

**ADJOURNED SESSION
COUNTY BOARD MEETING**

Tuesday, September 22, 1998

Chairman Joseph Maehl called the meeting to order at 6:00 p.m. in the County Board Room, Fourth Floor, Courthouse, Oshkosh.

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

The following Supervisors were present: 35 - Kollath, Barker, Griesbach, , Maehl, Koziczowski, Klitzke, Lauson, Albrecht, Leschke, Schwartz, Bertrand, Sundquist, Wingren, Wagner, Warnke, Footit, , Payne, Crowley, Kramer, Hue, Sievert, Arne, Diakoff, Brennand, Egan, Rankin, Rengstorf, Schaidler, Robl, Metzsig, Montgomery, Finch, Savas, Pech and Widener. Excused: 3 – O'Brien, Lawson and Troxell.

Motion by Supervisor Schwartz and seconded to adopt the agenda. CARRIED BY UNANIMOUS VOICE VOTE.

COMMUNICATIONS, PETITIONS, ETC.

A Notice of Claim from Ameritech regarding damage to a buried cable was referred to the Personnel & Finance Committee.

A Notice of Claim from Roland G. Hansen, Sr., regarding damage done to his livestock by dogs was referred to the Personnel & Finance Committee.

A Notice of Claim from Sosnoski Bros. Partnership regarding former Sosnoski property acquired by Winnebago County was referred to the Personnel & Finance Committee.

A Notice of Claim from Patricia Julius regarding injuries sustained after fall in a pot hole in the Park View Health Center parking lot was referred to the Personnel & Finance Committee.

A notice of Claim from Pete T. Heil regarding an ambulance transport from the Winnebago County Huber Facility to Mercy Medical Center was referred to the Personnel & Finance Committee.

A "thank you" note from Supervisor Savas was read. Supervisor Savas thanked the Board for the flowers they sent after her recent surgery.

A letter of thanks from John V. Nichols, Director of the Oshkosh Public Library was read. Mr. Nichols expressed the Library Board's gratitude to Winnebago County for the two copies of the county's history book, "In this Century".

Information on WCA's Seminar entitled, "Selected Topics in Personnel Management" was presented. It will be held on October 5, 1998, from 10:00 a.m. to 3:00 p.m., in Wausau. Registration will be handled through the County Clerk's Office. The registration deadline is September 28.

Petition for Zoning Amendment from Lionel D. Potratz for zoning change from R-1 to A-2 for agricultural purposes was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from James H. Tritt, Jr. and Lenore M. Tritt for zoning change from A-2/R-1 to A-2 for agricultural purposes was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Elmer Owens for zoning change from A-1 to R-1 for an existing single-family residence was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Harry O. and Carol M. Johnson for zoning change from P-1 to R-3 for residential housing was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from John Davel for zoning change from R-2 to R-5 for a residential development was referred to the Planning & Zoning Committee

COMMITTEE REPORTS

Supervisor Lauson told the members of the Legislative Committee that the minutes from the previous meeting and the agenda for the September 28 meeting was placed on their desks.

Supervisor Albrecht reported that the two Winnebago County history books are on sale in the County Clerk's Office and that the Sesquicentennial Committee will be meeting to determine the best way to market the books.

Supervisor Robl reminded the Board about the informational meeting regarding County Road A. This meeting will be held at 6:00 p.m., Wednesday, September 23, at the Highway Department.

Supervisors Rengstorf reminded the about Board that the third annual Winnebago Area Crime Prevention and Safety Expo will be held on October 1, from 4:00 p.m. to 8:00 p.m., at the Expo Building, Winnebago County Fairgrounds.

Supervisor Payne reported to the Board that the final bids for the racetrack were opened on September 15. The final bid proposals have come in under budget for this project. He also reported that the project has been started.

Supervisor Pech asked that the Board consider relocating the May 18, 1999 County Board meeting to the fairgrounds. He explained that May 18 is the date schedule for the grand opening of the racetrack and he would like to have the entire Board present.

Motion by Supervisor Pech and seconded to move the May 18, 1999 County Board meeting to the Expo Building at the Winnebago County Fairgrounds, to the Board can attend the grand opening of the racetrack. Ayes: 21. Nays: 12. Excused: 5 – O'Brien, Footit, Troxell, Lawson and Metzlig. CARRIED.

Motion by Supervisor Finch and seconded to change the time of the May 18, 1999 meeting to 5:00 p.m. After further discussion, it was decided to convene the meeting at 6:00 p.m. to attend the grand opening of the racetrack, after which the Board would return to the Expo Building to conduct their meeting. Supervisor Finch withdrew his motion.

Supervisor Wagner reported that the old highway building on Knapp Street will now be called the Winnebago Maintenance Facility. She also reported that the Property Management & Maintenance Committee will be meeting on October 12 and October 13 regarding the specifications for the new jail.

Supervisor Barker reported that she was one of the official greets for Vice President Al Gore at the Outagamie County Airport. When he stopped to speak with her, he noticed her County Board name tag and remarked, "that the county boards are the backbone of the nation."

Supervisor Hue asked Supervisor Wagner if the old highway property on Knapp Street was no longer for sale. Supervisor Wagner stated that the buildings are not for sale, but that the approximately 14 acres of land adjacent is for sale.

Supervisor Montgomery stated that he would be delaying his report on campaign finance reform until after the November election.

Supervisor Schaidler spoke to the Board about farmland preservation and his concerns about its future. He told the Board that the petitions for zoning change from Amos Ihde, James & Debra Mitchell, Richard Metzlig and Robert Hurkman for zoning change from A-1 are not on tonight's agenda because the Planning & Zoning Committee's vote to approve or deny these petitions was a tie. For that reason, the petitions are going back to the Planning & Zoning Committee and will be presented to the County Board on October 20. Because Supervisor Schaidler will not be at the October 20 meeting, he wanted to express his opinions on this issue tonight. He stated, "that the law of the land as it exists today, is that farmland preservation is there for the purpose of maintaining farms." He is concerned that the "indiscriminate" removal of property out of farmland preservation will be doing the farming community a "disservice". His recommendation to the Planning & Zoning Committee and to the County Board is to deny these requests.

Supervisor Schaidler stated that if the law needs to be changed, it needs to be changed at the state level, not by the decisions of the county board. He stated that he does favor some "modifications" to the law.

He also stated his concern about the effect these zoning changes would have on the long-term comprehensive land use plans that are being developed by the county's municipalities.

PUBLIC HEARING

No one addressed the Board.

COUNTY EXECUTIVE'S REPORT

Executive Van De Hey reported to the Board that Ray Grigar, Winnebago County Highway Commissioner has announced his retirement, effective January 1, 1999. She commended him for his many years of fine service to the county.

Executive Van De Hey announced that there will be a tour of the courthouse for the County Board on Thursday, September 24. She told the Board that there are significant space need problems, and she would like the Supervisors to visit the offices and see the situation many departments are in.

Executive Van De Hey told the Board that the feasibility study that is being done by Brown, Outagamie, Fond du Lac and Winnebago Counties on shared pathology services is not quite finished. The counties' corporation counsels are working on the study and she hopes to have it in the near future.

COUNTY EXECUTIVE APPOINTMENTS

TWO CITIZEN MEMBERS - SOCIAL SERVICES BOARD

Executive Van De Hey asked for the Board's approval of her appointment of David Webster, Oshkosh School District, 215 South Eagle Street, Oshkosh, as a Citizen Member of the Social Services Board. Mr. Webster's term would begin immediately and end on April 21, 2000. Motion by Supervisor Montgomery and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

Executive Van De Hey asked for the Board's approval of her appointment of Thomas Long, 507 East Cecil Street, Neenah, as a Citizen Member of the Social Services Board. Mr. Long's term would begin immediately and end on April 21, 2000. Motion by Supervisor Lauson and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

Executive Van De Hey spoke on Resolution No. 93-998, "Commendation for Judith Kamrath". She complimented Mrs. Kamrath for her many years of hard work and dedication to Winnebago County and encouraged the Board's approval of this resolution.

Other resolutions Executive Van De Hey asked the Board to support are: No. 91-998, "Resolution Awarding the Sale of \$10,000,000 General Obligation Promissory Notes; Providing the Form of the Notes; and Levying A Tax in Connection Therewith; No. 94-998, "Create One-Park Time (75%) Position of Public Health Nurse, Public Health Department"; 97-998, "Authorize Transfer of \$69,175 from Contingency Fund and \$12,825 from Budget Fund Balance to Winnebago County Buildings Fund: Emergency Repair of Air Conditioning System: Orrin H. King Administration Building; No. 98-998, "Authorize Transfer of \$5,000 from General Fund Balance to Capital Outlay Fund General Services – Printing Department (Purchase New Paper Cutter)"; No. 99-998, "Authorize Creation of Feasibility Study Group Re: Creation of Human Services Department; No. 100-998, "Amend Section 11.02(7) and (8), General Code of Winnebago County: Park View Health Center; No. 101-998, "Authorize Transfer of \$175,000 from Jail Assessment Fund – Revenues to Jail Assessment Fund – Capital Outlay for Construction of Holding Cells"; and No. 103-998, "Increase Marriage License Fee".

COUNTY BOARD CHAIRMAN'S REPORT

Chairman Maehl extended "happy birthday wishes" to Supervisor Schwartz. The new 1998-1999 Official County Directory was distributed. Chairman Maehl asked that they notice the changes and additions to to this year's directory.

ZONING REPORTS AND ORDINANCES

REPORT NO. 001. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Martenson & Eisele, Inc. for property owned by Time Warner Cable, Town of Neenah, for zoning change to R-1 (Single family, non-subdivided). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY UNANIMOUS VOICE VOTE.

AMENDATORY ORDINANCE NO. 9-01-98. A request for zoning change from R-3 and B-2 (Two family residential & community business) to R-1 (Single family, non-subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

REPORT NO. 002. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owners Ronald & JoAnn Beck, Town of Omro, for zoning change to A-2 (General Farming). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY UNANIMOUS VOICE VOTE.

AMENDATORY ORDINANCE NO. 9-02-98. A request for zoning change from R-1/A-2 (Single family non-subdivided/General farming) to A-2 (General Farming). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

REPORT NO. 003. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Roger H. & Ruth E. Martin for property owned by Lois Ann Shaw, Town of Clayton, for zoning change to R-1 (Single family, non-subdivided). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY UNANIMOUS VOICE VOTE.

AMENDATORY ORDINANCE NO. 9-03-98. 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 UNANIMOUS VOICE VOTE.

REPORT NO. 004. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner James Weyenberg, Town of Clayton, for zoning change to R-1 (Single family non-subdivided). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY UNANIMOUS VOICE VOTE.

AMENDATORY ORDINANCE NO. 9-04-98. 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 UNANIMOUS VOICE VOTE.

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

AMENDATORY ORDINANCE NO. 9-05-98. A request for zoning change from B-2/R-1/A-2 (Community business/Single family non-subdivided/General farming) to A-2 (General farming). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

REPORT NO. 006. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Roger Laabs, II, Town of Omro, for zoning change to A-2 (General Farming). Motion by Supervisor Schaidler and seconded to accept. CARRIED BY UNANIMOUS VOICE VOTE.

AMENDATORY ORDINANCE NO. 9-06-98. A request for zoning change from A-2/R-1 (General farming/Single family non-subdivided) to A-2 (General Farming). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

REPORT NO. 007. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Stanley Palecek, Town of Omro, for zoning change to R-1 (Single family, non-subdivided) for Lots 1 & 3; and A-2 (General Farming) for lots 2 & 4. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY UNANIMOUS VOICE VOTE.

AMENDATORY ORDINANCE NO. 9-07-98. A request for zoning change from A-2/R-1/B-2 (General farming/Single family non-subdivided/Community business) to Lots 1 & 3 - R-1 (Single family, non-subdivided); and Lots 2 & 4 – A-2 (General Farming). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

REPORT NO. 008. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant Michael Lim for property owned by Nicolet Investments, Town of Omro, for zoning change to P-1 (Institution & Recreational Park Dist.). Motion by Supervisor Schaidler and seconded to accept. recommendation to DENY. CARRIED BY UNANIMOUS VOICE VOTE.

AMENDATORY ORDINANCE NO. 9-08-98. A request for zoning change from A-2/B-2/R-1 (General farming/Community business/Single family non-subdivided) to P-1 (Institution & Recreational Park Dist.). Motion by Supervisor Schaidler and seconded to DENY. CARRIED BY UNANIMOUS VOICE VOTE.

AMENDATORY ORDINANCE NO. 9. A request from the Town of Rushford on behalf of Charles Domke/Jennie Frees for zoning change from A-2 to A-3. Motion by Supervisor Egan and seconded to adopt. CARRIED BY UNANIMOUS VOICE VOTE.

RESOLUTIONS AND ORDINANCES

RESOLUTION NO. 91-998: RESOLUTION AWARDING THE SALE OF \$10,000,000 GENERAL OBLIGATION PROMISSORY NOTES; PROVIDING THE FORM OF THE NOTES; AND LEVYING A TAX IN CONNECTION THEREWITH

WHEREAS, on August 18, 1998, the County Board of Supervisors of Winnebago County, Wisconsin (the "County") adopted a resolution entitled: "Resolution Authorizing the Borrowing of Not to Exceed \$10,000,000; and Providing for the Issuance and Sale of General Obligation Promissory Notes Therefor" (the "Authorizing Resolution") authorizing the issuance and sale of general obligation promissory notes in an amount not to exceed \$10,000,000 for the purpose of paying the cost of acquiring and installing computer hardware, software and systems; constructing and/or renovating and improving various new and existing County buildings, sites and facilities; constructing, improving and/or relocating roads, walkways and utilities; and acquiring equipment, furnishings and fixtures (the "Project");

WHEREAS, the County Board has directed its financial advisor, Robert W. Baird & Co. Incorporated, Milwaukee, Wisconsin, to take the necessary steps to sell general obligation promissory notes in the amount of \$10,000,000 for the public purpose of financing the Project;

WHEREAS, a Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) has been published in The Bond Buyer offering the aforesaid general obligation promissory notes for public sale on September 22, 1998;

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

WHEREAS, the following bid proposals were received:

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

WHEREAS, it has been determined that the bid proposal submitted by A.G. Edwards & Sons, Inc., St. Louis, Missouri, fully complies with the bid requirements set forth in the Official Notice of Sale and is deemed to be the most advantageous to the County. A copy of said bid is attached hereto as Exhibit D and incorporated herein by this reference.

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

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

Section 2. Award of the Notes. The bid proposal of A.G. Edwards & Sons, Inc., St. Louis, Missouri (the "Purchaser") is hereby accepted, said proposal offering to purchase the \$10,000,000 Winnebago County General Obligation Promissory Notes (the "Notes") for the sum of Nine Million Nine Hundred Fifty-Two Thousand Five Hundred Eighty-Three and 65/100 DOLLARS (\$9,952,583.65), plus accrued interest to the date of delivery. The Notes bear interest as follows:

<u>Year of Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
1999	\$ 495,000	3.85%
2000	300,000	3.85
2001	325,000	3.85
2002	725,000	3.85
2003	825,000	3.85
2004	825,000	3.85
2005	1,625,000	3.85
2006	1,625,000	3.85
2007	1,625,000	3.90
2008	1,630,000	3.90

Section 3. Terms of the Notes. The Notes shall be designated "General Obligation Promissory Notes"; shall be dated October 1, 1998; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; and shall mature serially on April 1 of each year, in the years and principal amounts as set forth above. Interest is payable semi-annually on April 1 and October 1 of each year commencing on April 1, 1999.

Section 4. Redemption Provisions. At the option of the County, the Notes maturing on April 1, 2006 and thereafter shall be subject to redemption prior to maturity on April 1, 2005 or on any day thereafter. Said Notes shall be redeemable as a whole or in part, and if in part, from maturities selected by the County and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

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

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

<u>Levy Year</u>	<u>Amount</u>
1998	\$ 872,098.75
1999	661,795.00
2000	674,763.75
2001	1,054,551.25
2002	1,124,713.75
2003	1,092,951.25
2004	1,845,786.75
2005	1,783,226.25
2006	1,720,257.50
2007	1,661,785.00

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

Section 7. Debt Service Fund Account. There is hereby established in the County treasury a fund account separate and distinct from all other funds or accounts of the County designated "Debt Service Fund Account for \$10,000,000 Winnebago County General Obligation Promissory Notes dated October 1, 1998", which fund account shall be used solely for the purpose of paying the principal of and interest on the Notes. There shall be deposited in said fund account all accrued interest paid on the Notes at the time the Notes are delivered to the Purchaser, any premium, all money raised by taxation pursuant to Section 6 hereof and all

other sums as may be necessary to pay principal of and interest on the Notes as the same becomes due. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Notes and shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished.

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

Any expenditures already paid by the County for which the County is to be reimbursed with Note Proceeds (a) were paid no earlier than 60 days prior to the date on which the County Board of Supervisors adopted the Authorizing Resolution or an officer of the County made a Declaration of Official Intent to reimburse the County from the Note Proceeds for any expenditures on the Project which it paid from other funds of the County prior to receipt of the Note Proceeds or (b) are preliminary expenditures relating to the Project (such as architectural, engineering, surveying, soil testing, costs of issuance and similar costs but not including land acquisition, site preparation and similar costs incident to the commencement of construction) which are in an amount which is less than 20% of the issue price of the Notes. The Declarations referred to above and the Authorizing Resolution shall be publicly available in the official books, records or proceedings of the County Board of Supervisors.

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

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

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

Section 10. Additional Tax Covenants; Two Year Expenditure Exemption from Rebate; Qualified Tax-Exempt Obligation Status. The County hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations (whether prior to or subsequent to the issuance of the Notes) to assure that the Notes are obligations described in Section 103(a) of the Code, the interest on which is excluded from gross income for federal income tax purposes, throughout their term. The County Clerk or other officer of the County charged with the responsibility of issuing the Notes, shall provide an appropriate certificate of the County as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations.

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

The County covenants that at least 75% of the available construction proceeds of the Notes shall be used for construction expenditures with respect to property owned by the County as provided in Section 148(f)(4)(C)(iv) of the Code. It is expected that at least 10% of the available construction proceeds of the Notes (including investment earnings thereon) will be expended for the governmental purposes of the issue within six months of the Closing; at least 45% will be expended for such purposes within one year; at least 75% will be expended for such purposes within eighteen months; and 100% will be expended for such purposes within two years. If for any reason the County did not qualify for the two year expenditure exemption or any other 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 elects to have Section 148(f)(4)(C)(vii) of the Code apply and to pay the penalty thereunder in the event the available construction proceeds of the Notes are not expended according to the schedule set forth above.

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

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

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

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

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

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

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

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

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

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

Section 16. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the County Board of Supervisors or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Adopted and recorded this 22nd day of September, 1998.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. Ayes: 34 – Kollath, Barker, Griesbach, Savas, Maehl, Koziczowski, Klitzke, Widener, Albrecht, Pech, Leschke, Schwartz, Montgomery, Bertrand, Sundquist, Wingren, Wagner, Warnke, Footit, Robl, Payne, Crowley, Kramer, Schaidler, Finch, Hue, Sievert, Arne, Diakoff, Brennand, Egan, Rankin, Rengstorf and Metzsig. Excused: 4 – Lawson, O'Brien, Troxell and Lawson.

RESOLUTION NO. 92-998: Disallow Claim of Shane Stange

WHEREAS, your Personnel and Finance Committee has had the claim of Shane Stange 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 Shane Stange dated July 26, 1998, 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 & FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. Ayes: 35: Kollath, Barker, Griesbach, Savas, maehl, Koziczowski, Klitzke, Widener, Lawson. Albrecht, Pech, Leschke, Schwartz, Montgomery, Bertrand, Sundquist, Wingren, Wagner, Warnke, footit, Robl, Payne, Crowley, Kramer, Schaidler, Finch, Hue, Sievert, Arne, Diakoff, Brennand, Egan, Rankin, Rengstorf and Metzsig. Excused: 3 – O'Brien, Troxell, Lawson.
CARRIED.

RESOLUTION NO. 93-998: Commendation for Judith Kamrath

WHEREAS, Judith Kamrath has been employed with the Winnebago County Department of Social Services for thirty years and seven months, and during that time has been a most conscientious and devoted County employee; and

WHEREAS, Judith Kamrath has now retired from those duties, and it is appropriate for the Winnebago County Board of Supervisors to acknowledge her years of service.

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that sincere appreciation and commendation be and it hereby is extended to Judith Kamrath for the fine services she has rendered to Winnebago County.

BE IT FURTHER RESOLVED, that the County Clerk send a copy of this Resolution to Judith Kamrath.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

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

RESOLUTION NO. 94-998: Create One Part--Time (50%) Position of Public Health Nurse: Public Health Department

WHEREAS, there currently exists a need to identify and serve children who are eligible for Medical Assistance benefits and services, but who are currently not being served; and

WHEREAS, the Winnebago County Public Health Department and municipalities within Winnebago County have been awarded grants by the State of Wisconsin to conduct an outreach program to meet that identified need; and

WHEREAS, Winnebago County has received sufficient direct and indirect grant funding to conduct an outreach program that would require the employment of a Public Health Nurse on a 50% part-time basis.

NOW, THEREFORE, BE IT RESOLVED, by the Winnebago County Board of Supervisors, that one part-time position of Public Health Nurse be, and hereby is created within the Department of Public Health for the purpose of providing outreach services to children and families eligible for Medical Assistance; and

BE IT FURTHER RESOLVED, that all costs associated with the creation of and maintenance of this position be funded by the State of Wisconsin; and

BE IT FURTHER RESOLVED, that this position of Public Health Nurse, created herewith, continue to exist only as long as State funding of the position at the 100% level continues, or September 30, 1999.

Submitted by,
BOARD OF HEALTH
PERSONNEL AND FINANCE COMMITTEE

Motion by Supervisor Rankin and seconded to adopt. Motion by Supervisor Rankin and asked that the following amendments be made: Line 4 – “50%” to “75%”; Line 22 - “50%” to “75%”; Line 32 - “50%” to “75%” and “11,942” to “17,105”; Line 34 - “50%” to “75%” and “2,986” to “4,276”; Line 36 – “1,346” to “2,245”; Line 38 – “16,274” to “23,626”; Line 40 – “16,274” to “23,626”. Ayes: 35. Nays: 0. Excused: 3 – O’Brien, Troxell and Lawson. CARRIED.

RESOLUTION NO 95-998: Authorize Acceptance of Donation of 14 Hand Held Global Positioning Systems Devices from United Health Systems

WHEREAS, United Health Systems has offered to donate to Winnebago County 14 hand held Global Positioning Systems Devices which are worth approximately \$130.00 each; and

WHEREAS, said devices would be utilized to provide the Sheriff's Department and the 911 Center with the ability to plot the exact location to which emergency medical and rescue responses should be directed; and

WHEREAS, your undersigned Committee believes that the acceptance of said donation would benefit all persons residing within Winnebago County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the acceptance of the donation of 14 hand held Global Positioning System Devices from United Health Systems to Winnebago County for utilization by the Winnebago County Sheriff's Department and the Winnebago County 911 Center.

Submitted by: Change
JUDICIARY & PUBLIC SAFETY COMMITTEE

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

RESOLUTION NO. 96-998: Authorize Budget Reallocation, Women, Infants and Children Program Public Health Department

WHEREAS, current program needs and contractual obligations require a reallocation of money budgeted to the Women, Infants and Children's Program of the Winnebago County Public Health Department; and

WHEREAS, pursuant to said need for said budget reallocation, the Winnebago County Public Health Department has requested the transfer of \$12,120 from various funds within that Program to various other funds

within that same Program; and

WHEREAS, your undersigned Committee believes that said budget transfers would be in the best interest of Winnebago County residents.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes a reappropriation of a total of \$12,120 from various accounts within the Women, Infants and Children's Program of the Public Health Department budget to various other accounts of that same budget as is shown in the attached Budget Transfer Sheet, a copy of which is herewith attached and made a part of this resolution by reference.

Submitted by:
BOARD OF HEALTH
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Rankin and seconded to adopt. Ayes: 34. Nays: 0. Excused: 4 – O'Brien, Troxell, Lawson and Crowley. CARRIED.

RESOLUTION NO. 97-998: Authorize Transfer of \$69,175 from Contingency Fund and \$12,825 from Budget Fund Balance to Winnebago County Buildings Fund: Emergency Repair of Air Conditioning System: Orrin H. King Administration Building

WHEREAS, a major malfunction occurred within the air conditioning system at the Orrin H. King Building in late July, 1998 requiring major emergency repairs of said system which were unanticipated in the 1998 Winnebago County Budget; and

WHEREAS, a transfer of funds is necessary to pay for said repairs from the Winnebago County General Contingency Fund and Budget Fund Balance.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$69,175 from the Winnebago County General Contingency Fund and \$12,825 from the Winnebago County Budget Fund balance to the Winnebago County Buildings Fund for the purpose of paying for emergency air conditioning repairs within the Orrin H. King Administration Building.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. Ayes: 35. Nays: 0. Excused: 3 – O'Brien, Troxell and Lawson. CARRIED.

RESOLUTION NO. 98-998: Authorize Transfer of \$5,000 from General Fund Balance to Capital Outlay Fund General Services - Printing Department (Purchase New Paper Cutter)

WHEREAS, the paper cutter in the General Services Department is badly in need of replacement; and
WHEREAS, said machine has been used on a regular basis to cut print orders when forms are less than standard 8 1/2 x 11 inch paper; and

WHEREAS, the machine is presently 23 years old and is presently in need of at least \$1,000 in repair in addition to the fact that the motor in the machine may be damaged; and

WHEREAS, it would appear to be logical to replace this machine with new equipment at the present time.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby transfers \$5,000 from the Winnebago County General Fund Balance to the Capital Outlay Fund of the General Services - Printing Department for the purpose of purchasing a new paper cutter.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

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

RESOLUTION NO. 99-998: Authorize Creation of Feasibility Study Group Re: Creation of Human Services Department

WHEREAS, the Winnebago County Social Services Board and Winnebago County Community Programs Board have recently reviewed the possibility of creating a Winnebago County Human Services Department in Winnebago County; and

WHEREAS, said Boards believe that it would be prudent for the County Executive to appoint a group of interested, knowledgeable persons to study the feasibility of creating a Human Services Department in Winnebago County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Winnebago County Executive to create and appoint a study group for the purpose of determining the feasibility of the creation of a Human Services Department within Winnebago County.

Submitted by:
SOCIAL SERVICES BOARD
COMMUNITY PROGRAMS BOARD

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

ORDINANCE NO. 100-998: Amend Section 11.02(7) and (8), General Code of Winnebago County: Park View Health Center

WHEREAS, recent changes in federal and state law have made it necessary to amend the Winnebago County General Code relating to procedures for admission, discharge and transfer of residents of Park View Health Center and with regard to the rate structure for Medicare patients admitted to Park View Health Center.

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

That Section 11.02 (7) and (8) of the General Code of Winnebago County be amended to read as follows:

11.02 RULES FOR PARK VIEW HEALTH CENTER.

(7) PROCEDURES FOR ADMISSION, DISCHARGE AND TRANSFER OF RESIDENTS.

Procedures for admission, transfer and discharge of residents shall be governed by the provisions of Wisconsin Administrative Code Chapters HFS 132.52, 132.53, HFS 134.51, 134.52 and any subsequent amendments thereto.

(8) RATES (a) Private Pay. resident rates at Pleasant Acres and the Rehabilitation Pavilion shall be established by the Park View Health Center Committee consistent with the cost of care and operation of Pleasant Acres and the Rehabilitation Pavilion. These rates may be adjusted periodically by the Committee if conditions warrant. Park View Health Center will provide thirty (30) days written notice of change.

(b) Private Pay. One month payment of the established rate for the resident's care at Pleasant Acres or the Rehabilitation Pavilion shall be payable in advance upon approval of the applicant's admission to Park View Health Center. All subsequent payments shall be made one month in advance. Accounts that are not settled by the fifteenth (15) of the month shall be considered delinquent. An added fee may be charged for delinquent accounts.

(c) No refund of Private Pay charges will be made for the first seven (7) days of residence at Pleasant Acres or the Rehabilitation Pavilion or any portion thereof. Refunds will be made thereafter based on 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.

(d) Medical Assistance (title XIX). Rates established by the State for Title XIX reimbursement shall be utilized. These rates shall be appealed if not consistent with costs.

(e) Medicare (Title XVIII). Per Diem rate established by the Federal government shall be utilized. These rates shall be appealed when not consistent with costs.

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

Submitted by:
PARK VIEW HEALTH CENTER COMMITTEE

Motion by Supervisor Montgomery and seconded to adopt. Ayes: 34. Nays: 0. Excused: 4 – O'Brien, Troxell, Lawson and Hue. CARRIED.

RESOLUTION NO. 101-998: Authorize Transfer of \$175,000 from Jail Assessment Fund - Revenues to Jail Assessment Fund - Capital Outlay for Construction of Holding Cells

WHEREAS, the Winnebago County Sheriff has requested that holding cells be constructed in the basement of the Winnebago County Courthouse for the purpose of accommodating up to 20 inmates who are awaiting court proceedings within the Courthouse; and

WHEREAS, the cost of designing and constructing said holding cells is expected not to exceed \$175,000; and

WHEREAS, there presently exists within the Jail Assessment Fund necessary revenues for the construction and design of said holding cells.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that hereby authorizes the construction of holding cells in the basement of the Winnebago County Courthouse for the purpose of holding up to 20 inmates, at a price for construction and design of said cells not to exceed \$175,000.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the transfer of \$175,000 from the Jail Assessment Fund - Revenues to the Jail Assessment Fund - Capital Outlay for the purpose of paying costs for the design and construction of said holding cells.

Submitted by:
JUDICIARY & PUBLIC SAFETY COMMITTEE

Motion by Supervisor Rengstorf and seconded to adopt. Ayes: 35. Nays: 0. Excused: 3 – O'Brien, Troxell and Lawson. CARRIED.

RESOLUTION NO. 102-998: Support H.R. 1231 (Postal Office Relocation Act of 1997)

WHEREAS, House of Representatives Resolution 1231 (H.R. 1231), the "Post Office Relocation Act of 1997" modifies Federal postal provisions to require a 60-day notice before the renovation, relocation, closing, or consolidation (currently, the closing or consolidation) of a post office. Requires such notice to be: (1) hand delivered or delivered by mail; and (2) published in one or more newspapers of general circulation within the zip codes served by such post office; and

WHEREAS, H.R. 1231 sets forth provisions which: (1) allow any person served by the post office to offer an alternative renovation, relocation, consolidation, or closing proposal within such 60 day period, and (2) require the Postal Service to conduct a hearing to allow the individual to present oral or written testimony; and

WHEREAS, H.R. 1231 revises the factors to be considered in deciding whether or not to renovate, relocate, close, or consolidate a post office to include: (1) the extent to which the post office is part of a core downtown business area; (2) the sentiment of the community; (3) whether postal officials negotiated with persons served; (4) whether management of the post office contributed to a desire to relocate; and (5) the adequacy of the existing post office; and

WHEREAS, H.R. 1231 requires the Postal Service to follow a community's public participation procedures to address the renovation, relocation, closing, or consolidation of buildings in the community if participation requirements of such procedures are more stringent than those provided in this Act; and

WHEREAS, H.R. 1231 requires the Postal Service, in making a determination to renovate, relocate,

close, or consolidate any post office, to comply with any zoning, planning, or land use regulations or building codes applicable to State or local public entities, including the zoning authority of the local jurisdiction; and

WHEREAS, H.R. 1231 includes within the Postal Service policy with respect to planning and building new postal facilities that the Service consider the effect a new facility may have on the community; and

WHEREAS, your undersigned committee believes that support of said proposed legislation shall provide communities within Winnebago County with greater local control with regard to location and closure of Post Offices.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby expresses its support for the passage of H.R. 1231 and its Senate companion bill, S. 2035.

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 members of Wisconsin's Congressional delegation.

Submitted by:
LEGISLATIVE COMMITTEE

Motion by Supervisor Lawson and seconded to adopt. Ayes: 28. Nays: 7 – Kollath, Bertrand, Sundquist, Wingren, Warnke, Crowley and Arne. Excused: 3 – O'Brien, Troxell and Lawson. CARRIED.

RESOLUTION NO. 103-998: 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>Distributed</u>
Marriage License Fee	\$ 70.00	\$ 25.00 State \$ 30.00 Family Court Counseling services \$ 15.00 County Clerk
Special Dispensation Fee	\$ 10.00	\$ 10.00 County

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that this resolution shall become effective January 1, 1999.

Submitted by:
JUDICIARY & PUBLIC SAFETY COMMITTEE

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

RESOLUTION NO. 104-998: Establish Fee for Revisions to Winnebago County General Code Book

WHEREAS, the average printing costs of annual revisions to each copy of the Winnebago County General Code Book exceeds \$100.00 not including the costs of the binder, postage and handling; and

WHEREAS, your undersigned Committee believes that said costs should be recouped from those requesting copies of the General Code Book.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that the initial cost of a Winnebago County General Code Book shall be established at \$50.00, which shall include any revisions for the first year.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that a charge of \$50.00 per year shall be charged with regard to a subscription service for revisions to the Winnebago County General Code Book.

BE IT FURTHER RESOLVED that this resolution shall be effective as of January 1, 1999.

Submitted by:

JUDICIARY & PUBLIC SAFETY COMMITTEE

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

RESOLUTION NO. 105-998: Establish Employee Grievance Committee

WHEREAS, Winnebago County has established a County executive appointed Board to review grievances regarding discipline and other matters which are filed by Winnebago County employees; and

WHEREAS, Section 59.26(8), Stats. requires a Grievance Committee to be appointed by the County Board of Supervisors to review disciplinary grievances to be reviewed regarding certain County employees.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby creates, as a clarification, a Grievance Committee in accordance with Sec. 59.26(8), Wis. Stats., consisting of five (5) members with the terms of appointment to said committee to run concurrent to the terms of the Winnebago County Grievance Review Board.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby confirms, as a clarification, the nomination of the County Board Chairman of all present members of the Winnebago County Grievance Review Board to said Grievance Committee, with their terms on said Committee to run concurrent to their existing terms on the Winnebago County Grievance Review Board.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby creates County Board Rule 25.13 which shall read as follows:

25.13 Grievance Review Committee

The Grievance Review Committee shall consist of five (5) residents of Winnebago County and shall review grievances filed pursuant to Sec. 59.26(8), Stats. The terms of appointment for said committee shall run concurrently with terms of appointment to the Winnebago County Grievance Review Board.

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to adopt. Ayes: 35. Nays: 0. Excused: 3 – O'Brien, Troxell and Lawson. CARRIED.

Motion by Supervisor Schwartz and seconded to adjourn to October 20, 1998, at 6:00 p.m. CARRIED BY VOICE VOTE. The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Susan T. Ertmer
Winnebago County Clerk