

**WINNEBAGO COUNTY BOARD MEETING
TUESDAY, SEPTEMBER 22, 2009**

Chairman David Albrecht called the meeting to order at 6:00 p.m. in the County Board Room, Fourth Floor, Courthouse, 415 Jackson Street, Oshkosh, Wisconsin.

The meeting was opened with the Pledge of Allegiance and an invocation by Supervisor Lennon.

The following Supervisors were present: Konetzke, Barker, Griesbach, Eisen, Ramos, Koziczowski, Smith, Widener, Albrecht, Gabert, Riste, Thompson, Lennon, Gearhart, Hall, Wingren, Jacobson, Norton, Warnke, Robl, Eichman, Schmuhl, Kline, Locke, Nelson, Finch, Sievert, Farrey, Diakoff, Brennand, Egan, Ellis and Reinert. Excused: Hamblin, Roh and Rengstorf.

Motion by Supervisor Robl and seconded to adopt tonight's agenda with the change of order of the resolutions so that Resolution No. 285-92009 is moved to the end of the agenda after No. 293-92009 and Resolution No. 289-92009 is voted on before Resolution No. 286-92009. CARRIED BY VOICE VOTE.

PUBLIC HEARING

Eric Fowle, Executive Director of East Central Wisconsin Regional Planning Commission, expressed his support of Resolution No. 292-92009, "USEPA Brownfield Assessment Grant Application for Hazardous Substance and Petroleum Products. A Resolution Authorizing the Submittal of a USEPA Brownfield Assessment Grant Application for a Region-wide Assessment of Brownfield Properties by the East Central Wisconsin Regional Planning Commission (ECWRPC)." Mr. Fowle explained that this project is part of ECWRPC's regional comprehensive plan.

COMMUNICATION, PETITIONS, ETC.

There were no communications.

REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS

Supervisor Barker reported on her attendance at the grand opening of the James Perry Theater on the UW-Fox Valley campus on Saturday, September 12. She also stated that she gave her "Ghosts in the Valley" presentation to the residents at Park View Health Center during their Annual Fall Festival. Everyone had a very nice time and enjoyed her presentation.

Supervisor Norton reported that he and County Executive Harris attended the Hmong Festival at the county's Community Park on Labor Day weekend. He stated that it was very well attended and they had a very nice time. He encouraged others to plan to attend the event next year.

Supervisor Finch reported on the Parks Department's Annual Autumn Fest that was held on Saturday, September 12. He stated that there were 390 paid attendees and total revenues from all sources was more than \$2,000. Supervisor Finch recognized a number of people for their assistance with the festival, including Kimmie Pettit, Ron Montgomery, Rob Way, Loren Dieck and Vicky Redlin. He thanked all those who attended.

Supervisor Kline reported that there will not be a Legislative Committee meeting in September. Their next meeting will be Monday, October 26.

Supervisor Hall reported that the Information Systems Committee's regular meeting will be a tour of the Oshkosh B'Gosh facility. The meeting/tour will be on Monday, September 28 at 5:30 p.m.

Supervisor Lennon reported that the Aviation Committee's next meeting will be Wednesday, October 7. They will be discussing runway reconstruction, the control tower and the Oshkosh Corporation vehicles that are parked at Wittman Regional Airport.

Supervisor Jacobson passed around a photo album of Park View Health Center's Fall Festival parade.

Motion by Supervisor Robl and seconded to approve the August 18, 2009 proceedings. CARRIED BY VOICE VOTE.

COUNTY EXECUTIVE'S REPORT

Executive Harris stated that the county's budget book will be printed in the near future and it will also be put out on the county's website.

Executive Harris expressed his support for and asked the Board's approval of Resolution No. 291-92009, "Appropriate \$30,000 to the Grand Opera House Foundation for the Repair of the Grand Opera House." He explained that this will be a one time expenditure and is comparable to other "quality of life and tourism-related" projects that the county has supported in the past. Executive Harris stated that the Grand Opera House is the oldest theater in Wisconsin and is of historical importance.

Chairman Albrecht congratulated Executive Harris on his Wisconsin Counties Association (WCA) appointment as President of the WCA's Executives and Administrators Board. Executive Harris was recognized by a round of applause from the Board.

COUNTY EXECUTIVE'S APPOINTMENTS

Complete Count Committee

Executive Harris asked for the Board's approval of his appointments of Supervisors Nancy Barker, Larry Smith and Amy Gearhart to the Complete Count Committee. Motion by Supervisor Robl and seconded to adopt. CARRIED BY VOICE VOTE.

ZONING REPORTS & ORDINANCES

REPORT NO. 001. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant, Shelley Podell, and property owner, Marjorie Olson, Town of Winchester, for zoning change to A-2 for tax parcel no. 028-0706. Motion by Supervisor Brennand and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 09-01-09. A requested zoning change from A-1 (Agri-Business Dist.) to A-2 (General Farming). Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – September 23, 2009)

REPORT NO. 002. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner, Town of Algoma Sanitary District #1, Town of Algoma, for zoning change to B-3 for tax parcel no. 002-0102-14. Motion by Supervisor Brennand and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 09-02-09. A requested zoning change from R-1 (Single Family Non-subdivided) to B-3 (General Business). Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – September 23, 2009)

REPORT NO. 003. A report from the Planning & Zoning Committee regarding a requested zoning change from applicants, Christopher and Lisa Schmid, and property owners, Mark and Susan Patchak, Town of Black Wolf, for a zoning change to R-1 for tax parcel no. 04-0497(p). Motion by Supervisor Brennand and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 09-03-09. A requested zoning change from A-2 (General Farming) to R-1 (Single Family non-subdivided). Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – September 23, 2009)

AMENDATORY ORDINANCE 4. A requested zoning change from the Town of Vinland on behalf of Donald Kunde for zoning change from A-2 to A-1 for tax parcel nos. 026-0370, 026-0378, 026-0377, 026-0376, 026-0380 and 026-0374-01-01. Motion by Supervisor Farrey and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – September 23, 2009)

AMENDATORY ORDINANCE 5. A requested zoning change from the Town of Vinland on behalf of John Kunde for a zoning change from A-2 to A-1 for tax parcel nos. 026-0399, 026-0402, 026-0372, 026-0373-01, 026-0432 & 026-0433-03. Motion by Supervisor Farrey and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – September 23, 2009)

RESOLUTIONS AND ORDINANCES

RESOLUTION NO. 289-92009: Establish September as Juror Appreciation Month

WHEREAS, the right to have a trial by a fair and representative jury is an essential safeguard protected by both the United States and Wisconsin Constitutions; and

WHEREAS, service as a juror in the Winnebago County Circuit Court is, along with voting, one of the most important responsibilities of citizenship; and

WHEREAS, the Wisconsin State Court System, partnering with the State Bar of Wisconsin, has established September as Juror Appreciation Month, a time to publicly recognize the contribution of those who are summoned and serve.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby supports the goals of Juror Appreciation Month to:

- Educate the public about jury duty and the importance of jury service; and
- Applaud the efforts of jurors who fulfill their civil duty; and
- Ensure that all jurors are treated with respect and that their service is not unduly burdensome.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby extends its sincere thanks and appreciation to all employers who pay employees their normal wages while allowing them to serve as jurors, preventing financial hardship and fostering community strength.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it honors the service and commitment of citizens who perform jury duty, who by participating in the judicial process aid those elected to serve the citizens of Winnebago County by preserving the rule of law, the basis for a free society.

Submitted by:
JUDICIARY & PUBLIC SAFETY COMMITTEE

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

**RESOLUTION NO. 286-92009: Designate Winnebago County to be a Recovery Zone for Purposes of
The American Recovery and Reinvestment Act of 2009**

WHEREAS, the American Recovery and Reinvestment Act of 2009 (the "Stimulus Act") authorizes the issuance of "recovery zone economic development bonds", which bonds are eligible for a direct payment by the United States Treasury to the issuer of forty five percent (45%) of the interest due on the bonds; and

WHEREAS, in order to issue recovery zone economic development bonds, an issuer must first designate one or more "recovery zones", being areas which manifest significant poverty, unemployment, rate of home foreclosures or general distress or meet other criteria specified in the Stimulus Act; and

WHEREAS, Winnebago County, Wisconsin (the "County") has experienced significant poverty, a high rate of unemployment, a high rate of foreclosures and other general economic distress (the "Recovery Zone Conditions"), and such Recovery Zone Conditions impair the sound growth and the tax base of the County and threaten the well-being of the citizens of the County; and

WHEREAS, the existence of Recovery Zone Conditions in the County and the qualification of the County as a recovery zone are evidenced by, among other things, the following factors: (a) the unemployment rate in the County was 8.3% for June 2009, as compared to 4.5% for June 2008, (b) the County experienced an 11.4% increase in foreclosure court cases in the second quarter of 2009 compared to 2008 and (c) 2007 U.S. Census Bureau data show that 9.3% of people in the County are in poverty; and

WHEREAS, in order to promote the well-being of the County and its citizens, it is necessary that the Recovery Zone Conditions be addressed by financing eligible costs for "qualified economic development purposes," being expenditures for promoting development and economic activity in the County through expenditures for public infrastructure and construction of public facilities and other capital expenditures with respect to property in the County; and

WHEREAS, it is desirable and in the best interests of the citizens of the County to designate the County as a recovery zone for purposes of and as provided in the Stimulus Act;

NOW, THEREFORE, BE IT RESOLVED, by the County Board of Supervisors of Winnebago County, Wisconsin that:

Section 1. Existence of Recovery Zone Conditions in County. There exist conditions including significant poverty, unemployment, rate of foreclosures and general economic distress which cause the County as a whole to be subject to designation as a recovery zone under the Stimulus Act.

Section 2. Designation of Recovery Zone. All of the territory located within the boundaries of the County is hereby designated as a recovery zone for all purposes of and as provided in the Stimulus Act.

Section 3. General Authorization. The officers of the County are authorized and directed to take all actions necessary or convenient in connection with the designation of the County as a recovery zone and the issuance of recovery zone economic development bonds by the County or by other eligible issuers within the County.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Supervisor Kline introduced Steven Kornetzke of the Robert W. Baird Co., Inc., who explained the purpose of this resolution and Resolution No. 287-92009.

Vote on Resolution – Ayes: 32. Nays: 1 – Gabert. Excused: 3 – Hamblin, Roh and Rengstorf. CARRIED.

**RESOLUTION NO. 287-92009: Authorize the Borrowing of Not to Exceed \$6,218,000 and Providing for a
State Trust Fund Loan and the Issuance and Sale of General Obligation
Promissory Notes Therefor**

WHEREAS, the County Board of Supervisors of Winnebago County, Wisconsin (the "County") hereby finds and determines that it is necessary, desirable and in the best interest of the County to raise funds for the purpose of paying the cost of constructing, extending and improving roads and highways; park improvements; acquisition of vehicles for the airport; improvements to the Sheriff's department; and acquiring equipment, furnishings and fixtures (the "Project"), and there are insufficient funds on hand to pay said costs; and

WHEREAS, the County Board of Supervisors hereby finds and determines that the Project is within the County's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b) of the Wisconsin Statutes; and

WHEREAS, counties are authorized by the provisions of Section 67.12(12) of the Wisconsin Statutes to borrow money and to issue general obligation promissory notes for such public purposes; and

WHEREAS, the County Board of Supervisors of the County hereby finds and determines that general obligation promissory notes in the aggregate amount of not to exceed \$3,825,000 (the "Notes") should be issued to finance a portion of the costs of the Project, and it is now necessary and desirable to authorize their issuance and sale; and

WHEREAS, the County Board of Supervisors has also determined to apply for a State Trust Fund Loan from the State of Wisconsin Board of Commissioners of Public Lands in an amount not to exceed \$2,390,000 to finance a portion of the costs of the Project; and

WHEREAS, the County Board of Supervisors expects to issue the State Trust Fund Loan from the State of Wisconsin Board of Commissioners of Public Lands as recovery zone economic development bonds, which, if issued as recovery zone economic development bonds, shall finance only those eligible costs of the Project consisting of "qualified economic development purposes," being expenditures for promoting development and economic activity in the County through expenditures for public infrastructure and construction of public facilities and other capital expenditures with respect to property in the County.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Supervisors of the County that:

Section 1. Authorization of the Notes. For the purpose of paying a portion of the costs of the Project, there shall be borrowed pursuant to Section 67.12(12) of the Wisconsin Statutes, a principal sum not to exceed THREE MILLION EIGHT HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$3,825,000) from a purchaser or purchasers to be determined by competitive sale (the "Purchaser").

Section 2. Sale of the Notes. To evidence such indebtedness, the Chairperson and County Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the County, the Notes aggregating a principal amount not to exceed THREE MILLION EIGHT HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$3,825,000). There be and there hereby is levied on all the taxable property in the County a direct, annual tax in such years and in such amounts as are sufficient to pay when due the principal and interest on the Notes.

Section 3. Notice of Sale. The County Finance Director (in consultation with the County's financial advisor, Robert W. Baird & Co. Incorporated) is hereby authorized and directed to cause notice of the sale of the Notes to be disseminated at such times and in such manner as the Finance Director may determine.

Section 4. Official Notice of Sale. The County Finance Director (in consultation with the County's financial advisor, Robert W. Baird & Co. Incorporated) shall also cause an Official Notice of Sale to be prepared and distributed and may prepare or cause to be prepared and distributed an Official Statement or other form of offering circular.

Section 5. Award of the Notes. Following receipt of bids for the Notes, the County Board of Supervisors shall consider taking further action to provide the details of the Notes and to award the Notes to the lowest responsible bidder or bidders therefor.

Section 6. Authorization of State Trust Fund Loan. For the purpose of paying a portion of the costs of the Project, the County shall also borrow an amount not to exceed \$2,390,000 through a State Trust Fund Loan from the State of Wisconsin Board of Commissioners of Public Lands. The appropriate officers of the County are hereby authorized and directed to take such actions as are necessary to apply for a State Trust Loan in such amount.

Section 7. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the County Board of Supervisors or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 32. Nays: 1 – Gabert. Excused: 3 – Hamblin, Roh and Rengstorf. CARRIED.

RESOLUTION NO. 288-92009: Authorize the Appropriation of \$32,285 of Microsoft Settlement Funds to the Project to Replace CRT's With Flat Panel Monitors Throughout the County.

WHEREAS, Microsoft Corporation has settled a class action lawsuit in Wisconsin for which the plaintiffs claimed Microsoft violated this State's antitrust and unfair competition laws and thereby overcharged consumers for some of its software; and

WHEREAS, Winnebago County Information Systems produced documentation proving eligible purchases equaling the \$32,285 settlement that the County received as of August 11, 2009; and

WHEREAS, the County is in the process of replacing CRT monitors with flat panel monitors throughout the County offices over a multi year period; and

WHEREAS, applying these settlement funds to the purchase of some of those monitors will speed up the process and reduce the need for additional County funds for the project; and

WHEREAS, it would be prudent to apply these funds at the present time and speed up the monitor replacement project.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates \$32,285 of Microsoft settlement funds to the project to replace CRT monitors with flat panel monitors in Winnebago County offices and facilities.

Submitted by:
INFORMATION SYSTEMS COMMITTEE
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Hall and seconded to adopt. Ayes: 32. Nays: 1 – Eichman. Excused: 3 - Hamblin, Roh and Rengstorf. CARRIED.

RESOLUTION NO. 290-92009: Oppose Section 84.06(12), Wisconsin Statutes (Regulation of Borrow Pits)

WHEREAS, a late amendment to the State Budget Bill, 2009 Assembly Bill 75, created Section 84.06(12), Statutes relating to borrow pits; and

WHEREAS, said newly created statutory section negates the application of local zoning ordinances to borrow pits near the site of a state highway construction project on which the borrow is to be used; and

WHEREAS, said statute does not define the term "near the site of the state highway construction project"; and

WHEREAS, said statute does not provide setback requirements from residential or commercial buildings in relationship to said borrow pits; and

WHEREAS, a local contractor recently took the position that said statute allowing quarrying activity near a residential subdivision; and

WHEREAS, said statute does not provide adequate protection for persons owning property near the site of said borrow pits in the absence of local zoning regulations.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby voices its opposition to Section 84.06(12), Wisconsin Statutes.

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

Submitted by:
LEGISLATIVE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 33. Nays: 0. Excused: 3 - Hamblin, Roh and Rengstorf. CARRIED.

RESOLUTION NO. 291-92009: Appropriate \$30,000 to the Grand Opera House Foundation for the Repair of the Grand Opera House

WHEREAS, the Grand Opera House was closed to the public earlier this year as a result of structural problems relating to the roof of that building; and

WHEREAS, the Grand Opera House is the oldest operating theater in the State of Wisconsin; and

WHEREAS, the Grand Opera House Foundation has requested an appropriation from Winnebago County to assist with regard to the repairs of that building, with the repair of the roof and the fire sprinkler system in connection thereto alone being estimated to cost \$1.38 Million Dollars; and

WHEREAS, Winnebago County has previously appropriated funds for various projects of historical and cultural significance which benefit the citizens of Winnebago County; and

WHEREAS, the Grand Opera House is used not only for professional musical and theatrical productions, but is also used for the same purpose by public and private elementary and secondary schools within Winnebago County; and

WHEREAS, your undersigned Committee believes that it would be in the best interests of Winnebago County to provide an appropriation for the restoration of said building.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates \$30,000 from the General Fund of Winnebago County to the Grand Opera House Foundation for the purpose of assisting with needed repairs to the Grand Opera House building.

Submitted by:
LEGISLATIVE COMMITTEE

Motion by Supervisor Kline and seconded to adopt.

Motion by Supervisor Warnke and seconded to amend the amount of the appropriation to \$150,000.

Motion by Supervisor Brennand and seconded to amend Supervisor Warnke's amendment to \$50,000.

Vote on Supervisor Brennand's motion to amend Supervisor Warnke's amendment – Ayes: 23. Nays: 10 – Barker, Eisen, Ramos, Koziczowski, Smith, Widener, Riste, Nelson, Farrey and Reinert.. Excused: 3 - Hamblin, Roh and Rengstorf. CARRIED.

Vote on Supervisor Warnke's amendment as amended to \$50,000 – Ayes: 24. Nays: 9 – Barker, Ramos, Koziczowski, Smith, Widener, Riste, Nelson, Farrey and Reinert. Excused: 3 - Hamblin, Roh and Rengstorf. CARRIED.

Vote on Resolution as amended to a \$50,000 appropriation - Ayes: 24. Nays: 9 - Barker, Ramos, Koziczowski, Smith, Widener, Riste, Nelson, Farrey and Reinert. Excused: 3 - Hamblin, Roh and Rengstorf. CARRIED.

RESOLUTION NO. 292-92009: USEPA Brownfield Assessment Grant Application for Hazardous Substance and Petroleum Products. A Resolution Authorizing the Submittal of a USEPA Brownfield Assessment Grant Application for a Region-wide Assessment of Brownfield Properties by the East Central Wisconsin Regional Planning Commission (ECWRPC)

WHEREAS, Federal monies are available under the US Environmental Protection Agency for the assessment and planning for brownfields;

WHEREAS, Winnebago County recognizes that the assessment, remediation and redevelopment of brownfields is an important part of protecting Wisconsin's resources; and

WHEREAS, the ECWRPC plans to submit a grant application to conduct environmental assessments and investigations of known and potential hazardous substance and petroleum product brownfields to initiate remediation planning, Winnebago County declares its commitment to partner with ECWRPC, its constituent counties, and our local municipalities to complete the grant activities;

WHEREAS, with this action the Winnebago County Board has declared its commitment to participate in, support, and complete the Brownfield Assessment Grant activities described in the application if awarded funds;

WHEREAS, it is necessary for the Winnebago County Board of Supervisors to approve these actions; and

WHEREAS, the Winnebago County Board has considered the need for the proposed activities and the benefits to be gained;

NOW, THEREFORE BE IT RESOLVED THAT:

1. Winnebago County Board of Supervisors does approve and authorize the preparation and submittal of a USEPA Brownfield Assessment Grant Application for Hazardous Substances and Petroleum Products and the subsequent activities in support of an awarded grant; and
2. The Winnebago County Board of Supervisors hereby authorizes the ECWRPC Executive Director to act on behalf of the County in matters concerning this project and to take the necessary steps to prepare, submit, and administer this program in accordance with this grant application and this resolution.

Submitted by:
PLANNING & ZONING COMMITTEE

Motion by Supervisor Brennand and seconded to adopt. Ayes: 28. Nays: 4 – Gabert, Riste, Farrey and Reinert. Excused: 3 - Hamblin, Roh and Rengstorf. CARRIED.

RESOLUTION NO. 293-92009: Adopt Natural Hazards Mitigation Plan for Winnebago County

WHEREAS, the United States Congress passed the Disaster Mitigation Act of 2000, which requires that a local unit of government must have an approved all hazard mitigation plan before it can receive federal grant monies for pre-disaster mitigation projects; and

WHEREAS, in 2004 the Winnebago County Emergency Management Department formed an advisory committee to prepare a county-wide mitigation plan to conform with state and federal guidelines, and said advisory committee drafted a mitigation plan that conformed with federal guidelines; and

WHEREAS, in July 2004, the Winnebago County Board of Supervisors adopted the "All Hazards Mitigation Plan for Winnebago County;" and

WHEREAS, the "All Hazards Mitigation Plan for Winnebago County" that was adopted in 2004 is set to expire in 2010; and

WHEREAS, an updated plan is required to remain compliant with the Federal Emergency Management Agency (FEMA) and Wisconsin Emergency Management; and

WHEREAS, the Winnebago County Emergency Management Committee reviewed the current "All Hazards Mitigation Plan for Winnebago County" and determined:

1. Natural disasters pose a tangible threat to residents and property;
2. Undertaking hazard mitigation actions before disasters occur reduces the potential for harm to residents and property and saves taxpayer dollars;
3. The plan is in the public interest;
4. The plan serves as a general strategy and may be amended from time to time;
5. Nothing in this plan obligates Winnebago County to undertake any of the recommended activities and/or projects;
6. Adoption of the plan is needed to apply for federal funding for mitigation projects and to comply with state and federal mandates;

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

1. Natural disasters continue to pose a tangible threat to residents and property of Winnebago County;
2. The undertaking of hazard mitigation actions before disasters occur reduces the potential for harm to residents and property and will ultimately save taxpayer dollars; and
3. Adoption of the "Winnebago County Hazard Mitigation Plan: 2009-2013" is in the public's best interest.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby adopts the attached "Winnebago County Hazard Mitigation Plan: 2009-2013," which is made a part of this resolution and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Emergency Management Department Director to make non-substantive revisions to the plan as may be required to comply with the requirements of Wisconsin Emergency Management and/or the Federal Emergency Management Agency (FEMA). Should the Winnebago County Emergency Management Department Director make such authorized change, she shall forward a copy of the revised plan and an accompanying summary report describing said amendments to the Winnebago County Executive.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby directs the Winnebago County Clerk to send a copy of the adopted plan to Roxanne Gray, the current State Hazard Mitigation Officer for Wisconsin Emergency Management, for review and approval.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby requires that this plan be revisited and updated and subscribed to by the Winnebago County Board of Supervisors for approval no later than (4) years from the date of this resolution.

Submitted by:
EMERGENCY MANAGEMENT COMMITTEE

Motion by Supervisor Ellis and seconded to adopt. Ayes: 32. Nays: 0. Abstain: 1 – Reinert. Excused: 3 - Hamblin, Roh and Rengstorf. CARRIED.

RESOLUTION NO. 285-92009: Authorize the Borrowing of \$1,057,500 for the Winnebago County Housing Authority for the Purpose of Making Improvements to Elderly Low Income Housing Units in Winneconne and Omro

WHEREAS, the Winnebago County Housing Authority ("Housing Authority") wishes to make improvements of approximately \$6,000,000 to elderly low income housing units in the Village of Winneconne and the Town of Omro (the "Project"); and

WHEREAS, the Housing Authority can participate in the creation of a Limited Liability Corporation with a "for profit" entity, a tax credit investor ("TCI") who will realize Federal income tax credits through this Limited Liability Corporation ("LLC"), by purchasing and making improvements to the properties; and

WHEREAS, the TCI will receive these tax credits over a 10 year period; and

WHEREAS, approximately \$4,500,000 of equity investment by the TCI will be used to make improvements to the properties; and

WHEREAS, the Housing Authority must provide matching funds of \$1,050,000 in order for the TCI to obtain the tax credits; and

WHEREAS, the Housing Authority wishes to use Winnebago County as a source of funding for its matching funds to take advantage of favorable financing available to the County to do a 20-year borrowing of \$1,057,500; and

WHEREAS, the Housing Authority will provide the County with a promissory note to repay the \$1,057,500 borrowing with a payment schedule to match the County's payment schedule on its borrowing; and

WHEREAS, the Housing Authority will provide the County with additional security in the improved properties to guaranty repayment of the promissory note to the County; and

WHEREAS, the Housing Authority and the TCI need the County's commitment to do the borrowing at this time in order for the Project to move forward.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Supervisors of the County that:

Section 1. Authorization of Borrowing. For the purpose of financing a loan to the Housing Authority to pay a portion of the cost of the Project, there shall be borrowed pursuant to the Wisconsin Statutes, a principal sum not to exceed ONE MILLION FIFTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$1,057,500) from a purchaser or lender to be determined (the "Purchaser").

Section 2. Sale of the Obligations. To evidence such indebtedness, the Chairperson and County Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the County, general obligation bonds or promissory notes or other obligations (the "Obligations") aggregating a principal amount not to exceed ONE MILLION FIFTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$1,057,500). There be and there hereby is levied on all the taxable property in the County a direct, annual tax in such years and in such amounts as are sufficient to pay when due the principal and interest on the Obligations.

Section 3. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the County Board of Supervisors or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Submitted by,
PERSONNEL & FINANCE COOMMITTEE

Motion by Supervisor Kline and seconded to adopt. Supervisor Kline corrected the third line of the first WHEREAS paragraph by changing "Town of Omro" to "City of Omro".

Supervisor Kline introduced Brad Masterson, Winnebago County Housing Authority Executive Director, who explained the purpose and impact of this resolution. Ayes: 32. Nays: 1 – Eisen. Excused: 3 – Hamblin, Roh and Rengstorf. Carried.

COUNTY BOARD CHAIRMAN'S REPORT

Chairman Albrecht reported that Supervisors Hamblin, Roh and Rengstorf were excused from tonight's meeting.

Motion by Supervisor Robl and seconded to adjourn until the Special Orders Session on Tuesday, October 6, 2009 at 6:00 p.m. CARRIED BY VOICE VOTE.

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

Respectfully submitted,
Susan T. Ertmer
Winnebago County Clerk

State of Wisconsin)
County of Winnebago) ss

I, Susan T. Ertmer, do hereby certify that the foregoing is a true and correct copy of the Journal of the Winnebago County Board of Supervisors for their regular meeting held September 22, 2009.

Susan T. Ertmer
Winnebago County Clerk