

C L O S E D S E S S I O N

**WINNEBAGO COUNTY BOARD OF SUPERVISORS
JANUARY 26, 1999**

At approximately 10:25 p.m., a motion was made by Supervisor O'Brien and seconded to convene in Closed Session for the purpose of conferring with legal counsel for Winnebago County, who shall render oral or written advice concerning strategy to be adopted by the Board with respect to litigation in which it is presently involved. Ayes: 31 – Kollath, Griesbach, O'Brien, Savas, Maehl, Koziczowski, Widener, Lauson, Albrecht, Pech, Leschke, Schwartz, Montgomery, Bertrand, Wingren, Warnke, Footit, Troxell, Robl, Payne, Kramer, Schaidler, Hue, Sievert, Arne, Diakoff, Brennand, Egan, Rankin, Rengstorf and Metzsig. Nays: 0. Excused: 7 - Barker, Klitzke, Sundquist, Wagner, Lawson, Crowley and Finch. CARRIED.

Duncan Henderson, Wittman Regional Airport Director, gave the Supervisors background information on the Sosnoski lawsuit and introduced Attorney Ron Lampe, who represented Winnebago County in this matter. Mr. Henderson explained that in 1994, Wittman Regional Airport began a land acquisition program for two reasons: 1. to meet Federal Aviation Administration safety guidelines pertaining to the distance crowds must be from flying aircraft, and 2. to accommodate the growth of the EAA Convention. Mr. Henderson stated that the land acquisition, "was sanctioned" by the Wisconsin Bureau of Aeronautics, as well as the Federal Aviation Administration, who acted as Winnebago County's agent in this land acquisition.

Mr. Henderson told the Board that the Sosnoski parcel was the only parcel that was acquired by condemnation. He explained that Winnebago County paid for the land, but that there was "strong disagreement" between the parties when it came to determining the value of the businesses on the property, particularly those that involved selling food and beverages during the EAA convention. The issue then went to arbitration, where again, no agreement was reached, so it went to a jury trial. At this trial the jury ruled in favor of the Sosnoski family.

Mr. Henderson explained that Atty. Lampe has negotiated a reduction in the Sosnoski's attorney's fees and the interest payment awarded in the settlement. It is now up to the Board to decide if they want to accept this settlement, and if so, to appropriate the money.

After discussing the issue with Atty. Lampe, the Board reached a consensus; and, at approximately 10:40 p.m., a motion was made by Supervisor Wagner and seconded to reconvene in Open Session to vote on Resolution No. 173-199. Ayes: 31 - Kollath, Griesbach, O'Brien, Savas, Maehl, Koziczowski, Widener, Lauson, Albrecht, Pech, Leschke, Schwartz, Montgomery, Bertrand, Wingren, Warnke, Footit, Troxell, Robl, Payne, Kramer, Schaidler, Hue, Sievert, Arne, Diakoff, Brennand, Egan, Rankin, Rengstorf and Metzsig.. Nays: 0. Excused: 7 - Barker, Klitzke, Sundquist, Wagner, Lawson, Crowley and Finch. CARRIED.

Respectfully submitted,

Susan T. Ertmer
Winnebago County Clerk