

**ADJOURNED SESSION  
COUNTY BOARD MEETING  
TUESDAY, OCTOBER 16, 2001**

Chairman Joseph Maehl 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 Rankin.

The following Supervisors were present: Kollath, Griesbach, Karras, Maehl, Koziczkowski, Klitzke, Widener, Lauson, Albrecht, Pech, Leschke, Green, Madison, Sundquist, Wingren, Norton, Hert, Nielsen, Robl, Eichman, Kline, Kramer, Schaidler, Spanbauer, Arne, Diakoff, Brennand, Egan, Rankin, Rengstorf and Metzsig. Excused: 5 – Sievert, King, Savas, Zamzow and Barker. Absent: 2 – Crowley and Finch.

Motion by Supervisor Robl and seconded to adopt the agenda with the change of order by placing Resolution No. 314-102001 before Motion to Reconsider Resolution No. 299-92001. CARRIED BY VOICE VOTE.

**COMMUNICATIONS, PETITIONS, ETC.**

Resolution No. 30 (2001-2002) "Attack on America" was received and forwarded to the Legislative Committee.

An email was received from Pat Wiese, Neenah citizen, regarding her opposition to the proposed additional 0.5% county tax.

Information was received on a WCA seminar: "Non-Point Pollution Redesign", to be held Monday, November 12 at the Sheraton Madison Hotel. Anyone interested in attending the seminar can contact the County Clerk's Office for registration information.

Supervisors were asked to look on their desks for a pledge card and brochure for the United Way. Anyone interested in making a pledge can turn the completed card into the County Clerk's Office no later than November 5.

A reminder was given to the Supervisors regarding County Government Day for students. It will be Tuesday, November 6<sup>th</sup>. Luncheon tickets are available at the County Clerk's office.

A Notice of Claim received from Tina Eiden regarding injuries she sustained as a result of a fall at a Winnebago County boat landing was referred to the Personnel & Finance Committee.

A Notice of Claim received from Karen S. Allen regarding injuries sustained in a fall on the front steps of the Courthouse was referred to the Personnel & Finance Committee.

A Notice of Claim received from John Monnett Jr. regarding damage to his vehicle caused by a gate at Wittman Regional Airport was referred to the Personnel & Finance Committee.

A Notice of Claim received from Attorney Mike Fortune for Michael J. Bord regarding an allegation of unlawful incarceration because of negligence on the part of Winnebago County was referred to the Personnel & Finance Committee.

A Notice of Claim received from American Family on behalf of Barbara Tanner regarding a county truck backing into her car was referred to the Personnel & Finance Committee.

Petition for Zoning Amendment from Mary Somers, Town of Menasha, for zoning change from B-3 to P-1 for church and day school use, was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Joe Nemecek, Bechard Group, Town of Clayton, for zoning change from A-2 to M-1 for warehousing, distribution and general cartage was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Nancy L. Krueger, Town of Oshkosh, for zoning change from A-2 to B-3 HB for commercial development use was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Michael Bradley, Town of Omro, for zoning change from A-2/R-1 to A-2 for general agriculture was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Richard O. and Janice A. Collins, Town of Neenah, for zoning change from A-1 to A-2 for large 5+ acre lots for farmettes was referred to the Planning & Zoning Committee.

Motion by Supervisor Lauson and seconded to approve the proceedings from the September 4 and 18, 2001 meetings. CARRIED BY VOICE VOTE.

### **COMMITTEE REPORTS**

Supervisor Lauson brought attention to a Wisconsin Public Service publication "Energy" put on each desk. There is an article regarding gas collection that should be of interest.

Supervisor Rankin reported on the article in each pack presented by Susan Huelsbeck, Director of the Health Department regarding bioterrorism concerns.

Supervisor Griesbach reported the emergency group dealing with terrorism consisting of area police and fire chiefs as well as health offices is meeting regularly.

Supervisor Nielsen referred to a press release from the Department of Transportation regarding \$166,667.00 released to reimburse Winnebago County for land acquisition costs at Wittman Regional Airport in Oshkosh.

Supervisor Kline reported on the monies approved by the County Board for the WCA Convention. Of the \$19,000 approved, \$9600 was for bus service, \$900 incidental expenses, \$3686 was collected in extra motel fees which more than offset the cost of the spousal tours. \$6739.00 was the net amount used, with the balanced being returned to the County.

Supervisor Leschke reported on the County Board meeting scheduled for Thursday, November 8, 2001 at 7:00 p.m. The Exploration Committee will make a complete presentation of their findings. Anyone having questions prior to that meeting can contact Supervisor Leschke.

Supervisor Robl asked what is being done regarding the sirens. Supervisor Griesbach responded the Local Emergency Planning Committee has been meeting regarding that matter.

Supervisor Barker requested Supervisor Brennand to remind everyone about the upcoming Legislative Committee meeting. Agendas, etc. have been placed on each desk. The meeting is Monday, October 22, 9:00 a.m. at the James P. Coughlin Center.

### **COUNTY EXECUTIVE'S REPORT**

The County Executive reiterated Supervisor Griesbach regarding Local Emergency Planning Committee meeting on a regular basis. She wanted to reassure everyone regarding County preparedness.

Although the storm of June 11<sup>th</sup> was the worse the County has faced in a long time, the County Executive was pleased and surprised regarding the communities quick turn around time as well as repair and replacement done so quickly. With the assistance of Don Wilmot, the Emergnecy Management Director, the Governor and his staff were here quickly to evaluate and declared many areas a "disaster area", thereby making money from FEMA available for reimbursement. Checks were distributed to the following townships: Supervisor Harvey Rengstorf and Gary Peterson, Town of Winneconne; Ray Batley, Town of Vinland Chairman; Keith Kiesow, Fire Chief, Town of Menasha; Betty Reimer, Town of Omro Clerk, Gary Marks, City of Omro and Gerald Frey, Town of Oshkosh Chairman. The checks represent 89% of the costs.

### **CHAIRMAN'S REPORT**

Chairman mailed extended happy birthday wishes to Supervisors Rengstorf and Egan. He also thanked them for their generous contribution to the Scholarship Fund. He also thanked Supervisor Rankin for donating the check he received from WCA for speaking at the conference to the Scholarship Fund. He extended congratulations to John Bodnar, Corporation Counsel for 20 years with the County.

### **PUBLIC HEARING**

There were no comments from the public.

## **KATHY BIGGAR, WINNEBAGO COUNTY SHERIFF'S DEPARTMENT- 911 COMMAND CENTER**

Kathy Biggar, 911 Command Center Communications Manager, gave a brief presentation on the history of the 911 center. Kathy has been with the County for 19 years. When she began, Winnebago County had the 911 system. Winnebago County, in 1980, was one of the first five or six counties in Wisconsin to get 911. With the basic 911 system, a person would call and be asked who, what, where, when, why and how. The most important question is where. If nothing else is known, at least an officer can be dispatched to the location. Each dispatcher must be trained to know landmarks, roads and businesses to assist callers in determining if the emergency is in Winnebago, Calumet, Outagamie or Fond du Lac County. All 911 calls are received by the 911 Command Center and all emergency vehicles, ambulance, police officer, fire fighter, wrecker, etc. is dispatched from this center. If a call was received and the caller could not speak to give information of where, a security code with Ameritech could be used to trace a call. This would give address information to dispatch an officer who could then determine any other assistance that may be needed.

With the inception of the "Enhanced 911" system in 1990, the location of the call, as well as the name of the telephone billing party, would be known to the call center. All the same questions would still be asked. Winnebago County was again about the sixth county in the state to get this system.

The creation of cell phones has brought a new set of problems for the 911 center. Cell phones have increased telephone calls by 50%. Many more people call regarding emergencies seen while traveling. One incident could bring 18 different telephone calls. Callers may not be from the area and don't know their exact location. This makes the training of the dispatchers even more important. All callers must be asked the same set of questions, not assuming the calls are related. The technology for determining the location of a cell phone has not yet arrived. The call center can see the phone number because of caller id, but not the location. Due to privacy concerns, information from Ameritech is no longer available. There are still four counties in the state that do not have 911 systems.

Kathy invited any Board member who is interested to call her for a tour.

## **ZONING REPORTS & ORDINANCES**

REPORT NO. 001. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Donald Prellwitz, Town of Clayton, for zoning change to R-2. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 10-01-01. A request for zoning change from A-2 (General Farming) to R-2 (Single Family subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – October 17, 2001)

REPORT NO. 002. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Dan Hoel-Martenson & Eisele and property owner Jeffrey Niemuth, Town of Winchester, for zoning change to R-1. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 10-02-01. A request for zoning change from A-2 (General Farming) to R-1 (Single family non-subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – October 17, 2001)

REPORT NO. 003. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Carol Turner, Town of Winchester, for zoning change to A-2. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 10-03-01. A request for zoning change from A-1 (Exclusive Agriculture) to A-2 (General Farming). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – October 17, 2001)

REPORT NO. 004. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Laura Nejedlo and property owner Jeffrey Nejedlo, Town of Omro, for zoning change to B-3. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 10-04-01. A request for zoning change from B-2 (Community Business) to B-3 (General Business). Motion by Supervisor Schaidler and seconded to adopt. May 1 – Maehl. CARRIED BY VOICE VOTE. (Effective date – October 17, 2001)

REPORT NO. 005. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Glenn Hunter and property owner Hunter Brothers LLC, Town of Utica, for zoning change to R-1. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 10-05-01. A request for zoning change from A-1 (Exclusive Agriculture) to R-1 (Single family non-subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – October 17, 2001)

REPORT NO. 006. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Dan Hoel-Martenson & Eisele and property owner Rodney & Bonnie Fischer, Town of Neenah, for zoning change to R-1/B-2. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 10-06-01. A request for zoning change from A-1/B-3 (Exclusive Agriculture/General Business) to R-1/B-2 (Single family non-subdivided/Community Business). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – October 17, 2001)

REPORT NO. 007. A report from the Planning & Zoning Committee regarding a requested text amendment to the setback portion of B-4, M-1 or M-2 districts. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 10-07-01. A request for text amendment to the Winnebago County Town/County Zoning Ordinance to amend section 17.30(3) to allow a zero (0) foot setback on a railroad right-of-way in a B-4, M-1 or M-2 district. Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – October 17, 2001)

AMENDATORY ORDINANCE NO. 8. A request for zoning change for the Town of Poygan on behalf of John Meyerhofer from A-2 (General Farming) to R-1 (Rural Residential). Motion by Supervisor Egan and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – October 17, 2001)

## **RESOLUTIONS & ORDINANCES**

### **RESOLUTION NO. 314-102001: Authorize Appropriation of \$635,000 for Remodeling of Winnebago County Courthouse for Security Purposes**

WHEREAS, the Winnebago County Board of Supervisors was previously presented with a plan to remodel the Winnebago County Courthouse so as to provide a single access point to the Courthouse and to increase security within the Courthouse; and

WHEREAS, your undersigned Supervisor believes that it is in the best interest of the County to proceed with said project at the present time.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes an appropriation of \$635,000 from the General Fund of Winnebago County for the purpose of remodeling the Winnebago County Courthouse to provide for a secure single access point to that building..

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the General Fund of Winnebago County shall be reimbursed from a subsequent bond issued for this purpose.

Submitted by:  
JOSEPH N. MAEHL, DIST. #6

Motion by Supervisor Maehl and seconded to adopt. Supervisor Rengstorf requested each supervisor look at a packet entitled “Schematic Design Report for Security Improvements to the Winnebago County Courthouse” dated December 10, 1999 and a survey done by Diane Fremgen of Courthouse employees regarding their concerns about Courthouse security and how they could be addressed. Supervisor Rengstorf introduced Sheriff Michael Brooks, District Attorney Joseph Paulus,

Judge Thomas Gritton, Clerk of Courts Diane Fremgen and Family Court Commission Joseph Yana. Each gave a brief presentation regarding different aspects of Courthouse security. This was followed by a lengthy exchange of questions and answers between presenters and Supervisors. Supervisor Maehl decided to withdraw the resolution. He hopes it will be on the November 5, 2001 agenda.

**MOTION FOR RECONSIDERATION OF  
RESOLUTION #299-92001: Authorize Appropriation of \$140,000 to Nurse Call System – Capital  
Outlay Fund – Park View Health Center (Nurse Call System)**

WHEREAS, the undersigned Supervisor voted on the prevailing side to defeat the above-entitled resolution at the September 18, 2001 meeting of the Winnebago County Board of Supervisors.

NOW, THEREFORE, the undersigned Supervisor hereby moves for reconsideration of said resolution.

Submitted by:  
JOHN SCHAIDLER, DISTRICT. # 28  
COUNTY BOARD SUPERVISOR

Motion by Supervisor Schaidler and seconded to adopt. Ayes: 30. Nays: 0. Excused: 5 – Sievert, King, Savas, Zamzow and Barker. Absent: 3 – Robl, Crowley and Finch. CARRIED.

**RESOLUTION NO. 299-92001: Authorize Appropriation of \$140,000 to Nurse Call System  
Capital Outlay Fund - Park View Health Center (Nurse Call System)**

WHEREAS, the present nurse call system at Park View Health Center is outdated and is continuously in need of repair; and

WHEREAS, the replacement of said system is presently needed.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$140,000 from the Winnebago County General Fund to the Nurse Call System - Capital Outlay Fund of Park View Health Center's Budget for the purpose of replacing the nurse call system at that facility..

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the General Fund of Winnebago County shall be refunded the amount of \$140,000 from a subsequent bond issued for the purpose of replacing the nurse call system at Park View Health Center.

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

Supervisor Widener requested the resolution be withdrawn at this time. The Park View Health Center Committee will be meeting tomorrow to further discuss this issue and look at all possible options. He hopes to bring this resolution back in November.

**RESOLUTION NO. 303-102001: RESOLUTION AWARDING THE SALE OF \$9,035,000 GENERAL  
OBLIGATION PROMISSORY NOTES; PROVIDING THE FORM OF THE NOTES; AND LEVYING  
A TAX IN CONNECTION THEREWITH**

WHEREAS, on August 21, 2001, the County Board of Supervisors of Winnebago County, Wisconsin (the "County") adopted a resolution entitled: "Resolution Authorizing the Borrowing of Not to Exceed \$9,035,000; and Providing for the Issuance and Sale of General Obligation Promissory Notes Therefor" (the "Authorizing Resolution") authorizing the issuance and sale of general obligation promissory notes in an amount not to exceed \$9,035,000 for the purpose of paying the cost of repair and improvement projects at various County buildings and sites; constructing a new Law Enforcement Center;

constructing, improving and/or extending highways and roads; and acquiring portable storage hangers, vehicles, equipment, fixtures and furnishings (the "Project");

WHEREAS, the County Board has directed its financial advisor, Robert W. Baird & Co., Milwaukee, Wisconsin, to take the necessary steps to sell general obligation promissory notes in the amount of \$9,035,000 for the public purpose of financing the Project;

WHEREAS, none of the proceeds of the notes shall be used to fund operating expenses of the general fund of the County or to fund operating expenses of any special revenue fund of the County that is supported by property taxes;

WHEREAS, an Official Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) has been circulated to potential bidders;

WHEREAS, the following bid proposals were received:

<u>BIDDER</u>	<u>NET INTEREST COST</u>	<u>TRUE INTEREST RATE</u>
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(SEE BID TABULATION ATTACHED AS EXHIBIT B)

WHEREAS, it has been determined that the bid proposal submitted by Harris Trust and Savings Bank, Chicago, Illinois, fully complies with the bid requirements set forth in the Official Notice of Sale and is deemed to be the most advantageous to the County. A copy of said bid is attached hereto as Exhibit C and incorporated herein by this reference.

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

Section 1. Approval of Offering Documents. The Official Notice of Sale and other offering materials prepared and circulated by Robert W. Baird & Co. are hereby ratified and approved.

Section 2. Award of the Notes. The bid proposal of Harris Trust and Savings Bank, Chicago, Illinois (the "Purchaser") is hereby accepted, said proposal offering to purchase the \$9,035,000 Winnebago County General Obligation Promissory Notes (the "Notes") for the sum of NINE MILLION TWELVE THOUSAND FIVE HUNDRED NINE AND 95/100 DOLLARS (\$9,012,509.95) plus accrued interest to the date of delivery. The Notes bear interest as follows:

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
2002	\$ 490,000	3.25%
2003	105,000	3.25
2004	250,000	3.25
2005	425,000	3.25
2006	1,105,000	3.25
2007	1,110,000	3.60
2008	1,165,000	3.80
2009	1,395,000	3.85
2010	1,460,000	3.90
2011	1,530,000	4.00

Section 3. Terms of the Notes. The Notes shall be designated "General Obligation Promissory Notes"; shall be dated November 1, 2001; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; and shall mature serially on April 1 of each year, in the years and principal amounts as set forth above. Interest is payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2002.

Section 4. Redemption Provisions. At the option of the County, the Notes maturing on April 1, 2010 and thereafter shall be subject to redemption prior to maturity on April 1, 2009 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, and if in part, from maturities selected

by the County and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

Section 5. Form of the Notes. The Notes shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit D and incorporated herein by this reference.

Section 6. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Notes as the same becomes due, the full faith, credit and resources of the County are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the County a direct annual irrepealable tax in the years and in the amounts as follows:

<u>Levy Year</u>	<u>Amount</u>
2001	\$ 787,530.42
2002	420,633.75
2003	559,865.00
2004	723,896.25
2005	1,379,033.75
2006	1,346,097.50
2007	1,358,982.50
2008	1,539,993.75
2009	1,549,670.00
2010	1,560,600.00

The direct annual irrepealable tax hereby levied shall be carried onto the tax roll and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the County for said years are collected. So long as any part of the principal of or interest on the Notes remains unpaid, the tax hereinabove levied shall be and continues irrepealable except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus in the Debt Service Fund Account created by Section 7 hereof.

Section 7. Debt Service Fund Account. There is hereby established in the County treasury a fund account separate and distinct from all other funds or accounts of the County designated "Debt Service Fund Account for \$9,035,000 Winnebago County General Obligation Promissory Notes dated November 1, 2001", which fund account shall be used solely for the purpose of paying the principal of and interest on the Notes. There shall be deposited in said fund account all accrued interest paid on the Notes at the time the Notes are delivered to the Purchaser, any premium, all money raised by taxation pursuant to Section 6 hereof and all other sums as may be necessary to pay principal of and interest on the Notes as the same becomes due. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Notes and shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished.

Section 8. Borrowed Money Fund; Reimbursement. The proceeds of the Notes (the "Note Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Notes into the Debt Service Fund Account created above) shall be deposited into an account separate and distinct from all other funds and disbursed solely for the purposes for which borrowed or for the payment of the principal of and the interest on the Notes.

Any expenditures already paid by the County for which the County is to be reimbursed with Note Proceeds (a) were paid no earlier than 60 days prior to the dates on which the County Board of Supervisors adopted (i) the Authorizing Resolution or (ii) resolutions stating its expectation to reimburse itself from Note Proceeds for any expenditures on the Project which it paid from other funds of the County prior to receipt of the Note Proceeds or (b) are preliminary expenditures relating to the Project (such as architectural, engineering, surveying, soil testing, costs of issuance and similar costs but not including land acquisition, site preparation and similar costs incident to the commencement of construction) which are in an amount which is less than 20% of the issue price of the Notes. The Authorizing Resolution and

the reimbursement resolutions referred to above shall be publicly available in the official books, records or proceedings of the County Board of Supervisors.

Section 9. Arbitrage Covenant. The County shall not take any action with respect to the Note Proceeds which, if such action had been reasonably expected to have been taken, or had been deliberately and intentionally taken on the date of the delivery of and payment for the Notes (the "Closing"), would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") and any income tax regulations promulgated thereunder (the "Regulations").

The Note Proceeds may be temporarily invested in legal investments until needed, provided however, that the County hereby covenants and agrees that so long as the Notes remain outstanding, moneys on deposit in any fund or account created or maintained in connection with the Notes, whether such moneys were derived from the Note Proceeds or from any other source, will not be used or invested in a manner which would cause the Notes to be "arbitrage bonds" within the meaning of the Code or Regulations.

The County Clerk, or other officer of the County charged with responsibility for issuing the Notes, shall provide an appropriate certificate of the County, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the County regarding the amount and use of the Note Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

Section 10. Additional Tax Covenants; Two Year Expenditure Exemption from Rebate; Qualified Tax-Exempt Obligation Status. The County hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations (whether prior to or subsequent to the issuance of the Notes) to assure that the Notes are obligations described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes, throughout their term. The County further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. The County Clerk or other officer of the County charged with the responsibility of issuing the Notes, shall provide an appropriate certificate of the County as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations.

Further, it is the intent of the County to take all reasonable and lawful actions to comply with any new tax laws enacted so that the Notes will continue to be obligations described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes throughout their term.

The County covenants that it is a governmental unit with general taxing powers and that the Notes are not "private activity bonds" as defined in Section 141 of the Code.

In accordance with Section 148(f)(4)(C) of the Code, the County covenants that at least 75% of the available construction proceeds of the Notes shall be used for construction expenditures with respect to property owned by the County as provided in Section 148(f)(4)(C)(iv) of the Code. If at least 10% of the available construction proceeds of the Notes (including investment earnings thereon) are expended for the governmental purposes of the issue within six months of the Closing; at least 45% are expended for such purposes within one year; at least 75% are expended for such purposes within eighteen months; and 100% are expended for such purposes within two years, the Notes will qualify for the two year expenditure exception from the rebate requirements of the Code. If for any reason the County did not qualify for the two year expenditure exemption from the rebate requirements of the Code, the County covenants that it would take all necessary steps to comply with such requirements.

The County Board of Supervisors hereby designates the Notes to be "qualified tax-exempt obligations" pursuant to the provisions of Section 265(b)(3) of the Code and in support of such designation, the County Clerk or other officer of the County charged with the responsibility for issuing the Notes, shall provide an appropriate certificate of the County, all as of the Closing.



Section 11. Execution of the Notes. The Notes shall be issued in typewritten or printed form, executed on behalf of the County by the manual or facsimile signatures of the Chairperson and County Clerk, authenticated by its fiscal agent, if any, sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the County of the purchase price thereof, plus accrued interest to the date of delivery. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the delivery of the Notes, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute and deliver all documents as may be necessary and convenient to effectuate the Closing.

Section 12. Payment of the Notes. The principal of and interest on the Notes shall be paid in lawful money of the United States of America by the County Clerk or County Treasurer.

Section 13. Persons Treated as Owners; Transfer of Notes. The County shall keep books for the registration and for the transfer of the Notes. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the County Clerk, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Chairperson and County Clerk shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity and the County Clerk shall record the name of each transferee in the registration book. No registration shall be made to bearer. The County Clerk shall cancel any Note surrendered for transfer.

The County shall cooperate in any such transfer, and the Chairperson and County Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Notes. Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the County at the close of business on the corresponding record date.

Section 14. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the County agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the County and on file in the County Clerk's office.

Section 15. Undertaking to Provide Continuing Disclosure. The County hereby covenants and agrees, for the benefit of the holders of the Notes, to enter into a written undertaking (the "Undertaking") required by SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the holders of the Notes or by the Purchaser on behalf of such holders (provided that the rights of the holders and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the County to comply with the provisions of the Undertaking shall not be an event of default with respect to the Notes).

The County Clerk, or other officer of the County charged with the responsibility for issuing the Notes, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the County's Undertaking.

Section 16. 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.

Adopted and recorded this 16th day of October, 2001.

Submitted by:  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. Bradley Viegut, Robert W. Baird & Co. gave a report on the final pricing summary. Ayes: 31. Nays: 0. Excused: 5 – Sievert, King, Savas, Zamzow and Barker. Absent: 2 – Crowley and Finch. CARRIED.

**RESOLUTION NO. 304-102001: Authorize Project Expenditures Needed to Complete the CTH CB Construction Project**

WHEREAS, the Winnebago County Board of Supervisors supports the completion of the CTH CB project from former STH 150 to CTH JJ; and

WHEREAS, the project could not be completed in 2001 due to unstable spring weather patterns and the destructive storm of June 11th; and

WHEREAS, the Winnebago County Board of Supervisors had previously transferred excess funds of \$1,555,500 from the bond issue associated with the CTH A project to the CTH CB project; and

WHEREAS, the Winnebago County Board of Supervisors had been informed in February of 2001 of the need to authorize \$330,000 in order to fund costs associated with right of way transfers, acquisition and litigation as well as, construction engineering, paving, utility relocation and revisions to the recreational trail.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates the sum of \$330,000 which had been transferred from a previous bond issue for the purpose of paying said project costs.

Submitted by:  
HIGHWAY COMMITTEE  
AND  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Robl and seconded to adopt. Ayes: 31. Nays: 0. Excused: 5 – Sievert, King, Savas, Zamzow and Barker. Absent: 2 – Crowley and Finch. CARRIED.

**RESOLUTION NO. 305-102001: Direct County Executive to Retain a Wireless Tower Communication Provider**

WHEREAS, at your June 19, 2001 County Board Meeting, the Board passed a resolution directing the County Executive and appropriate departments to explore the possibility of locating wireless communication towers upon County buildings and property; and

WHEREAS, the County Executive and the appropriate departments did meet on several occasions to discuss the merits of leasing County buildings and property to locate wireless communication towers; and

WHEREAS, the County Executive and appropriate departments have determined that leasing of County buildings and property for wireless communication towers could generate revenue for the County and that the County would not be unfairly competing with the private sector and that the interests of

adjoining properties would be considered.

NOW, THEREFORE, BE IT RESOLVED that the Facilities and Property Management Committee hereby recommend that the County Board direct the County Executive to publish a Request for Proposal for wireless communication tower companies and the County Executive retain the wireless communication tower company that provides the County with the greatest remuneration possible.

Submitted by:

FACILITIES AND PROPERTY MANAGEMENT COMMITTEE

Motion by Supervisor Egan and seconded to adopt. Ayes: 29. Nays: 1 – Wingren. Excused: 5 – Sievert, King, Savas, Zamzow and Barker. Absent: 3 – Crowley, Finch and Rankin. CARRIED.

**RESOLUTION NO. 306-102001: Write-Off: Uncollectible Accounts Receivable**

WHEREAS, the Finance Department believes that the attached listing of Accounts Receivable is uncollectible; and

WHEREAS, the Winnebago County Finance Director has indicated that attempts have been exhausted to collect said accounts through the use of collection agencies, Finance Department personnel, or the Corporation Counsel's office; and

WHEREAS, County Board approval is required before the Finance Department can remove uncollectible Accounts Receivables from its accounting records; and

WHEREAS, the writing off of said accounts does not act to forgive the debt, but allows the Finance Department to remove the debts from its ledgers, and monitoring shall continue to occur regarding said accounts as to their collectibility.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves the writing off of the attached Accounts Receivable as being uncollectible.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that this Resolution does not act as a forgiveness of said debts to Winnebago County.

Submitted by:

PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. Ayes: 30. Nays: 0. Excused: 5 – Sievert, King, Savas, Zamzow and Barker. Absent: 3 – Crowley, Finch and Rankin. CARRIED.

**RESOLUTION NO 307-102001: Request To State for Rescission of Prior State Certification of County Farmland Preservation Plan, County Zoning Ordinance and Individual Town Zoning Maps**

WHEREAS, Agriculture has been a important economic asset to Winnebago County throughout the County's history, and

WHEREAS, the State of Wisconsin has recognized that maintaining a healthy agricultural economy requires the recognition that prime farmlands should be preserved for future generations, and

WHEREAS, in response, the Legislature of the State of Wisconsin enacted the Farmland Preservation Act, Chapter 91, Wis. Stats., in June, 1977, which enabled Counties within the state to formulate plans and exclusive agricultural zoning to preserve prime farmland within their counties, and

WHEREAS, in accordance with the provisions of the State Farmland Preservation Act, the Winnebago County Board adopted A-1 "Exclusive Agricultural" Zoning in 1979 and the Winnebago County Farmland Preservation Plan in 1982, and

WHEREAS, the State of Wisconsin certified the Winnebago County Zoning Ordinance, (including A-1 Exclusive Agricultural Zoning) in 1978, and the Winnebago County Farmland Preservation Plan in 1982. In addition, the State certified 7 individual Town Zoning Maps, specifically; the Towns of Neenah in December 1979, Winchester in December 1980, Clayton in December 1982, Vinland in December 1982,

Wolf River in December 1983, Nekimi in December of 1984 and Utica in December 1986, which enabled eligible farmers within those towns to become eligible for Farmland Preservation Tax Credits, and;

WHEREAS, after nearly 20 years of administering the Farmland Preservation (FLP) Program in Winnebago County, a variety of shortcomings have become apparent with the FLP Program that has significantly reduced its effectiveness to preserve prime agricultural areas. These include: lack of incentives for farmers to stay in the program, increased development pressures in the rural areas, lack of recognition that farmland is a valuable natural and economic resource for the county and state, lack of political support for the program at the town, county and state levels, payback provisions for rezoning out of A-1 zoning has not been enforced by the state, the use value assessment program has diluted tax credits for farmers, and the Farmland Preservation Plan has not been used or updated as necessary when rezone decisions were made.

NOW, THEREFORE, BE IT RESOLVED that the Winnebago County Board of Supervisors recognize the shortcomings of the program and therefore request the State of Wisconsin to formally rescind the state's prior certification of the Winnebago County Zoning Ordinance, the Winnebago County Farmland Preservation Plan, and the 7 individual Town Zoning Maps, effective January 1, 2002. Effective date of January 1, 2002 allows eligible farmers to claim tax credits for 2001.

BE IT FURTHER RESOLVED that in receipt of state documented rescission of their certification of Winnebago County's FLP Program, Winnebago County Board action is required to rescind prior County adoption of the County Farmland Preservation Plan and A-1 Zoning to fully eliminate the FLP Program in Winnebago County.

Submitted by:  
PLANNING & ZONING COMMITTEE

Motion by Supervisor Schaidler and seconded to adopt. Ayes: 30. Nays: 1 – Brennan.  
Excused: 5 – Sievert, King, Savas, Zamzow and Barker. Absent: 2 – Crowley and Finch. CARRIED.

### **RESOLUTION NO. 308: Support Abatement Techniques for Controlling the Population of Resident Canada Geese on County Owned Properties**

WHEREAS, the Fox Valley Goose Task Force was created to address the growing problem of resident Canada Geese in the urbanized Fox Valley Area and believes a regional strategy offers the best chance of success; and

WHEREAS, the Fox Valley Goose Task Force and Municipalities including: Winnebago County, Outagamie County, City of Appleton, Town of Grand Chute, City of Oshkosh, City of Menasha, City of Neenah, City of Kaukauna, and the Village of Kimberly support effective and practical techniques and strategies for controlling populations of resident Canada Geese; and

WHEREAS, the Fox Valley Goose Task Force and the cooperating Municipalities support participation by their residents and private sector businesses to follow appropriate standards in the management of their properties; and

WHEREAS, the Wisconsin Department of Natural Resources (WDNR) established the Wisconsin Urban Waterfowl Task Force (WUWTF), whose members represented a wide range of interests, including municipal government, real estate managers, urban parks departments, animal rights, animal welfare, wildlife educators, golf courses, Wisconsin Lakes Association, Wisconsin Farm Bureau, Audubon Council, Wisconsin Society of Ornithology, Wisconsin Wildlife Federation, Wisconsin Conservation Congress, hunters, and the WDNR; and

WHEREAS, the WUWTF sought public input, heard expert presentations, and examined various control techniques; and

WHEREAS, the WUWTF approved a series of urban waterfowl management options in 1998; and

WHEREAS, the management options approved by the WUWTF included, but were not limited to the following abatement techniques in the urban environment:

- Enacting a no feeding ordinance or policy in the affected communities
- Resource management strategies, which include consideration of habitat modification

techniques like the planting of tall vegetation, installing fences, boulders, etc. to impede goose movements in shoreline areas

- Physical deterrents designed to restrict access of geese to resources and/or alter behavior to reduce damage. These techniques include: barrier fencing, visual deterrents, overhead grid wires on ponds, dead goose decoys, dogs, and repellents
- Capture and relocation of juvenile geese.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that Winnebago County accept the 1998 Final Report and Recommendations of the Wisconsin Urban Waterfowl Task Force and employ the approved management options in implementing a strategy for controlling populations of resident Canada Geese, plus supports the goals and objectives of the Fox Valley Goose Task Force.

Submitted by:  
James Lauson  
Steven Spanbauer  
David Kollath  
Steve Arne  
Jerold Finch

Motion by Supervisor Lauson and seconded to adopt. Ayes: 30. Nays: 0. Excused: 5 – Sievert, King, Savas, Zamzow and Barker. Absent: 3 – Crowley, Finch and Metzsig. CARRIED.

**RESOLUTION NO. 309-102001: Authorize Transfer of \$52,600 to Capital Outlay Fund: Facilities Department Project (Reconstruction of Ramp: Orrin King Building)**

WHEREAS, the ramp leading up to the Orrin King Building has deteriorated to the point that it needs to be immediately replaced. The concrete deck has disintegrated and the metal framing and handrail has rusted to the point where it cannot be repaired. Inspection of the ramp indicates the possibility that the ramp or the railing upon the ramp could collapse within several months and is unlikely to make it through the winter; and

WHEREAS, it is necessary to replace the ramp at the present time before winter sets in; and

WHEREAS, funds are available within the Facilities Department Budget within the "Buildings Repair" and "Equipment Repairs" Fund to replace the ramp. However, accounting principles require that the expense of replacing the ramp be treated as a Capital Expenditure and that a budget transfer within the Facilities Department be accomplished.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$30,000 from the Building Repairs Fund and \$22,600 from the Equipment Repairs Fund to the Capital Outlay Fund of the Facilities Department for the purpose of replacing the ramp leading up to the Orrin King Building.

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

Motion by Supervisor Egan and seconded to adopt. Ayes: 30. Nays: 0. Excused: 5 – Sievert, King, Savas, Zamzow and Barker. Absent: 3 – Crowley, Finch and Metzsig. CARRIED.

**RESOLUTION NO. 310-102001: Authorize Executive to Contract With Ameritech for ISDN Prime Service: New Winnebago County Jail**

WHEREAS, the Information Systems Department and Ameritech have negotiated a potential

contract for telephone service at the new Winnebago County Jail; and

WHEREAS, pursuant to the terms of said contract, Winnebago County would contract with Ameritech for ISDN Prime Services over a five (5) year period and Ameritech would provide Winnebago County said services at a reduced monthly charge of approximately \$1,066; and

WHEREAS, your Information Systems Committee and Personnel and Finance Committee have reviewed said contract and recommend its authorization.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Executive and the Winnebago County Clerk to execute a contract with Ameritech for ISDN Prime Services over a five (5) year period at the new Winnebago County Jail. A copy of said contract is attached hereto and made a part of this resolution by reference.

Submitted by:  
INFORMATION SYSTEMS COMMITTEE  
AND  
PERSONNEL & FINANCE COMMITTEE

The resolution was withdrawn by Supervisor Brennand. He indicated new information had been given to him, which may result in cost savings.

**RESOLUTION NO. 311-102001: Authorize Acceptance of National Family Caregivers Support Program Grant and Authorize Appropriation of Money Into Various Funds of the Winnebago County Department of Human Services**

WHEREAS, the State of Wisconsin has authorized a National Family Caregivers Support Program Grant (IIIE Grant) to the Winnebago County Department of Human Services in the amount of \$44,247; and

WHEREAS, the purpose of said grant funds are to fund various programs pursuant to which the Winnebago County Department of Human Services would assist family members in caring for relatives whom they are not legally responsible to care for; and

WHEREAS, the Winnebago County Department of Human Services Board and your undersigned Personnel and Finance Committee recommend acceptance of said grant and appropriation of said funds to those accounts listed in the attached Budget Transfer Sheet.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves acceptance of \$44,247 in IIIE Grant Funding (National Family Caregivers Support Program) from the State of Wisconsin..

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes appropriation of said grant funds to those accounts within the Winnebago County Department of Human Services Budget as is shown on the attached Budget Transfer Sheet.

Submitted by:  
HUMAN SERVICES BOARD  
AND  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Koziczowski and seconded to adopt. Ayes: 29. Nays: 1 – Albrecht. Excused: 5 – Sievert, King, Savas, Zamzow and Barker. Absent: 3 – Crowley, Finch and Metzsig. CARRIED.

**RESOLUTION NO. 312-102001: Authorize Transfer of \$6,000 from Contingency Fund to**

WHEREAS, the Winnebago County Facilities Department has requested authorization to explore further options suggested in the Comprehensive Facilities Study completed in 2001 in relationship to easing crowding at the downtown Oshkosh Campus; and

WHEREAS, an additional study is necessary to provide recommendations with regard to Department relocation and remodeling cost estimates; and

WHEREAS, cost of said further study is estimated to be \$6,000 for Professional Services in relationship thereto.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves the transfer of \$6,000 from the Winnebago County General Contingency Fund to the Professional Services Fund of the Facilities Department for the purpose of funding professional services for a follow-up review regarding department relocation and remodeling cost estimates for the downtown Oshkosh Campus.

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

Motion by Supervisor Egan and seconded to adopt. Ayes: 27. Nays: 3 – Albrecht, Spanbauer and Widener. Excused: 5 – Sievert, King, Savas, Zamzow and Barker. Absent: 3 – Crowley, Finch and Metzgi. CARRIED.

**RESOLUTION NO. 313-102001: Authorize Execution of Contract Extension with the State of Wisconsin for Wisconsin Works (W-2) and Related Programs**

WHEREAS, Winnebago County's current contract with the State of Wisconsin to operate the Wisconsin Works (W-2) and related programs expires on December 31, 2001; and

WHEREAS, the State of Wisconsin has offered to extend that contract for a period of two (2) years, through December 31, 2003, at an annual base reimbursement rate of \$1,771,246 and a total base reimbursement rate of \$3,542,492; and

WHEREAS, your undersigned Board and undersigned Committee believes that it is Winnebago County's best interest to extend said contract in that failure to extend said contract will result in a net loss to Winnebago County in revenues of \$371,796 annually.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Executive and the Winnebago County Clerk to execute a contract with the State of Wisconsin to extend the County's operation of the Wisconsin Works (W-2) and related programs for the period from January 1, 2002 through December 31, 2003 pursuant to those terms described above. Said contract is made a part of this resolution by reference. ( A complete copy of the contract may be obtained upon request from the Office of the Director of the Department of Human Services).

Submitted by:  
HUMAN SERVICES BOARD  
AND  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Koziczowski and seconded to adopt. Ayes: 30. Nays: 0. Excused. 5 – Sievert, King, Savas, Zamzow and Barker. Absent: 3 – Crowley, Finch and Metzgi. CARRIED.

Motion by Supervisor Robl and seconded to adjourn until 6:00 p.m. on Monday, November 5,

2001. The meeting was adjourned at approximately 9:30 p.m.

Respectfully submitted,  
Patricia Rabe, Deputy  
Winnebago County Clerk

State of Wisconsin)  
County of Winnebago) ss

I, Patricia Rabe, 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 October 16, 2001.

Patricia Rabe, Deputy  
Winnebago County Clerk