

**ADJOURNED SESSION
COUNTY BOARD MEETING
TUESDAY, DECEMBER 17, 2002**

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: Sevenich, Barker, Griesbach, Hotynski, Scoville, Maehl, Koziczowski, Klitzke, Widener, Lauson, Albrecht, Pech, Thompson, Steineke, Madison, Radewan, Sundquist, Wingren, Jacobson, Norton, Hert, Nielsen, Robl, Eichman, Kline, Kramer, Schaidler, Finch, Farrey, Sievert, Arne, Diakoff, Brennand, Egan, Rankin, Rengstorf and O'Brien. Excused: Tierney.

Motion by Supervisor Robl and seconded to adopt the agenda with the change of order of the resolutions so that No. 120-122002 and No. 121-122002 are acted on before No. 112-122002. CARRIED BY VOICE VOTE.

COMMITTEE REPORTS

Supervisor Schaidler reminded the Board that there will be another meeting of the Comprehensive Land Use Plan committee on Thursday, December 19 at 7:00 p.m. at the Vinland Town Hall. Supervisor Schaidler encouraged the Board and the public to attend this meeting.

Supervisor Koziczowski reported that the Department of Human Services is projecting a 2002 budget deficit of approximately \$250,000.

Supervisor Rankin was happy to report that at last week's Land and Water Conservation Committee meeting, Winnebago County approved the formation of a consortium with Brown and Outagamie Counties to address the issue of storm water run off. Because storm water run off is a problem nationwide, the Environmental Protection Agency is requiring everyone to address this issue.

Supervisor Lauson reported that the contract for the veterans' museum that is being constructed in the Community Park has been signed. Construction on the \$2.5 Million museum should begin in March of 2003 and be completed by the end of that year.

Supervisor Widener reported that because of a possible reduction in funds for Park View Health Center, the Park View Health Center Committee and staff are working on changes at the facility. At this point, no definite decisions have been made, but Supervisor Widener wanted to let the Board know they are addressing the issue.

Motion by Supervisor Lauson and seconded to approve the proceedings from the November 19, 2002 meeting. CARRIED BY VOICE VOTE.

COMMUNICATIONS, PETITIONS, ETC.

A message from Supervisor Barker was shared with the Board regarding the cancellation of the December Legislative Committee. In her message, Supervisor Barker told the Board that because of a lack of agenda items and the fast approaching holiday season, there would not be a Legislative Committee meeting in December, but that they should plan to meet again in January 2003.

Information on the UW-Extension "Keeping the Land in Land Use Planning" Conference was read. It will be held January 23 & 24, 2003 at the Heidel House Resort in Green Lake. Registration information is available from the County Clerk's Office.

A letter from Bill Schlapman, 6431 Paulson Road, Winneconne, was read to the Board. In his letter, Mr. Schlapman encourages the Board to change the name of Wittman Regional Airport to Wittman Memorial Airport~Oshkosh USA, because he feels this would, "advance and strengthen recognition for Oshkosh."

The following resolutions were received and forwarded to the Legislative Committee:

- Brown County – No. 105: "Supporting Continuation of Services at Brown County Mental Health Center"
- Washington County – 2002 Resolution 39, "Support Federal Legislation to Subject Certain Imported Casein and Milk Protein Concentrates to Tariff Rate Quotas Comparable to Those of Other Imported Dairy Products"

Petition for Zoning Amendment from Charles H. Nelson, Town of Nekimi, for zoning change from A-1/M-2 to M-2 for an existing paint shop was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Gerald Sipple, Town of Omro, for zoning change from A-2/R-1 to R-1 for residential purposes was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Raymond Kale Kissinger, Town of Oshkosh, for zoning change from B-2 to R-1 for residential purposes was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from William G. Rubick, Debra Bellin and Clell Bohm, Town of Clayton, for zoning change from R-1 to A-2 was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from J. Fred and Anne G. Boss, Town of Oshkosh, for zoning change from A-2 to R-1 for single family homes was referred to the Planning & Zoning Committee.

COUNTY EXECUTIVE'S REPORT

Executive Van De Hey asked for the Board's support of the following resolutions:

- No. 119-122002, "Support for State Funding Source for Teen Courts"
- No. 120-122002, "Resolution Awarding the Sale of \$1,220,000 Taxable Note Anticipation Notes"
- No. 121-122002, "Resolution Awarding the Sale of General Obligation Refunding Bonds; Providing the Form of the Bonds; and Levying a Tax in Connection Therewith"
- No. 122-122002, "Authorize Appropriation of \$4,900 for Purchase of Two Heart Defibrillator Units"
- No. 124-122002, "Approve Intergovernmental Agreement Creating Greater Fox Valley Regional Bioterrorism Consortium for Preparedness for Bioterrorism and other Public Health Threats"

Executive Van De Hey told the Board how much she enjoyed the previous evening's County Board Christmas Party at the Germania Hall in Menasha. It was a very nice party.

COUNTY EXECUTIVE'S APPOINTMENTS

Grievance Review Board

Executive Van De Hey asked for the Board's approval of her re-appointment of LeRoy Dahms, 824 Starboard Court, Oshkosh, to the Grievance Review Board. This is a five-year term that will expire on December 31, 2007.

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

Winnefox Library System Board

Executive Van De Hey asked for the Board's approval of her re-appointment of the following people to the Winnefox Library System Board:

Jim Reiland, 309 9th Street, Menasha

Merry Mason Whipple, 922 South Park Avenue, Neenah

Tom Widener, 129 Richard Avenue, Neenah

And her appointment of:

Scott Woldt, 2905 Universal, Oshkosh

These are three-year terms that will expire on December 31, 2005.

Motion by Supervisor O'Brien and seconded to approve. CARRIED BY VOICE VOTE.

Local Emergency Planning Committee

Executive Van De Hey asked for the Board's approval of her re-appointment of the following people to the Local Emergency Planning Committee:

Keith Kiesow, Town of Menasha Fire Chief, 1326 Cold Spring Road, Neenah

Greg Gibbons, Mercy Medical Center, 500 South Oakwood Road, Oshkosh

Steve DeLeeuw, Neenah/Menasha Fire Rescue, 125 East Columbian Avenue, Neenah

Rep. Dean Kaufert, P.O. Box 8952, Madison

Supervisor Jim Lauson, 1130 Honeysuckle Lane, Neenah

Roger Schneider, Kimberly-Clark North, 401 North Lake Street, Neenah

And her appointment of:

Bill Demler, Winnebago County Highway Department, 901 County Road Y, Oshkosh

These are three-year terms that will expire on December 31, 2005.

Motion by Supervisor O'Brien and seconded to approve. CARRIED BY VOICE VOTE.

Human Services Board

Executive Van De Hey asked for the Board's approval of her re-appointment of Tom Pech, Jr., 1275 West Smith Avenue, Oshkosh, to the Human Services Board. This is a three-year term that will expire on December 31, 2005.

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

Veterans' Services Commission

Executive Van De Hey asked for the Board's approval of her re-appointment of Dale Witzke, 221 North 9th Avenue, Winneconne, to the Veterans' Services Commission. This is a three-year term that will expire on December 31, 2005.

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

CHAIRMAN'S REPORT

Chairman Maehl extended "happy birthday" wishes to Supervisors Hert, Koziczkowski, Brennand, Wingren and Steineke. Chairman Maehl also thanked those three Supervisors that made donations to the Winnebago County Scholarship Fund.

Chairman Maehl then shared the obituary of former Supervisor Muriel Crowley, who passed away on December 11, 2002, and stated how much she will be missed. Chairman Maehl then showed the Board the plaque Supervisor Crowley received in 1997 from the WSSA and explained that it was one of her final requests that it be displayed somewhere in the Courthouse. Chairman Maehl stated that arrangements will be made to have it displayed in the courthouse.

PUBLIC HEARING

No one addressed the Board.

ZONING REPORTS & ORDINANCES

REPORT NO. 001. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Oshkosh Area School District, Town of Algoma, for zoning change to P-1. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 12-01-02. A request for zoning change from R-1 (Single family non-subdivided) to P-1 (Institutional & Recreational Park District). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE. (Effective date – December 20, 2002)

REPORT NO. 002. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Ronald Jones, Town of Omro, for zoning change to R-2. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 12-02-02. A request for zoning change from R-1 (Single family non-subdivided) to R-2 (Single family subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – December 20, 2002)

REPORT NO. 003. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner D. Kienast, et al, Town of Omro, for zoning change to B-3. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 12-03-02. A request for zoning change from A-2/B-2 (General Farming/Community Business District) to B-3 (General Business). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – December 20, 2002)

REPORT NO. 004. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Lance Treplow and property owner Leon & Orva Derber Trust, Town of Omro, for zoning change to R-1. Motion by Supervisor Schaidler and seconded to accept. Supervisor Brennand abstained. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 12-04-02. A request for zoning change from A-2/B-2 (General Farming/Community Business District) to R-1 (Single family non-subdivided). Motion by Supervisor Schaidler and seconded to accept. Supervisor Brennand abstained. CARRIED BY VOICE VOTE. (Effective date – December 20, 2002)

REPORT NO. 005. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Jammy Powers and property owner Edna Peterson, Town of Omro, for zoning change to A-2. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 12-05-02. A request for zoning change from A-2/R-1 (General Farming/Single family non-subdivided) to A-2 (General Farming). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – December 20, 2002)

REPORT NO. 006. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Quintin & Angela Miller, Town of Poygan, for zoning change to R-1. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 12-06-02. 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 – December 20, 2002)

REPORT NO. 007. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Michael Blechl, Town of Clayton, for zoning change to R-1. Motion by Supervisor Schaidler and seconded to accept. Supervisor Brennand abstained. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 12-07-02. A request for zoning change from A-2 (General Farming) to R-1 (Single family nonsubdivided). Motion by Supervisor Schaidler and seconded to adopt. Supervisor Brennand abstained. CARRIED BY VOICE VOTE. (Effective date – December 20, 2002)

REPORT NO. 008. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Jay Vanevenhoven, Town of Clayton, for zoning change to A-2. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 12-08-02. A request for zoning change from A-1 (Exclusive Agriculture) to A-2 (General Farming). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE. (Effective date – December 20, 2002)

REPORT NO. 009. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Robert Reider, Carow Land Surveying; and property owner Pat Gambsky, Fieldcrest Developers, LLP, Town of Menasha, for zoning change to R-2. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 12-09-02. A request for zoning change from R-1 (Single family non-subdivided) to R-2 (Single family subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – December 20, 2002)

REPORT NO. 010. A report from the Planning & Zoning Committee regarding request from the Town of Menasha for a text amendment to Section 17.08(3)(a) of the Winnebago County Zoning Ordinance. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 12-10-02. A request for text amendment to Sec. 17.08(3)(a) of the Winnebago County Town/County Zoning Ordinance. Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – December 20, 2002)

AMENDATORY ORDINANCE NO. 11. A request from the Town of Wolf River on behalf of John Schneider for zoning change from A-2 to A-3. Motion by Supervisor O'Brien and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date –December 20, 2002)

AMENDATORY ORDINANCE NO. 12. A request from the Town of Utica on behalf of David Payne for zoning change from A-2/C-1 to A-2 for Lot 1 and C-1 for Lot 2. Motion by Supervisor Egan and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – December 20, 2002)

AMENDATORY ORDINANCE NO. 13. A request from the Town of Vinland on behalf of Beatrice Boss for zoning change from A-1 to R-1. Motion by Supervisor Arne and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – December 20, 2002)

AMENDATORY ORDINANCE NO. 14. A request from the Town of Black Wolf on behalf of Roger & Carla Karau for zoning change from A-2 to R-1 for Lot 3 of CSM 5139. Motion by Supervisor Schaidler and seconded to adopt. Supervisor Brennand abstained. CARRIED BY VOICE VOTE. (Effective date –December 20, 2002)

AMENDATORY ORDINANCE NO. 15. A request from the Town of Black Wolf on behalf of Roger & Carla Karau for zoning change from A-2 to R-1 for Lot 4 of CSM 5139. Motion by Supervisor Schaidler and seconded to adopt. Supervisor Brennand abstained. CARRIED BY VOICE VOTE. (Effective date –December 20, 2002)

AMENDATORY ORDINANCE NO. 16. A request from the Town of Black Wolf on behalf of Roger & Carla Karau for zoning change from A-2 to R-1 for Lot 1 of CSM 5139. Motion by Supervisor Schaidler and seconded to adopt. Supervisor Brennand abstained. CARRIED BY VOICE VOTE. (Effective date –December 20, 2002)

At approximately 6:40 p.m., Chairman Maehl called for a brief recess. The Board was reconvened at approximately 7:00 p.m.

RESOLUTIONS & ORDINANCES

RESOLUTION NO. 120-122002: Resolution Awarding the Sale of \$1,215,000 Taxable Note Anticipation Notes

WHEREAS, on November 19, 2002, the County Board of Supervisors of Winnebago County, Wisconsin (the "County") adopted an initial resolution (the "Initial Resolution") authorizing the issuance of note anticipation notes in an

amount not to exceed \$1,225,000 for the purpose of paying the cost of financing the County's unfunded prior service liability contributions under the Wisconsin Retirement System (the "Contributions");

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

WHEREAS, counties are authorized by the provisions of Sections 67.04(5)(b)4 and 67.12(12) of the Wisconsin Statutes to borrow money and to issue general obligation promissory notes for such public purposes;

WHEREAS, counties are authorized by the provisions of Section 67.12(1)(b) of the Wisconsin Statutes to issue municipal obligations in anticipation of receiving proceeds from bonds or notes the county has authorized or covenanted to issue under Chapter 67 of the Wisconsin Statutes;

WHEREAS, pursuant to this Resolution the County Board of Supervisors will authorize and covenant to issue general obligation promissory notes (the "Securities") of the County to provide permanent financing for the Contributions; provided that the County retains the right to retire said note anticipation notes from other funds available to it, including proceeds derived from the issuance of general obligation refunding bonds;

WHEREAS, due to certain provisions contained in the Internal Revenue Code of 1986, as amended, it is necessary to issue such note anticipation notes on a taxable rather than tax-exempt basis;

WHEREAS, the Securities have not yet been issued or sold; and

WHEREAS, it is the finding of the County Board of Supervisors that it is necessary, desirable and in the best interest of the County to provide for the issuance and sale of taxable note anticipation notes pursuant to Section 67.12(1)(b), Wisconsin Statutes, in anticipation of receiving the proceeds from the issuance and sale of the Securities, to provide interim financing to pay the cost of the Contributions, and it is now necessary and desirable to authorize their issuance and sale.

WHEREAS, the County Board of Supervisors heretofore has directed its financial advisor, Robert W. Baird & Co. Incorporated, Milwaukee, Wisconsin ("Baird") to take the steps necessary to sell the note anticipation notes to pay the cost of the Contributions;

WHEREAS, Baird, in consultation with the officials of the County, prepared an Official Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the aforesaid note anticipation notes and indicating that the notes would be offered for public sale on December 17, 2002;

WHEREAS, the County Clerk (in consultation with Baird) caused the Official Notice of Sale to be distributed to potential bidders offering the aforesaid note anticipation notes for public sale on December 17, 2002;

WHEREAS, the following bids were received:

(SEE BID TABULATION ATTACHED AS EXHIBIT B)

WHEREAS, it has been determined that the bid (the "Bid") submitted by the financial institution listed first on the attached Bid Tabulation 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. Baird has recommended that the County accept the Bid. A copy of said Bid submitted by such institution (the "Purchaser") 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. General Obligation Promissory Notes. The County hereby declares its intention and covenants to issue and hereby authorizes the issuance of general obligation promissory notes pursuant to the provisions of Chapter 67 of the Wisconsin Statutes, in an amount sufficient to retire any outstanding note anticipation notes issued for the purpose of paying the cost of the Contributions (heretofore and hereinafter, such notes shall be referred to as the "Securities").

Section 2. Authorization of the Notes. For the purpose of paying the cost of the Contributions, there shall be issued in anticipation of the Securities, note anticipation notes pursuant to Section 67.12(1)(b) of the Wisconsin Statutes, in the principal amount of ONE MILLION TWO HUNDRED FIFTEEN THOUSAND DOLLARS (\$1,215,000). Such notes shall be designated "Taxable Note Anticipation Notes" (the "Notes").

Section 2A. Ratification of the Official Notice of Sale and Offering Materials. The County Board of Supervisors of the County hereby ratifies and approves the details of the Notes set forth in Exhibit A attached hereto as and for the details of the Notes. The Official Notice of Sale and other offering materials prepared and circulated by Baird are hereby ratified and approved in all respects. All actions taken by officers of the County and Baird in connection with the preparation and distribution of the Official Notice of Sale are hereby ratified and approved in all respects.

Section 2B. Award of the Notes. The Bid of the Purchaser offering to purchase the Notes for the sum set forth on the Bid, plus accrued interest to the date of delivery, is hereby accepted. The Notes bear interest at the rate set forth on the Bid.

Section 3. Terms of the Notes. The Notes shall be dated January 8, 2003; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; shall bear interest at the rate and shall mature on July 1, 2003 as set forth on the debt service schedule attached hereto as Exhibit D (the "Schedule"). Interest is payable at maturity.

Section 4. Redemption Provisions. At the option of the County, the Notes shall be subject to redemption prior to maturity on April 1, 2003 or on any date thereafter. Said Notes shall be redeemable as a whole or in part 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 E and incorporated herein by this reference.

Section 6. Security. The Notes shall in no event be a general obligation of the County and do not constitute an indebtedness of the County nor a charge against its general credit or taxing power. No lien is created upon property of the County as a result of the issuance of the Notes. The Notes shall be payable from (a) any proceeds of the Notes set aside for payment of interest on the Notes as it becomes due, and (b) proceeds to be derived from the issuance and sale of the Securities, which proceeds are hereby declared to constitute a Special Trust Fund, hereby created and established, to be held by the County Clerk and expended solely for the payment of the principal of and interest on the Notes. The County hereby agrees that, in the event such monies are not sufficient to pay the principal of and interest on the Notes when due, if necessary, the County will pay such deficiency out of its tax levy or other available funds of the County including proceeds derived from the issuance of general obligation refunding bonds; provided, however, that such payment shall be subject to annual budgetary appropriations therefor; and provided further, that neither this Resolution nor any such payment shall be construed as constituting an obligation of the County to make any such appropriation or any further payment.

Section 7. Covenants of the County. The County hereby covenants with the holders of the Notes as follows:

- (a) It shall issue and sell the Securities as soon as practicable;
- (b) It shall segregate the proceeds derived from the sale of the Securities into a Special Trust Fund created above and constituted as a special trust fund and shall permit such Special Trust Fund to be used for no purpose other than the payment of principal of and interest on the Notes until paid; and,
- (c) It shall maintain a debt limit capacity such that the combined outstanding principal amount of general obligation bonds or notes or certificates of indebtedness of the County and the \$1,215,000 authorized for the issuance of the Securities shall at no time exceed the constitutional debt limit of the County.

Section 8. Segregated 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 \$1,215,000 Winnebago County Taxable Note Anticipation Notes, dated January 8, 2003", 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 (i) all accrued interest paid on the Notes at the time the Notes are delivered to the Purchaser; (ii) any proceeds of the Notes representing capitalized interest on the Notes and deposited in the Borrowed Money Fund (hereinafter created), as needed to pay the interest on the Notes when due; (iii) proceeds of the Securities (or other obligations of the County issued to pay principal of or interest on the Notes) to the extent necessary to pay principal of or interest on the Notes; (iv) such other sums, including tax monies, as may be necessary at any time to pay principal of and interest on the Notes when due and which are appropriated by the County Board of Supervisors for that purpose; and (v) surplus monies in the Borrowed Money Fund as specified in Section 10 hereof. Said Fund 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 9. Segregated 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 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 accounts and disbursed solely for the purposes for which borrowed or for the payment of the principal of and interest on the Notes. Said proceeds may be temporarily invested in legal investments in the manner set forth below.

The County declares its reasonable expectation to reimburse itself from the Note Proceeds for expenditures relating to the Contributions which it pays from other funds of the County prior to receipt of the Note Proceeds.

Section 10 Execution of the Notes. The Notes shall be prepared in typewritten or printed form, executed on behalf of the County by the manual or facsimile signatures of the Chairperson and County Clerk, authenticated, if required, 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 all documents as may be necessary and convenient to effectuate the Closing.

Section 11. 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 12. Persons Treated as Owners; Transfer of Notes; Record Date. The County shall keep books for the registration and for the transfer of the Notes. The persons 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 13. 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 14. 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 timely notices of the occurrence of certain events in accordance with the Rule. This 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 hereunder and any failure by the County to comply with the provision of this 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 15. 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 Albrecht and seconded to adopt. Paul Patrie, First Vice President with Robert W. Baird & Co., addressed the Board on this resolution and went over the "Prior Service Liability Refunding" report.

Vote on Resolution – Ayes: 37. Nays: 0. Excused: 1 – Tierney. CARRIED.

RESOLUTION NO. 121-122002: Resolution Awarding the Sale of General Obligation Refunding Bonds; Providing the Form of the Bonds; and Levying a Tax in Connection Therewith

WHEREAS, pursuant to a resolution adopted on November 19, 2002 (the "Initial Resolution"), the County Board of Supervisors of Winnebago County, Wisconsin (the "County") authorized the issuance of not to exceed \$3,110,000 General Obligation Refunding Bonds for the public purpose of refunding obligations of the County, including interest on them, to wit: refunding the County's outstanding General Obligation Promissory Notes dated

August 15, 1996 (the "1996 Notes") maturing in the years 2004 through 2006 (hereinafter the refunding of the County's outstanding obligations shall be referred to as the "Refunding");

WHEREAS, the 1996 Notes were issued for the purpose of paying the cost of Courthouse remodeling, renovation and improvement; acquiring rights of way and constructing a portion of the West Side arterial roadway; constructing additions to and remodeling and improving the County Exposition Building; constructing a new U.W. Fox Valley Science/Student Services Center; constructing a new County office facility at the Sunnyview site; constructing an addition to the County's Recycling Center; constructing a landfill gas migration control system and pipeline; and acquiring equipment and furnishings;

WHEREAS, the County Board of Supervisors deems it to be necessary, desirable and in the best interest of the County to refund the 1996 Notes maturing in the years 2004 through 2006 for the purpose of achieving debt service cost savings and restructuring the County's debt;

WHEREAS, counties are authorized by the provisions of Chapter 67 of the Wisconsin Statutes to borrow money and to issue general obligation refunding bonds to refinance their outstanding obligations;

WHEREAS, the County Board of Supervisors heretofore has directed its financial advisor, Robert W. Baird & Co. Incorporated, Milwaukee, Wisconsin ("Baird") to take the steps necessary to sell its General Obligation Refunding Bonds in an amount not to exceed \$3,110,000 (the "Bonds") to pay the cost of the Refunding;

WHEREAS, Baird, in consultation with the officials of the County, prepared an Official Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Bonds and indicating that the Bonds would be offered for public sale on December 17, 2002;

WHEREAS, the County Clerk (in consultation with Baird) caused the Official Notice of Sale to be distributed to potential bidders offering the Bonds for public sale on December 17, 2002;

WHEREAS, the following bids were received:

(SEE BID TABULATION ATTACHED AS EXHIBIT B)

WHEREAS, it has been determined that the bid (the "Bid") submitted by the financial institution listed first on the attached Bid Tabulation 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. Baird has recommended that the County accept the Bid. A copy of said Bid submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference; and

WHEREAS, it has been determined that the Bonds shall be issued in the aggregate principal amount of \$3,095,000.

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

Section 1A. Ratification of the Official Notice of Sale and Offering Materials. The County Board of Supervisors of the County hereby ratifies and approves the details of the Bonds set forth in Exhibit A attached hereto as and for the details of the Bonds. The Official Notice of Sale and other offering materials prepared and circulated by Baird are hereby ratified and approved in all respects. All actions taken by officers of the County and Baird in connection with the preparation and distribution of the Official Notice of Sale are hereby ratified and approved in all respects.

Section 1B. Award of the Bonds. The Bid of the Purchaser offering to purchase the Bonds for the sum set forth on the Bid, plus accrued interest to the date of delivery, is hereby accepted. The Bonds bear interest at the rates set forth on the Bid.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Refunding Bonds"; shall be dated January 1, 2003; shall be issued in the aggregate principal amount of \$3,095,000, in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; and shall mature on April 1 of each year, in the years and principal amounts set forth on the debt service schedule attached hereto as Exhibit D (the "Schedule"). Interest is payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2003.

Section 3. Redemption Provisions. The Bonds shall not be subject to optional redemption.

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

Section 5. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds 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 2003 through 2005 for the payments due in the years 2004 through 2006 in the amounts set forth on the Schedule.

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 Bonds remains unpaid, the tax hereinabove levied

shall be and continues irrevocable 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 for the Bonds created below.

The County has heretofore levied a direct annual irrevocable ad valorem debt service tax with respect to the 1996 Notes which is on deposit in the debt service fund account for the 1996 Notes. Upon the refunding of the 1996 Notes, a sufficient sum shall be transferred from said account and irrevocably deposited into the segregated Debt Service Fund Account for the Bonds created below and shall be used to pay the interest on the Bonds coming due on April 1, 2003 and October 1, 2003.

Section 6. Segregated 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 Winnebago County General Obligation Refunding Bonds dated January 1, 2003", which fund account shall be used solely for the purpose of paying the principal of and interest on the Bonds. There shall be deposited in said fund account all accrued interest paid on the Bonds at the time the Bonds are delivered to the Purchaser, any premium, all money raised by taxation pursuant to Section 5 hereof, and all other sums as may be necessary to pay principal of and interest on the Bonds as the same become due. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Bonds, shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished, and shall at all times be invested in a manner that conforms with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any applicable income tax regulations (the "Regulations").

Section 7. Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Bonds 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 for the principal of and the interest on the Bonds.

Section 8. Arbitrage Covenant. The County shall not take any action with respect to the Bond Proceeds which, if said action had been reasonably expected to have been taken, or had been deliberately and intentionally taken on the date of delivery of and payment for the Bonds (the "Closing") would have caused the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code and the Regulations.

The Bond Proceeds may be temporarily invested in legal investments until needed, provided however, that the County hereby covenants and agrees that so long as the Bonds remain outstanding, moneys on deposit in any fund or account created or maintained in connection with the Bonds, whether such moneys were derived from Bond Proceeds or from any other source, will not be used or invested in a manner which would cause the Bonds to be "arbitrage bonds" within the meaning of the Code or Regulations. The County covenants that it will not invest in any obligation if such investment would violate the "prohibited payment" requirement of Section 148 of the Code.

The County Clerk, or other officer of the County charged with responsibility for issuing the Bonds, 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 Bond Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

Section 9. Additional Tax Covenants; Six Month 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 Bonds) to assure that the Bonds are obligations described in Section 103(a) of the Code, the interest on which is excludable from gross income for federal income tax purposes, throughout their term. The County Clerk or other officer of the County charged with the responsibility of issuing the Bonds, 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 Bonds will continue to be obligations described in Section 103(a) of the Code, the interest on which is excludable 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 Bonds are not "private activity bonds" as defined in Section 141 of the Code.

In accordance with Section 148(f)(4)(B) of the Code, the County covenants that ninety-five percent (95%) or more of the net proceeds of the Bonds are to be used for local governmental activities of the County and that 100% of the proceeds of the Bonds will be expended for the governmental purposes of the issue within six months of the Closing. If for any reason the County did not qualify for the six month exemption from the rebate requirements of the Code, the County covenants that it would take all necessary steps to comply with such requirements.

\$3,075,000 of the Bonds are deemed designated as "qualified tax-exempt obligations" pursuant to the provisions of Section 265(b)(3)(D)(ii) of the Code and the balance of the Bonds are designated "qualified tax-exempt obligations" pursuant to 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 Bonds, shall provide an appropriate certificate of the County, all as of the Closing.

Section 10. Execution of the Bonds. The Bonds shall be prepared in typewritten or printed form, executed on behalf of the County by the manual or facsimile signatures of the Chairperson and County Clerk, authenticated, if required, 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 Bonds shall cease to be such officers before the delivery of the Bonds, 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 all documents as may be necessary and convenient for effectuating the Closing.

Section 11. Payment of the Bonds. The principal of and interest on the Bonds shall be paid in lawful money of the United States of America by the County Clerk or County Treasurer.

Section 11A. Persons Treated as Owners; Transfer of Bonds. The County shall keep books for the registration and for the transfer of the Bonds. The person in whose name any Bond 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 Bond 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 Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond 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 Bond or Bonds 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 Bond surrendered for transfer.

The County shall cooperate in any such transfer, and the Chairperson and County Clerk are authorized to execute any new Bond or Bonds 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 Bonds. Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the County at the close of business on the corresponding record date.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds 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 13. Undertaking to Provide Continuing Disclosure. The County hereby covenants and agrees, for the benefit of the holders of the Bonds, 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. This Undertaking shall be enforceable by the holders of the Bonds 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 hereunder and any failure by the County to comply with the provision of this Undertaking shall not be an event of default with respect to the Bonds).

The County Clerk, or other officer of the County charged with the responsibility for issuing the Bonds, 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 14. Redemption of the 1996 Notes. Pursuant to the Initial Resolution, the County has called the 1996 Notes maturing in the years 2004 through 2006 for redemption on April 1, 2003.

Section 15. Bond Insurance. The Chairperson and County Clerk are authorized to agree to such additional provisions as any municipal bond insurer which makes a commitment accepted by the County to insure the Bonds may reasonably request and which are acceptable to the Chairperson and County Clerk, including provisions regarding restrictions on investment of Bond Proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, appropriate reference to the municipal bond insurance policy shall be made in the form of Bond provided herein.

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.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. Paul Patrie, First Vice President with Robert W. Baird & Co., addressed the Board on this resolution and went over the "Results of Competitive Bids" and the "Final Summary of Current Refinancing – Bank Qualified" reports.

Vote on Resolution – Ayes: 37. Nays: 0. Excused: 1 – Tierney. CARRIED

ORDINANCE NO. 112-122002: Create Section 12.05 of the General Code of Winnebago County (Information Systems Records Retention Policy)

WHEREAS, the Informations Systems Department acts as a conduit in relationship to the provision and generation of information and services to all departments within Winnebago County; and

WHEREAS, the Information Systems Committee believes that there is an undue burden on the Information Systems Department to expect that Department to be responsible for the maintenance and custody of records which are generated by or transmitted to other departments and transmitted through systems kept and maintained by the Information Systems Department; and

WHEREAS, the Information Systems Committee believes that it is necessary for Winnebago County to adopt a policy, pursuant to ordinance, which clearly states the County's policy for the maintenance and custody of records generated by County departments utilizing systems kept and maintained by the Winnebago County Information Systems Department.

NOW, THEREFORE, the County Board of Supervisors of the County of Winnebago does ordain as follows:
The creation of Section 12.05 of the General Code of Winnebago County.

12.05 CUSTODY AND MAINTENANCE OF ELECTRONIC RECORDS.

(1) DEFINITIONS. For purposes of this ordinance the following words or phrases shall have the following meanings:

(a) "Record" shall have that definition as is provided in Section 19.32, Statutes.

(2) RESPONSIBILITY FOR CUSTODY AND MAINTENANCE OF RECORDS.

(a) Each Winnebago County Department shall be responsible to act as the legal custodian, in compliance with the Wisconsin Open Records Law (Section 19.32 et. seq., Wisconsin Statutes) in relationship to those records subject to said law which are in the physical possession of that department, except as stated herein.

(b) The Winnebago County Information Systems Department shall not be designated as the legal custodian nor shall be responsible for maintaining records generated by or transmitted to a County department utilizing electronic systems maintained by the Information Systems Department except for those records specifically generated by the Information Systems Department or those records specifically and intentionally transmitted to the Information Systems Department as the subject of said transmission.

(c) The Winnebago County Information Systems Department shall not be responsible for monitoring the maintenance, destruction or deletion of records, which are stored within the electronic systems maintained by the Information Systems Department for which it has not been designated as the legal custodian, pursuant to this Ordinance.

(3) EFFECTIVE DATE. This ordinance shall be effective as of the date following the date of its publication.

Submitted by:
INFORMATION SYSTEMS COMMITTEE

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

RESOLUTION NO. 113-122002: Authorize Purchase of Property from Blanch M. Glatz & Estate of John W. Glatz (deceased) And Appropriate \$140,000 for Said Purchase: Wittman Regional Airport

WHEREAS, Blanch M. Glatz & Estate of John W. Glatz (deceased) have recently offered two parcels of property for purchase along the perimeter of Wittman Regional Airport, with the combined amount of said property

equaling 24 acres; and

WHEREAS, Blanch M. Glatz & Estate of John W. Glatz (deceased) have offered to sell said property to Winnebago County at a price of \$140,000; and

WHEREAS, your undersigned Aviation Committee believes that the purchase of said land is an important component of the Airport Master Plan and that the requested price of \$140,000 is reasonable for the purchase of said property.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Executive and Winnebago County Clerk to accept the deed from Blanch M. Glatz & Estate of John W. Glatz (deceased) for the purchase of two parcels of property in the Town of Nekimi by Winnebago County to be used as Airport property in the future at a price of \$140,000. The legal description of said parcels and a map indicating the location of said parcels is attached and hereby made a part of this resolution by reference.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$28,000 from the Winnebago County General Fund to be used for said purchase.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Executive and Winnebago County Clerk to borrow \$112,000 for purchase of said property from the State of Wisconsin Land Loan Program with interest payable annually on the unpaid balance at a rate of 4% per year. Principal of the loan would be paid off in 5 equal annual installments.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the purchase of said property shall be contingent upon the approval of the County's application for a loan from the Wisconsin Land Loan Program.

Submitted by:
AVIATION COMMITTEE
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Nielsen and seconded to adopt. Duncan Henderson, Airport Director, explained the provisions of this resolution and answered questions from the Board.

Vote on Resolution - Ayes: 30. Nays: 6 – Scoville, Wingren, Finch, Farrey, Arne and Brennan. Excused: 1 – Tierney. Absent: 1 – Hert. CARRIED.

RESOLUTION NO. 114-122002: Disallow Claim of Scott M. Day

WHEREAS, your Personnel and Finance Committee has had the claim of Scott M. Day referred to it for attention; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that the claim of Scott M. Day dated September 20, 2002, be and the same is hereby disallowed for the reason that there is no basis for liability on the part of Winnebago County.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 115-122002: Disallow Claim of Erie Insurance Group for Karen Holdorf

WHEREAS, your Personnel and Finance Committee has had the claim of Erie Insurance Group for Karen Holdorf referred to it for attention; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that the claim of Erie Insurance Group for Karen Holdorf dated October 11, 2002, be and the same is hereby disallowed for the reason that there is no basis for liability on the part of Winnebago County.

Submitted by:
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 116-122002: Authorize Acceptance of Gift of Engineering Laboratory and Related Support Space at the University of Wisconsin - Fox Valley from the University of Wisconsin Fox Valley Foundation, Incorporated

WHEREAS, the University of Wisconsin Fox Valley Foundation, Incorporated has received contributions and pledges to construct and equip an engineering laboratory and support space in support of a collaborative engineering degree program sponsored by the University of Wisconsin - Platteville and University of Wisconsin Fox Valley at the University of Wisconsin Fox Valley campus; and

WHEREAS, said building would be constructed by the University of Wisconsin - Fox Valley Foundation, Incorporated by utilizing funds contributed to the University of Wisconsin Fox Valley Foundation, Incorporated from private parties; and

WHEREAS, no county government funds of any type would be used for the construction of said project; and

WHEREAS, upon completion of said project, it is the intent of the University of Wisconsin Fox Valley Foundation, Incorporated to donate said property to Winnebago County and Outagamie County; and

WHEREAS, the University of Wisconsin Board of Trustees has recommended the acceptance of said gift from the University of Wisconsin Fox Valley Foundation, Incorporated; and

WHEREAS, it is necessary for Winnebago County to authorize the acceptance of such a gift and to authorize that a construction easement be provided to the University of Wisconsin Fox Valley Foundation, Incorporated for the construction of such a facility.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the acceptance of a gift from the University of Wisconsin Fox Valley Foundation, Incorporated of a building to be constructed by the University of Wisconsin Fox Valley Foundation, Incorporated upon the University of Wisconsin Fox Valley campus from donated funds.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes a construction easement to be provided to the University of Wisconsin Fox Valley Foundation, Incorporated upon the University of Wisconsin Fox Valley campus for the construction of such a building.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that authorization of acceptance of said gift is contingent upon sufficient funds being contributed to the University of Wisconsin Fox Valley Foundation, Incorporated for the construction and equipping of said facility.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that said acceptance of such gift and authorization of a construction easement shall be subject to the University of Wisconsin Fox Valley Foundation, Incorporated entering into an agreement whereby it agrees to hold harmless and indemnify Winnebago County in relationship to any liability resulting from the construction of said facility.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that acceptance of said gift and authorization of said construction easement shall be contingent upon the Winnebago County Facilities and Maintenance Director's review and approval of any plans for said facility.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the Corporation Counsel for Winnebago County is hereby authorized to approve any final agreements necessary in relationship to the execution of this resolution prior to their execution by the Winnebago County Executive and Winnebago County Clerk.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that authorization provided pursuant to this resolution is contingent upon the passage of a similar resolution by the Outagamie County Board of Supervisors.

Submitted by:
UW FOX VALLEY BOARD OF TRUSTEES

Motion by Supervisor Maehl and seconded to adopt. Ayes: 36. Nays: 0. Excused: 1 – Tierney. Absent: 1 – Hert. CARRIED.

ORDINANCE NO. 117-122002: Amend Section 7.14(7)(h) of the General Code of Winnebago County (Driveway Construction Permit)

WHEREAS, the Winnebago County Highway Committee recommends that a fee be charged by the Winnebago County Highway Department for a permit to blacktop a driveway entrance or departure upon a Winnebago County Trunk Highway; and

WHEREAS, it is necessary to amend the General Code of Winnebago County to place into effect such an ordinance.

NOW, THEREFORE, the County Board of Supervisors of the County of Winnebago does ordain as follows:
That Section 7.14(7)(h) of the General Code of Winnebago County be amended to read as follows:

7.14 DRIVEWAY ACCESS TO COUNTY TRUNK HIGHWAYS....

(7) Permit required to construct or reconstruct driveway.

(h) A non-refundable charge shall be assessed by the Commission to those making application for the issuance of a permit for the construction, reconstruction or blacktopping of an entrance or departure upon a Winnebago County Trunk Highway. Said fee shall cover the cost of administration and inspection. A charge shall also be assessed for the removal of an illegally placed access. Fees shall be determined using the following schedule:

1.	Local road access: (as defined in Sec. 7.14(6)(d))	\$400.00
2.	All other accesses; No culvert required	\$ 90.00
	Culvert Required	\$250.00
3.	Blacktopping of access:	\$ 45.00
4.	Permits applied for subsequent to installation of access in non-compliance with this ordinance:	\$800.00
5.	Permits applied for subsequent to blacktopping of access:	\$145.00
6.	Removal of illegally placed driveway:	Actual Cost

BE IT FURTHER ORDAINED by the County Board of Supervisors of the County of Winnebago that said amendment to said ordinance shall become effective as of the date following the day of its publication.

Submitted by:
HIGHWAY COMMITTEE

Motion by Supervisor Robl and seconded to adopt. Ayes: 35. Nays: 0. Excused: 1 – Tierney. Absent: 2 – Hert and Finch. CARRIED.

RESOLUTION NO. 118-122002: Authorize Execution of Amendment #5 to Lease Between Wittman Regional Airport and John Monnett

WHEREAS, on August 1, 1993, John Monnett entered into a lease with Wittman Regional Airport for approximately 3,000 square feet of land located at said Airport; and

WHEREAS, subsequent Amendments to the lease increased the square footage to 15,640 square feet of land; and

WHEREAS, John Monnett presently desires to transfer title of the existing lease and subsequent Amendments from John Monnett to Betty R. Monnett; and

WHEREAS, your Aviation Committee recommend this title of the present existing lease and all subsequent amendments to Betty R. Monnett.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of supervisors that it hereby authorizes the Winnebago County Executive and Winnebago County Clerk to execute Amendment #5 of the lease agreement between Wittman Regional Airport and John Monnett so as to change the title of the Lease to Betty R. Monnett. A copy of the proposed lease amendment to said lease and attached exhibits are attached to this resolution and made a part of this resolution by reference.

Submitted by:
AVIATION COMMITTEE

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

RESOLUTION NO. 119-122002: Support for State Funding Source for Teen Courts

WHEREAS, Wisconsin State Statute 938.34(2m) allows the use of a teen court program as a dispositional option for a juvenile adjudged delinquent; and

WHEREAS, the typical youth referred to teen court is 14 to 16 years old, in trouble with the police for the first time, and generally charged with a non-violent offense; and

WHEREAS, a juvenile may participate in a teen court program only if the juvenile admits or pleads no contest in open court, with the juvenile's parent, guardian or legal custodian present, to the allegations that the juvenile committed the delinquent act; and

WHEREAS, by agreeing to participate in teen court, a youth can avoid formal prosecution and possible adjudication; and

WHEREAS, young persons participating in the teen court program often receive a stiffer sentence (community service, payment of restitution, writing of apology letters, teen court jury duty) compared to what they may have received in the regular juvenile court process; and

WHEREAS, teen court is widely heralded as an effective alternative for young offenders, often having lower recidivism rates than juvenile participating in the traditional juvenile court system; and

WHEREAS, just as an association with deviant or delinquent peers is commonly associated with the onset of delinquent behavior, the use of peer pressure from pro-social peers in teen court propel youth toward law-abiding behavior; and

WHEREAS, teen courts have lower administrative costs than traditional juvenile courts through the use of volunteers, which also promotes volunteerism among youths and adults; and

WHEREAS, because most teen courts use community service as a sanction, teen courts may also enhance community-court relationships; and

WHEREAS, there are currently 21 teen courts operating in Wisconsin; and

WHEREAS, funding sources for teen courts in Wisconsin vary widely (county funding, grants, UW-Extension); and

WHEREAS, teen courts are a proven effective crime prevention program; and

WHEREAS, dollars put into Teen Court now are dollars saved later in treatment and corrections; and

WHEREAS, many Teen Courts operating in Wisconsin are in jeopardy due to lack of a state and /or federal funding mechanism.

NOW, THEREFORE, BE IT RESOLVED, that the Winnebago County Board of Supervisors goes on record supporting the creation of a state and/or federal funding source for Teen Courts across Wisconsin; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Winnebago County legislative delegation, Senators Herb Kohl and Russ Feingold, Congressman Petri, the Wisconsin Teen Court Association and the Wisconsin Counties Association.

Submitted by:
JUDICIARY & PUBLIC SAFETY COMMITTEE
FACILITIES & PROPERTY MANAGEMENT COMMITTEE

Motion by Supervisor Rengstorf and seconded to adopt. Supervisor Rengstorf made the following corrections to this resolution:

Line 11 – delete “in trouble with the police for the first time” and insert “committed a law violation for the first time”

Line 15 – delete “in open court”

Supervisor Pech asked to make a “friendly amendment” to Line 56 of this Resolution by adding, after the word “the”, “Governor-elect James Doyle, State Senate Majority and Minority Leaders, State Assembly Majority and Minority Leaders.” Supervisor Rengstorf agreed to this addition.

Vote on Resolution – CARRIED BY VOICE VOTE.

RESOLUTION NO. 122-122002: Authorize Appropriation of \$4,900 for Purchase of Two Heart Defibrillator Units

WHEREAS, the recommendation has been made to your undersigned Committee that two defibrillator units be purchased to be located in the Winnebago County Courthouse; and

WHEREAS, your undersigned Committee believes that the purchase of such units and the voluntary training of staff to use such units would serve the best interests of those members of the public utilizing the Courthouse

complex.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$3,500 to the Small Equipment-Facilities Fund and \$1,400 to the Training-Safety Department Fund within the 2002 Winnebago County Budget with said monies to be transferred in the following amounts from the following funds:

\$1,830 from Small Equipment Fund of the Clerk of Courts Office;

\$1,470 from the Capital Equipment Fund of the County Clerk's Office

\$1,600 from the Per Diem – County Board Fund;

for the purpose of purchasing two defibrillator units to be housed in the Winnebago County Courthouse and for the purpose of training approximately twenty (20) staff members in relationship to the use of said defibrillators.

Submitted by:

PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. Ayes: 36. Nays: 0. Excused: 1 – Tierney. Absent: 1 – Hert. CARRIED.

RESOLUTION NO. 123-122002: Authorize Transfer of \$10,000 from Data Processing Fund to Other Equipment Fund - Winnebago County Register of Deeds Office (Purchase of a New Scanner)

WHEREAS, the optical scanner presently in use by the Winnebago County Register of Deeds Office was purchased in 1996; and

WHEREAS, said scanner is outdated in that it only scans single-sided copies of documents; and

WHEREAS, because of the increase in home purchases and mortgage refinancing due to low interest rates, the Register of Deeds has fallen behind in relationship to scanning documents into its computer system using its present scanner; and

WHEREAS, given the fact that the Register of Deeds Office is presently converting its software to a new program, it is imperative that a more updated scanner be purchased and put into use as soon as possible.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$10,000 from the Data Processing Fund of the Register of Deeds Office to the Other Equipment Fund of said office for the purpose of purchasing a new duplexing scanner and necessary accessories.

Submitted by:

PLANNING & ZONING COMMITTEE

PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Schaidler and seconded to adopt. Ayes: 35. Nays: 0. Excused: 1 – Tierney. Absent: 2 – Sundquist and Hert. CARRIED.

RESOLUTION NO. 124-122002: Approve Intergovernmental Agreement Creating Greater Fox Valley Regional Bioterrorism Consortium for Preparedness for Bioterrorism and other Public Health Threats

WHEREAS, the state and federal government will be appropriating money to local governments in the future for the purpose of preparing their jurisdictions for public health threats, such as small pox inoculations; and

WHEREAS, the State of Wisconsin has expressed a desire to have such efforts performed on a regional basis with a single jurisdictional entity being appointed as the fiscal agent and administrator for said funds; and

WHEREAS, the Health Departments of the cities of Appleton, Menasha, Neenah and Oshkosh and the County Health Departments of Calumet, Green Lake, Outagamie, Waupaca, Waushara and Winnebago Counties have met numerous times over the last several months and have agreed to form a consortium pursuant to which the City of Appleton would be appointed as the fiscal agent for the receipt of said funds and would administer said funds and said programs, subject to the direction of a consortium board, with each member of the consortium having one voting member upon said board; and

WHEREAS, your undersigned Health Board recommends that the Winnebago County Board of Supervisors approve the attached Intergovernmental Agreement creating said consortium and appointing the City of Appleton Health Department as the fiscal agent for said consortium pursuant to the authority vested in Winnebago County as contained within Section 66.030(1), Wisconsin Statutes.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that pursuant to Section 66.030(1), Wisconsin Statutes, that it hereby approves the attached Intergovernmental Agreement, more specifically known as the "Memorandum of Understanding: Greater Fox Valley Region Bioterrorism Consortium for Preparedness for Bioterrorism and other Public Health Threats", and hereby authorizes the Winnebago County Executive, the Public Health Director of Winnebago County and the Winnebago County Clerk to execute said Agreement on behalf of Winnebago County.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the Winnebago County Public Health Director shall serve ex officio as Winnebago County's designated representative upon said Consortium Board.

Submitted by:
HEALTH BOARD

Motion by Supervisor Rankin and seconded to adopt. Ayes: 36. Nays: 0. Excused: 1 – Tierney. Absent: 1 – Hert. CARRIED.

RESOLUTION NO. 125-122002: Establish New Family Court Counseling Fee Schedule for Mediation Services and Custody Studies

WHEREAS, Section 814.615(2), Wisconsin Statutes, provides that a County may establish a fee schedule to recover its reasonable costs of providing Family Court counseling services under Section 767.11, Wisconsin Statutes; and

WHEREAS, Winnebago County's Family Court Counseling Services Program presently charges users a fee of \$50.00 for minor mediation matters and \$100.00 per person for major mediation matters; and

WHEREAS, Winnebago County presently charges a fee of \$150 per person for custody studies; and

WHEREAS, said custody study fee schedule has not been amended since 1988; and

WHEREAS, custody studies, on an average, require 15 to 20 hours of employee time per study; and

WHEREAS, the average Family Court Counselor's current salary and fringe benefits equals \$32.08 per hour;

and

WHEREAS, Winnebago County is only recovering a small portion of the actual labor costs with regard to completing said custody studies; and

WHEREAS, Judge Robert A. Haase, on behalf of the Circuit Court for Winnebago County, has recommended to your undersigned Committee that said mediation fees and custody study fees be increased to more accurately reflect the true cost of performing said work and to pass the cost of said work on to the users of these services; and

WHEREAS, said fees may be waived by the Court for persons whom the Court determines to be indigent.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that pursuant to Section 814.615(2), Wisconsin Statutes, that the following fees for Family Court mediation services and custody study services is hereby established:

- (1) That no mediation fee shall be charged for the first mediation session conducted upon a referral pursuant to Section 767.11(5), Statutes.
- (2) That for all other mediation services, regardless of the scope of the service, a fee is hereby established of \$150.00 per each parent or participant per each course of mediation.
- (3) That a custody study fee of \$40.00 per hour is hereby established, with payment of the fee to be split equally between parents or participants involved in said study. At the time that the custody study is ordered, the parents or participants shall pay a retainer fee of \$400 per parent or participant. Family Court Counseling Services shall be authorized to deduct the actual cost of the custody study from any retainer fee already paid.
- (4) BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that said fee structure shall go into effect as of January 1, 2003.

Submitted by:
JUDICIARY & PUBLIC SAFETY COMMITTEE

Motion by Supervisor Rengstorf and seconded to adopt. Supervisor Rengstorf reported that the committee vote was 5-0 on this issue.

Vote on Resolution – Ayes: 36. Nays: 0. Excused: 1 – Tierney. Absent: 1 – Hert. CARRIED.

RESOLUTION NO. 126-122002:

Authorize Transfer of Remnant County Highway Property, Town of Neenah to Harrison Sturgis Jr.

WHEREAS, Winnebago County has completed construction of County Trunk Highway "CB" in the Town of Neenah; and

WHEREAS, property for construction of said highway was taken from Harrison Sturgis Jr.; and

WHEREAS, a final settlement with regard to said taking from Mr. Sturgis has not occurred; and

WHEREAS, a tentative settlement has been achieved with Mr. Sturgis whereby Winnebago County would transfer property which consists of a construction berm relating to a mitigation site to Mr. Sturgis as part of the settlement agreement in relationship to said matter; and

WHEREAS, your Highway Committee is in agreement with said transfer in that it would effectively settle this matter and would transfer property to Harrison Sturgis Jr. which the County has no need for and which the County would be required to maintain.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that as part of a settlement of a claim by Harrison Sturgis Jr. against Winnebago County in relationship to the taking of real estate owned by Mr. Sturgis for the construction of County Trunk Highway "CB", the Winnebago County Board of Supervisors authorizes the Winnebago County Clerk, the Winnebago County Executive and the Winnebago County Highway Commissioner to transfer to Mr. Sturgis part of a construction berm along the north side of the mitigation site on the west side of County Trunk Highway "CB", north of Larsen Road which is described as follows:

(SEE ATTACHED LEGAL DESCRIPTION)

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that the transfer of said property shall be contingent upon a final settlement agreement being reached between Winnebago County and Harrison Sturgis Jr. in relationship to the taking of property by Winnebago County from Mr. Sturgis in relationship to the construction of County Highway "CB".

Submitted by:
HIGHWAY COMMITTEE

Motion by Supervisor Robl and seconded to adopt. Ayes: 36. Nays: 0. Excused: 1 – Tierney. Absent: 1 – Hert. CARRIED.

At approximately 8:00 p.m., a motion was made by Supervisor Robl and seconded to adjourn. CARRIED BY VOICE VOTE.

The next meeting of the Board will be a Special Orders Session on Tuesday, January 7, 2003.

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 December 17, 2002.

Susan T. Ertmer
Winnebago County Clerk