interpretation in Relationship to Other Laws: This ordinance shall apply and take precedence in all situations where it is more restrictive than another ordinance. The provisions of this ordinance shall be interpreted as minimum requirements and shall be liberally construed in favor of this ordinance. This ordinance shall not be deemed to limit or repeal any other powers granted to Winnebago County by the Wisconsin Statutes or the Wisconsin Administrative Code. Winnebago County acknowledges those intergovernmental agreements relating to the location of boundaries which exist at the time of the adoption of this Ordinance. Both prior to and subsequent to January 1, 2010, it is the intent of Winnebago County to recognize said agreements to the extent that said Agreements are not contrary to nor in violation of the General Code of Winnebago County, the Wisconsin Administrative Code or Wisconsin or Federal statutes. Nothing contained within this ordinance shall be construed so as to require Winnebago County to enforce any such intergovernmental agreement.

22.05 Severability and Nonliability: If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

22.06 Plan-Ordinance Consistency: All of the following enacted or amended ordinances and related plans and procedures shall be consistent with the adopted comprehensive plan, including the future land uses identified in the plan:

- (1) Pursuant to s. 66.1001(3), Wis. Stats., the Winnebago County Zoning Ordinance (Chapter 23 of the County General Code).
- (2) Pursuant to s. 66.1001(3), Wis. Stats., major land divisions as defined in the Winnebago County Subdivision Ordinance (Chapter 18 of the County General Code);
- (3) Pursuant to s. 66.1001(3), Wis. Stats., all Town zoning ordinances and amendments thereto that are required to be approved by the County Board.
- (4) Pursuant to s. 66.1001(3), Wis. Stats., the Winnebago County Shoreland Ordinance (Chapter 27 of the County General Code)
- (5) Farmland Preservation Plan prepared and adopted in accordance with ch. 91, Wis. Stats.
- (6) Where the adopted comprehensive plan and those adopted ordinances enumerated in this section are in conflict, the remedy shall be as identified in this ordinance, the adopted comprehensive plan for changes to the plan, or those ordinances cited in sections s. 22.06 (1) to (7) above for changes to the affected ordinance(s). This includes the future land use map in the comprehensive plan and the adopted zoning map of the County Zoning Ordinance.
- (7) Lots of record existing at the time of implementation of this ordinance are exempt from any lot size parameters that may be identified in the adopted comprehensive plan, however the proposed use shall be in compliance with the uses shown on the future land use map in the adopted comprehensive plan.

22.07 Amendments, Revisions, and Updates: All amendments, revisions, and updates to the plan or adoption of a new plan shall be in accordance with s. 66.1001(4), Wis. Stats.

22.08 Fees: The Winnebago County Board of Supervisors may establish a fee for submitting a petition to amend the adopted comprehensive plan.

22.09 Inclusion and Adherence to City and Village Plans: Pursuant to s. 59.69(3)(b), Wis. Stats., the county development plan shall include the master plan of any city or village that was adopted under s. 62.23(2) or (3), Wis. Stats., and the official map of such city or village that was adopted under s. 62.23(6), Wis. Stats. in the county, without change to said plan. In addition, pursuant s. 59.69(3)(e), Wis. Stats, master plans for cities and villages adopted under s. 62.23(2), Wis. Stats., and (3) and an official map that is established under s. 62.23(6), Wis. Stats. shall control in the unincorporated territory of the county, whether or not such action occurs before the adoption of a county development plan. The future land use map for the City of Oshkosh shall only apply in the extraterritorial jurisdictional area of the City. As such, when the City of Oshkosh expands the extraterritorial jurisdiction via annexation or boundary agreement, the County's future land use map will change accordingly to reflect the change in extraterritorial jurisdictional area, without need for a formal plan amendment. Property outside of the extraterritorial jurisdiction of the City of Oshkosh shall be regulated by the County's future land use map, until such time as this boundary changes due to an annexation and/or attachment of town property through a boundary agreement between the City of Oshkosh and respective town. Application for development activity pursuant to s. 22.06 shall require a written statement of plan compliance from the applicable city or village. Only proposed zoning changes and major land divisions shall be required to be in compliance with the plan in these areas.

22.10 Implementation Actions: The adopted comprehensive plan may include recommendations for various implementation activities. Prior to commencing work on any major implementation action, the Winnebago County Planning Director shall confer with the Winnebago County Planning and Zoning Committee to determine if specific authorization is required or recommended. If it is determined authorization is necessary or recommended, such work must be approved by the Planning and Zoning Committee and if required, or if requested by said Committee, by the Winnebago County Board of Supervisors.

22.11 Violations and Penalties:

- (1) It shall be unlawful to construct or use any structure, land, or water in violation of any provisions of this ordinance. In case of any violation, the County Board of Supervisors, the County Zoning Administrator, Town Board, or any property owner aggrieved by such violation may institute appropriate action or proceedings to enjoin a violation of this ordinance.
- (2) If the County Zoning Office shall determine at any time that the ordinance, laws, orders, plans and specifications are not being complied with, said office is authorized to post a stop work order at the site of the work. When such order has been posted, it shall have the effect of causing the original permit or approval(s) to be revoked and in all cases, it shall be unlawful for any further work to proceed until the permit or required approval(s) are issued or reinstated. It shall further be unlawful to remove such stop work order without the direct authorization of the County Zoning Office.
- (3) Penalties: Any person, firm, or corporation, who fails to comply with the provisions of this ordinance as enumerated in s. 22.06 (1) to (7), above, or any order of the County Zoning Administrator issued in compliance with s. 22.06 (1) to (7), or who violates, disobeys, neglects, omits or refuses to comply with or who resists enforcement of s. 22.06 (1) to (7) shall be subject to the penalties as provided in s. 25.04 of the Winnebago County General Code.

#### SECTION 4. EFFECTIVE DATE OF ORDINANCE

This ordinance amendment shall take effect on **March 20, 2016** following passage by a majority vote of the members-elect of the County Board and publication as required by law.

Adopted this  day of **February** 2016.

BE IT FURTHER ORDAINED by the Winnebago County Board of Supervisors that a complete copy of the County Comprehensive Future Land Use Plan is available online at <http://www.co.winnebago.wi.us/planning-and-zoning/comprehensive-plan/draft-comprehensive-plan>.

Submitted by:  
PLANNING AND ZONING COMMITTEE

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

**RESOLUTION NO. 264-22016: Authorize a Transfer of \$147,000 from the Professional Services Account to the Labor Accounts of the Sheriff's Department's 2015 Budget to Cover Overages in the Labor Accounts**

WHEREAS, the Sheriff's Department exceeded its labor account in its 2015 Budget by \$147,000; and  
WHEREAS, there are sufficient funds available in the Professional Services Account of the Sheriff's  
Department's 2015 Budget to cover the overages; and

WHEREAS, because of the available funds in the Professional Services Account, the Department will not need  
to request funds from the Contingency Fund or General Fund Balance.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby  
authorizes a transfer of \$147,000 from the Professional Services Account to the Labor Accounts of the Sheriff's  
Department's 2015 Budget to cover overages in the Labor Accounts.

Submitted by:  
PERSONNEL AND FINANCE COMMITTEE

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

**RESOLUTION NO. 265-22016: Authorize a Transfer of \$19,000 from the Salary Contingency Fund and \$3,400  
from the General Contingency Fund to the Labor Accounts of the Coroner's  
Office's 2015 Budget to Cover Overruns in Labor Costs for 2015.**

WHEREAS, the Coroner's Office has exceeded its Labor Account in its 2015 Budget by \$22,400; and  
WHEREAS, there are insufficient funds in other areas of the Coroner's 2015 budget to cover the overage.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby  
authorizes a transfer of \$19,000 from the Salary Contingency Fund (which will deplete the Fund) and \$3,400 from the  
General Contingency Fund to the Labor Accounts of the Coroner's Office's 2015 Budget to cover overages in the  
Labor Accounts.

Submitted by:  
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Rasmussen and seconded by Supervisor Ellis to accept. AYES: 32; NAYES: 0;  
ABSTAIN: 1 – Hegg; ABSENT: 3 – Widener, Hardy and Finch. CARRIED.

Motion by Supervisor Robl and seconded to adjourn until the March 1, 2016 Special Orders meeting at 6:00  
p.m. The meeting was adjourned at 6:23 p.m.

Submitted by:  
Julie A. Barthels  
Winnebago County Deputy Clerk

State of Wisconsin)  
County of Winnebago) ss

I, Julie A. Barthels, 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 9, 2016.

Julie A. Barthels  
Winnebago County Deputy Clerk