

**ADJOURNED SESSION
WINNEBAGO COUNTY BOARD OF SUPERVISORS
TUESDAY, NOVEMBER 20, 2018**

There will be an Adjourned Meeting of the Winnebago County Board of Supervisors on Tuesday, November 20, 2018, at 6:00 p.m., in the Supervisors' Room, Fourth Floor, Winnebago County Courthouse, 415 Jackson Street, Oshkosh, Wisconsin. At this meeting, the following will be presented to the Board for its consideration:

- Roll Call
- Pledge of Allegiance
- Invocation
- Adopt agenda

Time will be allowed for persons present to express their opinion on any resolution or ordinance that appears on the agenda, as well as, any matter over which this body has jurisdiction.

- Correspondence:
 - Resolutions from other counties:
 - Jackson County – Resolution No. 50-10-2018 – Requesting Increased Funding and Oversight Reforms for Wisconsin's Child Protective Services System
 - Notices of Claim:
 - AT&T for damages caused to their AT&T cable while the Winnebago County Highway Department was digging to replace a culvert
- Reports from Committees, Commissions & Boards
- Approval of the proceedings from the October 16, 2018 County Board meeting and the October 29-30, 2018 Budget Session
- County Executive's Report
- County Executive's Appointments:
 - Grievance Review Board – John Nichols and Brenda Keller
 - Human Services Board – James Koziczkowski and Supervisors Larry Lautenschlager, Jerry Finch and Karen Powers
 - Local Emergency Planning Commission – Michael Erdman; Emily Springstroh; Doug Gieryn, Director, Winnebago County Health Department; Supervisor Larry Smith; Allison Vaccaro and Representative Mike Rohrkaste
 - Veterans Service Commission – Supervisors Robert Warnke and Tom Snider
 - Winnefox Library System Board of Trustees – Elizabeth Eisen and Di-Anne Rengstorf
- County Board Chairman's Report
- Update on the Netzer Property – Rob Way, Winnebago County Parks Director
- Update from Mary Anne Mueller, Corporation Counsel, regarding County Executive authority

ZONING REPORTS & ORDINANCES

Report No. 01 – Susan Marks; Town of Winneconne

- Amending Ordinance No. 11/01/2018 – Rezoning to R-1 Rural Residential for tax parcel nos. 030-0204-05 & 030-0204-06

Report No. 02 – Tony Welnicke; Town of Poygan

- Amending Ordinance No. 11/02/18 – Rezoning to R-1 Rural Residential for tax parcel no. 020-0138-02

Amending Ordinance No. 11/03/2018 – Town of Clayton on behalf of Mike and Joni Heinz; Rezoning to R-1 Rural Residential for tax parcel no. 006-0531-03-02

Amending Ordinance No. 11/04/2018 – Town of Winchester on behalf of Thomas & Ruth Zellmer; Rezoning to I-1 Light Industrial for tax parcel no. 028-0671

Amending Ordinance No. 11/05/2018 – Town of Winchester on behalf of Richard Hansen, Revocable Trust; Rezoning to I-1 Light Industrial for tax parcel no. 028-0663-05

Amending Ordinance No. 11/06/2018 – Town of Oshkosh on behalf of Dan Dowling; Rezoning to M-1 Industrial for tax parcel nos. 018-0083-01 & 018-0083-03

Amending Ordinance No. 11/07/2018 – Town of Oshkosh on behalf of Don Herman; Rezoning to B-1 Business for tax parcel no. 018-0083-03

Amending Ordinance No. 11/08/2018 – Town of Clayton on behalf of Chris Lichtenberg; Rezoning to A-2 General Agriculture for tax parcel no. 006-0331-04

RESOLUTIONS AND ORDINANCES

- RESOLUTION NO. 078-112018: Commendation for Gerald Wolfgram
Submitted by:
PERSONNEL AND FINANCE COMMITTEE
Vote Required: Majority of Those Present
- RESOLUTION NO. 079-112018: Commendation for Linda Stoeckert
Submitted by:
PERSONNEL AND FINANCE COMMITTEE
Vote Required: Majority of Those Present
- RESOLUTION NO. 080-112018: Commendation for Eileen Buchanan
Submitted by:
PERSONNEL AND FINANCE COMMITTEE
Vote Required: Majority of Those Present
- RESOLUTION NO. 081-112018: Disallow Claim of Adam Kuborn and Joseph and Nancy Kuborn
Submitted by:
PERSONNEL AND FINANCE COMMITTEE
Vote Required: Majority of Those Present
- RESOLUTION NO. 082-112018: Authorize the Transfer of \$186,900 from the Winnebago County Undesignated General Fund Account to the Winnebago County Sheriff's Department Capital Outlay Account for the Purpose of Upgrading the Commander Control Stations and PLC Processors
Submitted by:
JUDICIARY AND PUBLIC SAFETY COMMITTEE
PERSONNEL AND FINANCE COMMITTEE
Vote Required: Two-Thirds of Membership
- RESOLUTION NO. 083-112018: Authorize Execution of Airport Agricultural Permit Between the Experimental Aircraft Association and Winnebago County
Submitted by:
AVIATION COMMITTEE
PERSONNEL AND FINANCE COMMITTEE
Vote Required: Majority of Those Present
- RESOLUTION NO. 084-112018: Authorize Five (5)-Year Cooperative Service Agreement Between Winnebago County and the Wisconsin Department of Natural Resources and the United States Department of Agriculture, Animal Plant Health Inspection Service, Wildlife Services
Submitted by:
LAND CONSERVATION COMMITTEE
Vote Required: Two-Thirds of Membership
- RESOLUTION NO. 085-112018: Authorize Winnebago County to Request Increased Funding and Oversight Reforms for Wisconsin's Child Protective Services System
Submitted by:
HUMAN SERVICES BOARD
Vote Required: Majority of Those Present
- RESOLUTION NO. 086-112018: Support HR Bill 54-29, SIREN Act of 2018
Submitted by:
LEGISLATIVE COMMITTEE
Vote Required: Three-Fourths of Those Members Present
- RESOLUTION NO. 087-112018: Support HR Bill 6986 The Nursing Home Workforce Quality Act
Submitted by:
LEGISLATIVE COMMITTEE
Vote Required: Three-Fourths of Those Members Present

RESOLUTION NO. 088-112018:

Designate November 2018 as "Veterans and Military Families Month" in Winnebago County

Submitted by:

ROBERT WARNKE, District 21

TOM SNIDER, District 35

Vote Required: Majority of Those Present

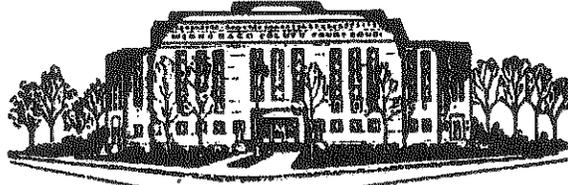
Respectfully submitted,
Susan T. Ertmer
Winnebago County Clerk

Upon request, provisions will be made for people with disabilities.

(Times provided are estimates. Any item on the agenda may be taken up by the Board after 6:00 P.M.)

MARK L. HARRIS
County Executive

112 OTTER AVE., P. O. BOX 2808
OSHKOSH, WISCONSIN 54903-2808



OSHKOSH (920) 232-3450
FOX CITIES (920) 727-2880
FAX (920) 232-3429

Winnebago County
Office of the County Executive

TO: Members of the Winnebago County Board
FROM: Mark L. Harris
DATE: November 20, 2018
SUBJECT: Appointment and re-appointment to the **WINNEFOX LIBRARY SYSTEM BOARD OF TRUSTEES.**

Subject to your approval, I am hereby making the following appointment and re-appointment to the **WINNEFOX LIBRARY SYSTEM BOARD OF TRUSTEES.**

Elizabeth Eisen
1807 Brighton Beach Road
Menasha, WI. 54952

Di-Anne Rengstorf
1010 N. Westfield Unit 513
Oshkosh, WI. 54903

Ms. Eisen is replacing the unexpired term of Jill Enos whose term expires December 31, 2019.

This is a three (3) year term for Ms. Rengstorf which will expire December 31, 2021.

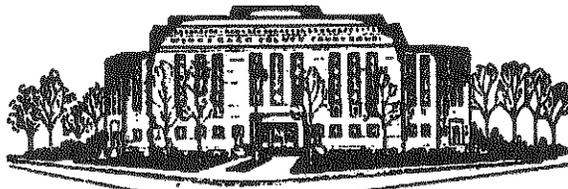
Thank you in advance for your favorable consideration of these appointments.


Mark L. Harris, County Executive

MLH/jpf
CC: County Clerk
Winnefox Library System Board of Trustees

MARK L. HARRIS
County Executive

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Winnebago County
Office of the County Executive

TO: Members of the Winnebago County Board
FROM: Mark L. Harris
DATE: November 20, 2018
SUBJECT: Re-appointments to the **GRIEVANCE REVIEW BOARD**

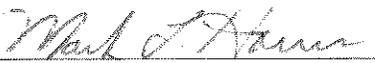
Subject to your approval, I am hereby making the following re-appointments to the **GRIEVANCE REVIEW BOARD**.

John Nichols
2821 Stoney Beach St.
Oshkosh, WI. 54902

Brenda Keller
975 E. County Road Z
Oshkosh, WI. 54902

These are five (5) year terms which will expire on December 31, 2023.

Thank you in advance for your favorable consideration of these appointments.


Mark L. Harris, County Executive

MLH/jpf
CC: County Clerk
Grievance Review Board

MARK L. HARRIS
County Executive

112 OTTER AVE., P. O. BOX 2808
OSHKOSH, WISCONSIN 54903-2808



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FAX (920) 232-3429

Winnebago County
Office of the County Executive

TO: Members of the Winnebago County Board
FROM: Mark L. Harris
DATE: November 20, 2018
SUBJECT: Re-appointments to the **HUMAN SERVICES BOARD**

Subject to your approval, I am hereby making the following re-appointments to the **HUMAN SERVICES BOARD**.

James Koziczkowski
104 Lexington Court
Neenah, WI. 54956

Larry Lautenschlager
1215 Carr Place
Oshkosh, WI. 54901

Jerry Finch
515 Shreve Lane
Neenah, WI. 54956

Karen Powers
2510 Village Lane
Oshkosh, WI. 54904

These are three (3) year terms which will expire December 31, 2021.

Thank you in advance for your favorable consideration of these appointments.



Mark L. Harris, County Executive

MLH/jpf
CC: County Clerk
Human Services Board

MARK L. HARRIS
County Executive

112 OTTER AVE., P. O. BOX 2808
OSHKOSH, WISCONSIN 54903-2808



OSHKOSH (920) 232-3450
FOX CITIES (920) 727-2880
FAX (920) 232-3429

Winnebago County
Office of the County Executive

TO: Members of the Winnebago County Board
FROM: Mark L. Harris
DATE: November 20, 2018
SUBJECT: Re-appointments to the **VETERANS SERVICE COMMISSION**

Subject to your approval, I am hereby making the following re-appointments to the **VETERANS SERVICE COMMISSION**.

Robert Warnke
426 W. 16th St.
Oshkosh, WI. 54902

Tom Snider
6450 Breeze St.
Winneconne, WI. 54986

These are three (3) year terms which will expire December 31, 2021.

Thank you in advance for your favorable consideration of these appointments.


Mark L. Harris, County Executive

MLH/jpf
CC: County Clerk
Veterans Service Commission

MARK L. HARRIS
County Executive

112 OTTER AVE., P. O. BOX 2808
OSHKOSH, WISCONSIN 54903-2808



OSHKOSH (920) 232-3450
FOX CITIES (920) 727-2880
FAX (920) 232-3429

Winnebago County
Office of the County Executive

TO: Members of the Winnebago County Board
FROM: Mark L. Harris
DATE: November 20, 2018
SUBJECT: Re-appointments to the **LOCAL EMERGENCY PLANNING COMMISSION**

Subject to your approval, I am hereby making the following re-appointments to the **LOCAL EMERGENCY PLANNING COMMISSION**.

Michael Erdman
3400 N. Executive Dr.
Appleton, WI. 54911

Emily Springstroh
215 Church St.
Oshkosh, WI. 54901

Doug Gieryn
112 Otter Ave.
Oshkosh, WI. 54903

Larry Smith
216 Wright Ave.
Necnah, WI. 54956

Allison Vaccaro
2450 Badger Ave.
Oshkosh, WI. 54904

Mike Rohrkaste
State Capitol
Room, 321 East
P.O. Box 8953
Madison, WI. 53708

These are three (3) year terms which will expire December 31, 2021.

Thank you in advance for your favorable consideration of these appointments.



Mark L. Harris, County Executive

MLH/jpf
CC: County Clerk
Local Emergency Planning Commission

2017 Annual Report

Winnebago County Veterans Service Office

“Connecting Veterans With Their Benefits”



Joseph G. Aulik, Director
JAULIK@CO.WINNEBAGO.WI.US
(920) 232-3401

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Veterans Service Director:

Joseph G. Aulik- Accredited with National Association of County Veterans Service Officers (NACVSO), Veterans of Foreign Wars (VFW), American Legion (AL), Wisconsin Department of Veteran Affairs (WDVA), Military Order of the Purple Heart (MOPH), American Veterans (AMVETS), Disabled American Veterans (DAV), The Retired Enlisted Association (TREA) and Vietnam Veterans of America (VVA).

Veterans Deputy Director:

Judy A. Steckbauer- Accredited with NACVSO, VFW, AL, WDVA, MOPH and DAV.

Veterans Benefit Specialist(s):

Jeffery R. Bucholtz-Accredited with NACVSO, VFW, AL, WDVA and DAV.

Karen A. Winkel-Accredited with NACVSO, VFW, AL, WDVA, DAV and TREA.

Lydia M. Wilz-Accredited with NACVSO, VFW, AL, WDVA, MOPH and DAV.

Gregory T. Brittnacher-Accredited with NACVSO, VFW, AL, MOPH and WDVA.

Veterans Service Administrative Assistant:

Susan Giese – Accredited with NACVSO, WDVA, AL, and VFW.

Accreditations:

The Veteran Administration (VA) accreditation is for the sole purpose of providing representation services to claimants. Yearly education requirements are required by our staff in order to maintain accreditation. The accreditation also allow our staff with full access to federal databases and files to further assist our veterans, dependents, and widows.

- Formal Studies prove veterans receive 50% more benefits and larger awards by using professional veterans service representation (i.e., Winnebago County Department of Veterans Services) than if he or she file individually or with a non-professional.



Winnebago County Veteran Service Office Mission Statement:

“We believe in strengthening the lives of our veterans and their families by connecting them with their earned benefits.”

Our Vision:

“Improving the quality of life for Winnebago County Veterans and their dependents through assessing all available benefits that were earned by the sacrifice and service to their country.”

County Veterans Service Office History

The first County Veterans Service Offices were self-appointed concerned veterans of the Grand Army of the Republic (GAR) who took it upon themselves to aid and assist the veterans, dependents and survivors of their counties.

- The first CVSO, Leo Promen, was appointed in Fond du Lac County in 1932.
- The WI CVSO Association was established in 1935.
- Legislation was passed in 1946 requiring each county to have a CVSO and required each CVSO to have served in a branch of the Armed Forces (State Statute 45.80).
- Legislation was passed in 1973 authorizing a state grant for the CVSO office.



2017 Goals

Goal I: Provide excellent veterans customer service and assistance to maximize Veterans benefits.

The office continues to strive at providing good customer service and flexible meeting schedules to accomplish meeting our veteran's needs. We continue to increase our community visibility and involvement to reach all veterans and dependents using local partnerships, community event attendance, Facebook and monthly newsletter emails. We continue to be a 1-stop shop for veterans' issues and collaborate with other veterans programs such as the Green Bay Vet Center, Veterans Outreach and Recovery Program (VORP), Center for Veterans Issues (CVI), Supportive Services for Veteran Families (SSVF), and the Winnebago County District Attorney's Diversion Program.

Goal II: Provide outreach to veterans and dependents through public meetings, special events and home visits to increase benefit utilization.

The office held a booth at the Winnebago County Fair in partnership with local Veteran Service Organizations. The office participated in many different events this year to include Valley VNA Outreach Event, American Legion State Conference, Mental Health Summit, Housing Coalition, and Community of Hope. The office directed monthly Winnebago County Council of Commanders meetings. The monthly meeting receives positive feedback and attendance. A monthly newsletter was published providing veterans with benefit updates as well as instituting a monthly radio program on WOSH. The office continues to submit Veteran related events and information to the Winnebago County Veteran Service Office website and Facebook page.

Goal III: Continue veterans transportation assistance to Veteran Affairs Medical Facilities

The office in collaboration with local Salvation Army have assisted in providing 5,880 miles including 140 rides for veterans to receive Health Care at the Appleton VA Clinic during this reporting period. The office also recruited fellow veterans to be volunteer drivers to meet the unique needs of transporting Veterans to Health Care appointments at the Green Bay and Milwaukee VA Hospitals respectively.

Goal IV: Develop veteran benefit and outreach services to Veterans in the Winnebago County Corrections System.

The office receives email update every Monday morning from Winnebago County Corrections Staff on new self-identified Veteran admissions. Each veteran is sent a personalized letter from the CVSO exploring benefits. The CVSO attended corrections outreach events to further educate veterans of their potential benefits.

Why we do what we do: Pure numbers cannot quantify the value of what Winnebago County Veterans Service Office does, although we do bring a great deal of additional federal funding to the county every year. There is a real, human value to the service we provide, which is seen and felt by the Winnebago County veterans and families we help. Following are some of their stories.

Reaching out to our Veterans

Reviewing a veteran's claims file, it appeared veteran was denied service-connection for lymphocytic Leukemia which is an Agent Orange Presumptive condition. Our office reached out the veteran to discuss the VA's decision letter, but more importantly encourage the veteran to re-open the claim. The veteran was hesitant to re-open the claim due to the way he was treated at the previous Compensation & Pension (C&P) exam. Our office reassured the veteran that the VA was primarily looking for a missing treatment record that showed the diagnosis of Lymphocytic Leukemia. The veteran agreed to come in to submit necessary private treatment records. The VA's decision was later overturned and the veteran was retroactively awarded 37,245.00. The veteran now receives 3,139.00 a month with other ancillary benefits for himself and his spouse.

Disabled Veterans Free State Park Pass

Veteran and spouse came into office to check eligibility for the State Parks Pass. As this was his first time in the office, he had never pursued any service connected disabilities or was aware what other VA/WDVA benefits might be available. Therefore he did not have the required 70% service connected disability rating which is required for the pass. The only other criteria for eligibility is being a POW during a war period or while serving in a crisis zone. We discovered at this point that he had been a POW during WWII and therefore was eligible for the pass. We started the discussion regarding any physical or mental health issues that he had from service. We discovered that he had several disabilities associated with being a POW and we applied for service connected disability. He was adjudicated 100% service connected disabled. That rating brings many ancillary benefits such as Property Tax Credit, ChampVA for spouse, dental, etc., as well as the monthly compensation of over \$3,000 per month. If this veteran had not come into the office to check his eligibility for the parks pass, none of this would have happened.

True Customer Service

Our office had been working off and on for the last several years with a female Iraq War veteran. We had established a good rapport and she felt comfortable enough coming into see us when her world seems to be spiraling out of control. She had lost her job due to her physical problems. With the loss of income, she had fallen behind multiple payments on her car and it was in danger of being repossessed. She was also behind on utilities and her power was about to be shut off. There were numerous other problems and concerns that had completely overwhelmed her and I truly believed she was going to take her own life. She had become so depressed, she was unable to function. With intensive case management and the help of numerous agencies, we were able to completely eliminate her financial concerns. He got her service connected disability at the 100% rate. We were able to get her the help she needed for her physical ailments and most importantly, get her mental health concerns addressed. Her life has completely changed for the better in the last 6 months and her outlook on life has drastically improved. I truly believe that our office prevented another veteran from becoming a suicide statistic.

Our Impact:

Winnebago County veterans and their dependents have received a total disbursement of combined Federal VA benefits of \$64.8 million for 2017, this is an increase of \$2.2 million from 2016. Compensation and Pension was increased over \$775 thousand from 2016 to 2017 for a total over \$34.4 million.

Furthermore, our office tracked over \$2.5 million in retroactive non-taxable cash payouts to veterans and their dependents with \$20 million dollars’ of projected monetary monthly benefits. Veterans and their dependents use these non-taxable payouts to pay taxes and purchase goods and services within Winnebago County.

CVSO Measure of Efficiency in Delivering Federal DVA Benefits		
Winnebago County Total CVSO Budget Investment	Total VA Expenditures in County	Return on Investment
\$513,708 (.3% of Total County Expenditures)	\$64,859,000	12,525%

Note: The CVSO office budget investment consists of .3 percent of the total Winnebago County expenditures for 2017.



STATE BENEFITS WISCONSIN DEPARTMENT OF VETERANS AFFAIRS

The office assists veterans and dependents in applying for Wisconsin Department of Veterans Affairs provides benefits. Application for various benefits are received, adjudicated and awarded or denied based on eligibility requirements.

<u>Type of Benefit</u>	<u>Applied</u>	<u>Amount</u>
▪ Aid to Needy Veterans Grant	16	\$26,423.00
▪ WI Property Tax Credit	297	<u>\$904,025.00</u>
Total		\$930,448.00

In 2017 our office received a \$13,000 CVS0 Grant from the WDVA. This money was used to enhance services to our veterans.

In 2017 the office received donations of \$4,531.34 from Organizations and individuals to assist with the needs of our office and Winnebago County veteran's.

FEDERAL BENEFITS US DEPARTMENT OF VETERANS AFFAIRS

<u>Type of Benefit</u>	<u>Amount</u>
▪ Compensation & Pension	\$33,463,000
▪ Readjustment & Vocational Rehabilitation	\$3,893,000
▪ Insurance & Indemnities	\$752,000
▪ Grave Markers & Flags	\$50,000
▪ VA Health Care	\$25,751,000
▪ Federal VA Home Loans	<u>\$48,818,447</u>
Total	\$112,727,447



The University of Wisconsin-Madison office performed an analysis of the economic impact Veterans Administration expenditures had on the economy of Winnebago County for 2017. UW-Madison used the following economic metrics (e.g., jobs, labor income, etc.) and nature of the multipliers (direct, indirect, induced and total) to determine totals. The impacts are summarized as follows:

Winnebago County VA 2017 Impact

Impact	Employment	Labor Income	Total Income	Industry Sales
Direct Effect	165	\$18,318,800	\$18,428,400	\$26,521,900
Indirect Effect	36	\$1,874,700	\$3,251,900	\$5,454,600
Induced Effect	<u>300</u>	<u>\$11,131,900</u>	<u>\$21,021,200</u>	<u>\$36,255,500</u>
Total Effect	501	\$31,325,500	\$42,701,500	\$68,232,000

State & Local Government Revenues: \$3,396,800

- Employment: Jobs, *not* full-time equivalent
- Labor Income: Wages, salaries, proprietor income
- Total Income: Labor income plus all other sources of income (e.g., social security, pensions, etc)
- Industry Sales: Industry revenues
- Direct effect: VA spending
- Indirect effect: Multiplier effect from business to business expenditures
- Induced effect: People (labor) spending income.
- Total effect: Direct plus Indirect plus Induced

Feedback from those we have Served

"This is a long overdue thank you for taking care of Jim's gravestone. The replacement was put in just before Memorial Day, which was great! Thank you for caring and going that extra mile. I am so grateful" -Tina

"I would like to thank you again for your help and kindness that you have given me. I am so very glad that there are people like yourself that help veterans receive the help they need."

"I wish to thank you for all of your help through the years. Your experience and dedication shows through your work every day & we appreciate your kindness." -Steve & Renee

"Those who give of their time are truly generous. Just saying "thank you" doesn't seem enough. I hope you know how appreciated you really are." -Patrick

"Just a note to say thank you for all the kindness you have shown Dave and me in this application process. The Veterans Office is very fortunate to have you on their team. You obviously enjoy helping others and we appreciate your help very much" -Lisa

"Your dedication to help our "finest" men and women with guidance and "going the distance" provides us with deep appreciation and honor aimed at you. We will be forever grateful to you, your boss, the encouragement and support thru this journey." -Jim & Kathy

TO THE WINNEBAGO COUNTY BOARD SUPERVISORS

Your Planning and Zoning Committee begs leave to report:

WHEREAS, it has reviewed the Petition for Zoning Amendment 2018-ZC-4620 filed with the County Clerk by:

MARKS, SUSAN, Town of WINNECONNE and referred to the Planning and Zoning Committee on 10/16/2018 and

WHEREAS, a Public Hearing was held on 10/23/2018, pursuant to mailed and published notice as provided by as on the following:

PROPERTY INFORMATION:

Owner(s) of Property: MARKS, SUSAN
Agent(s): SMITH, JAMES - MARTENSON & EISELE, INC

Location of Premises Affected: 6392 & 6386 LAKESHORE RD
WINNECONNE, WI 54986

Legal Description: Being a part of Government Lot 1, Section 16, Township 19 North, Range 15 East, Town of Winneconne, Winnebago County, Wisconsin.

Tax Parcel No.: 030-020405, 030-020406

Sewer:	<input checked="" type="checkbox"/>	Existing	<input type="checkbox"/>	Required	<input type="checkbox"/>	Municipal	<input checked="" type="checkbox"/>	Private System
Overlay:	<input type="checkbox"/>	Airport	<input type="checkbox"/>	SWDD	<input checked="" type="checkbox"/>	Shoreland		
	<input checked="" type="checkbox"/>	Floodplain	<input type="checkbox"/>	Microwave	<input type="checkbox"/>	Wetlands		

WHEREAS,
Applicant is requesting a rezoning to R-1 Rural Residential,

And

WHEREAS, we received notification from the Town of WINNECONNE recommending Approval

And

WHEREAS, your Planning and Zoning Committee, being fully informed of the facts, and after full consideration of the matter, making the following findings:

The Town of WINNECONNE has Approved. Town action is advisory due to shoreland jurisdiction. Town findings for Approval were as follows: 1. Town does have an adopted plan. Action does agree with Town adopted plan.

1. The Town of Winneconne has approved. Town action is advisory due to shoreland jurisdiction.
2. There were no objectors.
3. Proposed use is compatible with adjacent uses.
4. Zoning Map Amendment/Zoning Change is required as a condition of CSM approval and will place development in appropriate district.

Findings were made in consideration of Section 23.7-5(b)(1),(2),&(3).

NOW THEREFORE BE IT RESOLVED, that this committee hereby reports our findings for your consideration and is hereby recommending Approval by a vote of 3-0

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed Ordinance is hereby [ADOPTED] OR [DENIED].

For the Planning and Zoning Committee

AMENDATORY ORDINANCE # 11/01/18

The Winnebago County Board of Supervisors do ordain Zoning Amendment # 2018-ZC-4620 as follows:

Being a part of Government Lot 1, Section 16, Township 19 North, Range 15 East, Town of Winneconne, Winnebago County, Wisconsin.

FROM: A-2 General Agriculture,

TO: R-1 Rural Residential,

Adopted/ Denied this _____ day of _____, 20_____

Shiloh Ramos, Chairperson

ATTEST:

Susan T. Ertmer, Clerk

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____
_____, 20_____.

Mark Harris, County Executive

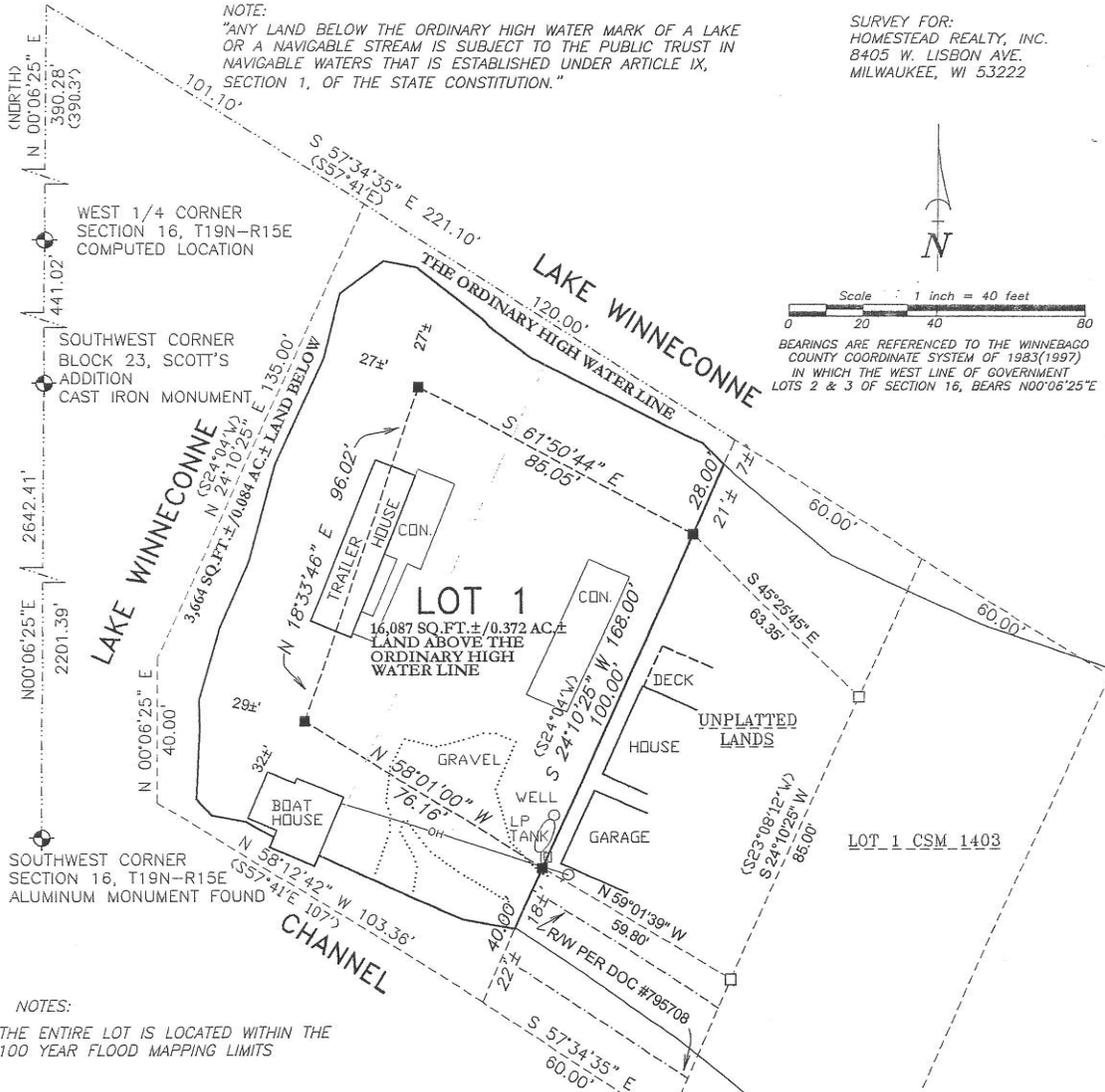
County Board Supervisory district 35 - SNIDER

CERTIFIED SURVEY MAP NO. _____

PART OF GOVERNMENT LOT 1 IN SECTION 16,
TOWNSHIP 19 NORTH, RANGE 15 EAST, TOWN OF
WINNECONNE, WINNEBAGO COUNTY, WISCONSIN.

NOTE:
"ANY LAND BELOW THE ORDINARY HIGH WATER MARK OF A LAKE
OR A NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN
NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX,
SECTION 1, OF THE STATE CONSTITUTION."

SURVEY FOR:
HOMESTEAD REALTY, INC.
8405 W. LISBON AVE.
MILWAUKEE, WI 53222



NOTES:
THE ENTIRE LOT IS LOCATED WITHIN THE
100 YEAR FLOOD MAPPING LIMITS

LEGEND

- 1-1/4" O.D. IRON PIPE SET,
18" LONG WEIGHING
1.130 LBS. PER LIN. FOOT
- 1-1/4" O.D. IRON PIPE FOUND
- ⊙ GOVERNMENT CORNER FOUND
- () RECORDED AS

Martenson & Eisele, Inc.



101 West Main Street
Omro, WI 54963
www.martenson-eisele.com
P 920.685.6240 F 920.685.6340

Planning
Environmental
Surveying
Engineering
Architecture



James E. Smith
Aug 28, 2013

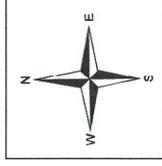
PROJECT NO. 0-2292-001
FILE 2292001CSM SHEET 1 OF 3
This instrument was drafted by: DSL

Application #18-ZC-4620

Date of Hearing:
October 23, 2018

Owner(s):
Marks, Susan M

Subject Parcel(s):
030020405 & 030020406



Winnebago County
WINGS Project

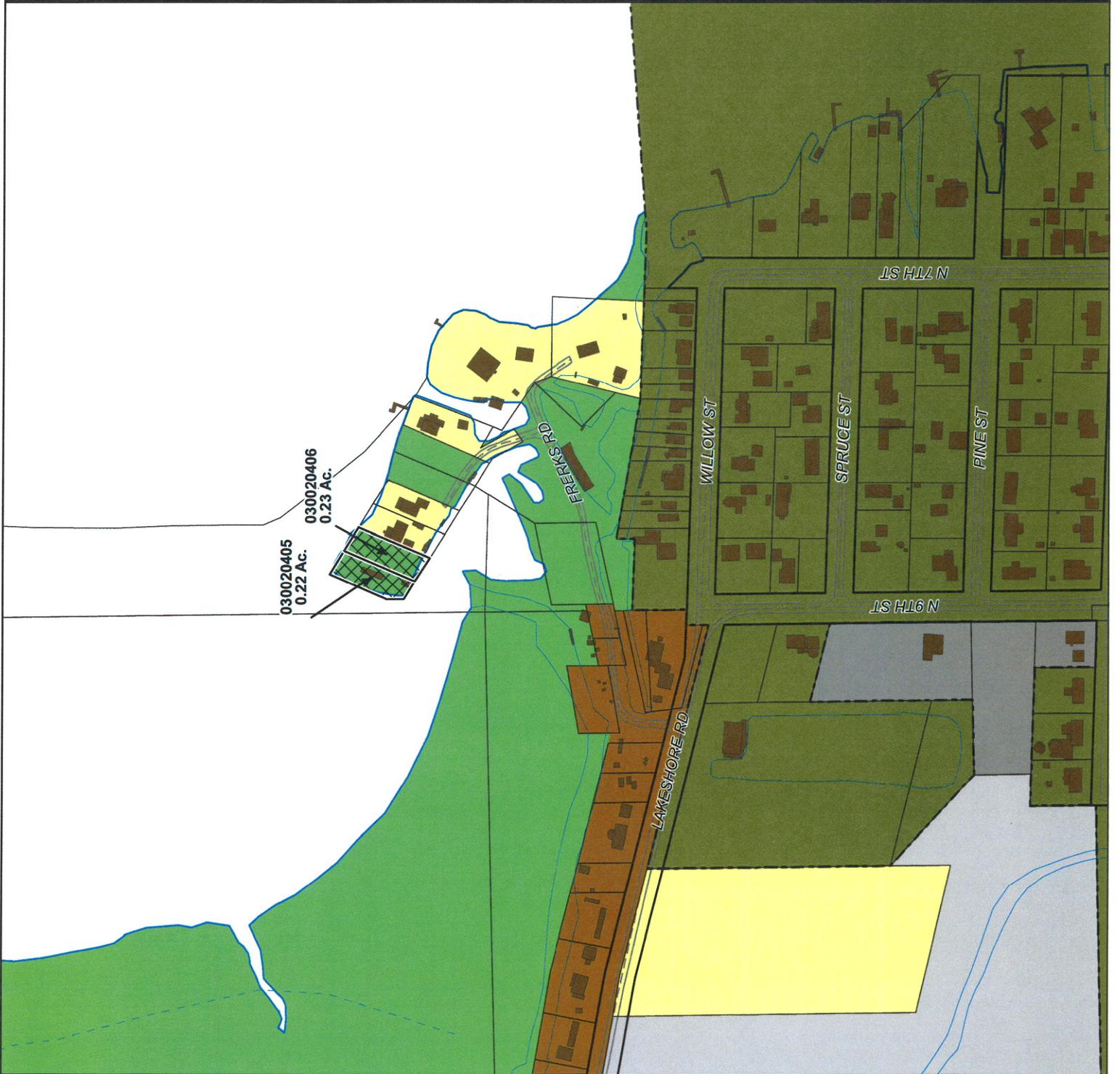
Scale
1 inch : 300 feet

County Zoning Districts

R-1	PDD	B-1
R-2	A-1	B-2
R-3	A-2	B-3
R-4	I-1	M-1
R-8	I-2	Town Zoning

City of Oshkosh Extraterritorial Zoning Jurisdiction

Incorporated Area



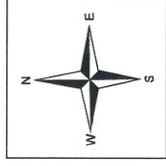
○ = SITE

Application #18-ZC-4620

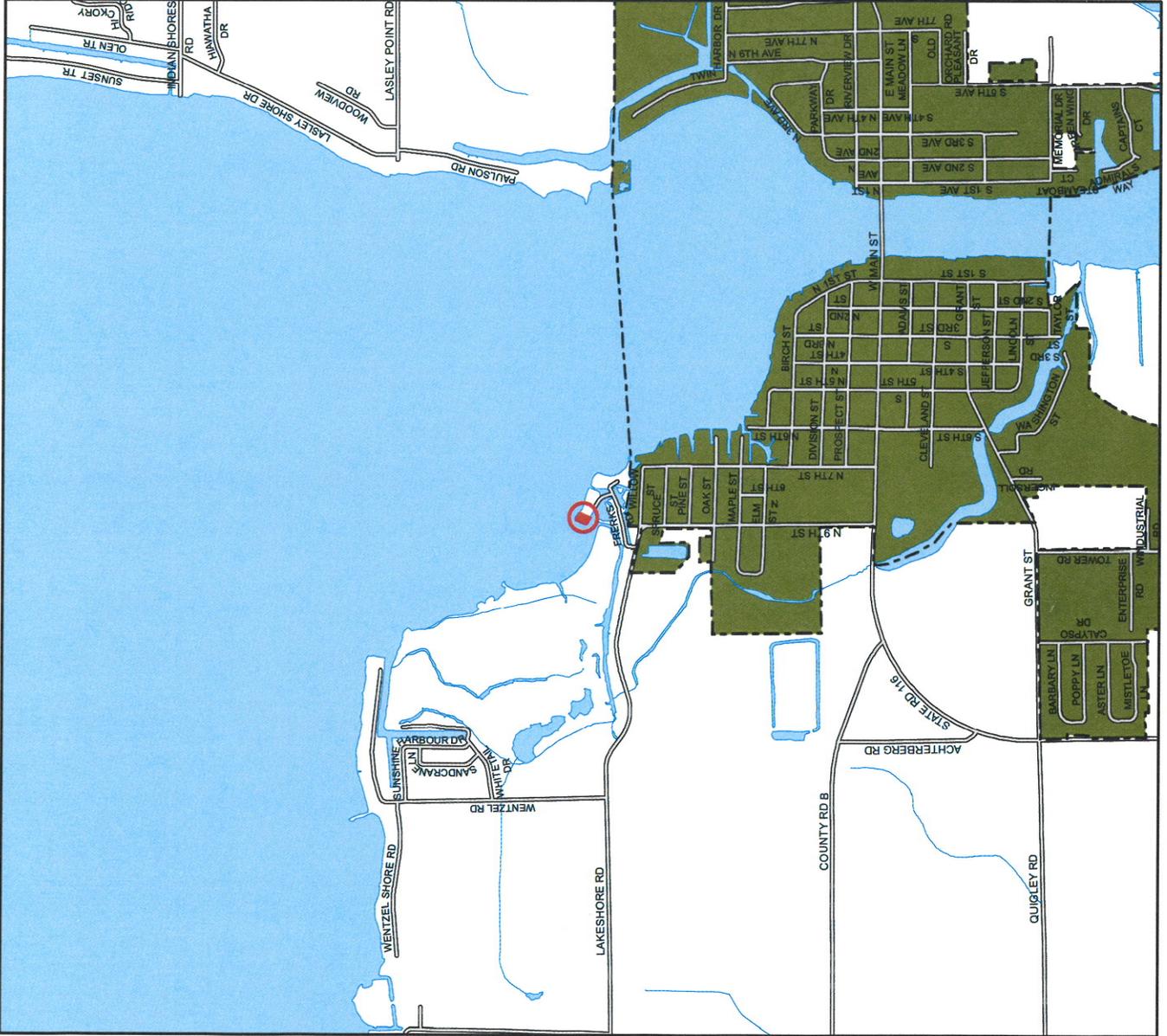
Date of Hearing:
October 23, 2018

Owner(s):
Marks, Susan M

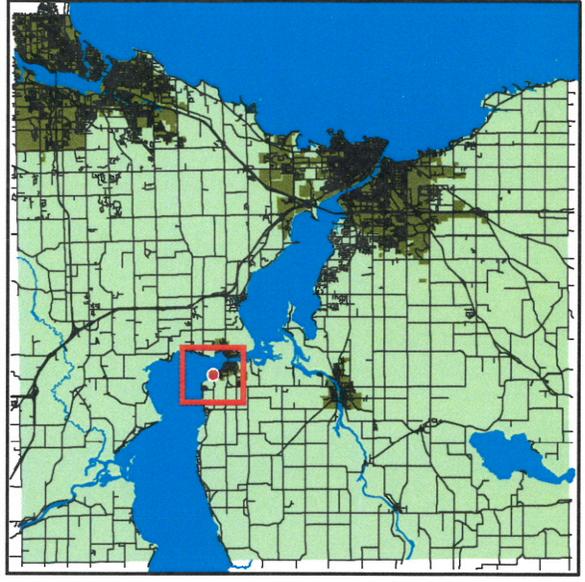
Subject Parcel(s):
030020405 & 030020406



*Winnebago County
WINGS Project*



● = SITE



1 inch : 2,000 feet

WINNEBAGO COUNTY

TO THE WINNEBAGO COUNTY BOARD SUPERVISORS

Your Planning and Zoning Committee begs leave to report:

WHEREAS, it has reviewed the Petition for Zoning Amendment 2018-ZC-4630 filed with the County Clerk by:

WELNICKE, TONY, Town of POYGAN and referred to the Planning and Zoning Committee on 10/16/2018 and

WHEREAS, a Public Hearing was held on 10/23/2018, pursuant to mailed and published notice as provided by as on the following:

PROPERTY INFORMATION:

Owner(s) of Property: WELNICKE, TONY

Agent(s):

Location of Premises Affected: 9589 WELSCH RD, WINNECONNE, WI 54986

Legal Description: Being a part of Lot 2 of CSM-6819, located in the NE 1/4 of the NW 1/4, Section 19, Township 19 North, Range 14 East, Town of Poygan, Winnebago County, Wisconsin.

Tax Parcel No.: 020-013802

Sewer:	<input checked="" type="checkbox"/>	Existing	<input type="checkbox"/>	Required	<input checked="" type="checkbox"/>	Municipal	<input type="checkbox"/>	Private System
Overlay:	<input type="checkbox"/>	Airport	<input type="checkbox"/>	SWDD	<input checked="" type="checkbox"/>	Shoreland		
	<input type="checkbox"/>	Floodplain	<input type="checkbox"/>	Microwave	<input checked="" type="checkbox"/>	Wetlands		

WHEREAS, Applicant is requesting a rezoning to R-1 Rural Residential,

And

WHEREAS, we received notification from the Town of POYGAN recommending Approval

And

WHEREAS, your Planning and Zoning Committee, being fully informed of the facts, and after full consideration of the matter, making the following findings:

The Town of POYGAN has Approved. Town action is advisory due to shoreland jurisdiction. Town findings for Approval were as follows: 1. Town does have an adopted land use plan. Action does agree with Town adopted Town plan. 2. Appropriate size/use for parcel with house on it.

1. The Town of Poygan has approved. Town action is advisory due to shoreland jurisdiction.
2. There were no objections.
3. Proposed use is compatible with adjacent uses.
4. Zoning Map Amendment/Zoning Change is required as a condition of CSM approval and will place development in appropriate zoning district.

Findings were made in consideration of Section 23.7-5(b)(1),(2),&(3).

NOW THEREFORE BE IT RESOLVED, that this committee hereby reports our findings for your consideration and is hereby recommending Approval by a vote of 3-0

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed Ordinance is hereby [ADOPTED] OR [DENIED].

For the Planning and Zoning Committee

AMENDATORY ORDINANCE # 11/02/18

The Winnebago County Board of Supervisors do ordain Zoning Amendment # 2018-ZC-4630 as follows:

Being a part of Lot 2 of CSM-6819, located in the NE 1/4 of the NW 1/4, Section 19, Township 19 North, Range 14 East, Town of Poygan, Winnebago County, Wisconsin.

FROM: B-2 Community Business,

TO: R-1 Rural Residential,

Adopted/ Denied this _____ day of _____, 20_____

Shiloh Ramos, Chairperson

ATTEST:

Susan T. Ertmer, Clerk

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____,
20_____.

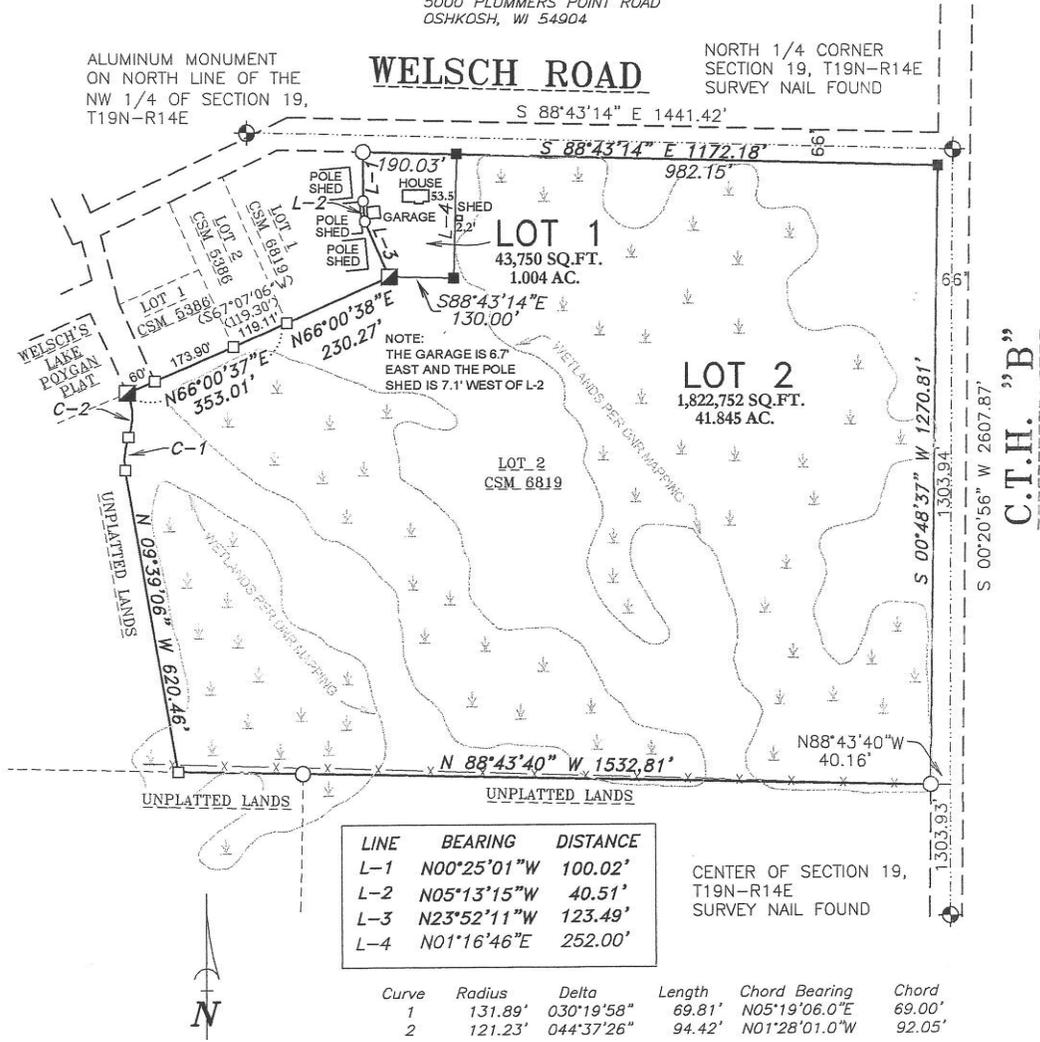
Mark Harris
County Executive

County Board Supervisory district 36 - JOAS

CERTIFIED SURVEY MAP NO. _____

ALL OF LOT 2 OF CERTIFIED SURVEY MAP 6819,
BEING PART OF THE NORTHEAST 1/4 OF THE
NORTHWEST 1/4, AND PART OF THE NORTHWEST
1/4 OF THE NORTHWEST 1/4, ALL IN SECTION 19,
TOWNSHIP 19 NORTH, RANGE 14 EAST, TOWN OF
POYGAN, WINNEBAGO COUNTY, WISCONSIN.

SURVEY FOR:
KARI WELNICKE
5000 PLUMMERS POINT ROAD
OSHKOSH, WI 54904



Martenson & Eisele, Inc.



101 West Main Street
Omro, WI 54963
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Planning
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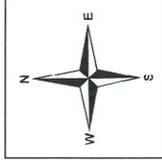
James E. Smith
Aug 28, 2018

PROJECT NO. 0-2250-003
FILE 2250003CSM SHEET 1 OF 3

This instrument was drafted by: DSL

Application #18-ZC-4630

Date of Hearing: **October 23, 2018**
Owner(s): **ZBW LLC
(Tony Welnicke)**
Subject Parcel(s): **020013802(P)**



Winnebago County
WINGS Project

Scale
1 inch : 300 feet

County Zoning Districts

R-1	PDD	B-1
R-2	A-1	B-2
R-3	A-2	B-3
R-4	I-1	M-1
R-8	I-2	Town Zoning

City of Oshkosh Extraterritorial Zoning Jurisdiction

Incorporated Area



Application #18-ZC-4630

Date of Hearing:
October 23, 2018

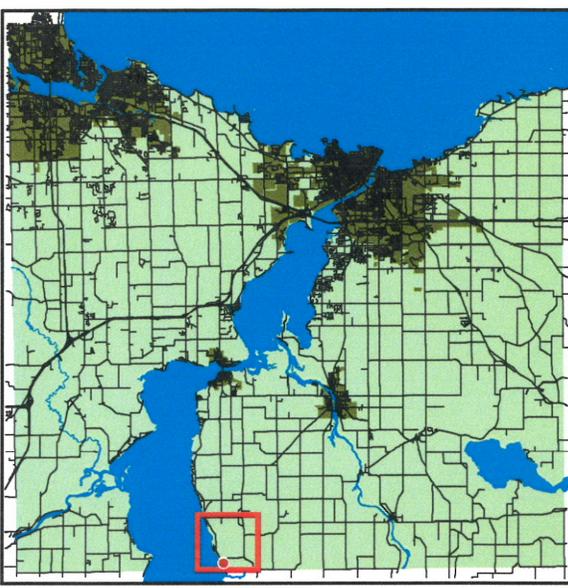
Owner(s):
ZBW LLC (Tony Welnicke)

Subject Parcel(s):
020013802(P)

*Winnebago County
WINGS Project*

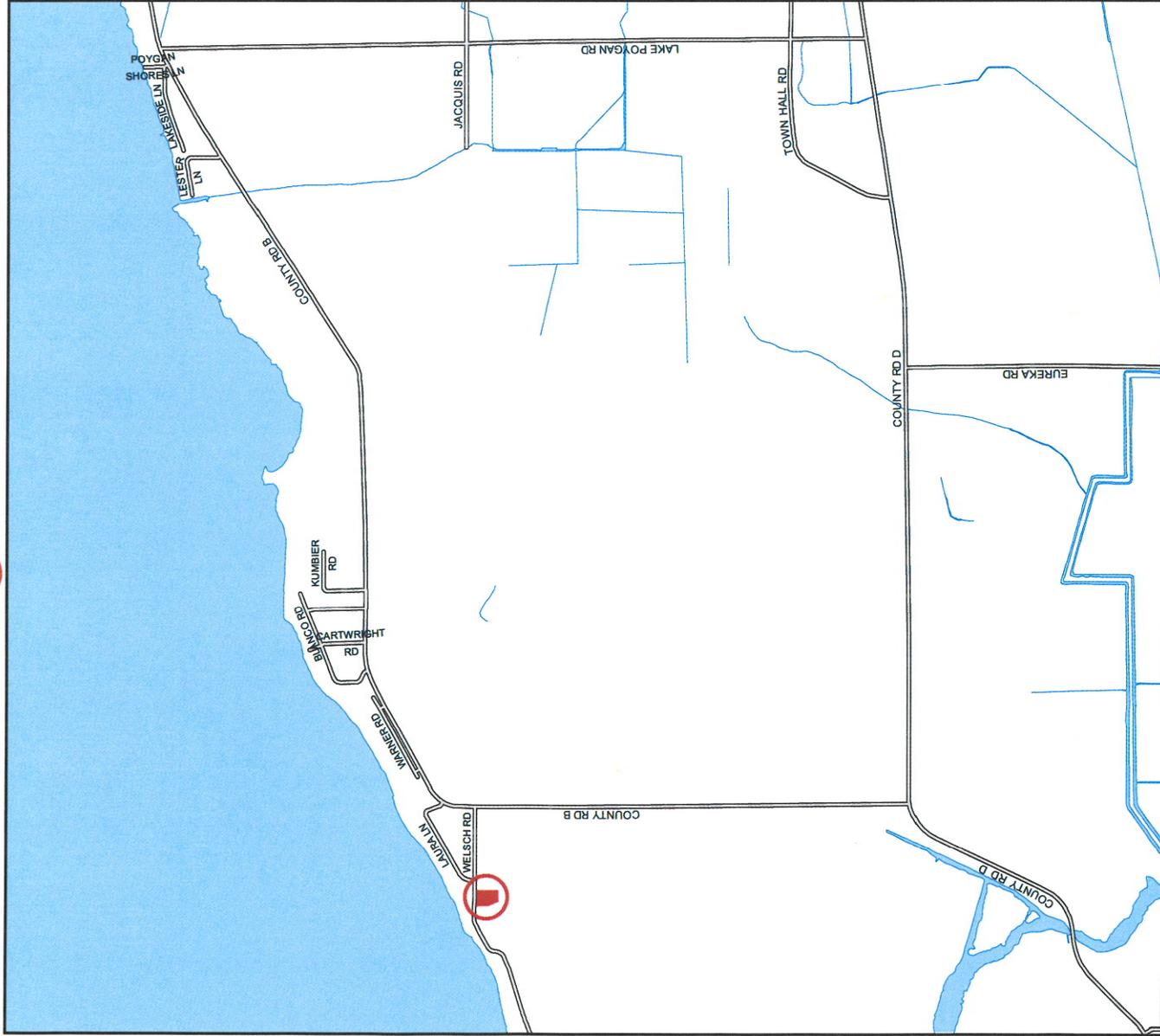


● = SITE



WINNEBAGO COUNTY

○ = SITE



1 inch : 2,000 feet

DATE: 11/20/18

R E S O L U T I O N

No. 003

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE – 11/03/18

WHEREAS, it is desirable to amend the Zoning Map of the TOWN OF CLAYTON in accordance with the petition of Mike and Joni Heinz and

WHEREAS, said request is in compliance with the adopted Winnebago County Land Use Plan.

NOW, THEREFORE, the County Board of Supervisors of Winnebago County do ordain that the Zoning Ordinance and the Zoning Map of the TOWN OF CLAYTON, be and the same, are amended to provide that the attached described property be changed from the classification of **A-2 GENERAL AGRICULTURAL DISTRICT** of said ordinance, which it now and heretofore had, to the zoned district of **R-1 RURAL RESIDENTIAL DISTRICT**.

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed Ordinance is hereby **ADOPTED** OR **DENIED**.

County Board Supervisor
(Town of CLAYTON)

PARCEL NO: **006-0531-03-02**; FROM **A-2** TO **R-1**

COUNTY DISCLAIMER:

County Board approval does not include any responsibility for County liability for the legality or effectiveness of the Town Zoning Amendment or the Town Zoning Ordinance.

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____, 2018.

Mark Harris

County Board Supervisory district **30 - FARREY**



Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z MEETING AGENDA OF NOVEMBER 2, 2018

TO: Planning & Zoning Committee

FM: Zoning Administrator

A handwritten signature in black ink, appearing to be 'CAR', is written over the text 'Zoning Administrator'.

RE: Review of Town Zoning Changes

1. Heinz - Town Zoning Change (Tax ID No: 006-0531-03-02) – Town of Clayton.

The town zoning change for Heinz is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agricultural District) to R-1 (Rural Residential District) and Winnebago County's land use plan shows future land use as Agricultural and Rural.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

2. Zellmer - Town Zoning Change (Tax ID No: 028-0671) – Town of Winchester.

The town zoning change for Zellmer is consistent with the Town of Winchester's Land Use Plan. The Town of Winchester approved the zoning change from A-2 (General Agricultural District) to I-1 (Light Industrial District) and the Town of Winchester's land use plan shows future land use as Highway Commercial.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

3. Hansen Rev Tst - Town Zoning Change (Tax ID No: 028-0663-05) – Town of Winchester.

The town zoning change for Hansen Rev Tst is consistent with the Town of Winchester's Land Use Plan. The Town of Winchester approved the zoning change from A-2 (General Agricultural District) to I-1 (Light Industrial District) and the Town of Winchester's land use plan shows future land use as Highway Commercial.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

4. Dowling - Town Zoning Change (Tax ID No: 018-0083-01 & 018-0083-03) – Town of Oshkosh.

The town zoning change for Dowling is consistent with Winnebago County's Land Use Plan. The Town of Oshkosh approved the zoning change from R-1 (Single Family Residential) to M-1 (Industrial) and Winnebago County's land use plan shows future land use as Non-residential under the extra-territorial jurisdiction of the City of Oshkosh.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

5. Herman - Town Zoning Change (Tax ID No: 018-0083-03) – Town of Oshkosh.

The town zoning change for Herman is consistent with Winnebago County's Land Use Plan. The Town of Oshkosh approved the zoning change from M-1 (Industrial) to B-1 (Business) and Winnebago County's land use plan shows future land use as Non-residential under the extra-territorial jurisdiction of the City of Oshkosh.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

6. Lichtenberg - Town Zoning Change (Tax ID No: 006-0331-04) – Town of Clayton.

The town zoning change for Lichtenberg is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from R-1 (Rural Residential District) to A-2 (General Agricultural District) and Winnebago County's land use plan shows future land use as Agricultural and Rural.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

TOWN OF CLAYTON

ORDINANCE 2018-003

ORDINANCE TO AMEND THE OFFICIAL TOWN OF CLAYTON ZONING ORDINANCE MAP

WHEREAS, one or more applications for amendments to the Map of the Town of Clayton Zoning Code of Ordinances have been filed with the Town Clerk as described herein; and

WHEREAS, following the requisite Notices and Public Hearings the proposed amendments have been reviewed and recommended to the Town Board by the Town's Plan Commission; and

WHEREAS, the applications for amendments to the Map of the Town of Clayton Zoning Code of Ordinances does comply with both the Town's existing land use and future land use elements of the CY 2015/16 update to the Town's Comprehensive Plan; and

WHEREAS, all other procedural requirements have been met for purposes of consideration of the amendment(s) as provided in Section 7 of the Town of Clayton Zoning Code of Ordinances; and

NOW, THEREFORE BE IT ORDAINED THAT, the Town Board of the Town of Clayton, County of Winnebago, State of Wisconsin, pursuant to Article 7 of the Town of Clayton Zoning Code of Ordinances, hereby adopts the following Amendment(s) to the Map of the Town's Zoning Code of Ordinances:

Section 1: The Official Zoning Map of the Town of Clayton is amended as follows:

Property Owner:

Mike and Joni Heinz, 8427 Pioneer Road, Larsen, WI 54947.

Legal description of property:

For property located at 8427 Pioneer Road, Larsen, WI 54947 and specifically described as Tax ID# 006-0526-01 and part of Tax ID# 006-0531-03, being a part Section 20, Town 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

The above described property is hereby rezoned from:

The application is to re-zone the property from A-2 (General Agricultural District) to R-1 (Rural Residential District).

Section 2: This Ordinance shall be submitted to the Winnebago County Board for approval. This amendment to the Town of Clayton Zoning Code of Ordinances shall be effective upon approval by the Winnebago County Board.

Adopted this 20th day of June, 2018

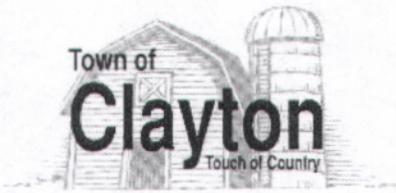
Vote: Yes: 5 No: 0 Absent: 0



Russell D. Geise, Chair

ATTEST:


Richard Johnston, Town Administrator



Friday, June 22, 2018

County Zoning Office
Attn: Cary A. Rowe
112 Otter Avenue
Oshkosh, WI 54901

Re: Town Board approved amendment to the Town's Zoning Code of Ordinances Map.

Mr. Cary A. Rowe:

Enclosed please find the material relative to the following amendment(s) to the Zoning Code of Ordinances, Zoning Map in the Town of Clayton:

Re-zoning application submitted by Mike and Joni Heinz, 8427 Pioneer Road and James Sturgis, 1740 Oakridge Road #A, for property located at 8427 Pioneer Road, Larsen, WI 54947 and specifically described as Tax ID# 006-0526-01 and part of Tax ID# 006-0531-03, being a part Section 20, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agricultural District) to R-1 (Rural Residential District).

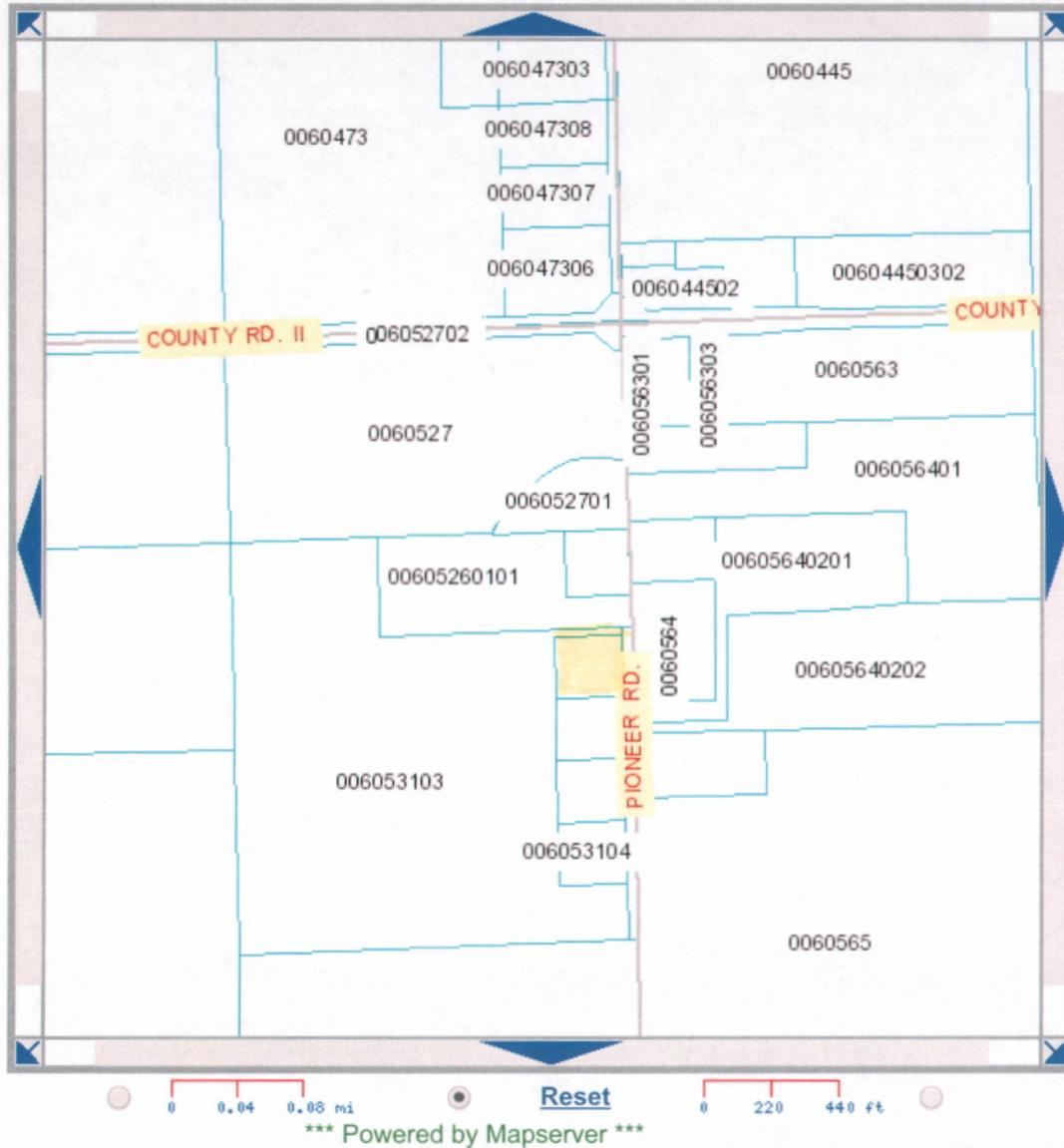
Should you have any questions relative to this request please feel free to call or E-mail me.

Sincerely,

Richard Johnston
Town Administrator/Clerk

CC County Clerk, Sue Ertmer

Winnebago County GIS Viewer and Property Profiler



Property Profile & Display Options

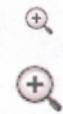
Search Options Menu

Locator Map

Property Information Profile

← Check This Box then click a property to initiate a 'Property Profile'. Property profiler reports the parcel information and checks interactions with multiple layers not available as part of the regular 'Display Options.' [More About Profiler!](#)

Zoom In



D
R
A
W
M
A
P



Zoom Out

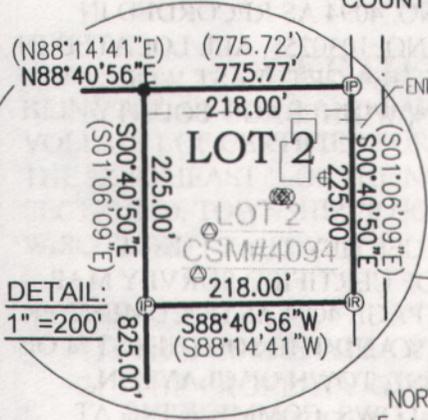
Display Options

Draw	Label	Symbology & Layer Names
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<input type="checkbox"/>	<input checked="" type="checkbox"/>	Buildings
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Parcel Boundaries
<input checked="" type="checkbox"/>	<input type="checkbox"/>	114' Parcel Dimensions
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<input type="checkbox"/>	<input checked="" type="checkbox"/>	Floodplain
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Navigable Streams
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<input type="checkbox"/>	<input type="checkbox"/>	Public Land Survey
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Railroads
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<input type="checkbox"/>	<input checked="" type="checkbox"/>	Shoreland Zoning
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	DR. Street Name Text
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	City & Village Limits

= Not Applicable for this Layer.

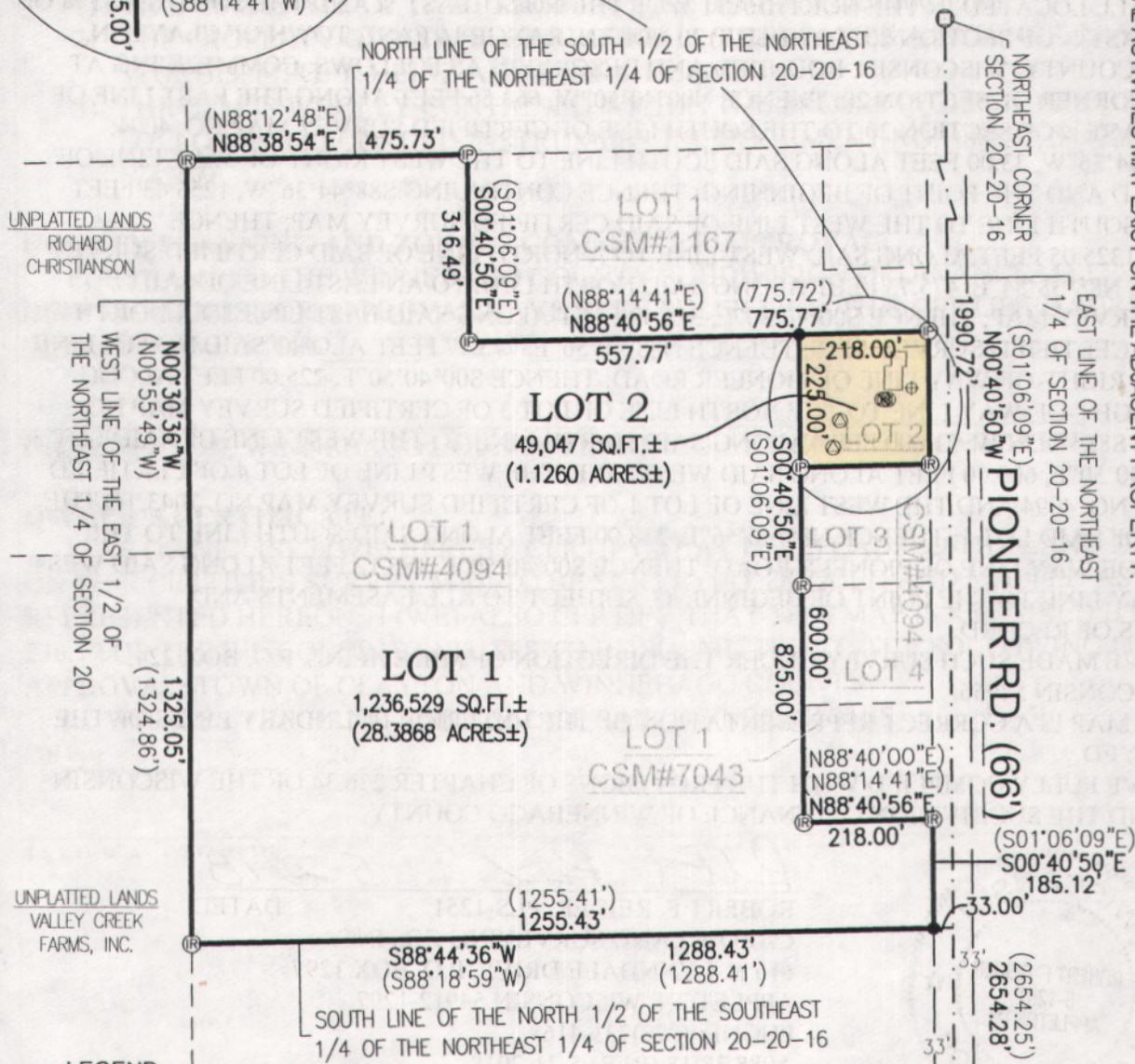
CERTIFIED SURVEY MAP NO. _____

BEING ALL OF LOT 2 AND PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 4094 AS RECORDED IN VOLUME 1 OF CERTIFIED SURVEY MAPS ON PAGE 4094 AS DOCUMENT NO. 1030255, ALL LOCATED IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 20 NORTH, RANGE 16 EAST, TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN.



OWNERS OF RECORD
 JAMES A. & LAVERN L. STURGIS
 PARCEL ID: 006053103
 AND
 MIKE T. & JONI A. HEINZ
 PARCEL ID: 006052601

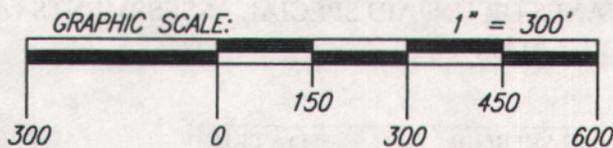
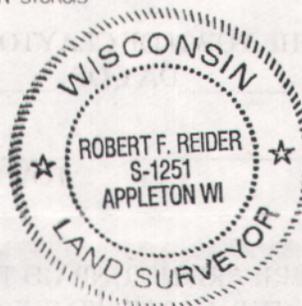
UNPLATTED LANDS
 RICHARD & JUDY CHRISTIANSON



NOTE:
 THE LOT(S) CREATED IN THIS CERTIFIED SURVEY MAP ARE ADJACENT TO PROPERTY THAT, AS OF THE DATE OF THIS DOCUMENT, ARE BEING USED FOR AGRICULTURAL PURPOSES. SOME INDIVIDUALS BELIEVE THAT THE ACTIVITIES ASSOCIATED WITH THE AGRICULTURAL USE CONSTITUTE A NUISANCE OR CONFLICT WITH THEIR QUIET ENJOYMENT OF THEIR PROPERTY. THIS STATEMENT IS INTENDED TO PROVIDE THIRD PARTIES WITH NOTICE THAT AGRICULTURAL ACTIVITIES MAY EXIST ON THE ADJACENT PROPERTY.

- LEGEND:**
- = 3/4" X 18" IRON REBAR SET, WEIGHING 1.502 LBS. PER LIN. FT.
 - Ⓡ = 3/4" IRON REBAR FOUND
 - Ⓟ = 1" I.D. IRON PIPE FOUND
 - ⊕ = BROKEN ALUMINUM MONUMENT FOUND
 - Ⓢ = SURVEY SPIKE FOUND
 - () = RECORDED AS
 - ⊕ = WELL
 - ⊗ = SEPTIC TANK
 - ⊙ = SEPTIC VENT

UNPLATTED LANDS
 JAMES & LAVERN STURGIS



NORTH IS REFERENCED TO THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 20 NORTH, RANGE 16 EAST, TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN, WHICH BEARS N00°40'50"W PER THE WISCONSIN COUNTY COORDINATE SYSTEM (WINNEBAGO COUNTY)

Robert F. Reider 5-22-18

ROBERT F. REIDER, PLS-1251 DATED
 CAROW LAND SURVEYING CO., INC.
 615 N. LYNNDAL DR., P.O. BOX 1297
 APPLETON, WISCONSIN 54912-1297
 PHONE: (920)731-4168
 A988.38-18 DATED: 5-22-2018
 DRAFTED BY: (cep RDD)

DATE: 11/20/18

R E S O L U T I O N

No. 004

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE 11/04/18

WHEREAS, it is desirable to amend the Zoning Map of the TOWN OF WINCHESTER in accordance with the petition of THOMAS & RUTH ZELLMER and

WHEREAS, said request is in compliance with the adopted Winnebago County Land Use Plan.

NOW, THEREFORE, the County Board of Supervisors of Winnebago County do ordain that the Zoning Ordinance and the Zoning Map of the TOWN OF WINCHESTER, be and the same, are amended to provide that the attached described property be changed from the classification of **A-2 GENERAL AGRICULTURAL DISTRICT** of said ordinance, which it now and heretofore had, to the zoned district of **I-1 LIGHT INDUSTRIAL DISTRICT**.

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed Ordinance is hereby **ADOPTED** OR **DENIED**.

County Board Supervisor
(Town of CLAYTON)

PARCEL NO: **028-0671**; FROM **A-2** TO **I-1**

COUNTY DISCLAIMER:

County Board approval does not include any responsibility for County liability for the legality or effectiveness of the Town Zoning Amendment or the Town Zoning Ordinance.

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____, 2018.

Mark Harris

County Board Supervisory district **36 - JOAS**



Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z MEETING AGENDA OF NOVEMBER 2, 2018

TO: Planning & Zoning Committee

FM: Zoning Administrator

A handwritten signature in black ink, appearing to be 'CAR', is written over the printed name 'Cary A. Rowe'.

RE: Review of Town Zoning Changes

1. Heinz - Town Zoning Change (Tax ID No: 006-0531-03-02) – Town of Clayton.

The town zoning change for Heinz is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agricultural District) to R-1 (Rural Residential District) and Winnebago County's land use plan shows future land use as Agricultural and Rural.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

2. Zellmer - Town Zoning Change (Tax ID No: 028-0671) – Town of Winchester.

The town zoning change for Zellmer is consistent with the Town of Winchester's Land Use Plan. The Town of Winchester approved the zoning change from A-2 (General Agricultural District) to I-1 (Light Industrial District) and the Town of Winchester's land use plan shows future land use as Highway Commercial.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

3. Hansen Rev Tst - Town Zoning Change (Tax ID No: 028-0663-05) – Town of Winchester.

The town zoning change for Hansen Rev Tst is consistent with the Town of Winchester's Land Use Plan. The Town of Winchester approved the zoning change from A-2 (General Agricultural District) to I-1 (Light Industrial District) and the Town of Winchester's land use plan shows future land use as Highway Commercial.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

4. Dowling - Town Zoning Change (Tax ID No: 018-0083-01 & 018-0083-03) – Town of Oshkosh.

The town zoning change for Dowling is consistent with Winnebago County's Land Use Plan. The Town of Oshkosh approved the zoning change from R-1 (Single Family Residential) to M-1 (Industrial) and Winnebago County's land use plan shows future land use as Non-residential under the extra-territorial jurisdiction of the City of Oshkosh.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

5. Herman - Town Zoning Change (Tax ID No: 018-0083-03) – Town of Oshkosh.

The town zoning change for Herman is consistent with Winnebago County's Land Use Plan. The Town of Oshkosh approved the zoning change from M-1 (Industrial) to B-1 (Business) and Winnebago County's land use plan shows future land use as Non-residential under the extra-territorial jurisdiction of the City of Oshkosh.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

6. Lichtenberg - Town Zoning Change (Tax ID No: 006-0331-04) – Town of Clayton.

The town zoning change for Lichtenberg is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from R-1 (Rural Residential District) to A-2 (General Agricultural District) and Winnebago County's land use plan shows future land use as Agricultural and Rural.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

028-0671 A-2 to I-1
FLU: Non-Res

Town of Winchester

8522 Park Way, Larsen, WI 54947
920.836.2948



August 17, 2018

County Zoning Office
Attn: Cary A. Rowe
112 Otter Avenue
Oshkosh, WI 54901

Re: Town Board approved amendment to the Town's Zoning Code of Ordinances Map.

Dear Mr. Rowe,

Enclosed please find the material relative to the following amendment(s) to the Zoning Code of Ordinances, Zoning Map in the Town of Winchester:

Re-zoning submitted by Thomas P Zellmer and Ruth J Zellmer, 308 Lopas Street, Menasha, WI for a the property located at Mud Creek Road, Larsen, WI 54947 in the Town of Winchester and being specifically described as Tax ID 028-0671, Sec. 23, T20N-R15E NW SE & PT SW NE DESC AS LOT 1 OF CSM-6526 24.96 Acres, Town of Winchester, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agricultural District) to I-1 (Light Industrial District).

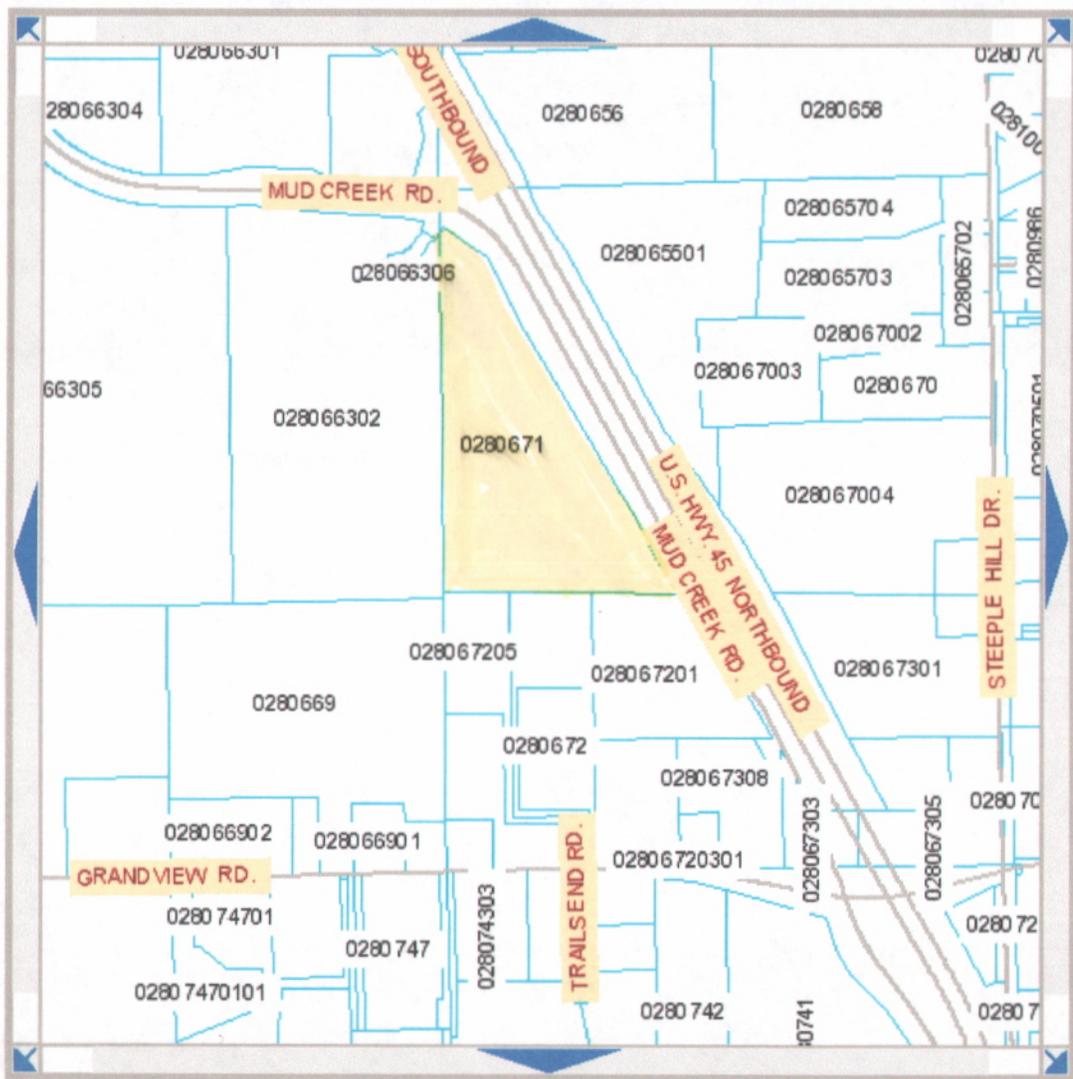
Should you have any questions relative to this request, please feel free to call or email me.

Sincerely,

Holly Stevens
Town of Winchester Clerk

CC County Clerk, Sue Ertmer

Winnebago County GIS Viewer and Property Profiler



0 0.06 0.12 mi **Reset** 0 310 620 ft

*** Powered by Mapserver ***

Property Profile & Display Options

Search Options Menu

Locator Map

Property Information Profile

← Check This Box then click a property to initiate a 'Property Profile'. Property profiler reports the parcel information and checks interactions with multiple layers not available as part of the regular 'Display Options.' [More About Profiler!](#)

Display Options

Draw	Label	Symbology & Layer Names
------	-------	-------------------------

- | | | |
|-------------------------------------|-------------------------------------|------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Aerial Photos (2009) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Buildings |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Parcel Boundaries |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 114' Parcel Dimensions |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | 366 Parcel Addresses |
| <input type="checkbox"/> | <input type="checkbox"/> | Certified Surveys |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Floodplain |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Navigable Streams |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Official Mapped Rds. |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Land Survey |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Railroads |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Rights-Of-Way |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Shoreland Zoning |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | DR. Street Name Text |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | City & Village Limits |

= Not Applicable for this Layer.

Zoom In



D
R
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W
M
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Zoom Out

1568468
 REGISTER'S OFFICE
 WINNEBAGO COUNTY, WI
 RECORDED ON
 03/29/2011 11:49AM
 UPD. P. 65210
 JULIE PABEL
 REGISTER OF DEEDS
 RECORDING FEE 38.00
 TRANSFER FEE
 1 OF PAGES 3

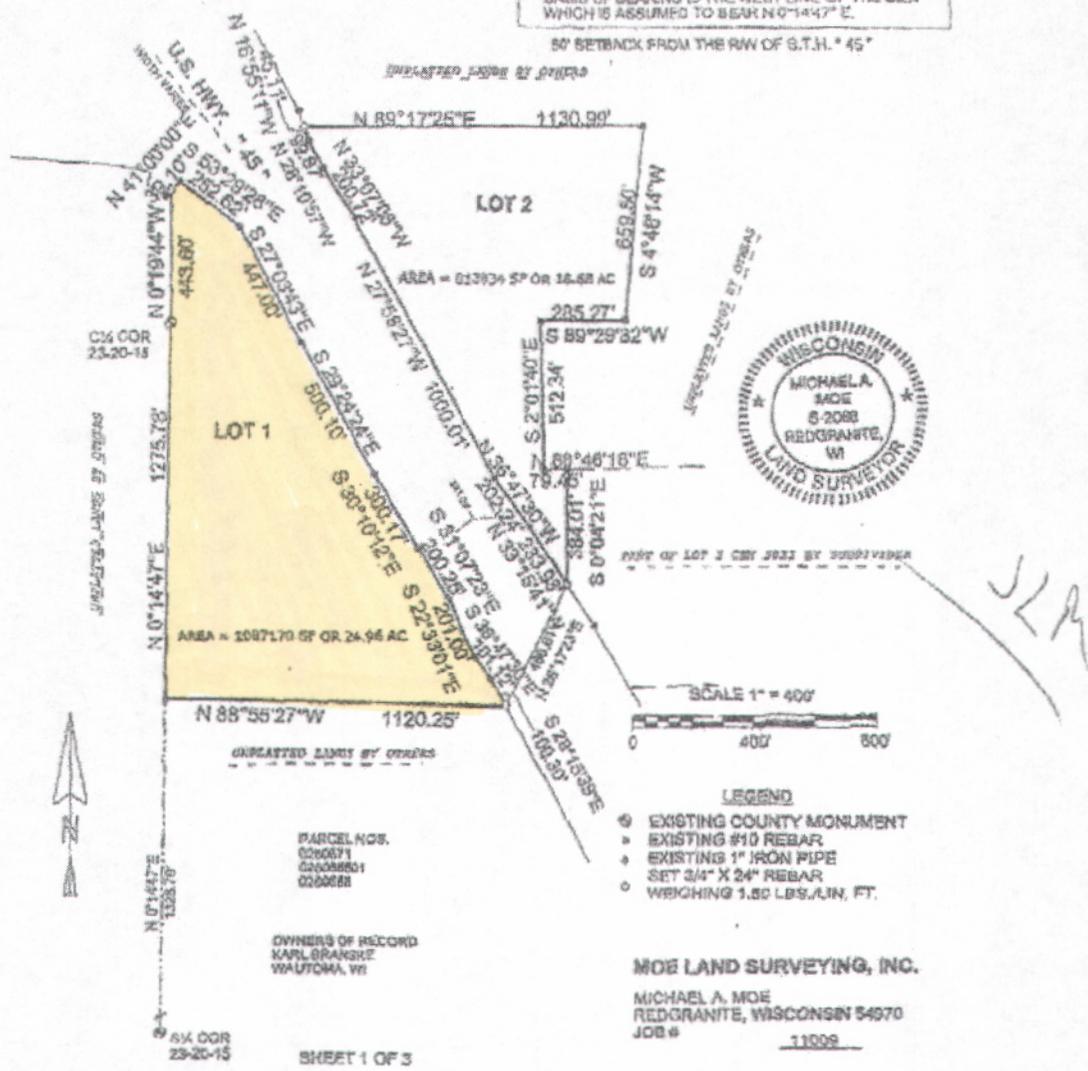
**WINNEBAGO COUNTY CERTIFIED
 SURVEY MAP # 6526 V / P 6526**

PART OF THE SE 1/4 NE 1/4, PART OF THE
 SW 1/4 NE 1/4, AND PART OF THE NW 1/4 SE 1/4,
 SECTION 23, T.20N., R.15E., TOWN OF
 WINCHESTER, WINNEBAGO COUNTY,
 WISCONSIN.

THIS LAND WITH THEREIN IS WHOLLY
 CONTROLLED BY THE FOLLOWING
 RECORDED DOCUMENT: 87805 & 87806

Michael A. Moe
 Michael A. Moe RLS #2088
 February 16, 2011
 Crafted by MD Verstegen
 (SEE SHEET 2 OF 3)

BASIS OF BEARING IS THE WEST LINE OF THE SEM
 WHICH IS ASSUMED TO BEAR N 0° 14' 47" E
 50' SETBACK FROM THE RW OF S.T.H. # 45



Town of Winchester

Ordinance 2018-03

Ordinance to Amend the Official Town of Winchester Zoning Ordinance Map

- WHEREAS,** One or more applications for amendments to the Map of the Town of Winchester Zoning Code of Ordinances have been filed with the Town Clerk as described herein; and
- WHEREAS,** following the requisite Notices and Public Hearings, the proposed amendment(s) have been reviewed and recommended to the Town Board by the Town's Plan Commission; and
- WHEREAS,** the application(s) for amendment(s) to the Map of the Town of Winchester Zoning Code of Ordinances does comply with both the Town's existing land use and future land use elements of the CY 2016 update to the Town's Comprehensive Plan; and
- WHEREAS,** all other procedural requirements have been met for purposes of consideration of the amendment(s) as provided in Section 17.59 of the Town of Winchester Zoning Code of Ordinances:

Section 1: The Official Zoning Map of the Town of Winchester is amended as follows:

A. Property Owner:

Thomas P and Ruth J Zellmer, 308 Lopas Street, Menasha, WI 54952

Legal description of property:

The property located at Mud Creek Road, Larsen, WI 54947 in the Town of Winchester and being specifically described as Tax ID 028-0671, Sec. 23, T20N-R15E NW SE & PT SW NE DESC AS LOT 1 OF CSM-6526 24.96 Acres, Town of Winchester, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agricultural District) to I-1 (Light Industrial District).

Findings of Fact:

1. The Town of Winchester has an adopted Land Use Plan
2. The Adopted 20-year Future Land Use Map in the Land Use Plan shows this parcel in Highway Commercial and Town Core Districts.
3. I-1 (Light Industrial District) zoning is not inconsistent with the aforementioned land use districts.
4. Therefore, a zoning change from A-2 to I-1 is not inconsistent with the adopted Land Use Plan.
5. The zoning change is compatible with adjacent land uses.

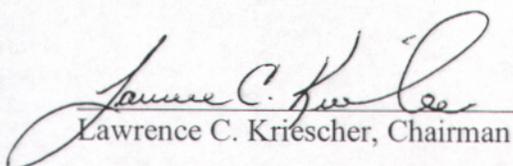
The above described property is hereby rezoned from:

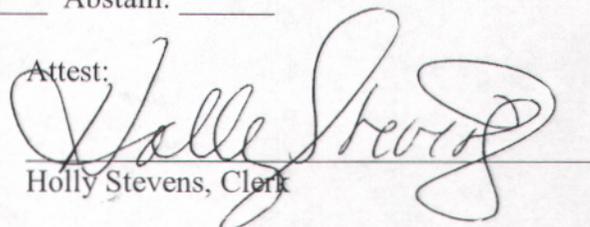
A-2 (General Agricultural District) to I-1 (Light Industrial District)

Section 2: This Ordinance shall be submitted to the Winnebago County Board for approval. The amendment to the Town of Winchester Zoning Code of Ordinances shall be effective upon approval by the Winnebago County Board.

Adopted this 21st, day of August, 2018

Vote: Yes: 2 No: 0 Absent: 1 Abstain: 0


Lawrence C. Kriescher, Chairman

Attest:

Holly Stevens, Clerk

DATE: 11/20/18

R E S O L U T I O N

No. 005

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE - 11/05/18

WHEREAS, it is desirable to amend the Zoning Map of the TOWN OF WINCHESTER in accordance with the petition of RICHARD HANSEN REV TST and

WHEREAS, said request is in compliance with the adopted Winnebago County Land Use Plan.

NOW, THEREFORE, the County Board of Supervisors of Winnebago County do ordain that the Zoning Ordinance and the Zoning Map of the TOWN OF WINCHESTER, be and the same, are amended to provide that the attached described property be changed from the classification of **A-2 GENERAL AGRICULTURAL DISTRICT** of said ordinance, which it now and heretofore had, to the zoned district of **I-1 LIGHT INDUSTRIAL DISTRICT**.

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed Ordinance is hereby **ADOPTED** OR **DENIED**.

County Board Supervisor
(Town of CLAYTON)

PARCEL NO: **028-0663-05**, ; FROM **A-2** TO **I-1**

COUNTY DISCLAIMER:

County Board approval does not include any responsibility for County liability for the legality or effectiveness of the Town Zoning Amendment or the Town Zoning Ordinance.

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____, 2018.

Mark Harris

County Board Supervisory district **36 - JOAS**



Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z MEETING AGENDA OF NOVEMBER 2, 2018

TO: Planning & Zoning Committee

FM: Zoning Administrator

A handwritten signature in black ink, appearing to be 'CAR', with a long horizontal line extending to the right.

RE: Review of Town Zoning Changes

1. Heinz - Town Zoning Change (Tax ID No: 006-0531-03-02) – Town of Clayton.

The town zoning change for Heinz is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agricultural District) to R-1 (Rural Residential District) and Winnebago County's land use plan shows future land use as Agricultural and Rural.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

2. Zellmer - Town Zoning Change (Tax ID No: 028-0671) – Town of Winchester.

The town zoning change for Zellmer is consistent with the Town of Winchester's Land Use Plan. The Town of Winchester approved the zoning change from A-2 (General Agricultural District) to I-1 (Light Industrial District) and the Town of Winchester's land use plan shows future land use as Highway Commercial.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

3. Hansen Rev Tst - Town Zoning Change (Tax ID No: 028-0663-05) – Town of Winchester.

The town zoning change for Hansen Rev Tst is consistent with the Town of Winchester's Land Use Plan. The Town of Winchester approved the zoning change from A-2 (General Agricultural District) to I-1 (Light Industrial District) and the Town of Winchester's land use plan shows future land use as Highway Commercial.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

4. Dowling - Town Zoning Change (Tax ID No: 018-0083-01 & 018-0083-03) – Town of Oshkosh.

The town zoning change for Dowling is consistent with Winnebago County's Land Use Plan. The Town of Oshkosh approved the zoning change from R-1 (Single Family Residential) to M-1 (Industrial) and Winnebago County's land use plan shows future land use as Non-residential under the extra-territorial jurisdiction of the City of Oshkosh.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

5. Herman - Town Zoning Change (Tax ID No: 018-0083-03) – Town of Oshkosh.

The town zoning change for Herman is consistent with Winnebago County's Land Use Plan. The Town of Oshkosh approved the zoning change from M-1 (Industrial) to B-1 (Business) and Winnebago County's land use plan shows future land use as Non-residential under the extra-territorial jurisdiction of the City of Oshkosh.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

6. Lichtenberg - Town Zoning Change (Tax ID No: 006-0331-04) – Town of Clayton.

The town zoning change for Lichtenberg is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from R-1 (Rural Residential District) to A-2 (General Agricultural District) and Winnebago County's land use plan shows future land use as Agricultural and Rural.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

028-0663-05 A-2 to I-1
FLU: Non-Res

Town of Winchester

8522 Park Way, Larsen, WI 54947
920.836.2948



June 19, 2018

County Zoning Office
Attn: Cary A. Rowe
112 Otter Avenue
Oshkosh, WI 54901

Re: Town Board approved amendment to the Town's Zoning Code of Ordinances Map.

Dear Mr. Rowe,

Enclosed please find the material relative to the following amendment(s) to the Zoning Code of Ordinances, Zoning Map in the Town of Winchester:

Rezoning Application submitted by Richard L Hansen Rev Tst, N406 Bellin Road, Fremont, WI 54940, and Michael and Jessica Nehmer, 9350 Maple Lane, Larsen, WI 54947 for a portion of the property located at Mud Creek Road, Larsen, WI 54947 in the Town of Winchester and being specifically described as Tax ID 028-0663-05, Sec. 23, T20N-R15E NW SW & PT SW NW & PT SE NW B EING PT LOT 3 OF CSM-6624 & PT NE SW DESC AS PARCEL 2 IN DOCUMENT 1671755 83.29 Acres., Town of Winchester, County of Winnebago, State of Wisconsin. The application is to re-zone 8.52 acres as shown as LOT 2 of CSM 5881 from A-2 (General Agricultural District) to I-1 (Light Industrial District).

The application is to re-zone the property from A-2 (General Agricultural District) to I-1 (Light Industrial District).

Should you have any questions relative to this request, please feel free to call or email me.

Sincerely,

Holly Stevens
Town of Winchester Clerk

CC County Clerk, Sue Ertmer

Town of Winchester

Ordinance 2018-02

Ordinance to Amend the Official Town of Winchester Zoning Ordinance Map

- WHEREAS,** One or more applications for amendments to the Map of the Town of Winchester Zoning Code of Ordinances have been filed with the Town Clerk as described herein; and
- WHEREAS,** following the requisite Notices and Public Hearings, the proposed amendment(s) have been reviewed and recommended to the Town Board by the Town's Plan Commission; and
- WHEREAS,** the application(s) for amendment(s) to the Map of the Town of Winchester Zoning Code of Ordinances does comply with both the Town's existing land use and future land use elements of the CY 2016 update to the Town's Comprehensive Plan; and
- WHEREAS,** all other procedural requirements have been met for purposes of consideration of the amendment(s) as provided in Section 17.59 of the Town of Winchester Zoning Code of Ordinances:

Section 1: The Official Zoning Map of the Town of Winchester is amended as follows:

A. Property Owner:

Richard L Hansen Rev Tst, N406 Bellin Rd, Fremont, WI 54940

Legal description of property:

The property located at for a portion of the property located at Mud Creek Road, Larsen, WI 54947 in the Town of Winchester and being specifically described as Tax ID 028-0663-05, Sec. 23, T20N-R15E NW SW & PT SW NW & PT SE NW B EING PT LOT 3 OF CSM-6624 & PT NE SW DESC AS PARCEL 2 IN DOC UMENT 1671755 83.29 Acres., Town of Winchester, County of Winnebago, State of Wisconsin. The application is to re-zone 8.52 acres as shown as LOT 2 of CSM 5881.

Findings of Fact:

1. The Town of Winchester has an adopted Land Use Plan
2. The Adopted 20-year Future Land Use Map in the Land Use Plan shows this parcel in Highway Commercial and Town Core Districts.
3. I-1 (Light Industrial District) zoning is consistent with the aforementioned land use districts.
4. Therefore, a zoning change from A-2 to I-1 is consistent with the adopted Land Use Plan.
5. The zoning change is compatible with adjacent land uses.

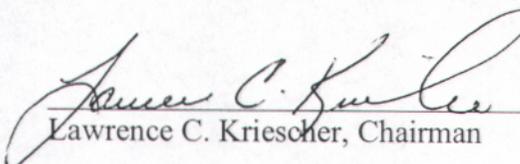
The above described property is hereby rezoned from:

A-2 (General Agricultural District) to I-1 (Light Industrial District).

Section 2: This Ordinance shall be submitted to the Winnebago County Board for approval. The amendment to the Town of Winchester Zoning Code of Ordinances shall be effective upon approval by the Winnebago County Board.

Adopted this 18th, day of June, 2018

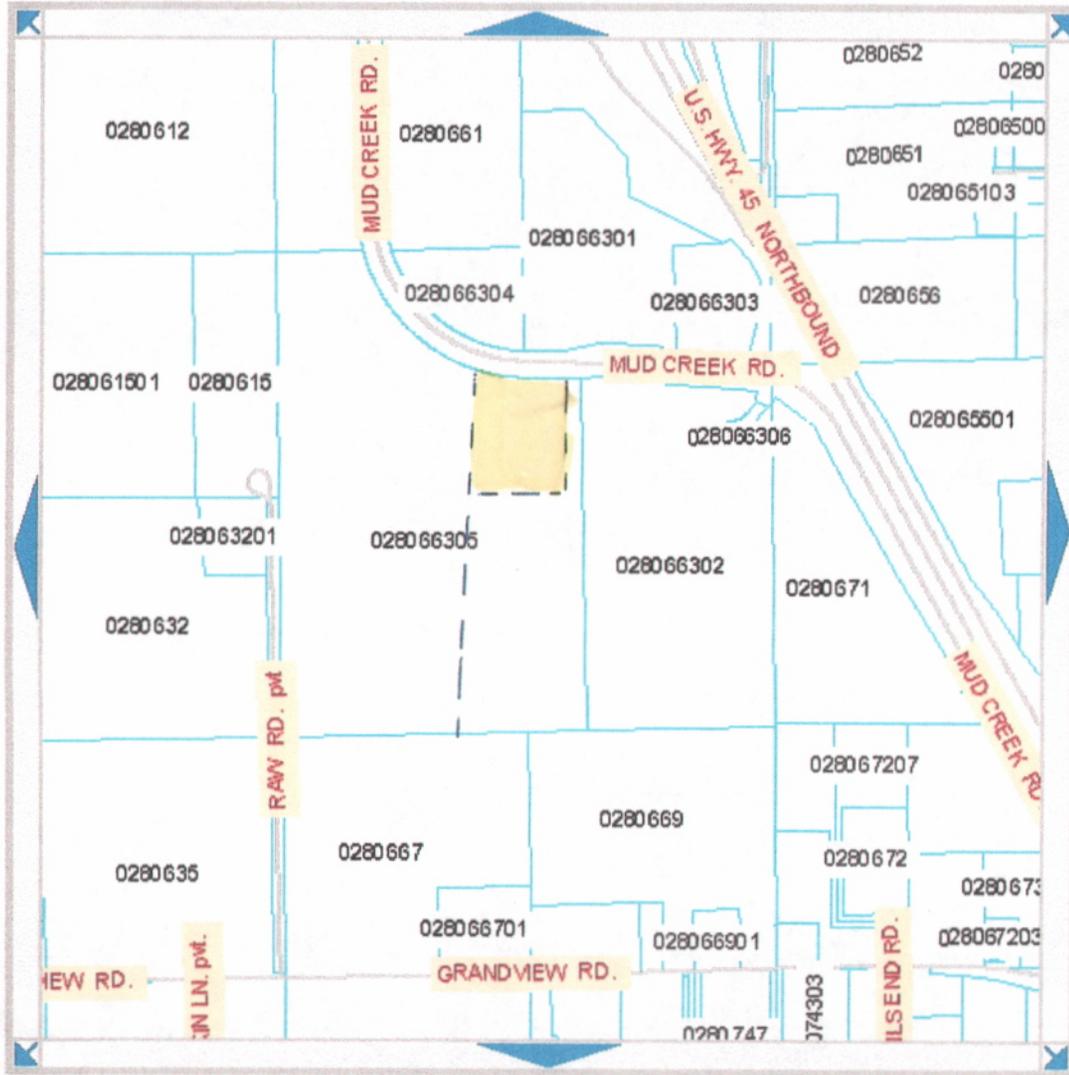
Vote: Yes: 2 No: 0 Absent: 0 Abstain: 1


Lawrence C. Kriescher, Chairman

Attest:

Holly Stevens, Clerk

Winnebago County GIS Viewer and Property Profiler



0 0.06 0.12 mi Reset 0 370 740 ft

*** Powered by Mapserver ***

Property Profile & Display Options

Search Options Menu

Locator Map

Property Information Profile

← Check This Box then click a property to initiate a 'Property Profile'. Property profiler reports the parcel information and checks interactions with multiple layers not available as part of the regular 'Display Options.' [More About Profiler!](#)

Display Options

Draw	Label	Symbology & Layer Names
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Aerial Photos (2009)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Buildings
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Parcel Boundaries
<input checked="" type="checkbox"/>	<input type="checkbox"/>	114' Parcel Dimensions
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	366 Parcel Addresses
<input type="checkbox"/>	<input type="checkbox"/>	Certified Surveys
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Floodplain
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Navigable Streams
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Official Mapped Rds.
<input type="checkbox"/>	<input type="checkbox"/>	Public Land Survey
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Railroads
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rights-Of-Way
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Shoreland Zoning
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	DR. Street Name Text
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	City & Village Limits

= Not Applicable for this Layer.

Zoom In



D
R
A
W
M
A
P

Zoom Out



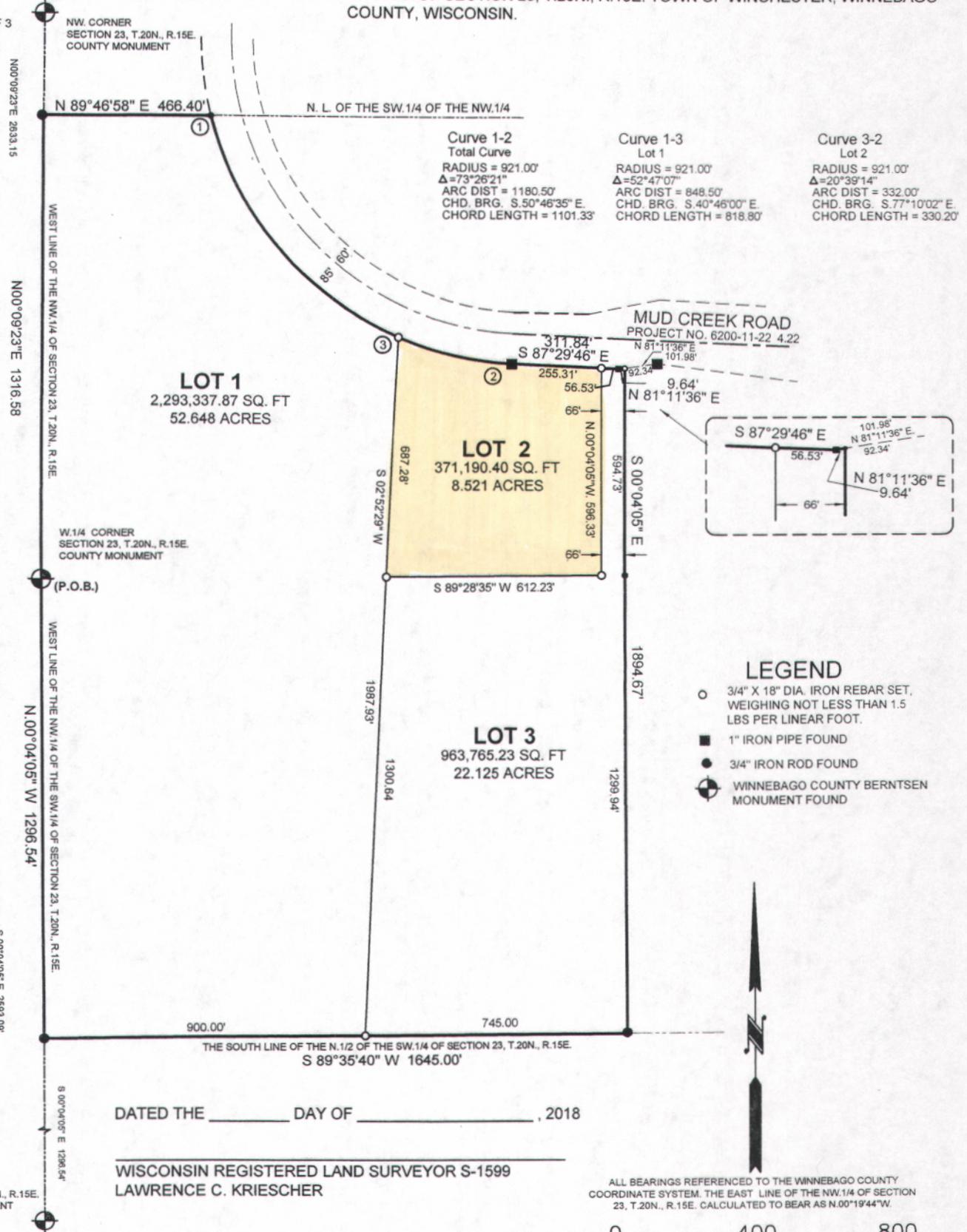
STATE OF WISCONSIN) SS
WINNEBAGO COUNTY)

5881

WINNEBAGO COUNTY CERTIFIED SURVEY MAP NO.

A PART OF LOT 3 OF CSM. NO. 6624 LOCATED IN THE SE.1/4 OF THE NW.1/4, A PART OF THE SW.1/4 OF THE NW.1/4 ALSO A PART OF THE NE.1/4 OF THE SW.1/4, ALL OF THE NW.1/4 OF THE SW.1/4 OF SECTION 23, T.20N., R.15E. TOWN OF WINCHESTER, WINNEBAGO COUNTY, WISCONSIN.

SHEET 1 OF 3



L.C.KRIESCHER AND ASSOCIATES LLC
5251 GRANDVIEW ROAD
LARSEN, WI 54947
920-836-3576

BOUNDARY SURVEY
&
LAND DESIGN

PROJECT NO. 2018-03-05
FILE NO. HANSEN FARM (RICK).DWG
DWG. NO. L- 500

THIS INSTRUMENT DRAFTED BY L.C. KRIESCHER S-1599

DATE: 11/20/18

R E S O L U T I O N

No. 006

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE – 11/06/18

WHEREAS, it is desirable to amend the Zoning Map of the TOWN OF OSHKOSH in accordance with the petition of DAN DOWLING and

WHEREAS, said request is in compliance with the adopted Winnebago County Land Use Plan.

NOW, THEREFORE, the County Board of Supervisors of Winnebago County do ordain that the Zoning Ordinance and the Zoning Map of the TOWN OF OSHKOSH, be and the same, are amended to provide that the attached described property be changed from the classification of **R-1 SINGLE FAMILY RESIDENTIAL** of said ordinance, which it now and heretofore had, to the zoned district of **M-1 INDUSTRIAL**.

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed Ordinance is hereby **ADOPTED** OR **DENIED**.

County Board Supervisor
(Town of CLAYTON)

PARCEL NO: **018-0083-01, 018-0083-03**; FROM **R-1** TO **M-1**

COUNTY DISCLAIMER:

County Board approval does not include any responsibility for County liability for the legality or effectiveness of the Town Zoning Amendment or the Town Zoning Ordinance.

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____, 2018.

Mark Harris

County Board Supervisory district **12 - GABERT**



Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z MEETING AGENDA OF NOVEMBER 2, 2018

TO: Planning & Zoning Committee

FM: Zoning Administrator

A handwritten signature in black ink, appearing to be 'CAR' followed by a long horizontal stroke, positioned to the right of the 'FM:' label.

RE: Review of Town Zoning Changes

1. Heinz - Town Zoning Change (Tax ID No: 006-0531-03-02) – Town of Clayton.

The town zoning change for Heinz is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agricultural District) to R-1 (Rural Residential District) and Winnebago County's land use plan shows future land use as Agricultural and Rural.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

2. Zellmer - Town Zoning Change (Tax ID No: 028-0671) – Town of Winchester.

The town zoning change for Zellmer is consistent with the Town of Winchester's Land Use Plan. The Town of Winchester approved the zoning change from A-2 (General Agricultural District) to I-1 (Light Industrial District) and the Town of Winchester's land use plan shows future land use as Highway Commercial.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

3. Hansen Rev Tst - Town Zoning Change (Tax ID No: 028-0663-05) – Town of Winchester.

The town zoning change for Hansen Rev Tst is consistent with the Town of Winchester's Land Use Plan. The Town of Winchester approved the zoning change from A-2 (General Agricultural District) to I-1 (Light Industrial District) and the Town of Winchester's land use plan shows future land use as Highway Commercial.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

4. Dowling - Town Zoning Change (Tax ID No: 018-0083-01 & 018-0083-03) – Town of Oshkosh.

The town zoning change for Dowling is consistent with Winnebago County's Land Use Plan. The Town of Oshkosh approved the zoning change from R-1 (Single Family Residential) to M-1 (Industrial) and Winnebago County's land use plan shows future land use as Non-residential under the extra-territorial jurisdiction of the City of Oshkosh.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

5. Herman - Town Zoning Change (Tax ID No: 018-0083-03) – Town of Oshkosh.

The town zoning change for Herman is consistent with Winnebago County's Land Use Plan. The Town of Oshkosh approved the zoning change from M-1 (Industrial) to B-1 (Business) and Winnebago County's land use plan shows future land use as Non-residential under the extra-territorial jurisdiction of the City of Oshkosh.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

6. Lichtenberg - Town Zoning Change (Tax ID No: 006-0331-04) – Town of Clayton.

The town zoning change for Lichtenberg is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from R-1 (Rural Residential District) to A-2 (General Agricultural District) and Winnebago County's land use plan shows future land use as Agricultural and Rural.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

018-0083-01 & 018-0083-03 R-1 to M-1
FLU: Non-Res

Form Z-101

Reference ZA Number ZC07

PETITION FOR
ZONING CHANGE/AMENDMENT

TO: Town of Oshkosh Board
1076 Cozy Lane
Oshkosh, WI 54901

The undersigned owner(s) of the property herein described petitions your honorable body for an amendment to the Town of Oshkosh Zoning Ordinance and Map to effect a change in the Zoning Classification of real estate in the Town of Oshkosh, Winnebago County, Wisconsin, more particularly described in summary as follows, to-wit:

From/existing R-1 Single-Family Residential zoning district to M-1 Industrial zoning district
per Certified Survey Map Number _____.

Location of property by address/parcel number: 3620 Stearns Dr & 1985 W Snell Rd
(Parcels 018008301 & 018008303)

The land described above will be used for: Industrial rent

if the amendment is adopted.

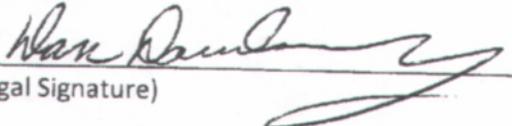
Dated this 1 day of August, 20 18

Respectfully submitted:

Dan Dowling
(Name printed)

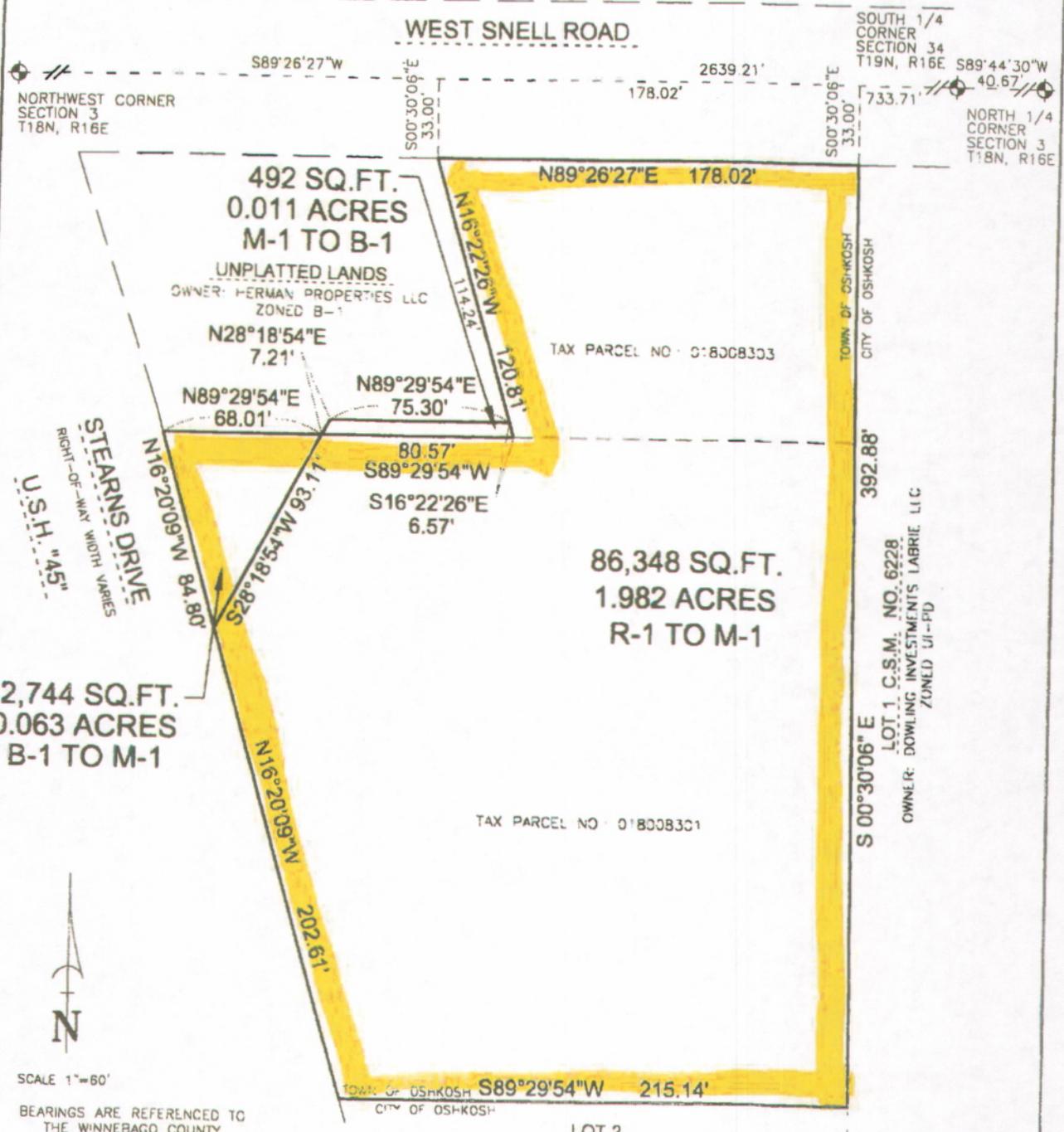
3596 Stearns Drive
(Address)

Oshkosh, WI 54904
(City, State, Zip)


(Legal Signature)

REZONING REFERENCE MAP

PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4,
SECTION 3, TOWNSHIP 18 NORTH, RANGE 16 EAST,
TOWN OF OSHKOSH, WINNEBAGO COUNTY, WISCONSIN.



NORTHWEST CORNER
SECTION 3
T18N, R16E

SOUTH 1/4
CORNER
SECTION 34
T19N, R16E

NORTH 1/4
CORNER
SECTION 3
T18N, R16E

492 SQ.FT.
0.011 ACRES
M-1 TO B-1

UNPLATTED LANDS
OWNER: HERMAN PROPERTIES LLC
ZONED B-1

N89°26'27"E 178.02'

TAX PARCEL NO: 018008303

86,348 SQ.FT.
1.982 ACRES
R-1 TO M-1

TAX PARCEL NO: 018008301

TOWN OF OSHKOSH

CITY OF OSHKOSH

392.88'

LOT 1, C.S.M. NO. 6228
OWNER: DOWLING INVESTMENTS LABRIE, LLC
ZONED UI-PD

STEARN'S DRIVE
RIGHT-OF-WAY WIDTH VARIES
U.S.H. "45"

2,744 SQ.FT.
0.063 ACRES
B-1 TO M-1



SCALE 1"=60'

BEARINGS ARE REFERENCED TO
THE WINNEBAGO COUNTY
COORDINATE SYSTEM

Martenson & Eisele, Inc.

1377 Midway Road
Menasha, WI 54952
www.martenson-eisele.com
info@martenson-eisele.com
920.731.0381 1.800.236.0381

Planning
Environmental
Surveying
Engineering
Architecture

LOT 2
C.S.M. NO. 6228
OWNER: DANIEL DOWLING
ZONED UI-PD

PROJECT NO. 1-1092-001
FILE 1-1092-001-rezone

REVISED SEPT. 21, 2018

THIS INSTRUMENT WAS DRAFTED BY: A.Sedlor

#Z-01-2018

**AMENDMENT TO THE ZONING ORDINANCE
OF THE TOWN OF OSHKOSH, WINNEBAGO COUNTY, WISCONSIN**

BE IT ORDAINED by the Town Board of the Town of Oshkosh, Winnebago County, Wisconsin, that the Zoning Ordinance of said Town be, and the same is hereby amended, in the following manner, to wit:

Section 1. The following described lands are hereby rezoned to M-1 Industrial.

PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 18 NORTH, RANGE 16 EAST, TOWN OF OSHKOSH, WINNEBAGO COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 3; THENCE SOUTH 89 DEGREES 44 MINUTES 30 SECONDS WEST, ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 40.67 FEET TO THE SOUTH 1/4 CORNER OF SECTION 34, T19N, R16E; THENCE SOUTH 89 DEGREES 26 MINUTES 27 SECONDS WEST, CONTINUING ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 3, A DISTANCE OF 733.71 FEET; THENCE SOUTH 00 DEGREES 30 MINUTES 06 SECONDS EAST, 33.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 30 MINUTES 06 SECONDS EAST, ALONG THE WEST LINE OF LOT 1 OF CERTIFIED SURVEY MAP NO. 6228, A DISTANCE OF 392.88 FEET; THENCE SOUTH 89 DEGREES 29 MINUTES 54 SECONDS WEST, ALONG THE NORTH LINE OF LOT 2 OF CERTIFIED SURVEY MAP NO. 6228, A DISTANCE OF 215.14 FEET; THENCE NORTH 16 DEGREES 20 MINUTES 09 SECONDS WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF STEARNS DRIVE, A DISTANCE OF 202.61 FEET; THENCE NORTH 28 DEGREES 18 MINUTES 54 SECONDS EAST, 93.11 FEET; THENCE NORTH 89 DEGREES 29 MINUTES 54 SECONDS EAST, 80.57 FEET; THENCE NORTH 16 DEGREES 22 MINUTES 26 SECONDS WEST, 120.81 FEET; THENCE NORTH 89 DEGREES 26 MINUTES 27 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF WEST SNELL ROAD, A DISTANCE OF 178.02 FEET TO THE POINT OF BEGINNING. CONTAINING 86,348 SQUARE FEET [1.982 ACRES].

And

PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 18 NORTH, RANGE 16 EAST, TOWN OF OSHKOSH, WINNEBAGO COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 3; THENCE SOUTH 89 DEGREES 44 MINUTES 30 SECONDS WEST, ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 40.67 FEET TO THE SOUTH 1/4 CORNER OF SECTION 34, T19N, R16E; THENCE SOUTH 89 DEGREES 26 MINUTES 27 SECONDS WEST, CONTINUING ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 3, A DISTANCE OF 911.73 FEET; THENCE SOUTH 00 DEGREES 30 MINUTES 06 SECONDS EAST, 33.00 FEET; THENCE SOUTH 16 DEGREES 22 MINUTES 26 SECONDS EAST, 120.81 FEET; THENCE SOUTH 89 DEGREES 29 MINUTES 54

PLANNING & ZONING COMMISSION RECOMMENDATION OF DECISION TO TOWN BOARD

Town Plan Commission Secretary: Sharon Kardew Date: 9-20-2018

Town Plan Commission Chair: Jim Erdman Date: 9-20-2018

Decision Date: 9-20-2018

Approved Denied

Published Dates of public hearing (class 2 notice): Aug. 28 + Sept. 11, 2018

Reasons for findings, including any stipulations or conditions:
Consistent with surrounding area

FINAL APPROVAL OF ZONING CHANGE REQUEST BY TOWN BOARD

Town Clerk: [Signature] Date: 9-10-2018

Town Board Chairman: Jim Erdman Date: 9-20-2018

Decision Date: 9-20-2018

Approved Denied

Resolution Number to Ordinance Zoning Map change: # Z-01-2018

Reasons for findings, including any stipulations or conditions: future will be consistent with LAND use plan



SECONDS WEST, 80.57 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 28 DEGREES 18 MINUTES 54 SECONDS WEST, 93.11 FEET; THENCE NORTH 16 DEGREES 20 MINUTES 09 SECONDS WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF STEARNS DRIVE, A DISTANCE OF 84.80 FEET; THENCE NORTH 89 DEGREES 29 MINUTES 54 SECONDS EAST, 68.01 FEET TO THE POINT OF BEGINNING. CONTAINING 2,774 SQUARE FEET [0.063 ACRES].

Section 2. The zoning maps of the Town of Oshkosh shall be changed to reflect the amendment.

Section 3. This Ordinance shall be effective upon the approval of an amendment to the Town of Oshkosh's Future Land Use Map to reclassify the future land use of the above-described property as Industrial.

Adopted this 20th day of September, 2018.

TOWN OF OSHKOSH

By: Jim Erdman - Tr. Ch.
Jim Erdman, Chairperson

Attest:

Jeannette Merten
Jeannette Merten, Clerk



Town of Oshkosh
Zoning Change/Amendment Application

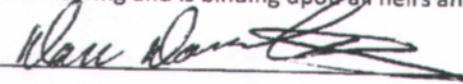
Check or Money Order payable to Town of Oshkosh Fee: \$450.00 receipt # pd ID Number 2007
(Please print using black ink for duplication purposes)

A. CONTACT INFORMATION

1.) PROPERTY OWNER:

Name: Dowling Construction, Inc., attn: Dan Dowling
Mailing Address: 3596 Stearns Drive, Oshkosh WI 54904
Phone: 920-420-0772 Cell: _____ Email: ddowling@northnet.net

Permission is hereby granted for appropriate Town Staff to enter upon the property for the placement and removal of hearing notice sign, and conducting inspections prior to hearing. Said permission is to remain in force until the conclusion of the Public Hearing and is binding upon all heirs and assigns.

Signature:  Date: 8/1/18

2.) APPLICANT INFORMATION (if different than owner):

Name: Martenson & Eisele, Inc. attn: Jeff Schultz or Abby Maslanka
Mailing Address: 1377 Midway Road, PO Box 449
Phone: 920-731-0381 Cell: _____ Email: jeffs@martenson-eisele.com
abbym@martenson-eisele.com

B. PROPERTY INFORMATION:

- 1.) Tax Key/Parcel #: 018008301 & 018008303 (See attached map)
- 2.) Lot _____ Block _____ Subdivision _____ or CSM# _____
Section 3 Town 18 North _____ Range 16 East Acres 1.993 combined
- 3.) Location of Property: 3620 Stearns Dr & 1985 W Snell Rd
- 4.) Zoning (Existing): R-1 Single-Family Residential Zoning Proposed: M-1 Industrial
- 5.) Use (Existing): None
Use (Proposed): Industrial
- 6.) Existing Sewer: Septic Mound Holding Tank Municipal or Needed Municipal
- 7.) Proposed site plan AND map of existing location as described in instructions included: Y

C.) REASONS FOR CHANGE:

Describe the MAIN USE:

The existing site is currently unoccupied. 018008301 is currently open grassland, and the residential property and driveway at 018008303 are to be removed by others.

Describe the PROPOSED USE:

The proposed development will include a 30,000 sq ft industrial building with a parking lot to the south and a gravel storage yard to the north. A stormwater pond will be constructed to the north to manage peak flows and pollutant runoff on site.

Describe the essential services (sewer, water, streets, etc.) for present and future uses:

The existing site has no sewer or water laterals, but has adjacent sewer and water mains running along the private road south of West Snell Road and east of the proposed development that could be tied into.

Describe why the proposed use would be the highest and best for the property:

The properties have roadways on the east and west sides, providing accessibility for trucks to pull through without performing complicated turnarounds. Additionally, other industrial facilities border the site to the east and south. Therefore, the proposed development would not appear out of place. The property is not easily accessible from the highway, which would hinder the success of potential commercial development.

Describe the property use compatibility with surrounding land use:

Other industrial facilities border the site to the east and south. An industrial facility would not appear out of place in the surrounding area. The applicant owns the surrounding properties as well. Thus, the proposed development will be accessible and used in tandem with the surrounding operations.

A Public Hearing will be set upon the receipt of applications Z-100 & Z-101 including supplemental material and payment, whereas the applicant will furnish necessary information to the Zoning Administrator for processing of this application.

I ACCEPT THESE TERMS AND HEREBY SUBMIT THE APPLICATION FOR APPROVAL:

SIGNED: *Dan Dowling* DATE: 8/1/18
Print name: Dan Dowling

Date Application Received by Zoning Administrator: Aug 1 2018
Zoning Administrator signature: *Carol J. Kaufmann*

Town of Oshkosh
Zoning Permit Form

Today's Date: 9-25-18 Fee Paid \$ 100 Receipt Number: ZP 085

Property Owner: Dan Dowling

Applicant/Builder: Dowling Construction, Inc.

Mailing Address: 3596 Stearns Drive

City/State/Zip: Oshkosh, WI 54904

Phone: 920-420-0772 Cell: _____ Email: ddowling@northnet.net

Construction Site Address: 3620 Stearns Dr & 1985 W Snell Rd, Oshkosh, WI 54904

Parcel ID: 018008301 / 018008303 Lot size: 2.13 ac Zoning: R-1 Existing Use: Open Vacant: Y N

Describe Existing Structures: None, pavement & house to be removed by others

Sq footage of house: _____ Sq footage of accessory structures: _____

PROPOSED CONSTRUCTION

Proposed start date: October 1, 2018

USE: Principal Accessory Res Com/Ind Ag Other

Type: New Addition Alteration Other _____ (explain)

Describe Proposed Construction: 30,000 sq ft future industrial building, parking lot south, gravel lot & pond north

1 st Floor: Wall Hgt _____	Size _____	Sq Ft _____	
2 nd Floor: Wall Hgt _____	Size _____	Sq Ft _____	
Other: Wall Hgt _____	Size _____	Sq Ft _____	
Garage: Wall Hgt _____	Size _____	Sq Ft _____	attached detached
Overall Structure Height: _____	Mid-Peak Height: _____		

Estimated Cost \$ 1, - Million + -

Site Plan & Map included Yes No

Walk-Out Basement: Yes No

Continue to page 2.....

September 20 2018

The Planning & Zoning commission was called to order at 6:00 PM. Present were Ron Harrell, Jim Erdman, Carol Kaufmann, Fred Boss, Alfred (Fritz) Ganther, Bob Walter, and Sharon Karow.

OPEN TO THE PUBLIC ON CHANGING THE TOWN OF OSHKOSH FUTURE LAND USE MAP

The land parcels #018-008301 & 018-0008303 described as follows from R-1 to M-1

Part of the northeast ¼ of the northwest ¼ of section 3 township 18 north, range 16 east, Town of Oshkosh, Winnebago County, Wisconsin, more fully described as follows: Commencing at the north ¼ corner of said section 3: thence south 89 degrees 44 minutes 30 seconds west, along the north line of the northwest ¼ of said section, a distance of 40.67 feet to the south ¼ corner of section 34 T19N, R16E thence south 89 degrees 26 minutes 27 seconds west, continuing along the north line of the northwest ¼ of section 3, a distance of 733.71 feet; thence south 00 degrees 30 minutes 06 seconds east, 33.00 feet to the point of beginning: thence south 00 degrees 30 minutes 06 seconds east, along the west line of lot 1 of certified survey map no. 6228, a distance of 392.88 feet; thence south 89 degrees 29 minutes 54 seconds west, along the north line of lot 2 of certified survey map no. 6228, a distance of 215.14 feet; thence north 16 degrees 20 minutes 09 seconds west along the east right of way line of Stearns Drive, a distance of 202.61 feet; thence north 28 degrees 18 minutes 54 seconds east, 100.32 feet; thence north 89 degrees 29 minutes 54 seconds east, 75.30 feet; thence north 16 degrees 22 minutes 26 seconds west, 114.24 feet; thence north 89 degrees 26 minutes 27 seconds east, along the south right-of way line of west Snell Road, a distance of 178.02 feet to the point of beginning containing 86,830 square feet (1.993 acres) Town of Oshkosh County of Winnebago, State of Wisconsin.

Dan Dowling and Don Herman are in favor of changing #018-008301 & 018-008303 on the Town of Oshkosh Future Land Use Map from R-1 to M-1.

Conclusion of public hearing 6:10 PM.

The Planning & Zoning Commission was called to order.

The minutes from March 22, 2018 were read. Carol made a motion to approve the minutes, Fritz second. Motion carried.

AMMEND THE TOWN OF OSHKOSH FUTURE LAND USE MAP

Carol made a motion to change the two (2) parcels 018-008301 & 018-008303 as requested from R-1 to M-1. Bob second.

Discussion Dowling said he has three (3) retention ponds for fire protection and has his surface water run off done.

Vote

Sharon Aye consistent with the area.

Bob Aye mixed use

Carol Aye provides growth in the area

Fritz Aye consistent with area

Ron Aye consistent with area

Fred Aye consistent with structures in area

Jim Abstained

Motion carried

REZONING OF PARCELS 018-008301 & 018-008303

The land parcels #018-008301 & 018-008303 described as follows from R-1 to M-1

Part of the northeast ¼ of the northwest ¼ of section 3 township 18 north, range 16 east, Town of Oshkosh, Winnebago County, Wisconsin, more fully described as follows: Commencing at the north ¼ corner of said section 3: thence south 89 degrees 44 minutes 30 seconds west, along the north line of the northwest ¼ of said section, a distance of 40.67 feet to the south ¼ corner of section 34 T19N, R16E thence south 89 degrees 26 minutes 27 seconds west, continuing along the north line of the northwest ¼ of section 3, a distance of 733.71 feet; thence south 00 degrees 30 minutes 06 seconds east, 33.00 feet to the point of beginning: thence south 00 degrees 30 minutes 06 seconds east, along the west line of lot 1 of certified survey map no. 6228, a distance of 392.88 feet; thence south 89 degrees 29 minutes 54 seconds west, along the north line of lot 2 of certified survey map no. 6228, a distance of 215.14 feet; thence north 16 degrees 20 minutes 09 seconds west along the east right of way line of Stearns Drive, a distance of 202.61 feet; thence north 28 degrees 18 minutes 54 seconds east, 100.32 feet; thence north 89 degrees 29 minutes 54 seconds east, 75.30 feet; thence north 16 degrees 22 minutes 26 seconds west, 114.24 feet; thence north 89 degrees 26 minutes 27 seconds east, along the south right-of way line of west Snell Road, a distance of 178.02 feet to the point of beginning containing 86,830 square feet (1.993 acres) Town of Oshkosh County of Winnebago, State of Wisconsin.

Bob made a motion to accept the rezoning of parcels 018-008301 & 018-008303 from R-1 to industrial M-1. Ron second.

Discussion. Carol said it is consistent with neighborhood.

Vote

Sharon Aye. Consistent with surrounding area.

Bob Aye. Consistent with other buildings in area

Carol Aye Santa Clause would think it's a good idea

Ron Aye Consistent with other buildings in area

Fritz Aye Consistent with other buildings in area

Fred Aye It is progress.

Jim abstained.

Motion carried.

Our next meeting is October 18 2018 at 6:00 pm

Carol made a motion to adjourn. Ron second. Motion carried

Meeting adjourned at 6:25 pm.

Respectfully submitted

Sharon Karow

Minutes
Town of Oshkosh

Special Town Board Meeting
September 20, 2018 - 7:00 p.m. – Town Hall

1
2
3
4 PRESENT: Chair Jim Erdman, Supervisor Jason Wolfgram, and audience of
5 0.

6
7 Chair Erdman called meeting to order at 7:00 p.m.
8

9 **Consider Amending the Town's Future Land Use Map.**

10
11 October 18, 2018 will be the final decision date. There were no objections or
12 objectors during a discussion of the prior public hearing and Planning and
13 Zoning meeting of same day. Purpose for delay was due to a proper 30-day
14 notice requirement.
15

16 **Ordinance of Dan Dowling Rezoning application.**

17
18 **Motion by Wolfgram, Erdman seconded, to approve the Dowling**
19 **Rezoning Application and Ordinance for reasons that it will be**
20 **consistent with the Town's Future Land Use Map and there**
21 **were no objectors or objections change zoning from R-1 to M-1**
22 **regarding parcels #018-018-008303 and #018-008301.**

23 Roll Call.

24 **Erdman, yes; Wolfgram, yes. Motion Carried.**

25
26 **Motion made by Wolfgram, Erdman seconded, to adjourn.**

27 **Motion carried unanimously.**

28
29 Meeting adjourned at 7:06 p.m.

30 Notes taken by Jim Erdman
31 Jeannette Merten
32 Town of Oshkosh Clerk

~~Jon Dowling~~
3596 Stearns Dr
Oshkosh, WI 54904-1001

Dan Dowling
3596 Stearns Dr
Oshkosh, WI 54904-1001

Martenson & Eisele, Inc
Attn: Jeff Schultz oR Abby Maslanka
PO Box 449
1377 Midway Rd
Menasha, WI 54952-1265

Herman Properties
2164 Schneider Ave
Oshkosh, WI 54904-9565

Jason and Stacy Peerenboom
3081 Bellaire Ln
Oshkosh, WI 54904-1002

Zillges Real Estate
1900 W Snell Rd
Oshkosh, WI 54904

Omni Glass And Paint
3530 Omni Dr
Oshkosh, WI 54904-8512

~~Martha Moore Trust~~
1125 Elmwood Ave
Oshkosh, WI 54901-3521

City Of Oshkosh
PO Box 1130
215 Church Ave
Oshkosh, WI 54901-1130

*Meeting notices mailing list
Dowling Rezoning
8-7-2018*

*2nd Mailing for postponed
Mtg date 9-20-18
Mailed 8-21-18*

*Oct 18th Mtgs - mailing
sent 9-22-18*



Charles Williams Law Office
c/o Martha Moore Trust
128 State St
Oshkosh, WI 54901

Oshkosh
**Northwestern
media**
A GANNETT COMPANY

STATE OF WISCONSIN
BROWN COUNTY

TOWN OF OSHKOSH

1076 COZY LN

OSHKOSH

WI 549011404

*Posting - 2nd Hearing
Notice*

Being duly sworn, doth depose and say that she/he is an authorized representative of the Oshkosh Northwestern, a daily newspaper published in the city of Oshkosh, in Winnebago County, Wisconsin, and that an advertisement of which the annexed is a true copy, taken from said paper, which was published therein on

Account Number: GWM-N5839
Order Number: 0003112112
No. of Affidavits: 1
Total Ad Cost: \$106.68
Published Dates: 08/28/18, 09/11/18

Received

SEP 17 2013

Town of Oshkosh
Winnebago, WI

(Signed)

Jarah B.

(Date)

9-12-18

Legal Clerk

Signed and sworn before me

TARA MONDLOCH
Notary Public
State of Wisconsin

Tara Mondloch

My commission expires

Aug 6 2021

TOWN OF OSHKOSH
Re: 9/20 PH

GANNETT WI MEDIA
435 EAST WALNUT ST
PO BOX 23430
GREEN BAY, WI 54305-3430

GANNETT
Wisconsin Media
Delivering Customers. Driving Results.

PHONE 1-877-943-0446
FAX 877-943-0443
EMAIL legals@thenorthwestern.com

TOWN OF OSHKOSH
NOTICE OF PUBLIC HEARING
PLANNING & ZONING COMMISSION
OF THE TOWN OF OSHKOSH will conduct PUBLIC HEARINGS at 6:00 P.M. on THURSDAY, SEPTEMBER 20, 2018, in the TOWN HALL located at 230 E. COUNTY RD. Y, OSHKOSH, WI 54901. The purpose of the Public Hearings is to RECEIVE PUBLIC COMMENT regarding the following RE-ZONING application:

A. THE PETITIONERS: Applicant: MARTENSON & EISELE, INC. (Jeff Schultz or Abby Maslanka), 1377 MIDWAY RD, PO BOX 449, MENASHA WI 54952 and Property Owner: DAN DOWLING, 3696 Stearns Dr., Oshkosh WI 54904 request that the following property be rezoned from R-1 (Single-Family Residential) to M-1 (Industrial),

property located at 3620 Stearns Dr. and 1985 W. Snell Rd., Oshkosh WI 54901; specifically described as Tax ID #018-006301 and #018-006303;

B. LEGAL DESCRIPTION DESCRIBED AS FOLLOWS: PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 18 NORTH, RANGE 18 EAST, TOWN OF OSHKOSH, WINNEBAGO COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 3; THENCE SOUTH 89 DEGREES 44 MINUTES 30 SECONDS WEST, ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 40.67 FEET TO THE SOUTH 1/4 CORNER OF SECTION 34, T18N R18E; THENCE SOUTH 89 DEGREES 26 MINUTES 27 SECONDS WEST, CONTINUING ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 3, A DISTANCE OF 733.71 FEET; THENCE SOUTH 00 DEGREES 30 MINUTES 06 SECONDS EAST, 33.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 30 MINUTES 06 SECONDS EAST, ALONG THE WEST LINE OF LOT 1 OF CERTIFIED SURVEY MAP NO. 6228, A DISTANCE OF 352.83 FEET; THENCE SOUTH 89 DEGREES 29 MINUTES 54 SECONDS WEST, ALONG THE NORTH LINE OF LOT 2 OF CERTIFIED SURVEY MAP NO. 6228, A DISTANCE OF 215.14 FEET; THENCE NORTH 18 DEGREES 20 MINUTES 09 SECONDS WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF STEARNS DRIVE, A DISTANCE OF 202.61 FEET; THENCE

NORTH 28 DEGREES 18 MINUTES 54 SECONDS EAST, 100.32 FEET; THENCE NORTH 89 DEGREES 29 MINUTES 54 SECONDS EAST, 75.30 FEET; THENCE NORTH 18 DEGREES 22 MINUTES 26 SECONDS WEST, 114.24 FEET; THENCE NORTH 89 DEGREES 26 MINUTES 27 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF WEST SNELL ROAD, A DISTANCE OF 178.02 FEET TO THE POINT OF BEGINNING, CONTAINING 86,830 SQUARE FEET (1.983 ACRES), Town of Oshkosh, County of Winnebago, State of Wisconsin.

All interested parties and any objections to the granting of this request will be heard at the Public Hearing. Dated this 20TH, day of August 2018. Run: Aug. 28, Sept. 11, 2018 WNAJLP

DATE: 11/20/18

R E S O L U T I O N

No. 007

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE 11/07/18

WHEREAS, it is desirable to amend the Zoning Map of the TOWN OF OSHKOSH in accordance with the petition of DON HERMAN and

WHEREAS, said request is in compliance with the adopted Winnebago County Land Use Plan.

NOW, THEREFORE, the County Board of Supervisors of Winnebago County do ordain that the Zoning Ordinance and the Zoning Map of the TOWN OF OSHKOSH, be and the same, are amended to provide that the attached described property be changed from the classification of **M-1 INDUSTRIAL** of said ordinance, which it now and heretofore had, to the zoned district of **B-1 BUSINESS**.

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed Ordinance is hereby **ADOPTED** OR **DENIED**.

County Board Supervisor
(Town of CLAYTON)

PARCEL NO: **018-0083-03**; FROM **M-1** TO **B-1**

COUNTY DISCLAIMER:

County Board approval does not include any responsibility for County liability for the legality or effectiveness of the Town Zoning Amendment or the Town Zoning Ordinance.

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____, 2018.

Mark Harris

County Board Supervisory district **12 - GABERT**



Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z MEETING AGENDA OF NOVEMBER 2, 2018

TO: Planning & Zoning Committee

FM: Zoning Administrator

RE: Review of Town Zoning Changes

1. Heinz - Town Zoning Change (Tax ID No: 006-0531-03-02) – Town of Clayton.

The town zoning change for Heinz is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agricultural District) to R-1 (Rural Residential District) and Winnebago County's land use plan shows future land use as Agricultural and Rural.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

2. Zellmer - Town Zoning Change (Tax ID No: 028-0671) – Town of Winchester.

The town zoning change for Zellmer is consistent with the Town of Winchester's Land Use Plan. The Town of Winchester approved the zoning change from A-2 (General Agricultural District) to I-1 (Light Industrial District) and the Town of Winchester's land use plan shows future land use as Highway Commercial.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

3. Hansen Rev Tst - Town Zoning Change (Tax ID No: 028-0663-05) – Town of Winchester.

The town zoning change for Hansen Rev Tst is consistent with the Town of Winchester's Land Use Plan. The Town of Winchester approved the zoning change from A-2 (General Agricultural District) to I-1 (Light Industrial District) and the Town of Winchester's land use plan shows future land use as Highway Commercial.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

4. Dowling - Town Zoning Change (Tax ID No: 018-0083-01 & 018-0083-03) – Town of Oshkosh.

The town zoning change for Dowling is consistent with Winnebago County's Land Use Plan. The Town of Oshkosh approved the zoning change from R-1 (Single Family Residential) to M-1 (Industrial) and Winnebago County's land use plan shows future land use as Non-residential under the extra-territorial jurisdiction of the City of Oshkosh.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

5. Herman - Town Zoning Change (Tax ID No: 018-0083-03) – Town of Oshkosh.

The town zoning change for Herman is consistent with Winnebago County's Land Use Plan. The Town of Oshkosh approved the zoning change from M-1 (Industrial) to B-1 (Business) and Winnebago County's land use plan shows future land use as Non-residential under the extra-territorial jurisdiction of the City of Oshkosh.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

6. Lichtenberg - Town Zoning Change (Tax ID No: 006-0331-04) – Town of Clayton.

The town zoning change for Lichtenberg is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from R-1 (Rural Residential District) to A-2 (General Agricultural District) and Winnebago County's land use plan shows future land use as Agricultural and Rural.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

Z-02-2018

**AMENDMENT TO THE ZONING ORDINANCE
OF THE TOWN OF OSHKOSH, WINNEBAGO COUNTY, WISCONSIN**

BE IT ORDAINED by the Town Board of the Town of Oshkosh, Winnebago County, Wisconsin, that the Zoning Ordinance of said Town be, and the same is hereby amended, in the following manner, to wit:

Section 1. The following described lands are hereby rezoned to B-1 Business.

PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 3, TOWNSHIP 18 NORTH, RANGE 16 EAST, TOWN OF OSHKOSH, WINNEBAGO COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 3; THENCE SOUTH 89 DEGREES 44 MINUTES 30 SECONDS WEST, ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 40.67 FEET TO THE SOUTH 1/4 CORNER OF SECTION 34, T19N, R16E; THENCE SOUTH 89 DEGREES 26 MINUTES 27 SECONDS WEST, CONTINUING ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 3, A DISTANCE OF 911.73 FEET; THENCE SOUTH 00 DEGREES 30 MINUTES 06 SECONDS EAST, 33.00 FEET; THENCE SOUTH 16 DEGREES 22 MINUTES 26 SECONDS EAST, 114.24 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 16 DEGREES 22 MINUTES 26 SECONDS EAST, 6.57 FEET; THENCE SOUTH 89 DEGREES 29 MINUTES 54 SECONDS WEST, 80.57 FEET; THENCE NORTH 28 DEGREES 18 MINUTES 54 SECONDS EAST, 7.21 FEET; THENCE NORTH 89 DEGREES 29 MINUTES 54 SECONDS EAST, 75.30 FEET TO THE POINT OF BEGINNING. CONTAINING 492 SQUARE FEET [0.011 ACRES].
PROJECT NO.:

Section 2. The zoning maps of the Town of Oshkosh shall be changed to reflect the amendment of parcel 018-0084.

Section 3. This Ordinance shall be effective by town board approval to B-1.

Adopted this 18th day of October, 2018.

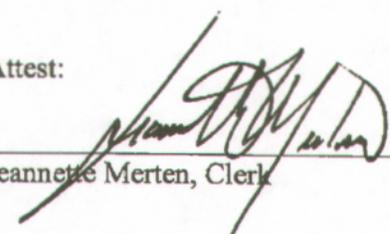
TOWN OF OSHKOSH

By:



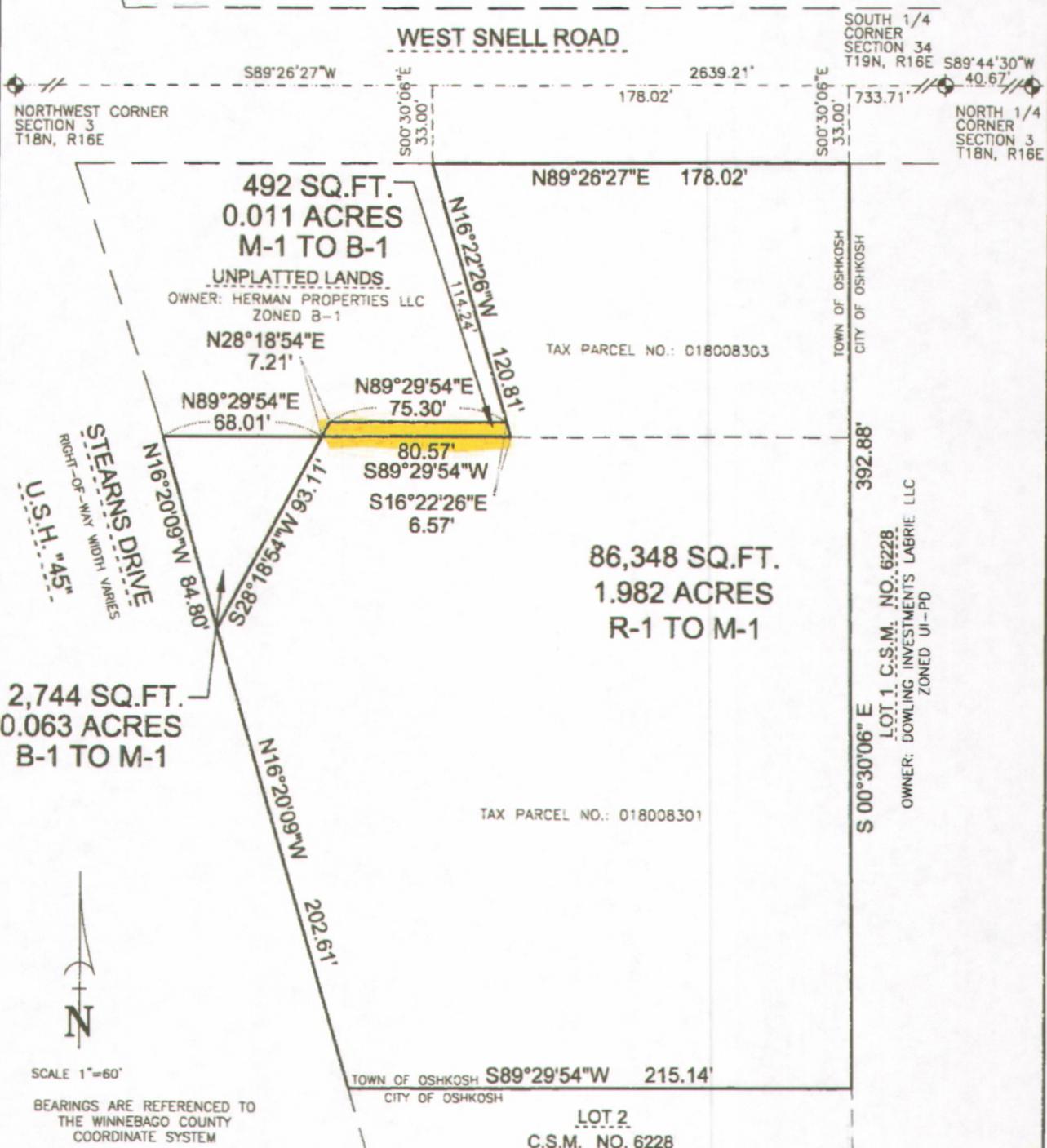
Jim Erdman, Chairperson

Attest:


Jeannette Merten, Clerk

REZONING REFERENCE MAP

PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4,
SECTION 3, TOWNSHIP 18 NORTH, RANGE 16 EAST,
TOWN OF OSHKOSH, WINNEBAGO COUNTY, WISCONSIN.



SCALE 1"=60'

BEARINGS ARE REFERENCED TO
THE WINNEBAGO COUNTY
COORDINATE SYSTEM

Martenson & Eisele, Inc.



1377 Midway Road
Menasha, WI 54952
www.martenson-eisele.com
info@martenson-eisele.com
920.731.0381 1.800.236.0381

Planning
Environmental
Surveying
Engineering
Architecture

REVISED SEPT. 21, 2018

PROJECT NO. 1-1092-001
FILE 1-1092-001rezone

THIS INSTRUMENT WAS DRAFTED BY: A.Sedlar

Herman - Rezone

PLANNING & ZONING COMMISSION RECOMMENDATION OF DECISION TO TOWN BOARD

Town Plan Commission Secretary: Sharon Karow Date: 10-18-2018

Town Plan Commission Chair: Jim Erdman Date: 10-18-2018

Decision Date: 10-18-2018

Approved Denied

Published Dates of public hearing (class 2 notice): Oct. 4 + 11, 2018

Reasons for findings, including any stipulations or conditions:

Same as m

FINAL APPROVAL OF ZONING CHANGE REQUEST BY TOWN BOARD

Town Clerk: Janet M. Water Date: 10-18-2018

Town Board Chairman: Jim Erdman Date: 10-18-2018

Decision Date: 10-18-2018

Approved Denied

Resolution Number to Ordinance Zoning Map change: 2-02-2018

Reasons for findings, including any stipulations or conditions:

SAME AS MINUTES OF PREVIOUS MEETING

TOWN OF OSHKOSH
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN THAT THE
PLANNING & ZONING COMMISSION
OF THE TOWN OF OSHKOSH will con-
duct PUBLIC HEARINGS at 6:00 P.M.
on THURSDAY, OCTOBER 18, 2018, in
the TOWN HALL located at 230 E.
COUNTY RD. Y, OSHKOSH, WI 54901.
The purpose of the Public Hearings is to
RECEIVE PUBLIC COMMENT regard-
ing the following RE-ZONING applica-
tion:

A. THE PETITIONERS: Applicant:
TOWN OF OSHKOSH, 230 E CTY RD
Y, OSHKOSH WI 54901; and Property
Owner: DON HERMAN, 2164 Schneider
Ave, Oshkosh WI 54904 request that the
following property be rezoned to B-1
(Business), property located at 3696
Steams Dr., Oshkosh WI 54901; specifi-
cally described as part of Tax ID #018-
0064;

LEGAL DESCRIPTION DESCRIBED AS
FOLLOWS: PART OF THE
NORTHEAST 1/4 OF THE NORTH-
WEST 1/4 OF SECTION 3, TOWNSHIP
18 NORTH, RANGE 16 EAST, TOWN
OF OSHKOSH, WINNEBAGO COUN-
TY, WISCONSIN, MORE FULLY DE-
SCRIBED AS FOLLOWS: COMMENC-
ING AT THE NORTH 1/4 CORNER OF
SAID SECTION 3; THENCE SOUTH 89
DEGREES 44 MINUTES 30 SECONDS
WEST, ALONG THE NORTH LINE OF
THE NORTHWEST 1/4 OF SAID SEC-
TION, A DISTANCE OF 40.67 FEET TO
THE SOUTH 1/4 CORNER OF SEC-
TION 34, T19N, R16E; THENCE
SOUTH 89 DEGREES 26 MINUTES 27
SECONDS WEST, CONTINUING
ALONG THE NORTH LINE OF THE
NORTHWEST 1/4 OF SECTION 3, A
DISTANCE OF 911.73 FEET; THENCE
SOUTH 00 DEGREES 30 MINUTES 06
SECONDS EAST, 33.00 FEET;
THENCE SOUTH 16 DEGREES 22 MI-
NUTES 26 SECONDS EAST, 114.24
FEET TO THE POINT OF BEGINNING;
THENCE SOUTH 16 DEGREES 22 MI-
NUTES 26 SECONDS EAST, 6.57
FEET; THENCE SOUTH 89 DEGREES
29 MINUTES 54 SECONDS WEST,
80.57 FEET; THENCE NORTH 28 DE-
GREES 18 MINUTES 54 SECONDS
EAST, 7.21 FEET; THENCE NORTH 89
DEGREES 29 MINUTES 54 SECONDS
EAST, 75.30 FEET TO THE POINT OF
BEGINNING. CONTAINING 492
SQUARE FEET [0.011 ACRES].

All interested parties and any objections
to the granting of this request will be
heard at the Public Hearing.

Dated this 21st, day of September 2018.

Published on October 4 & 11, 2018

Jeanette Merten, Town Clerk

Town of Oshkosh

Run: Oct. 4 & 11, 2018 WNAXLP

Thank you,

Melissa Rome

Public Notice Coordinator

Minutes
Town of Oshkosh

Special Town Board Meeting
October 18, 2018 - 6:30 p.m. - Town Hall

1
2
3
4 PRESENT: Chair Jim Erdman, Supervisor Matt Merten, Supervisor Jason
5 Wolfgram, and audience of 0.

6
7 Chair Erdman called meeting to order at 6:30 p.m.

8
9 **Consider a partial rezoning of Parcel 018-0084, 3696 Stearns Dr. to**
10 **B-1 Applicant Town of Oshkosh, property owner Don Herman.**

11 There were no objectors or objections.

12 **Motion made by M. Merten, Wolfgram seconded, to adopt the**
13 **rezoning Ordinance Z-02-2018 of Parcel 018-0084, 3696**
14 **Stearns Dr. as described to B-1 on Exhibit 1, applicant is Town**
15 **of Oshkosh, property owner is Don Herman. Reason is it**
16 **consistent with the area.**

17 Roll call.

18 **Erdman, yes; M. Merten, yes; Wolfgram, yes. Motion carried.**

19
20 **Consider adopting Ordinance to Amendment the Comprehensive Plan**
21 **at 3696 Stearns Dr., 3620 Stearns Dr., and 1985 W. Snell Rd.**

22 There were no objectors or objections.

23
24 **Motion made by M. Merten, Wolfgram seconded, to adopt an**
25 **Amendment to the Comprehensive Plan at 3696 Stearns Dr.,**
26 **3620 Stearns Dr., and 1985 W. Snell Rd., as described to M-1**
27 **on Exhibit 1. Reason is it consistent with the area.**

28 Roll call.

29 **Wolfgram, yes; Erdman, yes; M. Merten, yes. Motion carried.**

30
31 **Motion made by M. Merten, Wolfgram seconded, to adjourn.**
32 **Motion carried unanimously.**

33
34 Meeting adjourned at 6:40 p.m.

35
36 Notes taken by Jim Erdman
37 Jeannette Merten
38 Town of Oshkosh Clerk

DATE: 11/20/18

R E S O L U T I O N

No. 008

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE - 11/08/18

WHEREAS, it is desirable to amend the Zoning Map of the TOWN OF CLAYTON in accordance with the petition of CHRIS LICHTENBERG and

WHEREAS, said request is in compliance with the adopted Winnebago County Land Use Plan.

NOW, THEREFORE, the County Board of Supervisors of Winnebago County do ordain that the Zoning Ordinance and the Zoning Map of the TOWN OF CLAYTON, be and the same, are amended to provide that the attached described property be changed from the classification of **R-1 RURAL RESIDENTIAL DISTRICT** of said ordinance, which it now and heretofore had, to the zoned district of **A-2 GENERAL AGRICULUTURAL DISTRICT**.

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed Ordinance is hereby **ADOPTED** OR **DENIED**.

County Board Supervisor
(Town of CLAYTON)

PARCEL NO: **006-0331-04**; FROM **R-1** TO **A-2**

COUNTY DISCLAIMER:

County Board approval does not include any responsibility for County liability for the legality or effectiveness of the Town Zoning Amendment or the Town Zoning Ordinance.

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____, 2018.

Mark Harris

County Board Supervisory district **29 - YOUNGQUIST**



Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z MEETING AGENDA OF NOVEMBER 2, 2018

TO: Planning & Zoning Committee

FM: Zoning Administrator

A handwritten signature in black ink, appearing to be 'CAR', is written over the printed name 'Cary A. Rowe'.

RE: Review of Town Zoning Changes

1. Heinz - Town Zoning Change (Tax ID No: 006-0531-03-02) – Town of Clayton.

The town zoning change for Heinz is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agricultural District) to R-1 (Rural Residential District) and Winnebago County's land use plan shows future land use as Agricultural and Rural.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

2. Zellmer - Town Zoning Change (Tax ID No: 028-0671) – Town of Winchester.

The town zoning change for Zellmer is consistent with the Town of Winchester's Land Use Plan. The Town of Winchester approved the zoning change from A-2 (General Agricultural District) to I-1 (Light Industrial District) and the Town of Winchester's land use plan shows future land use as Highway Commercial.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

3. Hansen Rev Tst - Town Zoning Change (Tax ID No: 028-0663-05) – Town of Winchester.

The town zoning change for Hansen Rev Tst is consistent with the Town of Winchester's Land Use Plan. The Town of Winchester approved the zoning change from A-2 (General Agricultural District) to I-1 (Light Industrial District) and the Town of Winchester's land use plan shows future land use as Highway Commercial.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

4. Dowling - Town Zoning Change (Tax ID No: 018-0083-01 & 018-0083-03) – Town of Oshkosh.

The town zoning change for Dowling is consistent with Winnebago County's Land Use Plan. The Town of Oshkosh approved the zoning change from R-1 (Single Family Residential) to M-1 (Industrial) and Winnebago County's land use plan shows future land use as Non-residential under the extra-territorial jurisdiction of the City of Oshkosh.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

5. Herman - Town Zoning Change (Tax ID No: 018-0083-03) – Town of Oshkosh.

The town zoning change for Herman is consistent with Winnebago County's Land Use Plan. The Town of Oshkosh approved the zoning change from M-1 (Industrial) to B-1 (Business) and Winnebago County's land use plan shows future land use as Non-residential under the extra-territorial jurisdiction of the City of Oshkosh.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

6. Lichtenberg - Town Zoning Change (Tax ID No: 006-0331-04) – Town of Clayton.

The town zoning change for Lichtenberg is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from R-1 (Rural Residential District) to A-2 (General Agricultural District) and Winnebago County's land use plan shows future land use as Agricultural and Rural.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

006-0331-04 R-1 to A-2
F2U: Ag & Rural

TOWN OF CLAYTON

ORDINANCE 2018-004

ORDINANCE TO AMEND THE OFFICIAL TOWN OF CLAYTON ZONING ORDINANCE MAP

WHEREAS, one or more applications for amendments to the Map of the Town of Clayton Zoning Code of Ordinances have been filed with the Town Clerk as described herein; and

WHEREAS, following the requisite Notices and Public Hearings the proposed amendments have been reviewed and recommended to the Town Board by the Town's Plan Commission; and

WHEREAS, the applications for amendments to the Map of the Town of Clayton Zoning Code of Ordinances does comply with both the Town's existing land use and future land use elements of the CY 2015/16 update to the Town's Comprehensive Plan; and

WHEREAS, all other procedural requirements have been met for purposes of consideration of the amendment(s) as provided in Section 7 of the Town of Clayton Zoning Code of Ordinances; and

NOW, THEREFORE BE IT ORDAINED THAT, the Town Board of the Town of Clayton, County of Winnebago, State of Wisconsin, pursuant to Article 7 of the Town of Clayton Zoning Code of Ordinances, hereby adopts the following Amendment(s) to the Map of the Town's Zoning Code of Ordinances:

Section 1: The Official Zoning Map of the Town of Clayton is amended as follows:

Property Owner:

Chris Lichtenberg, 3461 Dekalb Lane, Neenah, WI 54956.

Legal description of property:

For property located on East Shady Lane, and specifically described as Tax ID# 006-0331-04, being a part Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

The above described property is hereby rezoned from:

The application is to re-zone the property from R-1 (Rural Residential) to A-2 (General Agricultural District).

Section 2: This Ordinance shall be submitted to the Winnebago County Board for approval. This amendment to the Town of Clayton Zoning Code of Ordinances shall be effective upon approval by the Winnebago County Board.

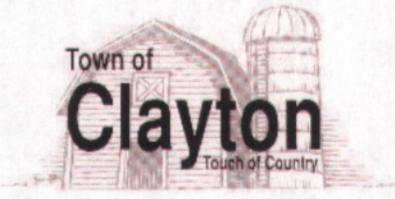
Adopted this 17th day of October, 2018

Vote: Yes: 5 No: 0 Absent: 0


Russell D. Geise, Chair

ATTEST:

Richard Johnston, Town Administrator



Thursday, October 18th, 2018



County Zoning Office
Attn: Cary A. Rowe
112 Otter Avenue
Oshkosh, WI 54901

Re: Town Board approved amendment to the Town's Zoning Code of Ordinances Map.

Mr. Cary A. Rowe:
Enclosed please find the material relative to the following amendment(s) to the Zoning Code of Ordinances, Zoning Map in the Town of Clayton:

Re-zoning application submitted by Chris Lichtenberg, 3461 Dekalb Lane, Neenah for property located on East Shady Lane, and specifically described as Tax ID# 006-0331-04, being a part Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from R-1 (Rural Residential) to A-2 (General Agricultural District).

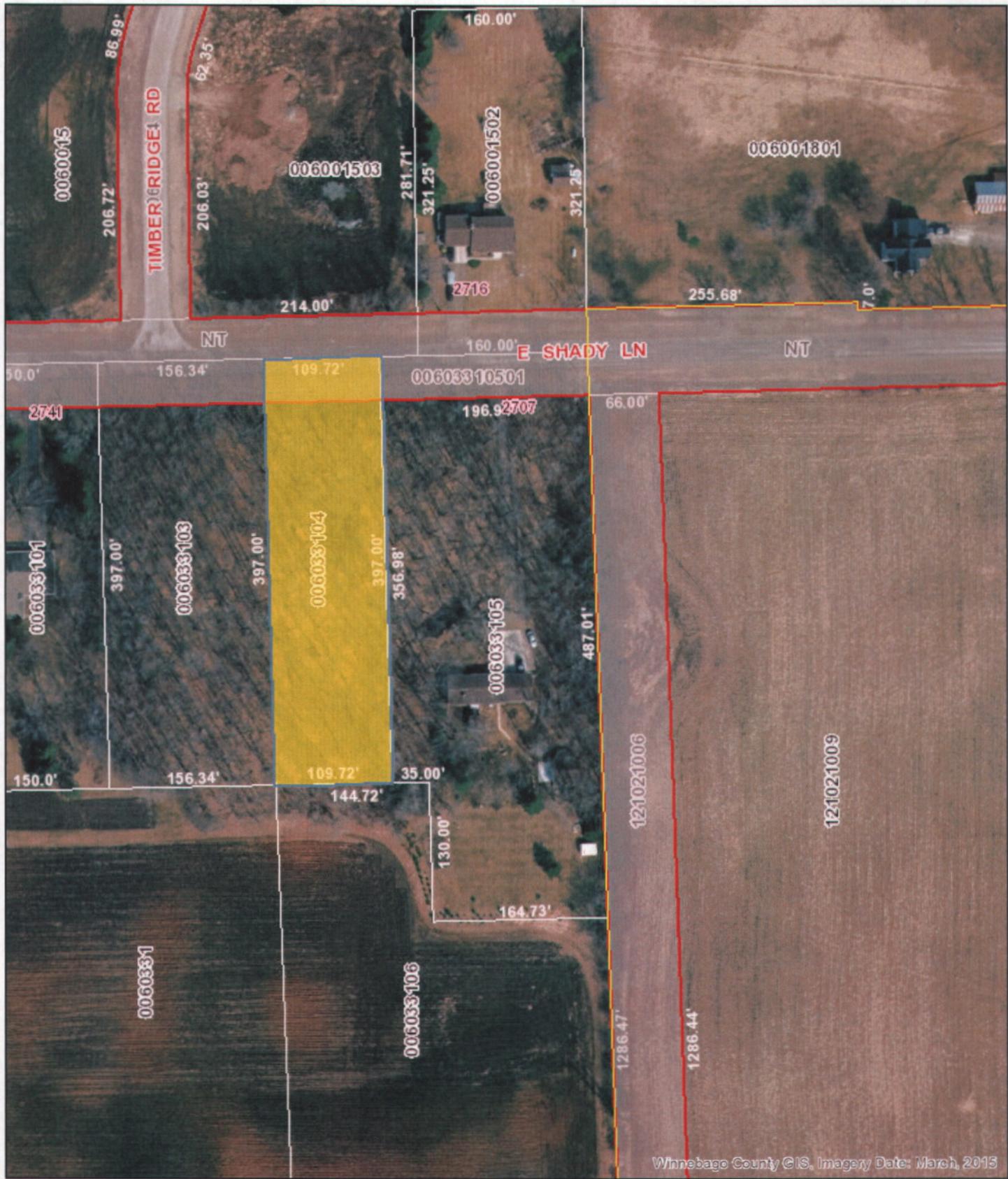
Should you have any questions relative to this request please feel free to call or E-mail me.

Sincerely,

Richard Johnston
Town Administrator/Clerk

CC County Clerk, Sue Ertmer

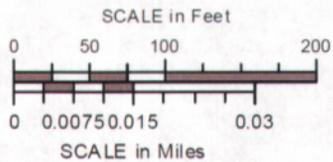
Site Map



Winnebago County GIS, Imagery Date: March, 2015



October 17, 2018



W.I.N.G.S. Project Disclaimer
 This data was created for use by the Winnebago County Geographic Information System project. Any other use/application of this information is the responsibility of the user and such use/application is at their own risk. Winnebago County disclaims all liability regarding fitness of the information for any use other than Winnebago County business. *Data for this map copyrighted December 31, 2006*

1 078-112018

2 **RESOLUTION: Commendation for Gerald Wolfgram**

3

4 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

5

6 **WHEREAS**, Gerald Wolfgram has been employed with the Winnebago County Highway Department as a
7 Bridgetender for the past 20 years, and during that time has been a most conscientious and devoted County
8 employee; and

9 **WHEREAS**, Gerald Wolfgram has now retired from those duties, and it is appropriate for the Winnebago
10 County Board of Supervisors to acknowledge his years of service.

11

12 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that sincere
13 appreciation and commendation be and is hereby extended to Gerald Wolfgram for the fine services he has rendered
14 to Winnebago County.

15

16 **BE IT FURTHER RESOLVED** that the Winnebago County Clerk send a copy of this Resolution to
17 Gerald Wolfgram.

18

Respectfully submitted by:

19

PERSONNEL AND FINANCE COMMITTEE

20

21 Committee Vote: **5-0**

22 Vote Required for Passage: **Majority of Those Present**

23

24

25 Approved by the Winnebago County Executive this _____ day of _____, 2018.

26

27

28 _____
Mark L Harris
29 Winnebago County Executive

1 079-112018

2 **RESOLUTION: Commendation for Linda Stoeckert**

3

4 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

5

6 **WHEREAS**, Linda Stoeckert has been employed with the Winnebago County Facilities and Property
7 Management Department for the past 38 years, and during that time has been a most conscientious and devoted
8 County employee; and

9 **WHEREAS**, Linda Stoeckert has now retired from those duties, and it is appropriate for the Winnebago
10 County Board of Supervisors to acknowledge her years of service.

11
12 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that sincere
13 appreciation and commendation be and is hereby extended to Linda Stoeckert for the fine services she has rendered
14 to Winnebago County.

15
16 **BE IT FURTHER RESOLVED** that the Winnebago County Clerk send a copy of this Resolution to
17 Linda Stoeckert.

18 Respectfully submitted by:

19 **PERSONNEL AND FINANCE COMMITTEE**

20

21 Committee Vote: **5-0**

22 Vote Required for Passage: **Majority of Those Present**

23

24

25 Approved by the Winnebago County Executive this _____ day of _____, 2018.

26

27

28

29

Mark L Harris
Winnebago County Executive

1 080-112018

2 **RESOLUTION: Commendation for Eileen Buchanan**

3

4 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

5

6 **WHEREAS**, Eileen Buchanan has been employed with Park View Health Center for the past 27 years, and
7 during that time has been a most conscientious and devoted County employee; and

8 **WHEREAS**, Eileen Buchanan has now retired from those duties, and it is appropriate for the Winnebago
9 County Board of Supervisors to acknowledge her years of service.

10

11 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that sincere
12 appreciation and commendation be and is hereby extended to Eileen Buchanan for the fine services she has
13 rendered to Winnebago County.

14

15 **BE IT FURTHER RESOLVED** that the Winnebago County Clerk send a copy of this Resolution to
16 Eileen Buchanan.

17

Respectfully submitted by:

18

PERSONNEL AND FINANCE COMMITTEE

19

20 Committee Vote: **5-0**

21 Vote Required for Passage: **Majority of Those Present**

22

23

24 Approved by the Winnebago County Executive this _____ day of _____, 2018.

25

26

27

28

Mark L Harris
Winnebago County Executive

1 **081-112018**

2 **RESOLUTION: Disallow Claim of Adam Kuborn and Joseph and Nancy Kuborn**

3

4 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

5

6 **WHEREAS**, your Personnel and Finance Committee has had the claim of Adam Kuborn and Joseph and
7 Nancy Kuborn referred to it for attention; and

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

10

11 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that the claim
12 of Adam Kuborn and Joseph and Nancy Kuborn, filed with the County Clerk on October 8, 2018, be and the same is
13 hereby disallowed for the reason that there is no basis for liability on the part of Winnebago County.

14

15 Submitted by:

16 **PERSONNEL AND FINANCE COMMITTEE**

17 Committee Vote: **5-0**

18 Vote Required for Passage: **Majority of Those Present**

19

20 Approved by the Winnebago County Executive this ____ day of _____, 2018.

21

22

23

24

Mark L Harris
Winnebago County Executive

SUSAN T. ERTMER
County Clerk



Winnebago County
Office of the County Clerk

The Wave of the Future

415 JACKSON STREET, P.O. BOX 2808
OSHKOSH, WISCONSIN 54903-2808

OSHKOSH (920) 236-4890
FOX CITIES (920) 727-2880
FAX (920) 303-3025
E-mail: countyclerk@co.winnebago.wi.us

NOTICE OF CLAIM

Date: October 9, 2018
To: Doug, Linda and Joan
Re: Claim from Adam Kuborn and Joseph & Nancy Kuborn for damages as a result of an incident with local police agencies

This claim will be presented to the County Board at their October 16, 2018 meeting.

FILED

OCT 08 2018

WINNEBAGO COUNTY
CLERK'S OFFICE
WINNEBAGO, WI

NOTICE OF CLAIM FOR DAMAGES

TO: City of Oshkosh Police Department City of Oshkosh
Dean Smith, Chief of Police Pamela R. Ubrig, City Clerk
420 Jackson Street 215 Church Avenue
Oshkosh, Wisconsin 54902 Oshkosh, Wisconsin 54901

Winnebago County Sheriff's Office Winnebago County
John Matz, Sheriff Sue Ertmer, County Clerk
4311 Jackson Street 112 Otter Avenue
Oshkosh, Wisconsin 54901 Oshkosh, Wisconsin 54901

The following claim for damages by Adam Kuborn and Joseph and Nancy Kuborn, is hereby made pursuant to sec. 893.80(1)(b), *Stats.* A notice of injury was timely filed and served upon the above-named parties on February 5, 2016. The claimant Adam Kuborn's injuries, recovery and condition have now reached a plateau, so the instant claim is being filed for consideration by the City and County, pursuant to the requirements of sec. 893.80, *Stats.*

1. Claimant Adam J. Kuborn is an adult resident of the State of Wisconsin, who resides with his parents at W72 N408 Mulberry Avenue, Cedarburg, Wisconsin 53012, when he was not attending college. At all times referenced below, Adam was a college student.

2. Claimants Joseph Kuborn and Nancy Kuborn (Adam's parents) are adult residents of the State of Wisconsin, residing at W72 N408 Mulberry Avenue, Cedarburg, Wisconsin 53012, and are the natural parents of Adam J. Kuborn.

3. The City of Oshkosh Police Department is an agency of the City of Oshkosh, which is a city government organized and existing under Chap. 62, *Wis. Stats.*, and the laws of the State of Wisconsin.

4. The City of Oshkosh Police Department is located at 420 Jackson Street, Oshkosh, Wisconsin 54902. Dean Smith currently serves as the Chief of Police. The chief

of police is the city official under whom the law enforcement officers of the Oshkosh Police Department serve and answer to pursuant to sec. 62.13, *Wis. Stats.*

5. The Winnebago County Sheriff's Office is an agency of Winnebago County, which is a county government organized and existing under Chap. 59, *Wis. Stats.*, and the laws of the State of Wisconsin.

6. The Winnebago County Sheriff's Office is located at 4311 Jackson Street, Oshkosh, Wisconsin 54901. John Matz currently serves as the Sheriff, and he is the official under whom the law enforcement officers of the Winnebago County Sheriff's Office serve and answer to, pursuant to sec. 59.26 and .27, *Wis. Stats.*

7. The Winnebago County Sheriff's Office directs and has responsibility for the operations of the Winnebago County Jail, and its officers and employees, including intake, booking, health care and injury screening and assessment of suspects and pretrial detainees at the jail facility, pursuant to sec. 59.27, *Wis. Stats.*

8. Both the City of Oshkosh Police Department and the Winnebago County Sheriff's Office, and their officers and employees, have a statutory duty to provide appropriate medical care and treatment, and where appropriate, hospital care to a person in their custody who is injured or intoxicated. Sec. 302.38, *Wis. Stats.*

9. During the late evening of October 10, 2015, Adam Kuborn was walking in the vicinity of Wisconsin Street south of West Irving Avenue in the City of Oshkosh with a female friend, when they stopped to rest on the sidewalk near the front yard around 650 Wisconsin Street.

10. According to police reports later obtained by Kuborn's legal counsel through Open Records requests, at approximately the same time on October 10, 2015, City of Oshkosh Police Officer Scott Sopata and/or others were actively engaged in trying to apprehend a male suspect, suspected of resisting/obstructing an officer and marijuana possession. This suspect was not Adam Kuborn and Kuborn did not match the suspect's description.

11. Based on the police reports reviewed and on information and belief, other City of Oshkosh Police Officers were engaged in trying to apprehend this suspect, including, but not limited to, Officer Sopata, Officer Benjamin Boese and Officer Andrew Lecker. The suspect they were looking for was apprehended by other law enforcement officers in the late evening of October 11, 2015.

12. Upon information and belief, while Kuborn and his female friend were resting on the public sidewalk in the 600 block of Wisconsin Street, Officer Sopata was driving his squad car on East Irving Avenue and saw both of them.

13. Kuborn and his friend were not doing anything illegal or suspicious at the time Officer Sopata drove by in his squad car. Sopata did not see Kuborn or his friend commit any crime, nor did Sopata have a reasonable suspicion that Kuborn had committed or was about to commit a crime, or that he might be armed or presently dangerous.

14. Sopata activated his patrol car lights, stopped and exited his vehicle and approached Kuborn on foot. Sopata did not have information that identified Kuborn as a suspect of any violation of criminal laws.

15. Upon Sopata's approach, Kuborn and his friend got up and began to walk away. Kuborn walked faster in one direction as Sopata approached, and his friend rapidly walked away from Sopata in a different direction.

16. Sopata pursued Kuborn on foot in the block encompassing the east side of Wisconsin Street between West Irving Avenue to the north and Amherst Avenue to the south.

17. Based on the police reports reviewed and on information and belief, Officers Boese and Lecker were on foot patrol in the area and joined in Officer Sopata's pursuit of Kuborn.

18. As with Officer Sopata, Officers Boese and Lecker did not see Kuborn commit any crime, nor did either of them have a reasonable suspicion that Kuborn had

committed or was about to commit a crime, or that he might be armed or presently dangerous. Kuborn had not been involved in any criminal activity, was not armed and did not pose a threat to anyone.

19. Like Officer Sopata, Officers Boese and Lecker did not have information that identified Kuborn as a person suspected of violating the criminal law.

20. Based on a review of relevant police reports and information obtained from the City and County, Officer Boese and/or other officers in conjunction with him, who were in pursuit of Kuborn, at some point grabbed and ripped Kuborn's clothing, spun him around, tackled and slammed him into the ground, pinned him down, pushing Kuborn into the pavement. At least one of the officers put much of his weight onto Kuborn and forcefully kned him in the back, as he lay on the pavement on Amherst Avenue, just east of Wisconsin Street.

21. Officer Boese's and/or the other officers' who took Kuborn down, utilized undue, unnecessary and excessive physical force, to a person not suspected of any crime, which caused Kuborn to suffer severe, life-threatening physical injuries.

22. Upon review of the reports and on information and belief, once Kuborn was lying face-down on the ground, Officer Boese and at least one other police officer continued to utilize undue, unnecessary and excessive physical force by restraining, holding, pinning and pushing Kuborn down into the pavement, using direct physical pressure, force and contact upon Kuborn, and that the police officers' actions caused Kuborn to suffer injuries, pain and great bodily harm.

23. Kuborn recalls that he called out to the officers to stop, stating that they were hurting him, as he experienced great pain in his flank and rib cage area, because of the police officers' continuing use of undue, unnecessary and excessive physical force.

24. Due to the actions of the police officers, Kuborn suffered a large abrasion to his left upper abdomen and left front rib cage area, head injuries, including bruising, and very serious internal injuries. Upon information and belief, Kuborn's external injuries

may have been photographed by Officers Sopata, Boese and/or other law enforcement officers, or might be seen on officer collar camera or squad camera videos, as well as photographs and videos taken at the County Jail.

25. Kuborn was handcuffed and placed in the back seat of the squad car. While in the back seat, Kuborn told the police officer who was driving, that he was injured and his ribs might be broken. The officer refuted Kuborn's claim stating that he would know if Kuborn was hurt, even though the officer had not conducted any examination of him.

26. Kuborn was transported to the Winnebago County Sheriff's Department, where he was held for some time in the Winnebago County Jail.

27. While Kuborn was in the County Jail, photographs and video recordings were taken of him, some of which show abdominal bruising and Kuborn being dazed and lethargic.

28. During the period of time when Kuborn was in the custody and control of City and County law enforcement agencies, Kuborn complained of pain, which was evidenced by the difficulty Kuborn had removing his socks as commanded. Kuborn was not taken to or examined by the jail nurse, or by an EMT or other health care professional, while he was at the jail, and he was not provided with any medical care.

29. While he was in custody at the Winnebago County Jail, Kuborn began to urinate blood and expel blood-tinged vomit, but no medical care was provided to him, despite these symptoms of internal injury and bleeding.

30. After Kuborn was released from the Winnebago County Jail to his friend, she called for medical attention and contacted Kuborn's parents.

31. Kuborn's parents subsequently had their son Adam Kuborn admitted to the Emergency Department of Aurora Medical Center-Oshkosh.

32. While being examined and treated at Aurora Medical Center-Oshkosh, the emergency treating physician determined that the severity of the injuries suffered by Kuborn exceeded the treatment capabilities of Aurora Medical Center-Oshkosh, and that

Kuborn would need to be promptly transferred to a trauma hospital that could handle the life-threatening injuries that had been inflicted on him by the police officers.

33. During discussions and consultation between Aurora Medical Center-Oshkosh and St. Luke's Medical Center, a trauma hospital in Milwaukee, concerning the requested transfer of Kuborn to St. Luke's, the emergency physician on duty at St. Luke's determined that the severity of Kuborn's internal injuries also exceeded the capabilities of St. Luke's and that Kuborn needed to be immediately transferred to a Level I trauma center, i.e., Froedtert Hospital in Milwaukee.

34. In the early morning hours of October 11, 2015, Kuborn was flown by a Flight for Life helicopter from Aurora Medical Center-Oshkosh to Froedtert Hospital, in critical and grave medical condition, suffering severe pain due to the extensive internal injuries directly caused by the undue, unnecessary and excessive use of force inflicted on him by law enforcement officers.

35. Upon a review of hospital records, and on information and belief, the Level I Trauma Center team and specialists at Froedtert confirmed Aurora's preliminary diagnosis that Kuborn suffered a shattered left kidney Grade 5 injury, with active urine extravasation, a large left retroperinephric hematoma and capsular Grade 1 laceration of the inferior pole of his spleen. Kuborn also suffered large abrasions to his left upper abdomen and left front rib cage area, an obvious frontal abrasion to his head and a blackened eye.

36. As a result of the Grade 5 acute kidney injury and spleen laceration, both of which were the direct result from the grave bodily harm caused by officers of the Oshkosh Police Department, Kuborn was hospitalized at Froedtert Hospital in the Surgical Intensive Care Unit (SICU) from October 11 until the evening of October 16 and was readmitted to Froedtert Hospital from November 12 until November 14 for complications from these injuries.

37. Kuborn was catheterized and required to have a urinary catheter after being discharged from the hospital on October 16. He had to wear the catheter and collection

bag continuously for many weeks, which was painful, debilitating and traumatic as he tried to return to attending classes at the university.

38. As a direct result of the Grade 5 acute kidney injury, Kuborn suffered a substantial urinary disability and pain for well over a year, and continues to suffer limiting symptoms because of the injury. Kuborn will have a permanent reduction in the function of the left kidney, which will lead to life-long complications, increased risk of needing renal replacement, increased life-long risk of infection, high blood pressure, physical limitations, certain disability and diminished urinary function, increased medical expenses and reduced quality of life.

39. As a direct result of the Grade 5 acute kidney injury, Kuborn could not play the usual sports he had engaged in for more than six months following his recovery, and his doctors have prohibited him from playing the contact sports he engaged in previously, because if he injured his kidney, he would risk being on dialysis for the rest of his life and/or need a transplant.

40. As a direct result of the Grade 5 acute kidney injury, Kuborn is at a significantly increased risk for future morbidity and mortality, as studies documenting the long-term effects of acute kidney injury are indicating. See, Doyle & Forni, "Acute kidney injury: short-term and long-term effects", 20 *Critical Care* 188 (July 2016).

41. Kuborn has valid claims for false arrest and false detention/imprisonment which will be brought under state tort law as well as under 42 U.S.C. sec. 1983 for violation of his Fourth and Fourteenth Amendment rights.

42. The Fourth Amendment prohibits unreasonable seizures of a person. Arrests are not constitutionally valid in the absence of probable cause. Officers Sopata, Boese and Lecker did not have probable cause to seize and arrest Kuborn.

43. Officers Sopata, Boese and Lecker did not have reasonable suspicion under *Terry v. Ohio*, 392 U.S. 1 (1968), or other law, to pursue, stop, seize and arrest Kuborn, or to use significant, excessive force to stop and immobilize him.

44. Detentions which arguably might be initially justified as a *Terry* investigatory stop, will not justify seizures which are unreasonable in manner, length or scope in light of the original purpose of the officers, who also used unnecessary excessive force to seize Kuborn. The officers had no legal justification or sufficient evidence to justify the greater intrusion on Kuborn's liberty or the amount of force used, when no crime was suspected or being committed by Kuborn.

45. Kuborn's claims for damages for infliction of injuries to him and severe emotional distress by the excessive use of force applied by the above-named officers and/or others, during and following his take-down and seizure, his arrest and being taken in held in custody, and not being provided with a prompt medical examination and necessary care, exist under both state tort law (intentional and negligent conduct), as well as constitute violations of his Fourth, Fifth, Eighth and Fourteenth Amendment rights, which are actionable under 42 U.S.C. sec. 1983. His parents' claims for damages the costs of their son's treatment and recovery expenses, as well as for infliction of severe emotional distress exist under state tort law as well.

46. In *Graham v. Connor*, 490 U.S. 386 (1989), the United States Supreme Court held that the use of excessive force during an arrest, an investigatory stop, or any other seizure of a person at liberty is actionable as an unreasonable seizure and arrest under sec. 1983, and such claims are governed by Fourth Amendment standards.

47. Kuborn was subjected to a seizure within the meaning of the Fourth Amendment through the application of force by the above-named City police officers, and perhaps others.

48. The force that was used against Kuborn was excessive, particularly given the fact that Kuborn was not committing any crime and did not pose an immediate threat to the safety of the officers or others, when the officers unnecessarily exposed him to danger during the seizure and arrest, in violation of his substantive due process rights and Fourth Amendment rights.

49. *Graham* held that the test for reasonableness under Fourth Amendment is an objective one. Where the government's interests in using force are weak or nonexistent, as in Kuborn's case, the serious injuries inflicted on him are clearly sufficient to establish a Fourth Amendment violation.

50. The force that was used against Kuborn, as well as the manner and technique leading up to such use of force, given the totality of the circumstances, was not reasonable under Wisconsin state law or the Fourth Amendment.

51. The above-named officers, and others who may have been involved, did not use alternative lesser-intrusive methods of capturing or immobilizing Kuborn, which were known, available and should have been utilized, according to their training, applicable standards of police practice and the Fourth Amendment.

52. As a direct and proximate result of the intentional, reckless and/or negligent acts and omissions of the above-referenced and/or other unnamed City and County law enforcement officers, Kuborn suffered significant past and future pain, severe and life-threatening personal injuries, severe emotional distress, anguish, pain, suffering, disability and disfigurement, and incurred significant past medical expenses and also faces increased future risk of morbidity and mortality, which will result in future medical expenses, disability and limitations on activities, among other damages.

53. Claimants Joseph and Nancy Kuborn sustained the loss of the aid, society, comfort and companionship of their son, Adam J. Kuborn, and may be further deprived of same in the future as a result of his injuries. Kuborn's parents sustained significant severe emotional distress and trauma in the immediate aftermath and as a result of their son's life-threatening injuries and condition. They have also incurred past and may incur future medical expenses.

54. At all times material, the City of Oshkosh Police Department, the City of Oshkosh, the Winnebago County Sheriff's Office and the Winnebago County Clerk's Office had actual notice of the claimants' injuries, resultant damages and of the above-described incident, and the City and County may possibly have investigated same.

55. Counsel for Kuborn has retained Robert C. Willis, a recognized expert on police practices and appropriate use of force, to conduct a preliminary review of post-incident reports and information that counsel has obtained regarding the events of October 10 and 11, 2015.

56. Based on his review of such and Adam Kuborn's medical records identifying his injuries, Mr. Willis preliminarily opines that Oshkosh Police Officer Sopata's initial contact with Kuborn was flawed.

57. Mr. Willis is also of the opinion that the above-named police officers' continued contact with Kuborn was not appropriately conducted, remained unreasonable, and that probable cause for the arrest of Kuborn never existed, even though an arrest was made.

58. Mr. Willis is of the opinion that established professional communication skills and techniques were not evident or utilized, verbal solution oriented strategies were not used and the officer-created jeopardy was a negative consequence of overly-zealous, careless and aggressive police behavior.

59. Mr. Willis finally opines that based on officer training, current law enforcement standards and the Fourth Amendment considerations, the use of force employed by Oshkosh police officers against Kuborn was excessive, unreasonable and out of balance with the behavior of Kuborn, and such use of force was unjustified and not objectively reasonable under *Graham v. Connor*.

60. Upon the City and County's receipt of this notice of claim for injuries and damages, and their assignment of government legal counsel or insurance adjustors to review the claims, counsel for Kuborn will share Mr. Willis' preliminary report and opinions to assist in their assessment and possible resolution of Adam Kuborn's and his parents' claims.

61. As a direct and proximate result of the intentional and/or negligent actions and omissions of officers of the City of Oshkosh Police Department and of deputies and

employees of the Winnebago County Sheriff's Office, including Officers Scott Sopata, Benjamin Boese and Andrew Lecker and/or other officers at the scene of Kuborn's injuries, and the officers who later conveyed Kuborn to the County Jail, and deputies and employees who were responsible for him while he was at the Jail, Adam J. Kuborn sustained damages as follows:

a.	past medical and hospital expenses:	\$105,750.57
b.	past travel expense for care:	\$1,723.19
c.	future medical and hospital expenses:	\$200,000.00
d.	past pain, suffering and disability:	\$250,000.00
e.	future pain, suffering and disability:	\$350,000.00
e.	future loss of ability to engage in sporting activities and enjoyments of life because of his injuries and limitations imposed:	\$100,000.00
f.	past loss of earnings and earning capacity:	\$35,000.00
g.	future loss of earnings and earning capacity:	\$100,000.00
h.	past legal costs and expenses relating and arising from Oct. 10, 2015 incident (through Sept. 2018)	\$40,000.00

62. As a direct and proximate result of the intentional and/or negligent actions and omissions of City of Oshkosh Police Department and the Winnebago County Sheriff's Office, and their officers and agents, including, but not limited to, Officers Scott Sopata, Benjamin Boese and Andrew Lecker and/or other officers' involved, Joseph and Nancy Kuborn suffered great worry, anguish and severe emotional distress and were deprived of the aid, society, comfort and companionship of their son, Adam J. Kuborn and will be deprived of same in the future, and incurred significant expenses, in addition to suffering great emotional trauma, all to their damage in the sum of \$ 150,000.00.

WHEREFORE, Adam J. Kuborn demands satisfaction in the amount of \$1,182,473.70 against City of Oshkosh Police Department, the City of Oshkosh, the Winnebago County Sheriff's Office, the Winnebago County Clerk's Office for the actions of their officers, deputies and employees and injuries and losses he has suffered as are described herein.

WHEREFORE, Joseph and Nancy Kuborn demand satisfaction in the amount of \$150,000.00 against City of Oshkosh Police Department, the City of Oshkosh, the Winnebago County Sheriff's Office, the Winnebago County Clerk's Office for the actions of their officers, deputies and employees and injuries and losses as are described herein.

Dated at Milwaukee, Wisconsin this 2nd day of October, 2018.

GIMBEL, REILLY, GUERIN & BROWN, LLP

By: 

RAYMOND M. DALL'OSTO

State Bar No. 1017569

Attorneys for Claimants, Adam J. Kuborn,
Joseph Kuborn and Nancy Kuborn

POST OFFICE ADDRESS:
330 East Kilbourn Avenue, Suite 1170
Milwaukee, Wisconsin 53202
Telephone: 414/271-1440
Email: dallosto@grgblaw.com

Kuborn, Adam/NoticeofClaim 2018-10-02

1 082-112018

2

3 **RESOLUTION: Authorize the Transfer of \$186,900 from the Winnebago County Undesignated**
4 **General Fund Account to the Winnebago County Sheriff's Department Capital**
5 **Outlay Account for the Purpose of Upgrading the Commander Control Stations**
6 **and PLC Processors**

7

8 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

9 **WHEREAS** the original Integrator system was installed in 2003 during the jail construction; and

10 **WHEREAS**, many of the necessary security components are controlled by the integrator system; and

11 **WHEREAS**, the integrator system has completely failed on two (2) different occasions and partially failed on
12 eight (8) additional occasions causing doors to be opened/closed manually requiring more on-duty staff; and

13 **WHEREAS**, the integrator system controls ingress and egress to all parts of the jail and camera call ups,
14 maintains records of all ingress and egress door usage, and controls housing utilities; and

15 **WHEREAS**, the upgrade includes individual control stations located in the jail pods.

16

17 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
18 authorizes the transfer of \$186,900 from the Winnebago County Undesignated General Fund Account to the
19 Winnebago County Sheriff Department's Capital Outlay Account for the purpose of upgrading the Commander
20 Control Stations and PLC Processors.

21

22 **Fiscal Impact:** The Undesignated General Fund Account will be reduced by \$186,900.

23

24

25 Respectfully submitted by:

26 **JUDICIARY AND PUBLIC SAFETY COMMITTEE**

27 Committee Vote: **5-0**

28 Respectfully submitted by:

29 **PERSONNEL AND FINANCE COMMITTEE**

30 Committee Vote: **5-0**

31 Vote Required for Passage: **Two-Thirds of Membership**

32

33 Approved by the Winnebago County Executive this ____ day of _____, 2018.

34

35

36

37

Mark L Harris
Winnebago County Executive

1 083-112018

2 **RESOLUTION: Authorize Execution of Airport Agricultural Permit Between the**
3 **Experimental Aircraft Association and Winnebago County**

4
5
6 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

7 **WHEREAS**, the Experimental Aircraft Association desires to lease certain parcels of land for agricultural
8 cultivation purposes at Wittman Regional Airport for a three (3)-year period, with rent to be established at \$14,175
9 annually during the term of the Agreement; and

10 **WHEREAS**, said permit to lease the parcels would be in effect from January 1, 2019, through December 31,
11 2021; and

12 **WHEREAS**, the Aviation Committee believes that said permit is in the best interests of Winnebago County
13 and has approved said permit.

14
15 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
16 authorizes the Winnebago County Executive and the Winnebago County Clerk to execute a three (3)-year Airport
17 Agricultural Permit between Winnebago County and the Experimental Aircraft Association to lease certain parcels of
18 land at Wittman Regional Airport for agricultural purposes pursuant to those terms stated above.

19
20 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that a complete copy of said
21 permit is attached hereto and is made a part of this Resolution and incorporated herein by reference.

22
23

24 Respectfully submitted by:
25 **AVIATION COMMITTEE**

26 Committee Vote: **5-0**

27 Respectfully submitted by:
28 **PERSONNEL AND FINANCE COMMITTEE**

29 Committee Vote: **5-0**

30 Vote Required for Passage: **Majority of Those Present**

31

32 Approved by the Winnebago County Executive this ____ day of _____, 2018.

33

34 _____
35 Mark L Harris
36 Winnebago County Executive

AIRPORT AGRICULTURAL PERMIT

WITTMAN REGIONAL AIRPORT

WINNEBAGO COUNTY, WISCONSIN

THIS PERMIT, made and entered into this ____ day of _____, 2018 is hereby granted to the Experimental Aircraft Association, Inc. of 3000 Poberezny Rd, Oshkosh, WI 54902 hereinafter called the "Permittee", by Wittman Regional Airport, Winnebago County, Wisconsin, hereinafter called the "Owner", to occupy and utilize for agricultural purposes the following described properties, under the jurisdiction of the Owner:

Approximately forty-three (43) acres in unrestricted agricultural use, (permitted crops include soybeans, alfalfa, hay, and corn) and thirty-eight (38) acres in restricted agricultural use (low-growing crops only, excludes corn) at an annual rental rate of \$175.00 per acre for the term of the agreement. The parcels shown as Parcel "A", "B", "C", "D" and "E" are illustrated, outlined on Exhibit "A", made a part hereto by reference. Total annual rent for the term shall be \$14,175.00.

THIS PERMIT is granted subject to the following terms and conditions;

1. This permit will be effective for a term of three (3) years beginning January 1, 2019 and ending December 31, 2021.

2. The use of the above-described by Permittee shall be limited solely to agricultural purposes, and no structures of any kind except those expressly permitted by owner shall be erected or placed thereon. No animals shall be permitted on the leased premises. Permittee may prepare the land including any appropriate grading and filling for proper drainage, and to plant and harvest crops. Such grading and filling improvements must be approved by Owner, in writing, prior to those improvements commencing and the cost of those improvements shall be borne solely by Permittee.

3. The Owner, and any of its employees, agents, and assignees, shall not be responsible or liable for any damage from any cause whatsoever to any property of the Permittee located upon the above-described premises. The Permittee agrees to indemnify and to hold the Owner free and harmless from loss from each and every claim and demand whatever the nature, made on behalf of or by any person or persons, or any wrongful, careless, or negligent act or omission on the part of the Permittee, its agents, servants, and employees from all loss and damage by reason of such acts or omissions.

4. Permittee, for the occupancy and use of the above-

described premises shall pay to the Owner an annual rental fee under this permit. Invoices for said rental fees shall be submitted to Permittee on or around January 1st of each calendar year during the term of this agreement. Payments are due and payable not later than thirty (30) days after the receipt of invoice by Permittee, provided however, that in the event this permit is revoked by the Owner before the expiration of the permit, Permittee shall be entitled to a refund calculated at a daily rate basis of one three hundred sixty-fifths (1/365th) of the annual rental for the deficiency of time resulting from such revocation.

5. Permittee, their employees and sub-contractors, shall remain clear of all airport movement areas at all times.

6. No agricultural operations will be permitted on the airport between July 15th and August 5th each year, also known as the farming blackout period. All airport agricultural parcels whose crop is hay (or alfalfa) shall be cut and removed between July 1st and July 14th of each year. Hay fields may be used for EAA AirVenture operations during the farming blackout period.

7. Storage of farming materials such as manure shall not be permitted on Airport property.

8. Permittee shall provide at its own cost and expense and

provide County with Certificate of Insurance indicating proof of the following insurance from companies licensed in the State at the specified limits:

(1) Commercial General Liability Insurance - (non-aircraft) with a minimum limit of \$1,000,000 Combined Single Limit for Bodily Injury and Property Damage Liability. This insurance shall include on the Certificate of Insurance the following coverages:

- (a) Premises - Operations
- (b) Products and Completed Operations
- (c) Broad Form Property Damage
- (d) Broad Form Blanket Contractual
- (e) Personal Injury
- (f) Errors and Omissions; if applicable

(2) Automobile Liability insurance with a minimum limit of \$1,000,000 Combined Single Limit for Bodily Injury and Property Damage Liability. The insurance shall include Bodily Injury and Property Damage for the following coverages:

- (a) Owned Automobiles
- (b) Hired Automobiles

(c) Non-Owned Automobiles

Such insurance shall include Winnebago County as an additional insured.

Such insurance shall include a thirty (30) day notice prior to cancellation or material policy change, which notice shall be given to the Winnebago County Insurance Coordinator, c/o 112 Otter Ave., P.O. Box 2808, Oshkosh, WI 54903-2808.

All such notices will name the Permittee and identify the contract. Permittee shall provide a certificate of insurance coverage to the Owner prior to the occupancy and use of any premises of Owner. Permittee agrees to maintain current insurance status, and provide renewed certificates of insurance annually on or before the effective date of the renewal of this permit.

9. This permit shall be subordinate to the provisions of any existing or future agreement between the Owner and the United States, relative to the operation or maintenance of the airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the airport.

10. Whereas, it is possible that Owner may complete

certain airport improvements during the term of this permit, which may necessitate the destruction of certain of Permittee's work in process. Owner agrees to reimburse Permittee for any such loss of the appraised value at fair market value of the crop planted, the value of which to be determined by a crop insurance adjuster agreed to by both parties.

11. The Permittee shall abide by any and all rules and regulations of the town, city, county, state and federal authorities respecting the safety measures to be taken and observed in the use of said premises. Permittee shall be subject to such written rules and regulations as the Winnebago County Board of Supervisors or its Aviation Committee may adopt. Such rules and regulations shall not, however, be in conflict with the terms of this agreement where possible. Permittee agrees to exercise appropriate care and caution in the use of any chemical or hazardous material in the conduct of it's operation on the airport premises, and agrees to notify Owner in the event any incident or event takes place that may cause damage to the environment or should be of a reportable nature that damage to the environment or surrounding water supplies could result. Permittee understands and agrees that it will be responsible for any such events or incidents that may cause the Owner to be cited for such incidents or events that may be in

violation of state or federal environmental rules or regulations.

12. Compliance with Civil Rights Act of 1964. The Permittee, in the use of the leased premises for himself, his personal representatives, successors in interest, and assigns, as part of the consideration thereof, does hereby covenant and agree as a covenant running with the premises that (1) no person on the grounds of race, color or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities; (2) that in the construction of any improvements on, over, or under such premises and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination; (3) that the premises shall be used in compliance with all other requirements imposed by, or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

Permittee shall have the right and privilege to engage in,

and conduct all business operations authorized under the terms of this permit, provided, however, that this agreement shall not be construed in any manner to grant the Permittee, or those claiming under him the exclusive right to use the premises or facilities of the aforementioned airport other than those premises leased exclusively to the Lessee hereunder.

IN WITNESS HEREOF, the parties have hereto set their hands and seals on the day first above written.

In the Presence of:

WINNEBAGO COUNTY (OWNER)

By: _____
Mark L. Harris
County Executive

By: _____
Sue Ertmer
County Clerk

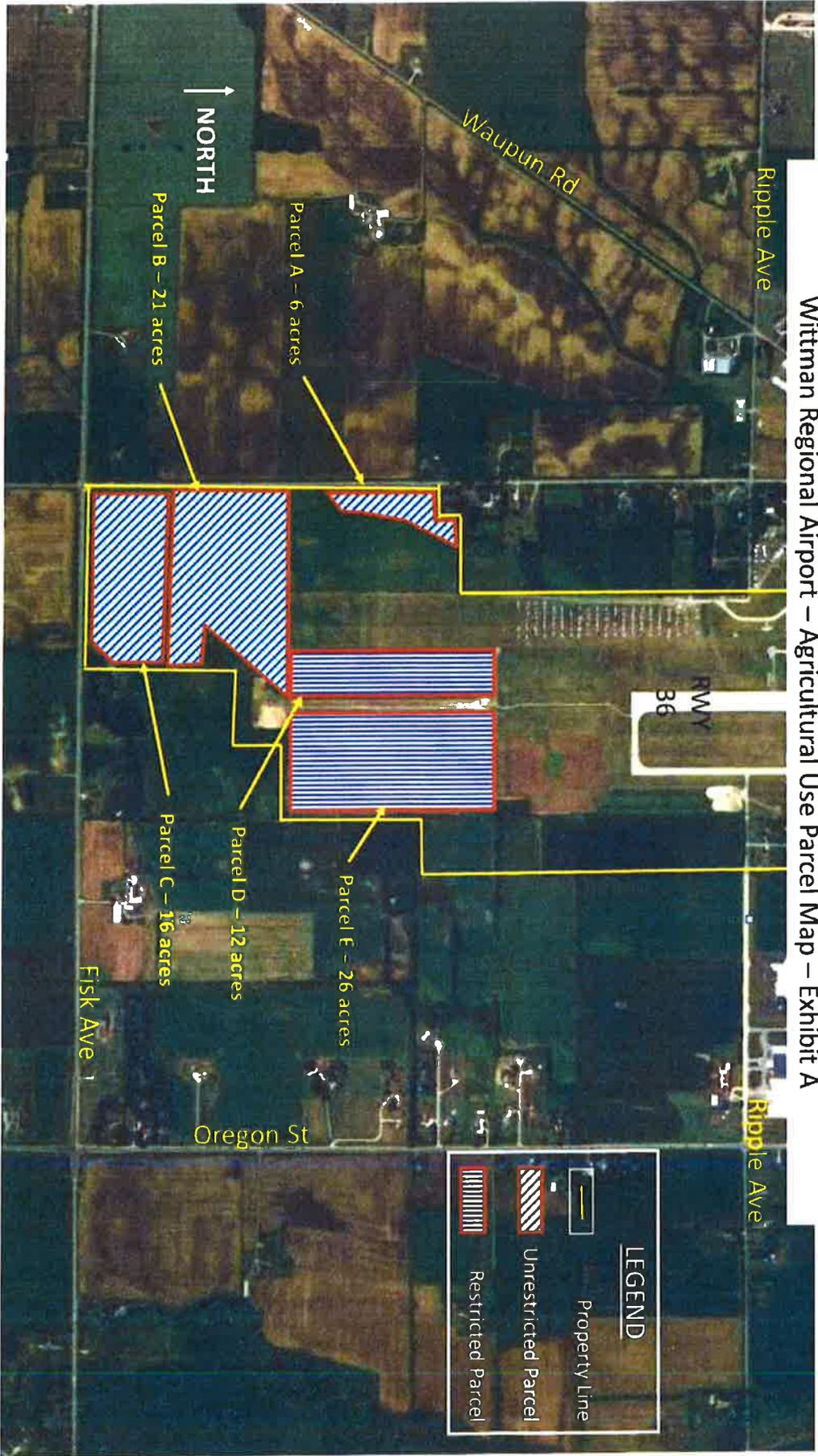
In the Presence of:

Experimental Aircraft
Association, Inc (PERMITTEE)

Janett. Smith

By: 
Sean Elliott, VP
Advocacy & Safety

Wittman Regional Airport – Agricultural Use Parcel Map – Exhibit A



2 **RESOLUTION: Authorize Five (5)-Year Cooperative Service Agreement Between**
3 **Winnebago County and the Wisconsin Department of Natural Resources**
4 **and the United States Department of Agriculture, Animal Plant Health**
5 **Inspection Service, Wildlife Services**

6
7
8 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

9 **WHEREAS**, the black bear, Canada goose, white-tailed deer, and wild turkey populations in portions of
10 Winnebago County are at levels that may cause damage to agricultural and forest crops; and

11 **WHEREAS**, the producers' costs of production of agricultural and forest crops have increased substantially
12 over time; and

13 **WHEREAS**, §29.889, Wis Stats, and NR12, Wis Admin Code, provide for a state-funded Wildlife Damage
14 Abatement and Claims Program (WDACP) to reimburse participating producers for crop losses caused by certain
15 wildlife; and

16 **WHEREAS**, administrative participation is required of Winnebago County to make its land eligible for the
17 WDACP; and

18 **WHEREAS**, Winnebago County will be reimbursed by the Wisconsin Department of Natural Resources
19 (WDNR) for all associated costs incurred in the administration and implementation of the WDACP; and

20 **WHEREAS**, Winnebago County may, through formal agreement, cooperate with the Animal Plant Health
21 Inspection Service, Wildlife Services (APHIS WS) and WDNR to make the WDACP available to eligible producers.

22
23 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
24 authorizes the Winnebago County Land and Water Conservation Department/Land Conservation Committee to enter
25 into a five (5)-year Cooperative Services Agreement with the Wisconsin Department of Natural Resources and the
26 United States Department of Agriculture, Animal Plant Health Inspection Service, Wildlife Services, for the
27 administration and implementation of the Wildlife Damage Abatement and Claims Program.

28
29 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that the Revenue and
30 Expenses associated with this program continue to be included within the appropriate accounts in the Land and
31 Water Conservation Department's Annual Budget.

32
33 Respectfully submitted by:

34 **LAND CONSERVATION COMMITTEE**

35 Committee Vote: **6-0**

36 Vote Required for Passage: **Two-Thirds of Membership**

37
38 Approved by the Winnebago County Executive this ____ day of _____, 2018.

39
40 _____
41 Mark L Harris
42 Winnebago County Executive

COOPERATIVE SERVICE AGREEMENT
between
WINNEBAGO COUNTY
And
UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE (APHIS)
WILDLIFE SERVICES (WS)

ARTICLE 1

The purpose of this Cooperative Service Agreement is to cooperate in a County/State/Federal black bear, cougar, white-tailed deer, elk, Canada goose, wild turkey, and sandhill crane damage management program. The primary objective is to provide commercial agricultural producers the necessary technical and/or operational assistance in identifying, abating, controlling, and assessing damage with the species listed.

ARTICLE 2

APHIS WS has statutory authority under the Act of March 2, 1931 (46 Stat. 1468; 7 USCA 8351-7, USCA 8352) as amended, and the Act of December 22, 1987 (101Stat. 1329-331, 7 USCA 8353), to cooperate with States, local jurisdictions, individuals, public and private agencies, organizations, and institutions while conducting a program of wildlife services involving mammal and bird species that are reservoirs for zoonotic diseases, or animal species that are injurious and/or a nuisance to, among other things, agriculture, horticulture, forestry, animal husbandry, wildlife, and human health and safety.

ARTICLE 3

APHIS WS, the County and WDNR mutually agree:

1. The parties' authorized representatives who shall be responsible for carrying out the provisions of this Agreement shall be:

WINNEBAGO COUNTY: Tom Davies, Land & Water Conservation Director
625 E County Rd Y, Suite 100
Oshkosh, WI 54901

WDNR: Brad Koele, Wildlife Damage Specialist
Bureau of Wildlife Management
GEF 2, WM/6
PO Box 7921
Madison, WI 53707

APHIS WS: Daniel Hirschert, State Director
USDA, APHIS, Wildlife Services
732 Lois Drive
Sun Prairie, WI 53590

2. To meet as determined necessary by either party to discuss mutual program interests, accomplishments, needs, technology, and procedures to maintain or amend the Work Plan (Attachment A). Personnel authorized to

attend meetings under this Agreement shall be the County representative listed above or his/her designee, the WDNR Wildlife Damage Specialist or his/her designee, the APHIS WS State Director and/or their designee, and/or those additional persons authorized and approved by the County, the WDNR, and the APHIS WS State Director.

3. APHIS WS shall perform services more fully set forth in the Work Plan, which is attached hereto and made a part hereof. The parties may mutually agree in writing, at any time during the term of this Agreement, to amend, modify, add or delete services from the Work Plan.

ARTICLE 4

The County agrees:

1. To authorize APHIS WS to conduct direct control activities and/or technical assistance to reduce commercial agricultural damage associated to wildlife damage caused by the species identified in the Work Plan. These activities are defined in the Work Plan. APHIS WS will be considered an invitee on the lands controlled by Wildlife Damage Abatement and Claims Program (WDACP) enrollees. These program enrollees will be required to exercise reasonable care to warn APHIS WS as to dangerous conditions or activities in the project areas.
2. To reimburse APHIS WS for costs of services provided under this Agreement up to but not exceeding the amount specified in the Financial Plan (Attachment B) and approved annually by the WDNR. The County will begin processing for payment invoices submitted by APHIS WS within 30 days of receipt. The County ensures and certifies that it is not currently debarred or suspended and is free of delinquent Federal debt.
3. To designate to APHIS WS the County authorized individual whose responsibility shall be the coordination and administration of WDACP activities conducted pursuant to this Agreement.
4. To notify APHIS WS verbally or in writing as far in advance as practical of the date and time of any proposed meeting related to the program.
5. APHIS WS shall be responsible for administration and supervision of the program. APHIS WS will recognize the County as the lead cooperator in this Agreement and the WDNR for providing overall program oversight. APHIS WS will coordinate activities with the County and WDNR.
6. All equipment purchased for the program is and will remain the property of the WDACP. There will be no equipment with a procurement price of \$5,000 or more per unit purchased directly with funds from the cooperator for use solely on this project.
7. To coordinate with APHIS WS before responding to all media requests.

ARTICLE 5

APHIS WS agrees:

1. To conduct activities as described in the Work and Financial Plans as outlined in Sections II-IV of the Agreement.
2. To designate to the County and WDNR the authorized APHIS WS individual who shall be responsible for the joint administration of the activities conducted pursuant to this Agreement. APHIS WS employee's rights will be governed by applicable Federal personnel laws, rules and regulations, and County employee's rights will be governed by County ordinance, Personnel Policy, and Union contracts where applicable.

- a) APHIS WS will designate the District Supervisor as the authorized representative who will provide immediate direction and guidance to personnel in performing activities outlined in this Agreement to include:
 1. adequate numbers of qualified personnel to initiate and conduct the wildlife damage management activities as outlined in Sections II-IV of this Agreement
 2. training, technical supervision, and coordination of activities as outlined in Sections II-IV of this Agreement.
 3. arranging for office space and providing equipment and/or other miscellaneous needs for personnel assigned to this program as outlined in Sections II-IV of this Agreement.
3. To bill the County for actual costs incurred by APHIS WS during the performance of services agreed upon and specified in the Work Plan. APHIS WS shall keep records and receipts of all reimbursable expenditures hereunder for a period of not less than one year from the date of completion of the services provided under this Agreement and the County and WDNR shall have the right to inspect and audit such records.
 - a) Further, APHIS WS agrees to handle cooperative finances and budgeting as outlined in Sections II-IV of this Agreement.
4. To coordinate with the County and/or WDNR before responding to all media requests.

ARTICLE 6

This Agreement is contingent upon the passage by Congress of an appropriation from which expenditures may be legally met and shall not obligate APHIS WS upon failure of Congress to so appropriate. This Agreement may also be reduced or terminated if Congress only provides APHIS WS funds for a finite period under a Continuing Resolution.

ARTICLE 7

APHIS WS assumes no liability for any actions or activities conducted under this Cooperative Service Agreement except to the extent that recourse or remedies are provided by Congress under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2401(b), and 2671-2680).

ARTICLE 8

Pursuant to Section 22, Title 41, United States Code, no member of or delegate to Congress shall be admitted to any share or part of this Agreement or to any benefit to arise therefrom.

ARTICLE 9

Nothing in this Agreement shall prevent APHIS WS from entering into separate agreements with any other organization or individual for the purpose of providing wildlife damage management services exclusive of those provided for under this agreement.

ARTICLE 10

The County and WDNR certifies that APHIS WS has advised the County and WDNR that there may be private sector service providers available to provide wildlife management services that the County and WDNR is seeking from APHIS WS.

ARTICLE 11

The performance of wildlife damage management actions by APHIS WS under this agreement is contingent upon a determination by APHIS WS that such actions are in compliance with the National Environmental Policy Act, Endangered

Species Act, and any other applicable federal statutes. APHIS WS will not make a final decision to conduct requested wildlife damage management actions until it has made the determination of such compliance.

ARTICLE 12

This Cooperative Service Agreement may be amended at any time by mutual agreement of the parties in writing. Also, this Agreement may be terminated at any time by mutual agreement of the parties in writing, or by one party provided that party notifies the other in writing at least 120 days prior to effecting such action. Further, in the event the County and WDNR do not provide necessary funds, APHIS WS is relieved of the obligation to provide services under this agreement.

In accordance with the Debt Collection Improvement Act of 1996, the Department of Treasury requires a **Taxpayer Identification Number** for individuals or businesses conducting business with the agency.

WINNEBAGO COUNTY Taxpayer Identification Number (TIN) [39-6005760](#)

WINNEBAGO COUNTY:

BY: _____

Title: _____

625 E. County Rd. Y, Suite 100
Oshkosh, WI 54901

Date

WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By: _____

Tami Ryan, Wildlife Health Section Chief
Bureau of Wildlife Management
PO Box 7921
Madison, WI 53707

Date

**UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
WILDLIFE SERVICES**

BY: _____

Daniel Hirschert, State Director
USDA, APHIS, WS
732 Lois Drive
Sun Prairie, WI 53590

Date

BY: _____

Willie D. Harris
Director, Eastern Region
USDA, APHIS, WS
920 Main Campus Drive; Suite 200
Raleigh, NC 27606

Date

Section II “Work Plan” (Required by APHIS WS)

WORK PLAN

Introduction

APHIS WS has statutory authority under the Act of March 2, 1931 (46 Stat. 1468; 7 USCA 8351-7, USCA 8352) as amended, and the Act of December 22, 1987 (101Stat. 1329-331, 7 USCA 8353), to cooperate with States, local jurisdictions, individuals, public and private agencies, organizations, and institutions while conducting a program of wildlife services involving mammal and bird species that are reservoirs for zoonotic diseases, or animal species that are injurious and/or a nuisance to, among other things, agriculture, horticulture, forestry, animal husbandry, wildlife, and human health and safety.

The APHIS WS program uses an Integrated Wildlife Damage Management (IWDM) approach (sometimes referred to as IPM or “Integrated Pest Management”) in which a series of methods may be used or recommended to reduce wildlife damage. IWDM is described in Chapter 1, 1-7 of the Animal Damage Control Program Final Environmental Impact Statement (USDA, 1994). These methods include the alteration of cultural practices as well as habitat and behavioral modification to prevent damage. However, controlling wildlife damage may require that the offending animal(s) are killed or that the populations of the offending species be reduced.

Purpose

A. Objectives and need for assistance:

Agricultural producers need professional wildlife damage management assistance in identifying, abating, and assessing black bear, cougar, white-tailed deer, Canada goose, wild turkey, elk and sandhill crane damage. APHIS WS’s objective will be to provide that assistance.

B. Expected results or benefits:

The benefits to be derived from a cooperative bear, cougar, white-tailed deer, elk, Canada goose, wild turkey, and sandhill crane management program include timely availability of the necessary wildlife damage management expertise, technical assistance, loans of necessary abatement equipment, and crop/livestock damage appraisal services for producers experiencing conflicts with one or more of these species. The intended result will be wildlife damage relief.

Planned APHIS WS Activities

A. Approach:

The proposed wildlife damage management program will be comprised of education, extension, technical assistance, and operational efforts. When complaints occur, an evaluation of the situation will be made to determine what appropriate action should be taken. APHIS WS will consider all applicable methods and combinations of techniques available to alleviate the conflict. APHIS WS will recommend an integrated wildlife damage management approach which may consist of elements such as: changes in farming or livestock practices, loan of damage abatement equipment, installation of cost-shared permanent fences, WDNR issued shooting permits, and crop damage compensation (WDNR funded). Specific abatement measures to be considered are outlined in Section III.

B. Resources Required:

Overall supervision and program direction will be provided by the APHIS WS State Director. Immediate supervision and program direction will be provided by the APHIS WS District Supervisor. All County Wildlife Damage Abatement and Claims Program (WDACP) funds will be managed as an integral part of the APHIS WS district WDACP budget. Specific financial details are outlined in Sections III and IV.

C. Procurement:

Purchase of supplies, equipment, and miscellaneous needs including salaries will be made by APHIS WS as outlined in Sections III and IV of this Agreement. All WDACP expenditures will be processed through APHIS WS administrative system (FMMI) and charged to the County WDACP account as outlined in the APHIS WS District WDACP budget.

D. Stipulations and Restrictions:

APHIS WS activities under this cooperative effort will be limited to the State of Wisconsin. Techniques will be environmentally sound, safe, and effective. Wildlife damage management activities will be performed within the policy guidelines of APHIS WS, the State of Wisconsin, and the County in compliance with applicable State and Federal regulations.

E. Reports:

APHIS WS will be responsible for the preparation of an annual report to the County on APHIS WS activities conducted under this Cooperative Agreement. Updates will be submitted to the County upon request.

Effective Dates

The agreement shall become effective on January 1, 2019 and continue through December 31, 2023 unless otherwise modified or terminated as described in ARTICLE 12.

Section III (Required by the State of Wisconsin)

WISCONSIN WILDLIFE DAMAGE ABATEMENT & CLAIMS PROGRAM (WDACP)

PLAN OF ADMINISTRATION

WINNEBAGO COUNTY

As confirmed in the County Board of Supervisor's Resolution No. [288-122013](#), the County requests to participate in the Wildlife Damage Abatement and Claims Program (WDACP), established under s. 29.889, Stats., and s. NR12 Wis. Adm. Code. This Plan of Administration (Plan) outlines the relationships and duties of the County, the Wisconsin Department of Natural Resources (WDNR), and the United State Department of Agricultural, Animal Plant Health Inspection Services, Wildlife Services (APHIS WS), herein called the parties. By submission of this Plan, the County agrees to fully comply with s. 29.889, Stats., s. NR.12, Wis. Adm. Code and the Wisconsin WDACP Technical and Field Manuals which are made a part of this Plan by reference.

- A. Definitions: For the purposes of this Plan, the Parties accept the definitions found in s. 29.889(1) Stats., and s. NR12.31 WI. Adm. Code. In addition the Parties agree that:
 - 1. "Improperly filed claim" means any wildlife damage claim received by WDNR which does not comply fully with all eligibility requirements of s. 29.889, Stats., s. NR. 12 Wis. Adm. Code or this Plan or procedures described in the WDACP Technical or Field Manual.
 - 2. "Permanent fence contract" means any permanent fence contract written in accordance with the Wisconsin WDACP Technical Manual and designed to remain effective for a minimum of 15 years.

- B. Level of Participation:
The County agrees to administer the full Wildlife Damage Abatement and Claims Program.

- C. Eligible Species:
The County agrees to administer the WDACP with respect to the following wild animals: bear, cougar, white-tailed deer, elk, Canada goose, wild turkey, and sandhill crane* (**only become eligible for program benefits when a hunting season in Wisconsin has been established*).

- D. Eligible Crops:
The County agrees to provide WDACP services with respect to the following: damage to commercial seedlings or crops growing on agricultural lands, damage to drops that have been harvested for sale or further use but have not been removed from the agricultural land, damage to orchard trees or nursery stock, damage to livestock, or damage to apiaries.

- E. Delegation of Responsibility:
 - 1. The County, through an established committee or through a county designee shall provide Administration of the County WDACP pursuant to s.29.889, Stats., and s. NR 12 Wis. Adm. Code including approval of: annual budget requests, permanent fence contracts, crop prices, properly filed wildlife damage claims, shooting permit compliance waivers, and enrollee appeal, (if any).
 - 2. APHIS WS shall provide the field management of the county WDACP, including hiring, training and supervising staff, providing program services, records management, purchasing, and equipment inventory.

- F. Budgeting:
 - 1. APHIS WS agrees to:

- a. Prepare a WDACP budget proposal for the following calendar year for County review and approval by October 31 (or as negotiated)
 - b. Not bind the County to the expenditure of funds exceeding their total County WDACP budget.
 - c. Keep administrative costs to a minimum, by billing WDACP expenses to each County on a quarterly basis.
2. The County agrees to:
 - a. Provide an annual budget request (section IV) to WDNR by November 1st (or as negotiated) for the following calendar year. All budget requests will include costs estimates for administration, abatement, wildlife damage claims, and an estimated number of claimants.
 - b. Prepare quarterly, or a negotiated, reimbursement requests to WDNR for eligible WDACP expenditures.
 - c. Not bind WDNR for expenditures beyond approved the County Plan of Administration. The County may request additional funding by written amendment. It is understood that additional funding is not guaranteed and is subject to fund availability.
 - d. Unless otherwise agreed upon, submit advance abatement and administrative fund requests that are compliant with s. 28.889 and NR 12.34, after submitting a final reimbursement request for the previous year for which WDACP participation was approved.
3. WDNR agrees to:
 - a. Review and approve, amend or deny the annual budget request in accordance with s. 29.889, Stats., and s. NR 12.32, Wis. Adm. Code, and advance funds under s. NR 12.34 (unless otherwise agreed upon), Wis. Adm. Code within 30 days of department approval of the annual budget estimate.
 - b. Review and approve, amend or deny reimbursement requests in accordance with s. NR 12.34 and s. NR 12.35, Wis. Adm. Codes.
 - c. Review and act on properly filed wildlife damage claim requests no later than June 1 following the calendar year in which damage occurred.
 - d. If eligible wildlife damage claims are submitted late by the County, WDNR may accept and process the claims if funds are available and the payment will not adversely affect claimants for the preceding calendar year claim payments.
 - e. If statewide approved wildlife damage claims exceed available funds, claims shall be paid on a prorated basis as established in s. NR 12.37 (3) Wis. Adm. Code.
4. The Parties mutually recognize and agree:
 - a. WDNR may not bind the State of Wisconsin to pay costs beyond the amount appropriated for the WDACP.
 - b. WDNR may defer until after July 1st, the payment of County reimbursement requests beyond the initial 25% funds advancement.
 - c. The County and WDNR shall not restrict APHIS WS to line item estimates in the WDACP budget if total expenditures do not exceed the total budgeted amount approved by the County and WDNR.
 - d. The County WDACP budget may be spent in its entirety. Any unspent funds will remain with the WDNR WDACP program.
 - e. Supplies, materials, and equipment will be purchased with WDACP funds. If this Agreement is terminated by any of the Parties, items purchased will be transferred within the WDACP for use or proceeds of items shall remain with the WDACP and shall not be delivered.
 - f. WDNR will not reimburse the cost of abatement measures unless those measures were prescribed and implemented according to the Wisconsin WDACP Technical Manual.

- g. WDNR will not make payment for any wildlife damage claim which does not comply with all eligibility requirements of s. 29.889, Stats., s. NR12, Wis. Adm. Code or this Plan of Administration.

G. Recordkeeping:

1. APHIS WS and the County agree to:
 - a. Maintain record keeping practices and procedures that conform to accounting practices directed by the WDNR and in compliance with s. NR 12, Wis. Adm. Code.
 - b. Make all records and files relating to the WDACP available to the other Parties, upon request.
 - c. Send copies of any WDACP documentation to the other Parties, upon request.
 - d. Use WDNR authorized databases and forms for billing and reporting.
2. APHIS WS agrees to:

Maintain separate enrollee files and keep records of all abatement recommendations, appraisals, and all WDACP related interactions with each enrollee.
3. The County agrees to:

Direct all billings to WDNR, Wildlife Damage Specialist.
4. WDNR may:

Conduct periodic audits of County record keeping procedures and prepare a written report to the County.
5. The Parties recognize and agree:

All WDACP records are subject to the Wisconsin Open Records Law s.16.61, Stats. Any WDACP records requested will be provided by the County, WDNR &/or USDA WS, as applicable.

H. Abatement Measures:

1. The Parties mutually recognize and agree that:
 - a. APHIS WS shall prepare an annual informational news release for County residents on the WDACP describing how services may be requested.
 - b. All enrollees shall be required to have a signed enrollment form on file to meet the hunting requirements in s. 29.889 (7m), Stats., and s. 12.36 Wis. Adm. Code prior to receiving WDACP assistance.
 - c. All abatement measures recommended to alleviate wildlife damage shall conform to the procedures and priorities found in the Wisconsin WDACP Technical Manual and will be accepted by the County as complete and appropriate "recommended abatement". Other abatement measures may be used if approved in advance, in writing, by WDNR.
 - d. In the event that equipment loaned by APHIS WS to an enrollee is damaged beyond normal wear and tear, the enrollee/owner shall be billed for parts and labor to repair the damaged equipment, or if repair costs exceed the value of the equipment, the enrollee will be billed for the replacement of the equipment. APHIS WS agrees to invoice the enrollee for these costs through a separate Cooperative Service Agreement and deposit the proceeds in the County's WDACP account. If the enrollee refuses to pay:
 - 1) The County shall direct APHIS WS to refuse abatement services until payment is made (consequently the enrollee would be ineligible for a wildlife damage claim) or
 - 2) The County shall take a reasonable legal action to recover the loss of WDACP materials &/or equipment, and deposit the proceeds in the County's WDACP account.

- e. Permanent fences for white-tailed deer or elk abatement shall only be recommended subject to the priorities and conditions set forth in the Wisconsin WDACP Technical Manual or as directed by WDNR.
- 1) A WDACP enrollee for which a permanent fence has been recommended and approved will be required to agree to the design of the fence in advance of letting the project for bid. The enrollee will be responsible for all materials and/or installation costs in excess of the low bid amount if the enrollee requests changes in the fence design subsequent to letting the bids for said fence.
 - 2) A permanent fence contract shall be signed by the enrollee/landowner, the County, WDNR, and APHIS WS. This contract shall be registered with the appropriate County Register of Deeds.
 - 3) All aspects of permanent fencing projects shall comply with requirements in the Wisconsin WDACP Technical Manual.
 - 4) All permanent fences must be approved by the County and approved in writing by the WDNR prior to soliciting and awarding bids for materials and construction of the fence.
 - 5) All permanent fences that exceed the specification found in the Wisconsin WDACP Technical Manual must have prior written approval from WDNR.
 - 6) The County will pay the WDACP's 75% obligation for permanent high-tensile woven wire projects approved by the WDNR, when APHIS WS has determined that the WDACP requirements for materials and construction have been met.
 - 7) An initial fence inspection will be completed by APHIS WS and all information will be entered into the WDNR database including a copy of the registered permanent fence contract.
 - 8) APHIS WS shall conduct inspections a minimum of once annually of all permanent fences cost-shared through the WDACP to insure fence contract compliance. All inspection records will be annually recorded in the WDACP database.
 - 9) A penalty fee (*fee to be determined*) may be charged to the enrollee, if the fence has been awarded, and the enrollee withdraws or elects to NOT build the approved fence.
 - 10) Enrollees will be denied additional full program WDACP assistance if a permanent fence has been recommended as the primary abatement and if the enrollee refuses the fence. For as long as a permanent fence is the primary recommended abatement for that enrollee, full WDACP program assistance (any abatement and/or claims), will be denied in all subsequent years until a fence is erected. NOTE: Enrollee may remain eligible for Act 82 permits, as long as all conditions for Act 82 enrollment have been met.
 - 11) The contractor shall be liable for the payment of penalties to the WDACP accruing in the amount described in the permanent fence Bid Request, in the event the Contractor fails to meet the delivery and/or installation schedules as specified. Penalties, if applicable, shall be deducted from the payment that is owed to the contractor under the terms of the Bid and its associated bid conditions.
 - 12) APHIS WS will prepare all Satisfaction of Contract paperwork and record this paperwork with the appropriate County Register of Deeds, when the fence has reached the end of its 15-year term, &/or when the contract has been otherwise satisfied (i.e. enrollee has provided payment to end the contract prior to the end of the 15-year term according to the pay back clause of the register permanent fence contract).
- f. Enrollees shall be encouraged to integrate sound conservation practices with their normal agricultural practices.
- g. The County, in accordance with s. NR 12.35(4) Wis. Adm. Code will not administer abatement measures to persons not cooperating with County personnel or the County's agents responsible for

administering the County's WDACP. Abusive language, behavior or threats of violence, or otherwise will be considered a failure on the part of the enrollee to cooperate. This condition of administration will be provided by the County or its agent, in writing to program enrollees.

2. WDNR and APHIS WS agree to:

Provide current information, as available, on the effectiveness of the above abatement measures and/or changes to the Wisconsin WDACP Technical Manual.

I. Wildlife Damage Claims:

1. APHIS WS agrees to:

- a. Advise the County WDACP enrollees in writing regarding procedures and requirements for submitting a wildlife damage claim, and all other WDACP eligibility requirements through the use of the current program Farmer Fact sheet and/or other informational materials.
- b. Require that potential claimants specify the location of damage, crop(s) being damaged, species of wildlife causing damage, and the date damage first occurred with a written, telephone, or personal consultation.
- c. Require that enrollees have signed enrollment form(s) (WDNR form) on file to meet the hunting requirements in s. 29.889 (7M), Stats. and s. NR 12.36(2) Wis. Adm. Code.
- d. Inspect reported damage to verify eligibility requirements and recommend abatement measures.
- e. Determine the amount of huntable land and the applicable number of hunters for each enrollee in accordance with s. NR 12.31(4) or (4e), Wis. Adm. Code, notify each enrollee of the requirement to allow open public hunting or managed hunting access (at least 2 hunters per 40 acres of land suitable for hunting). Land suitable for hunting all eligible species other than deer and elk shall be determined in a manner consistent with s. NR 12.31(4e) Wis. Adm. Code. Participants who only receive a deer shooting permit and waive any eligibility to receive a wildlife damage claim payment or other WDACP program assistance, are exempt from the public hunting requirement (Act 82 enrollment), (s. NR12.36(1m) Wis. Adm. Code). Participants who receive abatement only on leased land properties for bear damages to apiaries are exempt from the public hunting requirement as defined in s. 29.889 (7m), Stats.
- f. Prepare maps of properties enrolled in the WDACP that are required to be open to the public for hunting the species causing damage. Maps must detail the acres enrolled, Township, Range, Section number(s), identifying owned and leased land properties enrolled, and the enrollee's contact information. APHIS WS will obtain approval from the enrollee to assure that the map includes complete and accurate information regarding all properties enrolled. APHIS WS staff will enter a copy of the map into the WDNR database, per the WDNR mapping guidelines.
- g. Notify WDACP enrollees that ineligibility on any site will result if they fail to:
 - 1) Control hunting access on all contiguous land under the same ownership and control, except in situations involving apiaries on land not controlled by the enrollee as defined in s. 29.889 (7m), Stats.
 - 2) Allow public hunting for the species causing damage (two options available)
 - Open Public Hunting (OPH) or
 - Managed Hunting Access (MHA) –the presence of 2 hunters per 40 acres of land suitable for hunting.
 - 3) Sign the appropriate enrollment form(s)
 - 4) File a wildlife damage complaint with APHIS WS within 14 days of first damage each year.
 - 5) Follow APHIS WS's recommended abatement according to the WDACP Technical manual list of approved methods.

- 6) Request an appraisal for each crop &/or cutting from APHIS WS orally or in writing at least 10 days prior to the harvest of crops, and delay harvest of said crops for a period of up to 10 days to allow APHIS WS time to appraise the unharvested crops, or until the appraisal is completed.
 - 7) Notify APHIS WS if they charge any fees for hunting, hunting access, or any other activity that includes hunting for the species causing the damage.
 - h. Inspect the crop or individual fields identified by the enrollee, prior to harvest, and assess the eligible wildlife damage and prepare a wildlife damage claim.
 - i. Retain the claim until the end of the calendar year to determine the enrollee's compliance with the WDACP requirements.
 - j. Establish, as described below, uniform unit prices for eligible crops and calculate the value of the eligible wildlife damage claims (See Mutual Agreement between all parties 4b).
 - k. Ensure that crop damage resulting from improper crop management, compromised growing conditions and weather, or wildlife other than the covered species, is not included in the official crop damage appraisals conducted by APHIS WS prior to preparation of the enrollee's official wildlife damage claim.
 - l. Summarize and prepare the necessary WDNR forms for all wildlife damage claims for review by the County prior to the succeeding March 1st. Upon approval by the County, claims will be submitted to WDNR, unless otherwise negotiated by the succeeding March 1st.
 - m. Notify, in writing, any enrollee whose wildlife damage claim has been rejected and provide the reasons for the rejection, as well as the appropriate appeal procedures.
2. The County agrees to:
 - a. Review and approve all properly filed wildlife damage claims.
 - b. Establish crop prices in accordance with the WDACP Technical Manual or approve prices as recommended by APHIS WS.
 - c. Deny all wildlife damage claims for a crop site where a valid enrollment form has not been signed by the enrollee and filed with APHIS WS
 - d. Deny all wildlife damage claims where APHIS WS did not receive a complaint within 14 days of first damage.
 - e. Deny all wildlife damage claims for crop sites where APHIS WS abatement recommendations were not followed.
 - f. Deny all wildlife damage claims for crops that were harvested before an appraisal request was made to APHIS WS or before an appraisal was completed (within a 10 day period from notification of harvest).
 - g. Deny all wildlife damage claims on row crops for damage occurring to these crops during a particular growing season after 90 percent of the County's harvest for this crop has been completed, as required by s. NR 12.37(1)(c), Wis. Adm. Code. The County may consult with the local FSA and UW Extension offices for assistance in making the 90 percent determination (if desired).
 - h. Deny all wildlife damage claims if an enrollee is not compliant with the prescribed harvest objective if issued a deer damage shooting permit, and the consulting group consisting of the county, the damage specialist and WDNR, does not collectively recommend an exemption to the harvest objective requirement.
 - i. The County shall take reasonable legal actions to recover claim payments made on the basis of fraudulent or negligent claims or statements.
3. WDNR agrees to:

Accept the amount of wildlife damage for all properly filed wildlife damage claims approved by the County as final for purposes of review.

4. It is mutually agreed by the County, APHIS WS and WDNR that:
 - a. Damage assessment for compensation will be performed by APHIS WS staff in accordance with the Wisconsin WDACP Technical Manual and Field Handbook, and will be accepted by the County as complete and accurate “assessed damage”.
 - b. Compensation prices will be developed by APHIS WS using information from UW Extension and local marketplace data and proposed to the County for approval, each year. Such prices will be established according to procedures set forth in the Wisconsin WDACP Technical Manual. Such prices will be applied to all individuals with eligible wildlife damage to that crop throughout the County.
 - c. Public complaints (abatement compliance, fraud, etc.) must be written and received by APHIS WS by December 31st, to be given consideration in the wildlife damage claims determination process. Hunting access denial complaints shall be written and received by APHIS WS within 10 days of hunting access denial to be given consideration in the wildlife damage claims determination process, as described in the WDACP Technical Manual.
 - d. The County will not administer a damage appraisal and/or claim to persons not cooperating with County personnel or its agent responsible for administering the County’s Wildlife Damage Abatement and Claims Program. Abusive language, behavior or threats of violence or otherwise will be considered a failure on the part of the enrollee to cooperate. This condition of administration will be provided by the County or its agent, in writing to program enrollees.
 - e. As required by s. NR 12.37(4)(a) 4.b., Wis. Adm. Code as part of the claims approval process, if an enrollee who has been issued a shooting permit is found not to be compliant with the harvest objective prescribed under his/her permit under s. NR 12.16(2)(a), Wisc. Adm. Code, then the County, its agent, and the department shall consult before making a collective recommendation to grant an exemption to the harvest objective requirement. This group shall review the evidence and if there is consensus that an exemption is warranted, they shall recommend that the County designated committee charged with the approval of such damage claims, grant approval of the damage claim for the year in which the permit was issued. Compelling evidence that shall be used is detailed in s. NR 12.16(2)(b)2., Wis. Adm. Code.

J. Changes:

The terms of this Agreement may be changed by written amendment approved by all Parties.

K. Termination:

1. The County may terminate participation in the WDACP upon notifying WDNR in writing thirty (30) days prior to termination.
2. WDNR shall terminate a County Plan of Administration if the County does not comply with all conditions of s. 29.889, Stats., s. NR 12, Wis. Adm. Code, this Plan of Administration, the Wisconsin WDACP Technical Manual, or fails to properly report costs of the program or claims.
3. WDNR agrees to reimburse the County for WDACP costs incurred and determined proper by WDNR under this Plan of Administration prior to the effective date of termination.
4. That upon termination of the Agreement, the County shall reimburse APHIS WS for all County WDACP obligations created by APHIS WS as a result of this Agreement and not previously reimbursed, to the limits of the County WDACP budget.
5. In the event that the County chooses to exercise its right to overrule APHIS WS on a particular case under the general policy provision, APHIS WS reserves the right to withdraw administrative and/or fiscal support of that case. Either action may occur without termination of this Agreement.

L. Length of Effect:

This Plan shall remain in effect until December 31, 2023 unless otherwise changed or terminated as described sections J. and K.

M. Approvals:

WINNEBAGO COUNTY

By: _____ Date: _____

Title: _____ Tax ID # **39-6005760**

(In accordance with the Debt Collection Improvement Act of 1996, the Department of Treasury requires a Tax Payer Identification Number for Individuals or business conducting business with the Agency).

WISCONSIN DEPARTMENT OF NATURAL RESOURCES

By: _____ Date: _____

Title: _____

UNITED STATES DEPARTMENT OF AGRICULTURES – APHIS WS

By: _____ Date: _____

Wisconsin State Director

By: _____ Date: _____

USDA APHIS WS Regional Director

N. Contact List:

1. [Winnebago County](#)
[Tom Davies, Land & Water Conservation Director](#)
[625 E. County Rd. Y, Suite 100](#)
[Oshkosh, WI 54901](#) [920-232-1951](#)

2. Wisconsin Department of Natural Resources
Bureau of Wildlife Management –Administration
Brad Koele, Wildlife Damage Specialist
GEF 2, WM/6 Box 7921
Madison, WI 53707 715-356-5211, ext. 234

3. USDA APHIS WS
Daniel Hirschert, State Director
Donna Evans, Budget Analyst
732 Lois Drive
Sun Prairie, WI 53590 608-837-2727

- USDA APHIS WS (Rhineland District Office)
Robert Willging, District Supervisor
Pam Engstrom, Program Support Assistant
PO Box 1064 715-369-5221
Rhineland, WI 54501 800-228-1368

- USDA APHIS WS (Waupun District Office)
Charles Lovell, District Supervisor
Laurie Koeck, Program Support Assistant
1201 Storbeck Drive 920-324-4514
Waupun, WI 53963 800-433-0663

2
3 **RESOLUTION: Authorize Winnebago County to Request Increased Funding and**
4 **Oversight Reforms for Wisconsin’s Child Protective Services System**
5
6
7

8 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

9 **WHEREAS**, the Wisconsin child welfare system is county-operated and state-supervised, except Milwaukee
10 County, where the system is administered by the Wisconsin Department of Children and Families (DCF), Division of
11 Milwaukee Child Protective Services (DMCPS); and

12 **WHEREAS**, DCF provides insufficient funding to counties for the provision of child abuse and neglect
13 services including prevention, investigation, treatment, and out-of-home placement costs, though the state has
14 primary responsibility for compliance with federal requirements and shares liability for ensuring the system is meeting
15 its obligations to children and families in all 72 counties; and

16 **WHEREAS**, in recent years, the State of Wisconsin added numerous mandates and practice expectations
17 which increased county child protective services (CPS) workload and costs; and

18 **WHEREAS**, the opioid and methamphetamine epidemics have brought Wisconsin’s child welfare system to a
19 point of crisis, with increasing concern about the system’s ability to meet its obligations to children and families; and

20 **WHEREAS**, the capacity for counties to continue to bear the lion’s share of financial responsibility to address
21 this crisis has been exhausted, as rising county contributions to the CPS system have far outpaced increases to the
22 DCF Children and Family Aids allocation, and counties have used reserve funding to cover CPS expenses and
23 increase staffing; and

24 **WHEREAS**, maintaining sufficient resources for Wisconsin’s child welfare system is critical to secure the
25 safety and future of our most vulnerable children; and

26 **WHEREAS**, without a proportional increase in the DCF Children and Family Services allocation, the CPS
27 system has been stressed for over a decade causing caseloads for CPS workers to grow to unreasonable levels, and
28 contributing to high levels of staff turnover in some counties and an overrun of out-of-home care costs above what
29 counties can sustain within available resources; and

30 **WHEREAS**, Wisconsin’s CPS system leaves significant gaps in state-level oversight for all counties except
31 Milwaukee County, including the absence of caseload standards, no process for regular legislative evaluation and
32 prioritization of CPS needs, and the absence of a legislative committee that provides regular policy guidance
33 concerning CPS system issues such as adequate funding, performance, cost sharing, and long-term stability; and

34 **WHEREAS**, along with DMCPS; all eleven of Wisconsin’s peer states with county-administered CPS
35 systems have either adopted caseload standards for CPS caseworkers, completed thorough workload studies as a
36 basis of determining funding needs, or otherwise made significant recommendations for keeping CPS workloads
37 manageable; and

38 **WHEREAS**, the children within Wisconsin’s CPS system are too important to allow the current level of under
39 resourcing, oversight gaps, and disparity of attention while shifting the burden to property taxpayers.
40

1 **086-112018**

2 **RESOLUTION: Support HR Bill 54-29, SIREN Act of 2018**

3
4

5 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

6 **WHEREAS**, the sustainability of rural emergency medical services has been a concern of Emergency
7 Medical Service (EMS) professionals, policymakers, and citizens for many years; and

8 **WHEREAS**, most rural EMS agencies who provide basic life support services to relatively small populations
9 spread across large geographical areas with low daily call volumes have difficulty recruiting and retaining qualified
10 ambulance personnel; and

11 **WHEREAS**, rural EMS agencies have the same training requirements and equipment needs as those in
12 suburban and urban areas; and

13 **WHEREAS**, EMS is a vital link in the healthcare continuum and, without it, community members in need will
14 suffer unnecessary disability or death.

15
16 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
17 supports HR Bill 54-29, the SIREN Act of 2018, which is intended to provide grant funding to rural Emergency
18 Medical Service providers for recruitment and training of EMS personnel, and the purchase of EMS equipment and to
19 acquire personal protective equipment, as required by Occupational Safety and Health Administration (OSHA).

20

21 Respectfully submitted by:

22 **LEGISLATIVE COMMITTEE**

23 Committee Vote: **12-0**

24 Vote Required for Passage: **Three-Fourths of Those Members Present**

25

26 Approved by the Winnebago County Executive this ____ day of _____, 2018.

27

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30

Mark L Harris
Winnebago County Executive

History of EMS

The modern EMS System began to take shape in the U.S. during the 1960s following the publication of a report titled "Accidental Death and Disability: The Neglected Disease of Modern Society," by the National Research Council.¹As we progressed through the 1970s and '80s, Americans were provided prehospital care by trained members of local ambulance corps, police or fire departments. Throughout the late 20th century, many developments in medicine and emergency medical care created the need for additional training, certification and continuing education for pre-hospital providers. With these industry developments, volunteer EMS agencies began to decline as volunteer members found it difficult to meet these new requirements.

Across the nation, training requirements have increased to support the expectations for the EMT. No matter how low the call volume, ambulances still need to be fully equipped and personnel properly trained and ready to respond at a moment's notice. It is not just answering the call for a heart attack or a motor vehicle incident; EMS are on stand-by for athletic and community events, completing welfare checks and responding to opioid overdoses. The expectation in rural area is that the EMS is available anytime, for anything, anywhere.

Our capability to provide adequate pre-hospital care to citizens in need across the country has become greatly diminished. The current staffing shortages in EMS have taxed our response system, increased response times and left patients without adequate levels of care. The average interval between a call to 911 and arrival of EMS is 7 minutes.² This interval can as much as triple in rural areas according to the results of a 2015 study published in JAMA Surgery. For these cases of severe bleeding, life-threatening allergic reactions, cardio-pulmonary arrest or other time sensitive illnesses, the only thing worse than having to wait 30 minutes for EMS is for no EMS to respond. This is the path that we are on in rural Wisconsin and until everyone is made aware of the problem and measures are taken to stave off the impending disaster, the current EMS system will continue to collapse around us.

1. National Academy of Sciences—National Research Council Committees on Trauma and Shock. *Accidental Death and Disability: The Neglected Disease of Modern Society*. National Research Council: Washington, D.C., 1966.
2. JAMA Surgery—Emergency Medical Service Response Times in Rural, Suburban and Urban Areas, July 19, 2017.

1 087-112018

2 **RESOLUTION: Support HR Bill 6986, The Nursing Home Workforce Quality Act**

3
4
5 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

6 **WHEREAS**, nursing homes that are assessed penalties above a certain level automatically lose their
7 authority to train certified nursing assistants (CNAs) for two years as mandated by the Omnibus Budget
8 Reconciliation Act of 1987 (OBRA); and

9 **WHEREAS**, HR Bill 6986 has been introduced in the House of Representatives to modify the mandatory
10 CNA “training lockout” penalty mandated by OBRA by giving the Centers for Medicare and Medicaid Services (CMS)
11 and the states the discretion to impose a lockout under certain conditions. Any lockout imposed would end once the
12 deficiencies cited were corrected; and

13 **WHEREAS**, because nursing homes and other long-term care providers are dealing with a severe workforce
14 shortage, the ability to train CNAs is crucial to building and maintaining qualified staff, and with the modification, CMS
15 and the states would have greater flexibility in reinstating providers’ valuable CNA training programs, according to
16 Katie Smith Sloan, president of LeadingAge, a charitable organization focused on education, advocacy, and applied
17 research; and

18 **WHEREAS**, with this legislation, allowing nursing homes to regain their CNA training authority as soon as
19 deficiencies have been corrected, the quality of our nation’s nursing homes and other long-term care facilities will be
20 greatly improved.

21 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
22 supports HR Bill 6986, the Nursing Home Workforce Quality Act, which is intended to modify the Omnibus Budget
23 Reconciliation Act of 1987’s (OBRA) mandate of strict penalties assessed against nursing homes and long-term care
24 facilities by automatically suspending their authority to train certified nursing assistants (CNAs) for a two years, by
25 allowing facilities to reinstate CNA training once the deficiencies are corrected.

26 **BE IT FURTHER RESOLVED** by the Winnebago County Board of Supervisors that it hereby directs the
27 Winnebago County Clerk to forward a copy of this Resolution to the Office of the Governor for the State of
28 Wisconsin, the Wisconsin Counties Association, and all state legislators and assembly members representing
29 Winnebago County constituents.

32 Respectfully submitted by:
33 **LEGISLATIVE COMMITTEE**

34 Committee Vote: **12-0**

35 Vote Required for Passage: **Three-Fourths of Those Members Present**

36
37
38 Approved by the Winnebago County Executive this ____ day of _____, 2018.

39
40
41 _____
42 Mark L Harris
Winnebago County Executive



ACTION ALERT

Tell Your Members Of Congress To Cosponsor The Nursing Home Workforce Quality Act (H.R. 6986)

The Issue

Right now, nursing homes that are assessed penalties above a certain level automatically lose their authority to train certified nursing assistants (CNAs) for 2 years. This "CNA Training Lockout" runs counter to a nursing home's ability to provide the highest quality of care.

The Nursing Home Workforce Quality Act (H.R. 6986) has just been introduced in the House of Representatives. The bill would end the mandatory CNA training lockout. Rather than this arbitrary 2-year penalty, CMS and the states would have the discretion to impose a lockout under certain conditions; and any lockout imposed would end once the deficiencies cited are corrected.

By allowing nursing homes to regain their nursing assistant training authority as soon as deficiencies have been corrected, this new legislation will facilitate quality improvement in our nation's nursing homes. Now is the time to use your voice and help us build momentum for this new legislation.

Contact your legislators NOW!

How You Can Help

- Email your lawmakers TODAY!
- [Forward this action alert to your network.](#)

Steps for Sending an Email:

- Visit this [action alert information page](#) and follow the instructions to email your senator/representative.



LeadingAge and AHCA Statement on the Nursing Home Workforce Quality Act

Leading Industry Groups Support Legislation to End Mandatory CNA Training Lock-Outs

Contact: Lisa Sanders/LeadingAge
lsanders@leadingage.org; 202-508-9407

Contact: AHCAPressOffice@ahca.org
202-898-2814

September 28, 2018 Washington D.C. -- [LeadingAge](#) and the [American Health Care Association and National Center for Assisted Living](#) applaud today's introduction of the Nursing Home Workforce Quality Act. Leaders of both organizations, which combined represent the majority of America's skilled nursing and long-term care providers, praise Rep. Sean Duffy (R-WI) for his leadership on a long-overdue initiative that will support nursing homes' efforts to train staff and provide the highest quality of care to older adults.

The legislation introduced today modifies the Certified Nursing Assistant (CNA) training lock-out mandated by the Omnibus Budget Reconciliation Act of 1987 (OBRA). It eliminates the statute's rigid provisions and grants CMS greater flexibility in reinstating providers' valuable CNA training programs.

"Nursing homes and other long-term care providers are grappling with a severe workforce shortage. The ability to train CNAs is crucial to building and maintaining a pipeline of qualified staff," said LeadingAge president and CEO Katie Smith Sloan. "We have advocated for this change to OBRA for many years. The introduction of this bill is a monumental step forward in our ongoing efforts to address the challenges providers face in recruiting and retaining workers."

Under OBRA, nursing homes assessed civil monetary penalties above a certain level on their annual survey automatically lose their authority to train CNAs for two years. The suspension is required even if the fines are unrelated to the quality of care given to residents or if the care deficiencies cited on the survey are unrelated to the nursing home's CNA training program. Additionally, training cannot be reinstated before the two-year period ends even if a provider fixes the problem for which it is fined. CNAs, who provide direct care to residents, are critical members of every nursing home's care team.

"Effectively eliminating training programs for vital front-line staff threatens the quality of care we provide, particularly as the shortage of health care workers becomes more acute," said Mark

Parkinson, president and CEO of the American Health Care Association/National Center for Assisted Living. "CNAs are the backbone of quality care and the jobs that nursing homes and assisted living communities provide are often integral to the community, particularly in rural and small communities where they are the major employer in the area. This bill will help everyone be more responsive to the needs of residents and providers."

Both LeadingAge and AHCA/NCAL appreciate the leadership Rep. Duffy has shown on this issue, and urge his House colleagues to join him in cosponsoring this important legislation.

About LeadingAge

The mission of LeadingAge is to be the trusted voice of aging. Our 6,000+ members and partners include nonprofit organizations representing the entire field of aging services, 38 state associations, hundreds of businesses, consumer groups, foundations and research centers. LeadingAge is also part of the Global Ageing Network, whose membership spans 30 countries. LeadingAge is a 501(c)(3) tax-exempt charitable organization focused on education, advocacy and applied research.

About AHCA/NCAL

The American Health Care Association and National Center for Assisted Living (AHCA/NCAL) represents more than 13,500 nonprofit and proprietary skilled nursing centers, assisted living communities, sub-acute care centers and homes for individuals with intellectual and developmental disabilities. By delivering solutions for quality care, AHCA/NCAL aims to improve the lives of frail, elderly and individuals with disabilities who receive long term or post-acute care in our member facilities each day. For more information, please visit www.ahca.org or www.ncal.org.

1 088-112018

2 **RESOLUTION: Designate November 2018 as “Veterans and Military Families Month” in**
3 **Winnebago County**
4

5 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

6 **WHEREAS**, during National Veterans and Military Families Month we honor the significant contributions
7 made by American service members, their families, and their loved ones; and

8 **WHEREAS**, we encourage all Winnebago County communities to set aside November 2018 to observe,
9 honor, and thank those whose service and sacrifice represent the very best of America, and we renew our
10 commitment to support veterans and military families; and

11 **WHEREAS**, our Armed Forces have preserved the security and freedom that allow us to flourish as a nation;
12 they have braved bitter winters, treacherous jungles, barren deserts, and stormy waters to defend our nation; they
13 have left their families to face danger and uncertainty; and they have endured the wounds of war to protect our
14 nation’s interests and ideals established during the founding; and

15 **WHEREAS**, the families of our military heroes endure hardships and worry as their loved ones serve our
16 nation, ensuring our freedom and way of life, and these families move across the country and around the world so
17 that all Americans can enjoy the freedoms granted to them through the service of their loved ones; and

18 **WHEREAS**, we appreciate our military veterans, service members, and families for all of their hard work,
19 dedication, and sacrifice.

20 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of Supervisors that it hereby
21 designates the month of November 2018 as “Veterans and Military Families Month” in Winnebago County.
22
23

24 Submitted by:

25 **ROBERT WARNKE, District 21**

26 **TOM SNIDER, District 35**

27 Committee Vote: _____

28 Vote Required for Passage: **Majority of Those Present**
29

30 Approved by the Winnebago County Executive this _____ day of _____, 2018.
31

32 _____
33 Mark L Harris
34 Winnebago County Executive