

**ADJOURNED SESSION  
COUNTY BOARD MEETING  
TUESDAY, SEPTEMBER 20, 2005**

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

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

The following Supervisors were present: Weber, Griesbach, Hotynski, Scoville, Maehl, Koziczowski, Sim, Widener, Lauson, Albrecht, Pech, Thompson, Steineke, Lennon, Sundquist, Wingren, Jacobson, Norton, Warnke, Tower, Robl, Schmuhl, Kline, Kramer, Schaidler, Finch, Farrey, Sievert, Arne, Diakoff, Brennand, Egan, Rankin, Rengstorf and O'Brien. Excused: Barker.

Motion by Supervisor Robl and seconded to adopt the agenda that was amended and posted last week.

Supervisor Pech called for a point of order in regards to Ordinance No. 253-92005, "Institute County Sales Tax" and County Board Rule 7.6, which states, "Any Committee of Jurisdiction may submit to the County Board a request which has been rejected by Personnel & Finance Committee. However, this request resolution must have a two-thirds affirmative vote of the County Board membership for adoption except at the County Board Annual Budget Session." Supervisor Pech stated that since neither the Personnel & Finance Committee or any other standing committee of the Board acted on this particular ordinance, he feels Ordinance No. 253-92005 is out of order and cannot be considered by the Board at tonight's meeting.

After discussion and hearing from various members of the Personnel & Finance Committee, Chairman Albrecht felt that Ordinance No. 253-92005 was in order and that the agenda could be approved as amended. Chairman Albrecht made his decision based on action taken by the Personnel & Finance Committee at their September 9, 2005 meeting, which was that although the vote on a county sales tax issue failed in committee, they directed the issue to the full county board for action. However, based on County Board Rule 7.6, Ordinance No. 253-92005 will require a 2/3rds vote of membership for passage.

Motion by Supervisor O'Brien and seconded to suspend Rule 7.6. John Bodnar, Corporation Counsel, stated that Supervisor Robl's motion to approve the amended agenda must be voted on before Supervisor O'Brien's motion to suspend Rule 7.6 can be made.

Chairman Albrecht called for the vote on Supervisor Robl's motion to approve the amended agenda. Ayes: 32. Nays: 1 – Pech. Excused: 1 – Barker. No vote recorded for Widener or O'Brien. CARRIED.

Vote on Supervisor O'Brien's motion to suspend Rule 7.6. CARRIED BY VOICE VOTE.

**COMMUNICATIONS, PETITIONS, ETC.**

The following resolutions were received and forwarded to various committees:

- Florence County, Resolution No. 05-42, regarding opposition to AB575, which authorizes a Wisconsin Retirement System (WRS) participating employer to classify individuals employed as social workers as a protective occupation participant for the purposes of the WRS was referred to the Legislative Committee.
- Langlade County, Resolution No. 75-2005, "To oppose 2005 Assembly Bill 412, LRB 2357/1, and any other proposed Legislation allowing condemnation of Public Land" was referred to the Legislative Committee.
- Langlade County, Resolution No. 76-2005, "To fully restore the fuel tax user fee concept by retaining fuel tax revenues and vehicle registration fees within the Wisconsin Transportation Budget and to stop the practice of diverting transportation fund revenues to support non-transportation general fund expenditures" was referred to the Highway Committee
- Outagamie County, Resolution No. 53-2005-06, regarding a ban of cell phone use while driving was referred to the Legislative Committee.
- Ozaukee County, Resolution No. 05-33, "State Transportation Fund Segregation" was referred to the Highway Committee.
- Taylor County, Resolution No. 36, "Resolution on Supporting State Efforts to Address the Non-Native Aquatic Invasive Species Problem" was referred to the Legislative Committee.

Petition for zoning amendment from Barbara Dougherty, Town of Black Wolf, for zoning change for Lot 4 and part of Lots 1 & 2 of tax parcel no. 0040205 from A-2 to R-1 for residential use was referred to the Planning & Zoning Committee.

Petition for zoning amendment from Robert F. Roe, Town of Black Wolf, for zoning change for Lot 1 of tax parcel nos. 004023609 and 004023608 from R-1 & R-2 to R-2 for a single-family dwelling was referred to the Planning & Zoning Committee.

Petition for zoning amendment from Aaron L. Thums, Towns of Clayton and Winchester, for zoning change for tax parcel nos. 0060781, 0280937, 0280939 and 0280942 from A-1 to A-2 for agricultural purposes was referred to the Planning & Zoning Committee.

Petition for zoning amendment from Dennis Gehrt, Town of Clayton, for zoning change for tax parcel no. 006-0901-04 (p) from A-2 to R-1 for single family residential was referred to the Planning & Zoning Committee.

Petition for zoning amendment from Jay T. Meidl, Town of Omro, for zoning change for tax parcel nos. 0160322, 0160320, 0160323, 016031802 and 0160828 from R-1 to R-2 for a single family home was referred to the Planning & Zoning Committee.

Petition for zoning amendment from John and Ann Fickau, Town of Vinland, for zoning change for Lot 102 of tax parcel nos. 026-0661-02 and 026-0661-07 from R-1 to A-2 for residential and possible general agriculture was referred to the Planning & Zoning Committee.

Petition for zoning amendment from Dixon R. Jacobson, Town of Winneconne, for zoning change for tax parcel no. 0300059 from general farming district to rural residential for a single family residence was referred to the Planning & Zoning Committee.

## **REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS**

Supervisor Robl reported that, in the near future, the Highway Department may be bringing a request to the Board for additional money to cover road maintenance expense.

Supervisor Finch stated that the county's Autumn Festival, that was held last weekend, was very successful.

Motion by Supervisor Lauson and seconded to approve the August 16, 2005 Board proceedings. CARRIED BY VOICE VOTE.

## **COUNTY EXECUTIVE'S APPOINTMENTS**

### **Advocap Board of Directors**

Executive Harris asked for the Board's approval of his appointment of Supervisor Grant Sim to the Advocap Board of Directors. Supervisor Sim will replace the unexpired term of Supervisor Scoville who has resigned from the Advocap Board. This is a two-year term that will expire on April 17, 2007.

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

## **COUNTY EXECUTIVE'S REPORT**

Executive Harris asked for the Board's support of Resolution No. 258-92005, "Adopt Amendment to the 2005 Winnebago County HANDBOOK OF EMPLOYMENT POLICIES COVERING APPOINTED NON-REPRESENTED EMPLOYEES". He explained that he went to the Personnel & Finance Committee with the proposal outlined in this resolution as it pertains to the policy for the pay out of unused sick time for eligible employees covered under this agreement. This resolution would reduce the amount of sick time that can be paid out and freeze the rate that it's paid out at December 31, 2005 rates of pay.

Executive Harris asked for the Board's support of Resolution No. 259-92005, "Adopt 2006 Revisions to the Winnebago County Administrative Salary Plan". He explained that he also went to the Personnel & Finance Committee with this proposal to eliminate step increases and the pay-for-performance increases and to reduce overall pay increase to approximately 3% instead of 4.5%.

Executive Harris addressed the Board about Ordinance No. 253-92005, "Institute County Sales Tax" and explained his reasons for supporting a county sales tax:

- Levy freeze prevents us from raising the property tax rate
- Levy freeze prevents us from gaining additional revenue from the appreciation of county property
- Only two choices to balance the budget:
  1. use new construction money to, "fill the hole" in the General Fund; offset all other increases (utilities, wages, gasoline, etc.) by making other cuts. This would be accomplished by laying off approximately 100 employees and reducing some vital services.
  2. Implement the ½% county sales tax. A 12% reduction in the property tax would help to offset this additional sales tax. Layoffs would be reduced to 30-40 people and not as many services would be affected.

Executive Harris disputed radio ads and articles in the Oshkosh Northwestern that say there will be no property tax relief. He stated that property tax cuts are written into the ordinance and would be implemented if the Board passes this ordinance.

Executive Harris also discussed the legal requirement that the revenues generated from a county sales tax must be used to reduce property taxes. He stated that no Wisconsin county has been challenged on this issue and that the majority of these counties put 30% of their sales tax revenue towards property tax relief. Winnebago County's proposal would put 60% of its sales tax revenue towards property tax relief.

Executive Harris also disputed the Oshkosh Northwestern's article that stated Winnebago County had added

over 260 employees between 2003 & 2004. In actuality, Winnebago County has never hired more than 11 employees in any one year. And, in the last 10 years, Winnebago County has eliminated 2 full-time positions and only hired an additional 6 part-time positions. Executive Harris stated that the county's population is growing 24 times faster than the number of county employees.

Executive Harris also discussed people's concerns that a county sales tax would negatively impact businesses in Winnebago County. Of the 58 Wisconsin's counties that have a county sales tax, Executive Harris spoke with officials from counties that border counties that don't have a sales and was told the following:

- Executive Kathleen Falk of Dane County, which borders Rock County who does not have a county sales tax, said that since she has taken office there has not been any complaints about the sales tax.
- Garland Lichtenberg of Dodge County, which borders Fond du Lac County who does not have a county sales tax, stated that they have not had any complaints about their sales tax since it was implemented in 1994.
- Other counties that responded with similar statements included Oconto County, Ozaukee County, Green Lake County and Waushara County.

Executive Harris reiterated the importance of a ½% county sales tax in Winnebago County to offset a \$3 Million deficit that, if not met, will required the layoffs of 100+ employees. He believes that at least 10% of the revenue generated by a county sales tax would come from visitors and tourists to the county and almost all of the county sales tax paid by county residents would go towards property tax relief. He also believes that Winnebago County will be more negatively impacted if a county sales tax is not implemented, because it will require the elimination of some services and the layoff of the employees that provide those services.

## **PUBLIC HEARING**

The following people spoke in opposition to a county sales tax:

Ken Bender, 806 Oak Street, Oshkosh; Gordon Doule, 1275 Summit Avenue, Oshkosh; John Daggett, 717 Bowen Street, Oshkosh; Jennifer Sundstrom, Governmental Affairs Director for the Realtors Association of Northeast Wisconsin; Gary Eake, 947 Trillium Trail, Oshkosh; Don Merkes, 377 Nassau Street, Menasha; Kathleen Meyers, county resident; Richard Zentgraf, 5866 State Road 91, Oshkosh

The following people spoke in support of a county sales tax:

William Anderson, 978 Mann Street, Menasha; Ken Daniels, President of the Winnebago County Deputies Association, 3119 Bellaire Lane, Oshkosh; Mark Westphal, President of the Fox Valley Area Labor Council, 945 Hunt Avenue, Neenah; Betsy Quaintance, 2330 South Clover Lane, Appleton; Nicole Pollnow-Brown, 2111 Doemel Street, Oshkosh; Leona Wittman, Director of the Living Healthy Clinic, Oshkosh; Dan Steber, 1631 Ontario Street, Oshkosh; Jim Reiland, 309 9<sup>th</sup> Street, Menasha; Jeff Hall 224A Scott Avenue, Oshkosh; Leigh Ann Kohls, Oshkosh; Donna Lohry, 511 West Bent Avenue, Oshkosh; Hugh Sloan, 311 East Peckham, Neenah; Peggy Heise, employee; John Pettit, 1505 Crestview Drive, Oshkosh; Debbie Power, Town of Nekimi; Melissa Krause, employee; Geraldine Jay, Oshkosh; Cindy Krimmel, 1828 Lone Elm Road, Oshkosh; Claude Benedict, 2116 Mt. Vernon Street, Oshkosh

Richard Sims, 1375 Manitowoc Road, Town of Menasha, holds the Board responsible for the county's budget situation. He suggested that they need to look at non-profit and private organizations that can provide comparable services to the county.

## **ZONING REPORTS & ORDINANCES**

REPORT NO. 001. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Fox Valley Fiber Inc., Gary Gelhar; Town of Vinland, for zoning change to M-1 for Tax Parcel No. 026-0521(p). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 09-01-05. A request for zoning change from A-2 (General Farming) to M-1 (Light Industrial). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date: September 22 , 2005).

REPORT NO. 002. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Keith Sippel-Century 21 First Realty and property owner Herbert F. H. Hoppe, Town of Winchester, for zoning change to R-1 for Tax Parcel Nos. 028-0520-01-01, 028-0520-01-02 and 028-0520-01-03. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE. Supervisor Weber voted nay.

AMENDATORY ORDINANCE NO. 09-02-05. A request for zoning change from B-2 (Community Business) to R-1 (Single family non-subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. Supervisor Weber voted nay. (Effective date: September 22, 2005).

REPORT NO. 003. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Jeffrey Boe, Town of Clayton, for zoning change to R-2 for Tax Parcel Nos. 006-0610 and 006-0610-05. Motion by Supervisor Schaidler and seconded to accept the report with the recommendation to approve only parcel 006-0610 to R-2. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 09-03-05. A request for zoning change from A-2 (General Farming) to R-2 (Single Family subdivided). Motion by Supervisor Schaidler and seconded to adopt zoning change for tax parcel no. 006-0610 only. CARRIED BY VOICE VOTE. (Effective date: September 22, 2005).

REPORT NO. 004. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Michael Horn, Town of Winchester, for zoning change to R-1 for Tax Parcel Nos. 028-0717-01 and 028-0717-02. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 09-04-05. 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: September 22, 2005).

REPORT NO. 005. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Carolyn Zuehls, Town of Clayton, for zoning change to A-2 for Tax Parcel No. 006-0662-01(p). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 09-05-05. A request for zoning change from R-2 (Single Family Subdivided) to A-2 (General Farming). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date: September 23, 2005).

AMENDATORY ORDINANCE NO. 6. A request from the Town of Black Wolf on behalf of Ronald Wachholz for zoning change from A-2 to R-1 for Tax Parcel No. 004-0359. Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date: September 23, 2005).

AMENDATORY ORDINANCE NO. 7. A request from the Town of Black Wolf on behalf of Hans and Else Werner Estates for zoning change from A-2 to R-1 for Tax Parcel No. 004-0320. Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date: September 23, 2005)

AMENDATORY ORDINANCE NO. 8. A request from the Town of Black Wolf on behalf of Barbara Kasper for zoning change from A-2 to R-1 for Tax Parcel Nos. 004-0162-02-01, 004-0162-02-02, 004-0187-02, 004-0165-01, 004-0165-01-01, 004-0165-01-02, 004-0165-01-03, 004-0161-02, 004-0161-03 and 004-0161-04. Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date: September 23, 2005)

AMENDATORY ORDINANCE NO. 9. A request from the Town of Black Wolf on behalf of John Pfeiffer for zoning change from P-1 to R-1 for Tax Parcel Nos. 004-0304 and 004-0297. Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date: September 23, 2005).

AMENDATORY ORDINANCE NO. 10. A request from the Town of Vinland on behalf of Jay Boss for zoning change from A-1 to M-3 for Tax Parcel Nos. 026-0502 and 026-0504. Motion by Supervisor Arne and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date: September 23, 2005)

AMENDATORY ORDINANCE NO. 11. A request from the Town of Utica on behalf of William and Marianne Davis for zoning change from A-1 to RRR for Tax Parcel No. 024-0536. Motion by Supervisor Egan and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date: September 23, 2005)

AMENDATORY ORDINANCE NO. 12. A request from the Town of Utica on behalf of Winnebago County Conservation Club, Inc. for zoning change from A-3 to rural recreational and residential mixed use and institutional and recreational for Tax Parcel Nos. 024-0764-01 and 024-0785. Motion by Supervisor Egan and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date: September 23, 2005)

## **RESOLUTIONS & ORDINANCES**

### **RESOLUTION NO. 250-92005: Authorize Funding for the Design of the CTH AP Project Between USH 10 (Oneida Street) and CTH P (Racine Street).**

WHEREAS, the Winnebago County Highway Commission and the Winnebago County Board of Supervisors support the reconstruction of CTH AP (Midway Road); and

WHEREAS, the project has been included in the Five Year Capital Improvement Plan and could be reconstructed in 2007; and

WHEREAS, a study has been completed indicating that the cost to reconstruct CTH AP from USH 10 to CTH P is estimated to be \$2,300,000; and

WHEREAS, \$1,306,000 of Federal and State funds has been allocated to Winnebago County for the CTH AP project which will offset the total estimated project cost of \$2,300,000; and

WHEREAS, a design process must be undertaken at this time in order to provide information for plans, specifications and cost estimates to the Wisconsin Department of Transportation; and

WHEREAS, the estimated cost of the design services is \$95,000.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby appropriates the sum of \$95,000 from the General Fund of Winnebago County for the purpose of paying design services costs in relationship to the County Highway AP project.

BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors that funds to pay for said

costs are hereby appropriated from the General Fund of Winnebago County with the General Fund to be reimbursed from a subsequent bond issue.

Submitted by:  
HIGHWAY COMMITTEE  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Robl and seconded to adopt. Ayes: 32. Nays: 3 – Widener, Sundquist and Farrey. Excused: 1 – Barker. CARRIED.

**ORDINANCE NO. 251-92005: Amend Section 7.02(5), General Code of Winnebago County (Speed Limit Regulations - County Trunk FF)**

WHEREAS, it has been recommended by the Winnebago County Highway Commissioner, to your undersigned Committee, that the Winnebago County speed limit regulations be amended on County Trunk Highway "FF" in the Town of Utica to reflect changes in speed limit regulations pursuant to Section 349.11, Wisconsin Statutes; and

WHEREAS, the Winnebago County Highway Commissioner has recommended the following change to speed limit regulations which have been approved by the Winnebago County Board of Supervisors Highway Committee.

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

That Section 7.02(5) of the General Code of Winnebago County be amended to read as follows:

**7.02 SPEED LIMIT REGULATIONS...**

**(5) COUNTY TRUNK HIGHWAY "FF".**

**(a) Town of Utica.**

- (1) 45 miles per hour from its intersection with State Highway 44 northerly 1380 feet, and thereafter 35 miles per hour northerly for 4850 feet.**

Submitted by:  
HIGHWAY COMMITTEE

Motion by Supervisor Robl and seconded to adopt. Ayes: 35. Nays: 0. Excused: 1 – Barker. CARRIED.

**RESOLUTION NO. 252-92005: Authorize Granting of Easement to Wisconsin Public Service for Gas Line, Wittman Regional Airport**

WHEREAS, Wisconsin Public Service has requested the granting of an easement to it by Winnebago County for the purpose of constructing and maintaining a gas line at Wittman Regional Airport; and

WHEREAS, the Aviation Committee has recommended approval of the granting of said easement in that it will accommodate the extension of a pipeline which is needed by Wisconsin Public Service to accommodate an increase in service requests.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Clerk and Winnebago County Executive to execute a permanent easement for the existence and maintenance of a gas line at Wittman Regional Airport on property which is more particularly described as follows:

Part of the southwest ¼ of the northwest ¼ of Section 34, township 18 North, Range 16 East, City of Oshkosh, Winnebago County, Wisconsin and being comprised of a strip of land being 25 feet wide, lying northerly of, parallel with and adjacent to that portion of the south line of the southwest one-quarter of the northwest one-quarter of said Section 34 lying between the east right-of-way line of U.S.H. 41 and the west right-of-way line of Poberezny Road, containing 14,228.42 square feet or 0.33 acres of property.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it also grants a construction easement for a strip of land being 25 feet wide lying northerly of, parallel with and adjacent to the aforementioned 25 foot wide strip of land lying between the east right-of-way line of U.S.H. 41 and the west right-of-way line of Poberezny Road as shown on the attached map which is made a part of this resolution by reference. Said

construction easement shall remain active from the time construction begins until the ground surface restoration along the portion of the route has been completed. Construction easement contains approximately 14391.80 square feet or 0.33 acres of property.

Submitted by:  
AVIATION COMMITTEE

Motion by Supervisor Pech and seconded to adopt. Ayes: 35. Nays: 0. Excused: 1 – Barker. CARRIED.

**ORDINANCE NO. 253-92005: Institute County Sales Tax**

WHEREAS, Section 77.70, Wisconsin Statutes allows counties to impose a sales and use tax upon retailers at the rate of .5% of the gross receipts from sale; and

WHEREAS, said statute allows the institution of said tax for the purpose of property tax relief; and

WHEREAS, the County equalized property tax rate will drop by a minimum of \$.40 in 2006 as a result of the adoption of a County sales tax and as a result of levy limit adjustments; and

WHEREAS, additional tax relief of a minimum of \$.30 should follow in the subsequent year when a full year of sales tax has been collected and sales tax collections can be better estimated.

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

That Section 3.14 of the General Code of Winnebago County is created to read as follows:

**3.14 COUNTY SALES TAX**

- (1) **Adoption.** Pursuant to Section 77.70, Wisconsin Statutes, it is hereby imposed upon all retailers in Winnebago County a sales and use tax at the rate of 0.5% of the gross receipts from the sale, lease or rental or personal property, as set forth in Subchapter V, Chapter 77, Wis. Statutes and Section 77.71 Wisconsin Statutes. Such sales and use tax shall be imposed in their entirety according to the requirements of Subchapter V of Chapter 77, Wisconsin Statutes.
- (2) **Effective Date.** This ordinance shall be effective as of April 1, 2006.
- (3) **Notice to the Secretary of Revenue.** A certified copy of this ordinance shall be delivered to the Secretary of Revenue of the State of Wisconsin at P.O. Box 8933, Madison, Wisconsin 53708 by the Winnebago County Clerk at least 120 days prior to the effective date of this ordinance.

Submitted by:  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt.

Motion by Supervisor Albrecht and seconded to amend the ordinance by adding the following to Line 48: "Now, therefore, be it further resolved, that this ordinance will end with a sunset clause on January 1, 2008." After further discussion, Supervisor Albrecht withdrew his amendment.

Motion by Supervisor Thompson and seconded to postpone action on this ordinance until the October 31, 2005 budget session. Ayes: 18. Nays: 17 – Kozickowski, Widener, Albrecht, Pech, Lennon, Sundquist, Wingren, Jacobson, Tower, Kline, Kramer, Schaidler, Farrey, Sievert, Arne, Rankin and Rengstorf. Excused: 1 – Barker. Motion to postpone until October 31, 2005 - CARRIED.

At approximately 9:05 p.m. Chairman Albrecht called for a short recess. At approximately 9:20 Chairman Albrecht reconvened the meeting.

**ORDINANCE NO. 254-92005: Amend Section 19.24(7), Exhibit "A", Winnebago County General Code: Sunnyview Exposition Center Rental Fees**

WHEREAS, the Winnebago County Parks and Recreation Committee has recommended approval of attached Exhibit "A" to Section 19.24(7) of the General Code of Winnebago County in relationship to the rental fee schedule for the Sunnyview Exposition Center.

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

That Section 19.24(7), Exhibit "A" of the General Code of Winnebago County be amended to read as follows:









BE IT FURTHER ORDAINED by the County Board of Supervisors of the County of Winnebago that the fee schedule as established for the year 2010 shall continue in effect thereafter unless amended by the Winnebago County Board of Supervisors.

BE IT FURTHER ORDAINED by the County Board of Supervisors of the County of Winnebago that said amendment to the General Code of Winnebago County shall become effective on the date following the date of publication.

Submitted by:  
PARKS & RECREATION COMMITTEE

Motion by Supervisor Lauson and seconded to adopt. Ayes: 33. Nays: 0. Excused: 2 – Barker and Pech. Absent: 1 – Lennon. CARRIED.

**RESOLUTION NO. 255-92005: Disallow Claim of Donald Steiner**

WHEREAS, your Personnel and Finance Committee has had the claim of Donald Steiner 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 Donald Steiner dated June 17, 2005, 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 Kline and seconded to adopt. CARRIED BY VOICE VOTE.

**RESOLUTION NO. 256-92005: Disallow Claim of David G. Cook**

WHEREAS, your Personnel and Finance Committee has had the claim of David G. Cook 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 David G. Cook dated July 28, 2005, 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 Kline and seconded to adopt. CARRIED BY VOICE VOTE.

**RESOLUTION NO. 257-92005: Disallow Claim of SBC**

WHEREAS, your Personnel and Finance Committee has had the claim of SBC 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 SBC dated July 14, 2005, 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 Kline and seconded to adopt. CARRIED BY VOICE VOTE.

**RESOLUTION NO. 258-92005: Adopt Amendment to the 2005 Winnebago County HANDBOOK OF EMPLOYMENT POLICIES COVERING APPOINTED NON-REPRESENTED EMPLOYEES**

BE IT RESOLVED, by the Winnebago County Board of Supervisors, that the Winnebago County HANDBOOK OF EMPLOYMENT POLICIES COVERING APPOINTED NON-REPRESENTED EMPLOYEES be amended for the year 2005, as set forth in the attached document.

BE IT FURTHER RESOLVED, that no additional funds are necessary to cover the cost of this amendment to the 2005 Winnebago County HANDBOOK OF EMPLOYMENT POLICIES COVERING APPOINTED NON-REPRESENTED EMPLOYEES.

Submitted by,  
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt.

Motion by Supervisor Farrey and seconded to layover this resolution. Ayes: 9 – Scoville, Maehl, Koziczowski, Widener, Thompson, Sundquist, Jacobson, Farrey and Diakoff. Nays: 24. Excused: 2 – Barker and Pech. Absent: 1 – Lennon. LOST.

Vote on resolution as presented: Ayes: 30. Nays: 3 – Koziczowski, Finch and O'Brien. Excused: 2 – Barker and Pech. Absent: 1 – Lennon. CARRIED.

**RESOLUTION NO. 259-92005: Adopt 2006 Revisions to the Winnebago County Administrative Salary Plan**

BE IT RESOLVED, by the Winnebago County Board of Supervisors, that the Winnebago County Administrative Salary Plan be revised for the year 2006, as set forth and described in the document attached hereto.

BE IT FURTHER RESOLVED, that the necessary funds to cover the costs resulting from the adoption of the 2006 Revisions to the Winnebago County Administrative Salary Plan shall be made available from funds budgeted for this purpose.

Submitted by,  
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt.

Motion by Supervisor Farrey and seconded to layover this resolution. LOST BY VOICE VOTE.

Vote on Resolution: Ayes: 23. Nays: 10 – Scoville, Maehl, Koziczowski, Widener, Sundquist, Wingren, Jacobson, Finch, Farrey and Rengstorf. Excused: 2 – Barker and Pech. Absent: 1 – Lennon. CARRIED.

**RESOLUTION NO. 260-92005: Increase Marriage License Fee**

BE IT RESOLVED by the Winnebago County Board of Supervisors that the marriage license fee, which includes a notary fee, chargeable by the County Clerk shall be as follows:

	<u>Amount</u>	<u>Distribution</u>
Marriage License Fee	\$ 95.00	\$ 25.00 State \$ 30.00 Family Court Counseling services \$ 40.00 County Clerk
Special Dispensation Fee	\$ 10.00	\$ 10.00 County Clerk

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that this resolution shall become effective January 1, 2006.

Submitted by:  
JUDICIARY & PUBLIC SAFETY COMMITTEE

Motion by Supervisor Rengstorf and seconded to adopt. Ayes: 33. Nays: 0. Excused: 2 – Barker and Pech. Absent: 1 – Lennon. CARRIED.

**RESOLUTION NO. 261-92005: Establish Fee for Winnebago County Directory**

WHEREAS, Winnebago County has previously provided its Directory to citizens upon request without charge;

and

WHEREAS, as a result of the tax levy freeze and continuing revenue shortages, your undersigned Committee and the Winnebago County Clerk believe that those requesting a directory should be charged for the actual cost of said directory; and

WHEREAS, much of the information contained in the directory is available, free of charge, via the County's internet site; and

WHEREAS, the cost of publishing each directory is approximately \$2.00 per book.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that effective January 1, 2006, Winnebago County shall charge a fee of \$2.00 plus any applicable postage to all persons requesting their own personal copy of the Winnebago County Directory.

Submitted by:

JUDICIARY & PUBLIC SAFETY COMMITTEE

Motion by Supervisor Rengstorf and seconded to adopt. Ayes: 31. Nays: 2 – Farrey and Arne. Excused: 2 – Barker and Pech. Absent: 1 – Lennon. CARRIED.

**RESOLUTION NO. 262-92005: Authorize Transfer of \$9,600 from Sale of Property Fund for Purpose of Purchasing a Trailer and Bobcat Equipment Attachment, Winnebago County Parks Department**

WHEREAS, the Winnebago County Parks Department has recently generated over \$11,000 in revenue by selling various pieces of equipment that were infrequently used; and

WHEREAS, the Winnebago County Parks Department has increased its use of Bobcat Skidsters over the last several years due to their versatility due to the fact that such machinery is far more fuel efficient than larger pieces of equipment; and

WHEREAS, the Winnebago County Parks Department desires to purchase a 5-ton capacity trailer for hauling the Bobcat and various mowers as well as purchase a Soil Conditioner Attachment for the Bobcat; and

WHEREAS, funds for the purchase of said equipment are available from revenue obtained as a result of the sale of less frequently used equipment.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$9,600 from the Sale of Property-Proceeds Fund of the Winnebago County Parks Department to the Parks Department Small Equipment Fund for the purpose of purchasing a 5-ton capacity trailer and a Bobcat Soil Conditioner Attachment.

Submitted by:

PARKS & RECREATION COMMITTEE  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Lauson and seconded to adopt. Ayes: 33. Nays: 0. Excused: 2 – Barker and Pech. Absent: 1 – Lennon. CARRIED.

**RESOLUTION NO. 263-92005: Authorize Transfer of \$25,000 Law Enforcement Speciality Teams Grant for the Purpose of Purchasing Small Equipment, Winnebago County Sheriff's Department**

WHEREAS, it is anticipated that the Winnebago County Sheriff's Department will receive funding from the Wisconsin Office of Justice Assistance in the form of a Law Enforcement Speciality Teams Grant; and

WHEREAS, said grant may be used to purchase various equipment as allowed by the State Office of Justice Assistance; and

WHEREAS, it is anticipated that said grant funds will be received by the end of 2005 should Winnebago County's application for said grant be approved.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Sheriff's Department to submit an application to the Office of Justice Assistance of the State of Wisconsin for a 2005 Homeland Security Funding for Law Enforcement Speciality Teams Grants.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that should said grant be approved that said money shall be appropriated to the Small Equipment Fund of the Winnebago County Sheriff's Department Budget for the purpose of purchasing such equipment as is allowed under the grant application which the Sheriff, in his discretion, believes best meets the needs of the Winnebago County Sheriff's Department.

Submitted by:  
JUDICIARY & PUBLIC SAFETY COMMITTEE  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Rengstorf and seconded to adopt. Ayes: 33. Nays: 0. Excused: 2 – Barker and Pech. Absent: 1 – Lennon. CARRIED.

**RESOLUTION NO. 264-92005: Authorize Appropriation of \$200,178 to Equipment Fund, Winnebago County Sheriff's Department (Court Video Conferencing System)**

WHEREAS, the purchase of a court Video Conferencing System between the Jail and the Winnebago County Circuit Courts will minimize the transportation of prisoners between the Jail and the Courts, thus minimizing the amount of time which officers spend on transporting prisoners as well as minimizing mileage on vehicles; and

WHEREAS, a Court Video Conferencing System would also help protect the public in that prisoners would remain in Jail for many hearings thus decreasing the risk of escape; and

WHEREAS, the Winnebago County Sheriff presently estimates that annual operation costs would decrease by approximately \$62,000 as a consequence of the purchase of such a system; and

WHEREAS, such a system is presently in place between the Winnebago County Court Commissioner's Courtroom and the Winnebago County Jail at the present time and such system has operated satisfactorily.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the appropriation of \$200,178 from the General Fund of Winnebago County to the Equipment Fund of the Winnebago County Sheriff's Department for the purchase of a Court Video Conferencing System between the Winnebago County Jail and the Winnebago County Circuit Courts.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the General Fund of Winnebago County to be reimbursed from a subsequent bond by Winnebago County for the cost of said equipment.

Submitted by:  
JUDICIARY & PUBLIC SAFETY COMMITTEE  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Rengstorf and seconded to adopt. Ayes: 32. Nays: 1 – Widener. Excused: 2 – Barker and Pech. Absent: 1 – Lennon. CARRIED.

**RESOLUTION NO. 265-92005: Authorize Support for Assembly Bill 257 and Senate Bill 126: Publishing Requirements for Ordinances**

WHEREAS, Assembly Bill 257 and its twin, Senate Bill 126, have been introduced in the State Legislature; and

WHEREAS, these two pieces of legislation propose that cities, villages, towns, sanitary districts and counties would have the option of either publishing an ordinance in its entirety, or simply publishing a summary of the ordinance and information as to where people can obtain a full text version of the ordinance; and

WHEREAS, if these Bills are passed, Winnebago County would save a substantial amount in newspaper publishing costs on an annual basis; and

WHEREAS, for example, in April 2005, an amendment to the Floodplain Zoning Section of the Winnebago County Town/County Zoning Ordinance was passed. Publication of that month's Board proceedings was \$3,810.00; and

WHEREAS, if Assembly Bill 257 and Senate Bill 126 had been in effect as of April, 2005, the cost of publishing the April 2005 County Board proceedings would have been reduced by approximately \$3,000; and

WHEREAS, as of the middle of August, 2005, Winnebago County would have saved approximately \$6,000 for the present calendar year if the above-proposed legislation had been in effect.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby indicates its support for the passage of Assembly Bill 257 and Senate Bill 126.

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:  
LEGISLATIVE COMMITTEE

Motion by Supervisor Rengstorf and seconded to adopt. Ayes: 33. Nays: 0. Excused: 2 – Barker and Pech. Absent: 1 – Lennon. CARRIED.

**RESOLUTION NO. 266-92005: Authorize Transfer of \$20,000 from County Fringe Benefits Fund, Human Resources Department (Employee Wellness/Health Risk Assessment Program)**

WHEREAS, two of the many factors that are considered in determining health insurance rates are the "general health" of the insured group and the manner in which the insured group utilizes its health insurance; and

WHEREAS, an Employee Wellness Interest Survey was taken by the Winnebago County Department of Human Resources of all employees during May and June of 2005. This survey was performed as the first step in establishing a Wellness Program for Winnebago County employees; and

WHEREAS, the next step in establishing the Wellness Program for Winnebago County employees is to conduct a Health Risk Assessment on a voluntary basis for County employees; and

WHEREAS, Network Health Plan, the largest health insurer for Winnebago County employees, has offered a 1% reduction in insurance rates, effective January 1, 2006, if the Health Risk Assessment is performed on a considerable proportion of Winnebago County employees; and

WHEREAS, such a reduction in premium would save Winnebago County at least \$5,500 in the first month of premium payment, with such savings continuing in future months; and

WHEREAS, such an assessment would best be performed at the work place over a short period of time in order that data relevant to the County's insurance coverage could be obtained; and

WHEREAS, Affinity Occupational Health has agreed to perform such an assessment at a charge of \$33.25 per employee; and

WHEREAS, this was the least costly proposal which was provided to the Winnebago County Department of Human Resources by entities submitting a proposal with regard to such a project; and

WHEREAS, your undersigned Committee believes that performance of a Health Risk Assessment, voluntarily, on Winnebago County employees would be cost effective in that it would reduce the County's health insurance premium.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$20,000, proportionately, from the Fringe Benefits Account of all County Departments to the Professional Services Account of the Human Resources Department for the purpose of contracting with Affinity Occupational Health to perform Health Risk Assessments, voluntarily, on Winnebago County employees.

Submitted by:  
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Kline and seconded to adopt. Ayes: 33. Nays: 0. Excused: 2 – Barker and Pech. Absent: 1 – Lennon. CARRIED.

**RESOLUTION NO. 267-92005: AWARDING THE SALE OF \$2,390,000 GENERAL OBLIGATION PROMISSORY NOTES; PROVIDING THE FORM OF THE NOTES; AND LEVYING A TAX IN CONNECTION THEREWITH**

WHEREAS, on August 16, 2005, the County Board of Supervisors of Winnebago County, Wisconsin (the "County") adopted a resolution entitled: "Resolution Authorizing the Borrowing of Not to Exceed \$2,390,000; and Providing for the Issuance and Sale of General Obligation Promissory Notes Therefor" (the "Authorizing Resolution") authorizing the issuance and sale of general obligation promissory notes for public purposes, consisting of paying the cost of constructing, extending and improving roads and highways; public safety system improvements and upgrades; constructing, improving, adding to and renovating various County buildings and sites; and acquiring furnishings, fixtures and equipment (the "Project");

WHEREAS, pursuant to the Authorizing Resolution, 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 General Obligation Promissory Notes in the principal amount of \$2,390,000 (the "Notes") to pay costs of the Project;

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

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 Notes and indicating that the Notes would be offered for public sale;

WHEREAS, the County Clerk (in consultation with Baird) caused the Official Notice of Sale to be distributed to potential bidders offering the Notes for public sale on September 27, 2005;

WHEREAS, the following bids were received:

Rank	Bidder	True Interest Rate
1	Griffin, Kubik, Stephens & Thompson, Inc.	3.461954%
2	Legg, Mason, Wood, Walker, Inc.	3.490611
3	Piper Jaffray, Inc.	3.504649
4	Robert W. Baird & Co., Inc.	3.507827
5	UMB Bank, n.a.	3.517725
6	HarrisNH.A.	3.561088
7	Cronin & Co., Inc.	3.7001
8	Bernardi Securities, Inc.	3.8586

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. Authorization of the Notes. For the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.12(12) of the Wisconsin Statutes, the principal sum of TWO MILLION THREE HUNDRED NINETY THOUSAND DOLLARS (\$2,390,000).

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 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 1B. 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 rates set forth on the Bid.

Section 2. Terms of the Notes. The Notes shall be designated General Obligation Promissory Notes; shall be dated October 15, 2005; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; shall bear interest at the rates and shall mature on April 1 of each year, in the years and principal amounts as set forth on the 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, 2006.

Section 3. Redemption Provisions. At the option of the County, the Notes maturing on April 1, 2013 and thereafter shall be subject to redemption prior to maturity on April 1, 2012 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, and if in part, from maturities selected by the County and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

Section 4. 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 5. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Notes as the same becomes due, the full faith, credit and resources of the County are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the County a direct annual irrepealable tax in the years 2005 through 2014 for the payments due in the years 2006 through 2015 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 Notes remains unpaid, the tax hereinabove levied shall be and continues irrepealable except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus in the Debt Service Fund Account created 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 \$2,390,000 Winnebago County General Obligation Promissory Notes, dated October 15, 2005", which fund account shall be used solely for the purpose of paying the principal of and interest on the Notes. There shall be deposited in said fund account all accrued interest paid on the Notes at the time the Notes are delivered to the Purchaser, any premium, all money raised by taxation pursuant to Section 5 hereof and all other sums as may be necessary to pay principal of and interest on the Notes as the same becomes due. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Notes and shall be maintained for such purpose until

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

The County declares its reasonable expectation to reimburse itself from the Note Proceeds for expenditures relating to the Project which it pays from other funds of the County prior to receipt of the Note Proceeds no more than 60 days prior to the date the Authorizing Resolution was adopted. The County may also reimburse itself for preliminary expenditures relating to the Project (such as architectural, engineering, surveying, soil testing, costs of issuance and similar costs but not including land acquisition, site preparation and similar costs incident to the commencement of construction) which are in an amount which is less than 20% of the issue price of the Notes. This declaration and the Resolution of which it is a part, shall be publicly available in the official books, records or proceedings of the County Board of Supervisors.

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

The Note Proceeds may be temporarily invested in legal investments until needed, provided however, that the County hereby covenants and agrees that so long as the Notes remain outstanding, moneys on deposit in any fund or account created or maintained in connection with the Notes, whether such moneys were derived from the Note Proceeds or from any other source, will not be used or invested in a manner which would cause the Notes to be "arbitrage bonds" within the meaning of the Code or Regulations. The County 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 Notes, shall provide an appropriate certificate of the County, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the County regarding the amount and use of the Note Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

Section 9. Additional Tax Covenants; Small Issuer Exemption from Rebate; Qualified Tax-Exempt Obligation Status. The County hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations (whether prior to or subsequent to the issuance of the Notes) to assure that the Notes are obligations described in Section 103(a) of the Code, the interest on which is excludable from gross income for federal income tax purposes, throughout their term. The County further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. The County Clerk or other officer of the County charged with the responsibility of issuing the Notes, shall provide an appropriate certificate of the County as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations.

Further, it is the intent of the County to take all reasonable and lawful actions to comply with any new tax laws enacted so that the Notes will continue to be obligations described in Section 103(a) of the Code, the interest on which is 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 Notes are not "private activity bonds" as defined in Section 141 of the Code.

In accordance with Section 148(f)(4)(D) of the Code, the County covenants that ninety-five percent (95%) or more of the net proceeds of the Notes are to be used for local governmental activities of the County and that the aggregate face amount of all tax-exempt obligations (other than "private activity bonds" or obligations which are not taken into account in determining small issuer status pursuant to Section 148(f)(4)(D)(iii) of the Code) issued by the County, including all subordinate entities of the County, during calendar year 2005 will not exceed \$5,000,000. If for any reason the County did not qualify for the small issuer exemption from the rebate requirements of the Code, the County covenants that it would take all necessary steps to comply with such requirements.

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

Section 10. Execution of the Notes. The Notes shall be issued in typewritten or printed form, executed on



behalf of the County by the manual or facsimile signatures of the Chairperson and County Clerk, authenticated, 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 and deliver 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 11A. Persons Treated as Owners; Transfer of Notes. The County shall keep books for the registration and for the transfer of the Notes. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

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

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

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

Section 12. 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 13. Undertaking to Provide Continuing Disclosure. The County hereby covenants and agrees, for the benefit of the holders of the Notes, to enter into a written undertaking (the "Undertaking") required by SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the holders of the Notes or by the Purchaser on behalf of such holders (provided that the rights of the holders and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the County to comply with the provisions of the Undertaking shall not be an event of default with respect to the Notes).

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

Section 14. 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 Notes may reasonably request and which are acceptable to the Chairperson and County Clerk, including provisions regarding restrictions on investment of Note 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 Notes 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 Note provided herein.

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 Kline and seconded to adopt. Ayes: 33. Nays: 0. Excused: 2 – Barker and Pech.  
Absent: 1 – Lennon. CARRIED.

**RESOLUTION NO. 268-92005: Authorize Acceptance of Offer to Purchase: 218 Northwestern Street**

WHEREAS, Winnebago County is the owner of the house at 218 Northwestern Street; and  
WHEREAS, Winnebago County's interest in said property is equal to approximately 100% of the worth of said property; and

WHEREAS, the administration of Winnebago County has determined this property to be surplus and no longer provides suitable use for County operations; and

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

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 for a price of \$38,500.00 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 218 Northwestern Street property to Davinie R. Andrews.

Submitted by:

FACILITIES & PROPERTY MANAGEMENT COMMITTEE

Motion by Supervisor Egan and seconded to adopt. Ayes: 31. Nays: 2 – Koziczkowski and Farrey. Excused: 2 – Barker and Pech. Absent: 1 – Lennon. CARRIED.

Motion by Supervisor Robl and seconded to adjourn until 6:00 p.m. on Tuesday, October 17, 2005. CARRIED BY VOICE VOTE.

The meeting was adjourned at approximately 10:10 p.m.

Respectfully submitted,  
Susan T. Ertmer  
Winnebago County Clerk

State of Wisconsin)  
County of Winnebago) ss

I, Susan T. Ertmer, do hereby certify that the foregoing is a true and correct copy of the Journal of the Winnebago County Board of Supervisors for their regular meeting held September 20, 2005.

Susan T. Ertmer  
Winnebago County Clerk