

**SINE DIE
COUNTY BOARD MEETING
TUESDAY, MARCH 16, 2004**

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, Thompson, Steineke, Madison, Radewan, Sundquist, Wingren, Jacobson, Norton, Robl, Eichman, Kline, Kramer, Schaidler, Farrey, Sievert, Arne, Diakoff, Brennand, Egan, Rankin, Rengstorf and O'Brien. Excused: Hert, Nielsen, Pech and Finch. Absent: Tierney.

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

REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS

Supervisor Rankin reported that UW-Fox Valley Professor James Brey was named "2003 Wisconsin Professor of the Year" by the Carnegie Foundation for the Advancement of Teaching and the Council for Advancement and Support of Education (CASE). Professor Brey teaches geography and geology at UW-Fox Valley. Supervisor Rankin stated that Professor Brey was selected from 400 professors from across the United States. Supervisor Rankin extended his congratulations to Professor Brey.

Supervisor Widener stated that the final Park View Health Center study will be presented to the Park View Health Center and Facilities and Property Management Committees at their joint meeting on March 30. The report will then be presented to the County Board on May 4.

Supervisor Barker reported that there will be a joint meeting of the Highway and Legislative Committees on Monday, March 22. The meeting will be held at the Winnebago County Highway Department. Supervisor Barker stated that there are a lot of important items on the agenda and encouraged everyone to attend.

Supervisor Schaidler reported that on Thursday, April 1 @ 6:30 p.m. there will be an "open house" style presentation of the Winnebago County Comprehensive Land Use Plan. He stated that the open house on April 1 will give people a chance to view the plan, speak with the consultants and provide input on the plan. He encouraged everyone to attend this very important open house.

Motion by Supervisor Lauson and seconded to approve the proceedings from the February 3 & 17 County Board meetings. CARRIED BY VOICE VOTE.

COUNTY EXECUTIVE'S REPORT

Executive Van De Hey encouraged the Board to approve Resolution No. 350-32004, "Resolution Authorizing the Borrowing of \$5,080,000; Providing for the Issuance and Sale of Taxable General Obligation Refunding Bonds Therefor; and Levying a Tax in Connection Therewith." She also reminded the Board that Winnebago County still has a Aa Moody bond rating, as well as \$10,000,000 in reserves, which shows Winnebago County is in very good financial shape.

Executive Van De Hey reported that she and Toby Paltzer, Outagamie County Executive, testified in Madison on legislation that would allow municipalities to invest in regional industrial parks that are not within their municipality's borders. The legislation passed in the Assembly.

Executive Van De Hey said that Winnebago County may be receiving funds from the State Department of Commerce to encourage business development and job growth in the county.

Executive Van De Hey encouraged the Board to approve Ordinance No. 345-32004, "Amend Section 11.02 of the General Code of Winnebago County (Rules for Park View Health Center)."

Executive Van De Hey reported that the work of the Consolidated Government Services Committee is going very well. They firmly believe that if counties consolidate their resources they will be able to provide necessary services to the public but at a greatly reduced cost to the taxpayer.

COMMUNICATIONS, PETITIONS, ETC.

A "Notice of Claim" from Michael Cotter for damage to his vehicle's windshield caused by gravel falling off the back of a Winnebago County Highway Department truck was referred to the Personnel & Finance Committee.

A "Notice of Claim" from Jean L. Nelson for injuries she suffered as a result of a fall in the parking lot at the Winnebago County Sheriff's Department was referred to the Personnel & Finance Committee.

CHAIRMAN'S REPORT

Chairman Maehl reported that the Scholarship Committee has so far received a "record" number of applications. The Scholarship Committee has done an excellent job promoting the program and high school counselors, teachers and students' parents have supported the program as well.

PUBLIC HEARING

No one addressed the board.

ZONING REPORTS & ORDINANCES

AMENDATORY ORDINANCE NO. 1. A request from the Town of Utica on behalf of Travis Radloff/Cheyenne Sprouse for zoning change from A-1 to A-3. Motion by Supervisor Egan and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – March 22, 2004)

AMENDATORY ORDINANCE NO. 2. A request from the Town of Winneconne on behalf of George Dodd, for zoning change from A-2 to R-2. Motion by Supervisor Rengstorf and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – March 22, 2004)

AMENDATORY ORDINANCE NO. 3. A request from the Town of Vinland on behalf of Richard Spiegel for zoning change from A-2/B-2 to B-2. Motion by Supervisor Farrey and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – March 22, 2004)

AMENDATORY ORDINANCE NO. 4. A request from the Town of Rushford on behalf of John Giddings for zoning change from A-2/A-1 to residential. Motion by Supervisor Egan and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – March 22, 2004)

AMENDATORY ORDINANCE NO. 5. A request from the Town of Rushford on behalf of Bohn Investments for zoning change from A-2/A-3 to residential. Motion by Supervisor Egan and seconded to adopt. CARRIED BY VOICE VOTE. (Supervisor Albrecht abstained) (Effective date – March 22, 2004)

RESOLUTIONS & ORDINANCES

RESOLUTION NO. 342-32004: Support Senate Bill 444

WHEREAS, Senate Bill 444 was recently introduced in the Wisconsin State Legislature; and

WHEREAS, said Bill creates an airport development zone program which awards income and franchise tax credits to certain businesses that locate in areas designated as airport development zones. The Bill also creates an airport development zone loan program which awards loans to finance the construction or expansion of airports in airport development zones; and

WHEREAS, said Bill, if passed, would greatly benefit the creation of businesses and jobs within Winnebago County and specifically in that area adjacent to Wittman Regional Airport if such area was designated as an airport development zone.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby expresses its support for the passage of Senate Bill 444.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that a copy of this Resolution be transmitted by the Winnebago County Clerk to all legislators representing constituents within Winnebago County; to the Wisconsin Counties Association and to the Office of Governor James Doyle.

Submitted by:
MARK NIELSEN, DIST. #22
COUNTY BOARD SUPERVISOR

Motion by Supervisor Maehl and seconded to adopt. CARRED BY VOICE VOTE. (Supervisor Brennand abstained.)

RESOLUTION NO. 343-32004: Amend County Board Rule 3.3 (Election of Chair and Vice-Chair)

BE IT RESOLVED by the Winnebago County Board of Supervisors that Section 3.3 (Election of Chair and Vice-Chair) of the County Board Rules be amended to read as follows:

3.3 A quorum being present, the Board shall proceed to the election of the Chair and Vice-Chair. Election of the Chair and Vice-Chair shall be by a majority vote of the membership of the Board. Should no

supervisor gain a majority vote of the membership of the Board for either position, the lowest vote-getter shall be deleted from each subsequent ballot until only two candidates for the position remain on the ballot.

Submitted by:
WILLIAM WINGREN, DIST. #18
HARVEY RENGSTORF, DIST. #37

Motion by Supervisor Wingren and seconded to adopt. After much discussion, it was decided that “the membership of the Board” be changed to “of those members present.” Vote on Resolution as corrected: Ayes: 33. Nays: 0. Excused: 4 - Hert, Nielsen, Pech and Finch. Absent: 1 - Tierney. CARRIED.

RESOLUTION NO. 344-32004: Authorize Execution of Intergovernmental Agreement With the Town of Omro (Administration of County Construction Site Erosion Control and Stormwater Management Ordinance)

WHEREAS, Winnebago County has adopted a Construction Site Erosion Control and Stormwater Management Ordinance as contained in Section 17.31 of the General Code of Winnebago County; and

WHEREAS, the Town of Omro has adopted a resolution authorizing the execution of an intergovernmental agreement, pursuant to Section 66.0301(2), Wisconsin Statutes, whereby the Town would agree to administer and prosecute any violations of Section 17.31 of the General Code of Winnebago County within that Town; and

WHEREAS, the Planning and Zoning Committee has previously approved said agreement.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the execution of an intergovernmental agreement with the Town of Omro pursuant to Section 66.0301(2), Wisconsin Statutes for the administration by the Town of Omro that Section 17.31 of the General Code of Winnebago County relating to construction site erosion control and stormwater management. A copy of the proposed intergovernmental agreement is herewith attached and made a part of this resolution by reference.

Submitted by:
PLANNING & ZONING COMMITTEE

Motion by Supervisor Schaidler and seconded to adopt. Ayes: 33. Nays: 0. Excused: 4 - Hert, Nielsen, Pech and Finch. Absent: 1 - Tierney. CARRIED.

ORDINANCE NO. 345-32004: Amend Section 11.02 of the General Code of Winnebago County (Rules for Park View Health Center)

WHEREAS, because of the passage of time and changes in federal and state law, it is necessary to update certain portions of Section 11.02 of the General Code of Winnebago County regarding rules for Park View Health Center.

NOW, THEREFORE, the County Board of Supervisors of the County of Winnebago does ordain as follows:

That the following portions of Section 11.02 of the General Code of Winnebago County be amended to read as follows:

- A. That Section 11.02(2) of the General Code of Winnebago County be amended to read as follows:
 - (2) Initial Requirements. No person less than 18 years of age shall be admitted unless approved for admission by the State Department of Health and Family Services. Requests for approval to admit a person under the age of 18 years shall be made in writing and shall include: ...
- B. That Section 11.02(3)(b) of the General Code of Winnebago County be amended to read as follows:
 - (3)(b) The completed application is to be sent to the Admissions Coordinator, Park View Health Center, 725 Butler Avenue, P.O. Box 10, Winnebago, Wisconsin 54985-0010.
- C. That Section 11.02(5)(f) through (h) be created to read as follows:
 - (5) Other Limitations on Admissions ...
 - (f) The ability of the applicant to pay.
 - (g) The availability of an appropriate room or roommate.
 - (h) The availability of appropriate staff.
- D. That 11.02(6) be amended to read as follows:
 - (6) The foregoing list of limitations upon admission is not exhaustive. Park View may consider other factors as may be deemed appropriate. Admission will be conducted seven (7) days a week. A person shall be admitted when an application is processed, approved and all requirements are met.
- E. That Section 11.02(8)(c) be amended to read as follows:

(7) Rates ...

(c) Refunds will be made based upon the actual number of days in residence. Residents will not be charged for the day of discharge. Refunds may take up to thirty (30) days to process.

F. That Section 11.02(8)(e) be amended to read as follows:

(e) Medicare (Title XVIII) Prospective Payments Systems (PPS). Rates established by the federal government shall be utilized.

BE IT FURTHER ORDAINED by the County Board of Supervisors of the County of Winnebago that said amendments shall take effect as of the date following the date of publication.

Submitted by:

PARK VIEW HEALTH CENTER COMMITTEE

Motion by Supervisor Widener and seconded to adopt. Motion by Supervisor Widener and seconded to amend the resolution by eliminating item "(f)" on Line 41 and re-letter the current "(g)" and "(h)" as "(f)" and "(g)". AMENDMENT CARRIED BY VOICE VOTE.

Vote on resolution as amended: Ayes: 32. Nays: 0. Excused: 4 - Hert, Nielsen, Pech and Finch. Absent: 2 - Kramer & Tierney. CARRIED.

RESOLUTION NO. 346-32004: Disallow Claim of Jessica Bahr

WHEREAS, your Personnel and Finance Committee has had the claim of Jessica Bahr 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 Jessica Bahr dated January 21, 2004, 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. 347-32004: Authorize Spending of \$2,600,000 for CTH E Reconstruction Project and Related Borrowing.

WHEREAS, County Highway E from US Highway 41 to Oakwood Road is in need of widening and reconstruction, and

WHEREAS, funds for this project have been included in the County's Five Year Capital Improvements Program for the year 2004, and

WHEREAS, it would now be prudent for the Winnebago County Board to approve the project so it can go forward, and

WHEREAS, State transportation aids and Municipal Cost Share funds are now available to start the project.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates \$2,600,000 to the project to reconstruct and widen CTH E from USH 41 to Oakwood Road.

BE IT FURTHER RESOLVED that funds to pay for said improvements will be accepted and used from the following sources:

Transportation aid	\$ 375,000
Municipal cost sharing	723,000
Winnebago County (from bonding)	\$1,502,000

BE IT FURTHER RESOLVED that Winnebago County's share will be transferred from the General Fund to the CTH E Capital Project Fund with the General Fund being reimbursed from a subsequent bond issue.

SUBMITTED BY

HIGHWAY COMMITTEE

PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Robl and seconded to adopt. Ayes: 33. Nays: 0. Excused: 4 - Hert, Nielsen, Pech and Finch. Absent: 1 - Tierney. CARRIED.

RESOLUTION NO. 348-32004: Accept Additional EMPG (Emergency Management Planning Grant) Funds of \$4,931 and Apply to the Purchase of Additional Small Equipment to Support the Emergency Management Office.

WHEREAS, the Emergency Management Department has recently learned that they will be able to receive an additional \$4,931 of EMPG funding, and

WHEREAS, there is equipment that could be purchased with these funds to help support the operations of the Emergency Management Department.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Emergency Management Department to accept the additional \$4,931 of grant funds and use such funds to purchase small equipment to support the Emergency Management Office operations.

Submitted by:
EMERGENCY MANAGEMENT
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Griesbach and seconded to adopt. Ayes: 31. Nays: 0. Excused: 4 - Hert, Nielsen, Pech and Finch. Absent: 3 – Tierney, Kramer & Eichman. CARRIED.

RESOLUTION NO. 349-32004: Transfer \$30,748 from Building Maintenance Account-UW Fox Valley to Capital Outlay Account-UW Fox Valley for Library Lab Renovation Project.

WHEREAS, the Winnebago County 2004 budget included \$26,350 for a project to upgrade and renovate the library instruction lab, and

WHEREAS, the actual bids that came in for the project were significantly higher than the original project estimate, and

WHEREAS, an additional \$30,748 is needed to proceed with the project, and

WHEREAS, Winnebago and Outagamie Counties are equal partners in this facility and Winnebago County will be reimbursed ½ of this amount, and

WHEREAS, this instructional lab provides a great benefit to users of the library, and

WHEREAS, two building maintenance projects consisting of the re-keying of the building entrance doors, and installing of a motor drive to the field house bleachers can be forgone until a future year.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$30,748 from the Building Maintenance account of UW Fox Valley to the Capital Outlay account of UW Fox Valley for the purpose of proceeding with the lab renovation project.

BE IT FURTHER RESOLVED that this transfer is subject to Outagamie County's Board also approving this transfer.

Submitted by:
UW FOX VALLEY BOARD OF TRUSTEES
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. The UW-Fox Valley Board of Trustees' vote of "3-1" was corrected to "3-0".

Motion by Supervisor Diakoff and seconded to amend the resolution by adding the following: BE IT FURTHER RESOLVED, that the amount of \$15,374 be placed in the Building Maintenance account of UW-Fox Valley upon receipt from Outagamie County. CARRIED BY VOICE VOTE.

Vote on Resolution as amended: Ayes: 32. Nays: 0. Excused: 4 - Hert, Nielsen, Pech and Finch. Absent: 2 – Kramer & Tierney. CARRIED.

RESOLUTION NO. 350-32004: RESOLUTION AUTHORIZING THE BORROWING OF \$5,080,000; PROVIDING FOR THE ISSUANCE AND SALE OF TAXABLE GENERAL OBLIGATION REFUNDING BONDS THEREFOR; AND LEVYING A TAX IN CONNECTION THEREWITH

WHEREAS, the County Board of Supervisors of Winnebago County, Wisconsin (the "County") hereby finds and determines that it is necessary, desirable and in the best interest of the County to raise funds for the purpose of

paying the cost of refunding certain outstanding obligations of the County, to wit: the State Trust Fund Loan dated January 27, 2003 (the "State Trust Fund Loan") (hereinafter the refinancing of the County's State Trust Fund Loan shall be referred to as the "Refunding"), and there are insufficient funds on hand to pay said costs;

WHEREAS, the County Board of Supervisors deems it to be necessary, desirable and in the best interest of the County to refund the State Trust Fund Loan for the purpose of achieving debt service cost savings;

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, due to certain provisions contained in the Internal Revenue Code of 1986, as amended, it is necessary to issue bonds for the purpose described in this resolution on a taxable rather than a tax-exempt basis;

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 Taxable General Obligation Refunding Bonds in an amount not to exceed \$5,080,000 (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 March 16, 2004;

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 March 16, 2004;

WHEREAS, the following bids were received:

<u>BIDDER</u>	<u>NET INTEREST COST</u>	<u>TRUE INTEREST RATE</u>
RBC Dain Rauscher	\$2,498,760.73	4.5690%
Robert W. Baird & Co.	2,521,945.94	4.6043
Morgan Keegan & Company, Inc	2,534,131.46	4.6387
Cronin & Co., Inc.	2,674,036.64	4.9127

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 \$5,080,000.

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

Section 1. Authorization of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Chapter 67 of the Wisconsin Statutes, the principal sum of FIVE MILLION EIGHTY THOUSAND DOLLARS (\$5,080,000).

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 "Taxable General Obligation Refunding Bonds"; shall be dated April 15, 2004; shall be issued in the aggregate principal amount of \$5,080,000, 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 and incorporated herein by this reference (the "Schedule"). Interest is payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2005.

Section 3. Redemption Provisions. At the option of the County, the Bonds maturing on April 1, 2015 and thereafter shall be subject to redemption prior to maturity on April 1, 2014 or on any date thereafter. Said Bonds 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 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 2004 through 2019 for the payments due in the years 2005 through 2020 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 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 for the Bonds created below.

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 \$5,080,000 Winnebago County Taxable General Obligation Refunding Bonds dated April 15, 2004", 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 purpose for which borrowed or for the payment for the principal of and the interest on the Bonds.

Section 8. 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 9. 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 9A. 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 10. 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 11. 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. The 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 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 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 12. Prepayment of the State Trust Fund Loan. The State Trust Fund Loan shall be prepaid on April 19, 2004 or as soon thereafter as is practicable at the principal amount thereof plus accrued interest to the prepayment date. The County hereby directs its financial advisor, Robert W. Baird & Co. Incorporated ("Baird") to cause sufficient and timely notice of prepayment, in substantially the form attached hereto as Exhibit F, to be sent to the Board of Commissioners of Public Lands by registered or certified mail at least 30 days prior to the prepayment date of the State Trust Fund Loan.

Section 13. 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 14. 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. Ayes: 32. Nays: 0. Excused: 4 - Hert, Nielsen, Pech and Finch. Absent: 1 - Tierney. (Supervisor Kramer was in attendance, but he did not cast a vote.) CARRIED.

RESOLUTION NO. 351-32004: Approve Transfer of Remnant Parcel to Elo Evangelical Church, Inc.

WHEREAS, Winnebago County owns a parcel of property of approximately 1.258 acres off Elo Road and Williams Avenue in the Town of Utica; and

WHEREAS, said property is right-of-way remnant property for which Winnebago County has no need; and

WHEREAS, the only rational use of said property is in connection with the Elo Evangelical Church, Incorporated, which is located adjacent to the property; and

WHEREAS, Winnebago County believes that it is in the best interest of its citizens to transfer the ownership of said property to the Elo Evangelical Church, Incorporated.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Clerk and the Winnebago County Executive, upon the Winnebago County Executive's approval of this resolution, to Quit Claim to the Elo Evangelical Church, Incorporated the following parcel of property upon the payment of \$1.00 to Winnebago County. Said parcel is more particularly described as follows:

Part of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 21, Township 17 North, Range 15 East, Town of Utica, Winnebago County, Wisconsin described as follows:

Commencing at the East $\frac{1}{4}$ corner of said Section 21; thence South 89 degrees 38 minutes 26 seconds West 1335.60 feet, along the South line of the Northeast $\frac{1}{4}$ of said Section 21; thence North 00 degrees 09 minutes 14 seconds West 33.00 feet, along the West line of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 21, to the point of beginning; thence North 00 degrees 09 minutes 14 seconds West 138.21 feet, along the West line of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 21; thence along the East right-of-way line of Elo Road on an arc of a curve to the left 215.84 feet, having a radius of 1472.40 feet, whose chord bears North 13 degrees 09 minutes 48 seconds East 215.64 feet; thence North 11 degrees 56 minutes 48 seconds East 33.49 feet; thence South 87 degrees 50 minutes 00 seconds East 165.45 feet, along the centerline of Williams Avenue; thence along the centerline of Williams Avenue on an arc of a curve to the left 152.19 feet, having a radius of 160.00 feet, whose chord bears North 64 degrees 55 minutes 00 seconds East 146.52 feet; thence South 37 degrees 40 minutes 00 seconds West 551.69 feet, along the former centerline of Williams Avenue, which is along the West line of lands described in

Document 1163816; thence South 89 degrees 38 minutes 26 seconds West 16.58 feet, along the North right-of-way line of Bonnie View Road, to the point of beginning, containing 1.258 acres.

Submitted by:
HIGHWAY COMMITTEE

Motion by Supervisor Robl and seconded to adopt. Ayes: 33. Nays: 0. Excused: 4 - Hert, Nielsen, Pech and Finch. Absent: 1 - Tierney. CARRIED.

RESOLUTION NO. 352-32004: Approve Transfer of Remnant Parcel to Munsil Williams Revocable Trust

WHEREAS, Winnebago County owns a parcel of property of approximately 1.929 acres along the East right-of-way line of Elo Road in the Town of Utica; and

WHEREAS, said property is right-of-way remnant property for which Winnebago County has no need; and

WHEREAS, the only rational use of said property is in connection with the Munsil Williams property, which is located adjacent to the property; and

WHEREAS, Winnebago County believes that it is in the best interest of its citizens to transfer the ownership of said property to the Munsil Williams Revocable Trust.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Clerk and the Winnebago County Executive, upon the Winnebago County Executive's approval of this resolution, to Quit Claim to the Munsil Williams Revocable Trust the following parcel of property upon the payment of \$1.00 to Winnebago County. Said parcel is more particularly described as follows:

Part of the Southeast ¼ of the Northeast ¼ of Section 21, Township 17 North, Range 15 East, Town of Utica, Winnebago County, Wisconsin described as follows:

Commencing at the East ¼ corner of said Section 21; thence South 89 degrees 38 minutes 26 seconds West 1335.60 feet, along the South line of the Northeast ¼ of said Section 21; thence North 00 degrees 09 minutes 14 seconds West 660.00 feet, along the West line of the Southeast ¼ of the Northeast ¼ of said Section 21; thence North 89 degrees 38 minutes 26 seconds East 73.08 feet, to the point of beginning; thence North 89 degrees 38 minutes 26 seconds East 431.57 feet, along the South line of lands described in Document 1118401; thence South 37 degrees 40 minutes 00 seconds West 244.26 feet, along the centerline of Williams Avenue; thence along the centerline of Williams Avenue on an arc of a curve to the right 152.19 feet, having a radius of 160.00 feet, whose cord bears South 64 degrees 55 minutes 00 seconds West 146.52 feet; thence North 87 degrees 50 minutes 00 seconds West 165.45 feet, along the centerline of Williams Avenue; thence North 11 degrees 56 minutes 48 seconds East 33.49; thence along the East right-of-way line of Elo Road on an arc of a curve to the left 174.98 feet, having a radius of 1477.40 feet, whose chord bears North 02 degrees 58 minutes 34 seconds East 174.87 feet; thence North 00 degrees 25 minutes 00 seconds West 39.10 feet, along the East right-of-way line of Elo Road, to the point of beginning, containing 1.929 acres.

Submitted by:
HIGHWAY COMMITTEE

Motion by Supervisor Robl and seconded to adopt. Ayes: 33. Nays: 0. Excused: 4 - Hert, Nielsen, Pech and Finch. Absent: 1 - Tierney. CARRIED.

RESOLUTION NO. 353-32004: Authorize Acceptance of Offer to Purchase: Public Safety Building

WHEREAS, Winnebago County and the City of Oshkosh are joint owners of the Winnebago County Public Safety Building; and

WHEREAS, Winnebago County's interest in said property is equal to approximately 83% of the worth of said property; and

WHEREAS, the administration of the City of Oshkosh and Winnebago County have tentatively agreed to an offer to purchase by the City of Oshkosh of Winnebago County's share of its interest in the Public Safety Building at a price of \$1,079,000.00; and

WHEREAS, pursuant to said agreement, Winnebago County would be allowed to continue to occupy the first floor space occupied by the Circuit Court, Court Commissioner, Family Counseling Services, the former Dispatch Center and Communications Equipment Room for a period not to exceed five (5) years with the County to be responsible to the City for its proportionate share of utility costs during that period of time; and

WHEREAS, Winnebago County would be able to continue to lease those parts mentioned above of the

building for a period of up to seven (7) years after the closing with the County having an option to rent the property for the 8th, 9th, and 10th year of occupancy at a cost of \$100,000 per year; and

WHEREAS, Winnebago County would have the option to lease said property for an additional ten (10) year term after the expiration of the first ten (10) year rental period; and

WHEREAS, under said Agreement, Winnebago County will continue to have the responsibility to repair the roof on the property prior to or near the time of closing upon the property; and

WHEREAS, your undersigned Committee believes that said offer to purchase is fair and in the best interest of Winnebago County; and

WHEREAS, final submission of the Offer to Purchase to Winnebago County is contingent upon its approval by the City of Oshkosh's Planning Commission and City Council.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes Winnebago County to accept the attached Offer to Purchase, should it be approved by the Oshkosh City Planning Commission and Oshkosh City Council, of its share of the Public Safety Building, generally located at 420 Jackson Street in the City of Oshkosh for a price of \$1,079,000.00 pursuant to the terms of said Offer to Purchase and further authorizes the Winnebago County Executive to approve any non-substantive changes in the Offer to Purchase which may be negotiated between the parties.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that should said Offer to Purchase be made and accepted by Winnebago County, that it further authorizes the Winnebago County Executive and Winnebago County Clerk to execute a deed for the transfer of the Public Safety Building property to the City of Oshkosh.

Submitted by:
FACILITIES & PROPERTY MANAGEMENT COMMITTEE

Motion by Supervisor Egan and seconded to adopt. Ayes: 31. Nays: 2 – Sevenich and Farrey. Excused: 4 - Hert, Nielsen, Pech and Finch. Absent: 1 - Tierney. CARRIED.

RESOLUTION NO. 354-32004: Authorize Intergovernmental Agreement Between Winnebago County, Outagamie County and Calumet County: Purchase of Private Consultation Services - Ad Hoc Committee on Intergovernmental Consolidation

WHEREAS, Winnebago County, Outagamie County and Calumet County have formed an Ad Hoc Committee relating to the possible consolidation of intergovernmental services; and

WHEREAS, the above counties desire to engage a private consultant to provide advice and recommendations with regard to the consolidation of governmental services; and

WHEREAS, Winnebago County, Outagamie County and Calumet County desire to enter into the attached intergovernmental agreement, which would provide for the responsibility and liabilities of each County in relationship to the retention of such a consultant.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby approves the attached intergovernmental agreement, as allowed by Section 66.0301, Wisconsin Statutes, for the purpose of authorizing the retention of a consultant by Winnebago County, Outagamie County and Calumet County in relationship to the Ad Hoc Committee formed by those counties in relationship to the possible intergovernmental consolidation of services.

Submitted by:
PATRICK O'BRIEN, DIST. #38
COUNTY BOARD SUPERVISOR

Motion by Supervisor O'Brien and seconded to adopt. Ayes: 33. Nays: 0. Excused: 4 - Hert, Nielsen, Pech and Finch. Absent: 1 - Tierney. CARRIED.

Motion by Supervisor Robl and seconded to adjourn until 6:00 p.m. on Tuesday, April 20, 2004. CARRIED BY VOICE VOTE.

Supervisor Norton asked if the Board could meet at 5:00 p.m. on Tuesday, April 20. Chairman Maehl agreed and set the time for the April 20 meeting at 5:00 p.m.

The meeting was adjourned at approximately 7:20 p.m.

Respectfully submitted,
Susan T. Ertmer
Winnebago County Clerk

State of Wisconsin)
County of Winnebago) ss

I, Susan T. Ertmer, do hereby certify that the foregoing is a true and correct copy of the Journal of the Winnebago County Board of Supervisors for their Sine Die meeting held March 16, 2004.

Susan T. Ertmer
Winnebago County Clerk