

**ADJOURNED SESSION
COUNTY BOARD MEETING
TUESDAY, JANUARY 20, 2004**

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

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

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

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

COMMUNICATIONS, PETITIONS, ETC.

A "Notice of Claim" received from Auto-Owners Insurance Co. for George & Anna Farmer for damage to their vehicle caused by gravel dropping off the back of a Winnebago County Highway Department truck, was referred to the Personnel & Finance Committee.

Two letters were received from Sen. Mike Ellis thanking the Board for sending him a copy of the following resolutions: No. 296-112003, "Oppose Senate Bill 177" (re: new restrictions on termination of older workers); No. 297-112003, "Oppose Adoption of Assembly Bill 338: New Restrictions on Termination of Older Workers"; No. 298-112003, "Oppose Passage of Assembly Bill 318 and Senate Bill 130 (Compensatory and Punitive Damages Under State Anti-Discrimination Laws);" and No. 306-122003, "Oppose Senate Bill 272/Assembly Bill 588" (re: inhibiting the ability of local governments to supply telecommunications services).

Three letters were received from Rep. Gregg Underheim thanking the Board for sending him a copy of the following resolutions: No. 273-102003, "Authorize Support of Assembly Bill 390 (Housing of County Prisoners from Border States)"; No. 274-102003, "Support Assembly Bill 324 Classification of Jail Prisoners"; No. 278-102003, "Support Vitrification of PCB Waste from Operating Unit #1"; No. 297-112003, "Oppose Adoption of Assembly Bill 338: New Restrictions on Termination of Older Workers"; No. 296-112003, "Oppose Senate Bill 177" (re: new restrictions on termination of older workers); No. 298-112003, "Oppose Passage of Assembly Bill 318 and Senate Bill 130 (Compensatory and Punitive Damages Under State Anti-Discrimination Laws)"; and No. 306-122003, "Oppose Senate Bill 272/Assembly Bill 588" (re: inhibiting the ability of local governments to supply telecommunications services).

The following resolutions were received from various Wisconsin counties and forwarded to the appropriate committees:

- Columbia County – "Supporting Municipal Employment Relation Reform AB598 and AB599" (forwarded to Legislative Committee)
- Monroe County – No. 1/04/1, "Resolution Supporting Municipal Employment Relations Reform in Assembly Bills 598 & 599" (forwarded to the Legislative Committee)
- Polk County – "Opposing Modifications to Property Tax Payment Systems" (forwarded to the Legislative Committee)
- Waushara County – Resolution 02-01-04, "Resolution Requesting Reinstatement of Premium Aid For Wisconsin Fairs" (forwarded to the Legislative Committee)

Information on East Central Wisconsin Regional Planning Commission & UW-Extension's mini-conference entitled, "Northwest Wisconsin's Changing Economy: Transitioning from Old to New", was shared with the Board. The conference will be held from 8:30 a.m. to 11:55 a.m. on Friday, January 30 at Liberty Hall in Kimberly. Any supervisors interested in attending can get a copy of the agenda from the County Clerk's Office.

Petition for Zoning Amendment from Frances and Carol Rasmussen, Town of Neenah, for zoning change from Agricultural to R-2 for single family subdivision development was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Gordon Garvens, Town of Omro, for zoning change from A-2/B-2 to B-2 for a commercial school bus company was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Mark Joosten, Town of Menasha, for zoning change from A-2 to R-1 for a single-family home was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Spencer Rolph, Town of Omro, for zoning change from A-2 to R-1 for single-family residences was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Jim Sorensen, Town of Neenah, for zoning change from A-1 to R-1 for part of a single-family home site was referred to the Planning & Zoning Committee.

Petition for Zoning Amendment from Austin Wheaton, Town of Wolf River, for zoning change from B-2 to MH-1

for existing mobile homes was referred to the Planning & Zoning Committee.

REPORTS FROM COMMITTEES, COMMISSIONS AND BOARDS

Supervisor Barker reported that the Legislative Committee will be meeting on Monday, January 26 @ 9:00 a.m. Because of their extensive agenda, she encouraged everyone to attend.

Supervisor Madison reported that Jason Ryf, a constituent from Supervisor Madison's district, has qualified to try out for the United State's Olympic marathon team. Supervisor Madison extended his congratulations to Jason and wished him well at the try out in February.

Supervisor Schaidler informed the Board that the WinnTomorrow Committee will be holding two more meetings on the comprehensive land use plan. They are scheduled for Wednesday, January 21 @ 6:30 p.m. at the Vinland Town Hall and Thursday, January 29 @ 6:30 p.m. at the James P. Coughlin Center. Supervisor Schaidler reported that this group is in the process of finishing up their work and will be presenting their recommendations to the Board at the Special Orders meeting in March 2004. He encouraged the Board and the public to attend these meetings so they can give their input on the plan.

Supervisor Schaidler reported that the colored zoning maps for the meeting's Zoning Reports and Ordinances are now available on the county's website. They are accessible through the "Meeting Agenda and Calendar" link on the website.

COUNTY EXECUTIVE'S REPORT

Executive Van De Hey invited the Board to attend Judge Scott Woldt's swearing in ceremony on Thursday, January 22. It will be held in the Branch II Court Room at 3:30 p.m.

COUNTY EXECUTIVE'S APPOINTMENTS

Board of Health

Executive Van De Hey asked for the Board's approval of her re-appointment of Denise McHugh, Tom LaFuze and Dr. Joseph Bachman to the Board of Health. These are two-year terms that will expire on July 31, 2005.

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

Human Services Board

Executive Van De Hey asked for the Board's approval of her re-appointments of Supervisors Steve Arne, Harvey Rengstorf, Tom Widener and Donald Griesbach to the Human Services Board. These are three-year terms that will expire on December 31, 2006.

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

Veterans Service Commission

Executive Van De Hey asked for the Board's approval of her appointment of Roger Jaeger to the Veterans Services Commission. Mr. Jaeger will replace Rick Langan whose term has expired. Mr. Jaeger will serve a three-year term that will expire on December 31, 2006.

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

Winnefox Library System Board of Trustees

Executive Van De Hey asked for the Board's approval of her re-appointment of Dorothy Nimmer, Lurton Blassingame and Don Stolley to the Winnefox Library System Board of Trustees. These are three-year terms that will expire on December 31, 2006.

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

CHAIRMAN'S REPORT

Chairman Maehl reported that as of January 1, 2004 the mileage reimbursement rate has been raised to \$.375 per mile.

Chairman Maehl extended "happy birthday" wishes to Tom Bartz, IS Director; Supervisors Eichman, Rankin, Diakoff, Arne and Jacobson. He also thanked Supervisor Jacobson for his donation to the Scholarship Fund.

**WINNEBAGO COUNTY HOUSEHOLD HAZARDOUS WASTE PROGRAM
PRESENTATION BY JENNIFER SEMRAU, WINNEBAGO COUNTY RECYCLING SPECIALIST**

Supervisor O'Brien introduced Jennifer Semrau, Winnebago County Recycling Specialist, who gave a Powerpoint presentation on the county's Household Hazardous Waste Program.

Ms. Semrau's presentation included the following information:

- Household hazardous materials are items from the home that are described as being flammable, toxic, corrosive, dangerous or poisonous.
- Households are exempt from Wisconsin regulations regarding the disposal of hazardous waste. Because of this exemption, Winnebago County wanted to develop a cost-efficient, convenient program that would encourage residents to recycle these hazardous materials.
- Prior to building its Household Hazardous Material Facility in 1998, Winnebago County conducted an annual "Clean Sweeps" program. This was a one-day event that allowed residents to bring their hazardous household materials to the landfill for disposal. Clean Sweep programs are not convenient or cost effective.
- In 1998 Winnebago County built their Household Hazardous Materials Facility and it opened for its first full year of operation in April 1999. The facility is open on certain Thursdays, Fridays and Saturdays in the months of May thru October. Because the facility is not heated, they are not open during the winter months.
- Residents make appointments on these days to drop off their hazardous household materials. These materials are then examined by the staff and those materials that may be of use to another resident are placed in the Product Exchange Room. Residents may take items from the Product Exchange Room at no cost. Making these dropped off household materials available to another resident gives these items a second life—"reuse is preferable to disposal." Products that are reused save Winnebago County approximately \$2,000 annually in disposal costs.
- Winnebago County has a "Memorandum of Understanding" with Brown County that allows it to transport these materials to the Brown County Hazardous Materials Facility in Green Bay where they are processed for shipping by Pollution Control Industries for proper disposal. Both Brown and Winnebago Counties realize considerable disposal cost savings by "bulking" their hazardous materials together.
- Since 2000, the number of pounds of hazardous materials that the facility has collected has nearly doubled from 16,843 to 30,032. The number of residents who have used the facility has gone from 297 in 2000 to 417 in 2003.
- The facility is open 31 days a year. Annual cost of running the facility is \$30,000 to \$35,000. "Clean Sweep" programs that last for one day can cost the same amount or more to operate.
- Disposal cost comparison:
 - Statewide average \$2.37/pound
(disposal costs only)
 - Winnebago County \$0.60/pound (25% of the state's cost)
(disposal costs only)

 - Winnebago County \$0.86/pound
(all costs)
- Winnebago County introduced a new oil filter recycling pilot program on January 7, 2004. Used oil is banned from landfills, but oil filters are not and the amount of oil that remains in an old oil filter that is not drained properly is quite high. This program will allow residents to drop off up to 4 used oil filters, free of charge, (5 or more filters = \$.50 a filter) so that they can be properly drained and recycled.
- Estimated annual cost for this program is \$1,200 to \$1,800. This pilot program will be evaluated after one year.

INSURANCE REFUND CHECKS PRESENTATION

Harvey Rengstorf introduced Blair Rogacki of the Wisconsin County Mutual Insurance Corp. Mr. Rogacki explained that the workers' compensation and general liability wrap up insurance policy that Winnebago County purchased from Wisconsin County Mutual Insurance Corp. for the Sheriff's Department and jail project, was an excellent business decision. Because Winnebago County bought this policy on their own instead of going through the project's general contractor, Mr. Rogacki stated that Winnebago County put themselves in the position to potentially save a large sum of money.

Mr. Rogacki explained that the project contractor stated that the cost for this insurance would be \$570,000.

Wisconsin County Mutual Insurance Corp. sold the wrap up policy to Winnebago County for \$376,000, which was a \$194,000 savings for the county. In addition to that savings, Mr. Rogacki explained that Winnebago County would be receiving a dividend from this policy in the amount of \$112,000, for a total savings of \$306,000. Mr. Rogacki presented the \$306,000 check to Supervisor Rengstorf.

Mr. Rogacki then presented another check to Chairman Maehl in the amount of \$72,346, which is Winnebago County's 2003 policy year dividend.

PUBLIC HEARING

No one addressed the board.

ZONING REPORTS & ORDINANCES

REPORT NO. 001. A report from the Planning & Zoning Committee regarding a requested zoning change from applicants and property owners Richard & Amy Bowman, Town of Black Wolf, for zoning change to R-1. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 01-01-04. A request for zoning change from R-1 (Floodplain) to R-1 (Remove part of the Floodplain). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – January 26, 2004)

REPORT NO. 002. A report from the Planning & Zoning Committee regarding a requested zoning change from applicants and property owners Spencer Rolph & Trevor Krueger, Town of Omro, for zoning change to R-1. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 01-02-04. A request for zoning change from A-2/R-1 (General Farming/Single family non-subdivided) to R-1 (Single family non-subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – January 26, 2004)

REPORT NO. 003. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Keith Halder, Town of Poygan, for zoning change to R-1. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 01-03-04. 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 – January 26, 2004)

REPORT NO. 004. A report from the Planning & Zoning Committee regarding a requested zoning change from applicants and property owners Jose & Lori Bustamante, Town of Oshkosh, for zoning change to R-1. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 01-04-04. A request for zoning change from R-4 (Multiple Family Residential) to R-1 (Single family non-subdivided). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – January 26, 2004)

REPORT NO. 005. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Palmier B. Kampo Survivor's Trust, Town of Neenah, for zoning change to R-1. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 01-05-04. 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. (Effective date – January 26, 2004)

REPORT NO. 006. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Nemecek & Associates, Inc., Town of Menasha, for zoning change to R-3. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 01-06-04. A request for zoning change from R-2/R-3 (Single family subdivided/Two family residential) to R-3 (Two family residential). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – January 26, 2004)

REPORT NO. 007. A report from the Planning & Zoning Committee regarding a requested zoning change from applicant and property owner Gerald Kalbus, Town of Black Wolf, for zoning change to P-1. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 01-07-04. A request for zoning change from A-2 (General Farming) to P-1 (Institutional & Recreational Park District). Motion by Supervisor Schaidler and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – January 26, 2004)

REPORT NO. 008. A report from the Planning & Zoning Committee regarding requested text amendments to various sections of the Winnebago County Town/County Zoning Ordinance. Motion by Supervisor Schaidler and seconded to accept. CARRIED BY VOICE VOTE.

AMENDATORY ORDINANCE NO. 01-08-04. A request for text amendments to various sections of the Winnebago County Town/County Zoning Ordinance. Motion by Supervisor Schaidler and seconded to adopt all the

proposed amendments except #6. CARRIED BY VOICE VOTE. Motion by Supervisor Schaidler and seconded to deny proposed amendment #6. CARRIED BY VOICE VOTE. (Effective date – January 26, 2004)

AMENDATORY ORDINANCE NO. 9. A request from the Town of Black Wolf on behalf of Gerald Kalbus for zoning change from A-2 to P-1. Motion by Supervisor Brennand and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – January 26, 2004)

AMENDATORY ORDINANCE NO. 10. A request from the Town of Rushford on behalf of James Clausen, et al, for zoning change from Commercial/A-2 to A-2. Motion by Supervisor Egan and seconded to adopt. CARRIED BY VOICE VOTE. (Effective date – January 26, 2004)

RESOLUTIONS & ORDINANCES

RESOLUTION NO. 316-12004: Establish Compensation For Condemnation Commissioners

WHEREAS, Section 32.08(4) Wisconsin Statutes provides that Condemnation Commissioners shall be compensated for actual services at an hourly rate to be fixed by the County Board of the County; and

WHEREAS, said statute also provides that Commissioners shall receive mileage at a rate fixed by the County Board for necessary and direct round-trip travel from their homes to the place where the Condemnation Commission conducts its hearings; and

WHEREAS, such compensation and expenses shall be paid by the Condemnor on order approved by the Circuit Judge having jurisdiction over the hearing; and

WHEREAS, the number of cases heard by the Condemnation Commission has increased greatly due to the U.S. Highway 10 project in the northern part of Winnebago County; and

WHEREAS, a request has been made by the Condemnation Commissioners that an hourly rate be set for their services in the many hearings conducted by them may last as long as 6 hours; and

WHEREAS, most of the Commissioners appointed that hear condemnation cases are attorneys or real estate professionals who have expertise in real estate matters; and

WHEREAS, the Judiciary and Public Safety Committee recommends that an hourly rate be affixed at \$90.00 per hour for time spent by Condemnation Commissioners and the Chairperson of the Condemnation Commission in relationship to Condemnation Commission matters; and

WHEREAS, the Judiciary and Public Safety Committee further recommends that a mileage compensation rate for Condemnation Commissioners be established at the same rate of reimbursement provided to County employees for travel on behalf of the County.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that pursuant to Section 32.08(4), Wisconsin Statutes it hereby establishes an hourly rate of compensation for \$90.00 per hour for Condemnation Commissioners and the Chairperson of the Condemnation Commission for Winnebago County for actual services provided by those persons in their official duties as Condemnation Commissioners.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes compensation for Condemnation Commissioners and the Chairperson of the Condemnation Commission for travel at the same rate paid by Winnebago County to its employees for the use of their personal vehicles on Winnebago County business.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that this resolution shall be effective retroactive to January 1, 2004.

Submitted by:
JUDICIARY & PUBLIC SAFETY COMMITTEE

Motion by Supervisor Rengstorf and seconded to approve. Ayes: 31. Nays: 3 - Thompson, Finch and Farrey. Excused: 2 - Hert and Rankin. Absent: 2 - Nielsen and Tierney. CARRIED.

RESOLUTION NO. 317-12004: Resolution Awarding the Sale of \$3,430,000 General Obligation Refunding Bonds; Providing the Form of the Bonds; and Levying A Tax In Connection Therewith

WHEREAS, pursuant to a resolution adopted on November 18, 2003 (the "Initial Resolution"), the County Board of Supervisors of Winnebago County, Wisconsin (the "County") authorized the issuance of not to exceed \$3,535,000 General Obligation Refunding Bonds for the public purpose of refunding obligations of the County, including interest on them, to wit: refunding the County's outstanding General Obligation Promissory Notes dated August 1, 1997 (the "1997 Notes") maturing in the years 2005 through 2007 (hereinafter the refunding of the County's outstanding obligations shall be referred to as the "Refunding");

WHEREAS, the 1997 Notes were issued for the purpose of paying the cost of acquiring and installing computer hardware, software and systems; constructing a portion of the West Side arterial roadway; replacing fuel tanks; constructing a U.W. Fox Valley Science/Student Services Center; constructing a County office facility at the Sunnyview site; developing and improving the Winnebago County Community Park; and acquiring equipment, furnishings and fixtures;

WHEREAS, the County Board of Supervisors deems it to be necessary, desirable and in the best interest of the County to refund the 1997 Notes maturing in the years 2005 through 2007 for the purpose of achieving debt service cost savings and restructuring the County's debt;

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

WHEREAS, the County Board of Supervisors heretofore has directed its financial advisor, Robert W. Baird & Co. Incorporated, Milwaukee, Wisconsin ("Baird") to take the steps necessary to sell its General Obligation Refunding Bonds in an amount not to exceed \$3,535,000 (the "Bonds") to pay the cost of the Refunding;

WHEREAS, Baird, in consultation with the officials of the County, prepared an Official Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Bonds and indicating that the Bonds would be offered for public sale on January 20, 2004;

WHEREAS, the County Clerk (in consultation with Baird) caused the Official Notice of Sale to be distributed to potential bidders offering the Bonds for public sale on January 20, 2004;

WHEREAS, the following bids were received:

| <u>BIDDER</u> | <u>NET INTEREST COST</u> | <u>TRUE INTEREST RATE</u> |
|---|--------------------------|---------------------------|
| UBS Financial Services, Inc. | \$116,508.81 | 1.5987% |
| Robert W. Baird & Co. | 117,021.22 | 1.5989 |
| Banc One Capital Markets, Inc. | 117,213.26 | 1.6086 |
| Harris Trust & Savings Bank | 118,084.56 | 1.6208 |
| U.S. Bancorp Piper Jaffray, Inc. | 119,050.51 | 1.6344 |
| Legg Mason Wood Walker | 122,607.14 | 1.6808 |
| Bankers' Bank | 126,221.86 | 1.742 |
| Griffin, Kubik, Stephens & Thompson, Inc. | 127,860.96 | 1.7585 |

WHEREAS, it has been determined that the bid (the "Bid") submitted by the financial institution listed first on the attached Bid Tabulation fully complies with the bid requirements set forth in the Official Notice of Sale and is deemed to be the most advantageous to the County. Baird has recommended that the County accept the Bid. A copy of said Bid submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference; and

WHEREAS, it has been determined that the Bonds shall be issued in the aggregate principal amount of \$3,430,000.

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

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

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

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Refunding Bonds"; shall be dated February 15, 2004; shall be issued in the aggregate principal amount of \$3,430,000, in the denomination of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; and shall mature on April 1 of each year, in the years and principal amounts set forth on the debt service schedule attached hereto as Exhibit D (the "Schedule"). Interest is payable semi-annually on April 1 and October 1 of each year commencing on October 1, 2004.

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

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

Section 5. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the County are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the County a direct annual irrepealable tax in the years 2004 through 2006 for the payments due in the years 2005 through 2007 in the amounts set forth on the Schedule.

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

The County has heretofore levied a direct annual irrepealable ad valorem debt service tax with respect to the 1997 Notes which is on deposit in the debt service fund account for the 1997 Notes. Upon the refunding of the 1997 Notes, a sufficient sum shall be transferred from said account and irrevocably deposited into the segregated Debt Service Fund Account for the Bonds created below and shall be used to pay the interest on the Bonds coming due on October 1, 2004.

Section 6. Segregated Debt Service Fund Account. There is hereby established in the County treasury a fund account separate and distinct from all other funds or accounts of the County designated "Debt Service Fund Account for Winnebago County General Obligation Refunding Bonds dated February 15, 2004", which fund account shall be used solely for the purpose of paying the principal of and interest on the Bonds. There shall be deposited in said fund account all accrued interest paid on the Bonds at the time the Bonds are delivered to the Purchaser, any premium, all money raised by taxation pursuant to Section 5 hereof, and all other sums as may be necessary to pay principal of and interest on the Bonds as the same become due. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Bonds, shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished, and shall at all times be invested in a manner that conforms with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any applicable income tax regulations (the "Regulations").

Section 7. Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into an account separate and distinct from all other funds and disbursed solely for the purposes for which borrowed or for the payment for the principal of and the interest on the Bonds.

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

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

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

Section 9. Additional Tax Covenants; Six Month Expenditure Exemption from Rebate; Qualified Tax-Exempt Obligation Status. The County hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations (whether prior to or subsequent to the issuance of the Bonds) to assure that the Bonds are obligations described in Section 103(a) of the Code, the interest on which is excludable from gross income for federal income tax purposes, throughout their term. The County Clerk or other officer of the County charged with the responsibility of issuing the Bonds, shall provide an appropriate certificate of the County as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations.

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

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

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

The Bonds are deemed designated as "qualified tax-exempt obligations" pursuant to the provisions of Section 265(b)(3)(D)(ii) of the Code, and in support of such designation, the County Clerk or other officer of the County

charged with the responsibility for issuing the Bonds, shall provide an appropriate certificate of the County, all as of the Closing.

Section 10. Execution of the Bonds. The Bonds shall be prepared in typewritten or printed form, executed on behalf of the County by the manual or facsimile signatures of the Chairperson and County Clerk, authenticated, if required, by its fiscal agent, if any, sealed with its official or corporate seal, if any, or a facsimile thereof and delivered to the Purchaser upon payment to the County of the purchase price thereof, plus accrued interest to the date of delivery. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the delivery of the Bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute all documents as may be necessary and convenient for effectuating the Closing.

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

Section 11A. Persons Treated as Owners; Transfer of Bonds. The County shall keep books for the registration and for the transfer of the Bonds. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

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

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

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

Section 12. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the County agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the County and on file in the County Clerk's office.

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

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

Section 14. Redemption of the 1997 Notes. The County Board of Supervisors hereby calls the 1997 Notes due on and after April 1, 2005 for redemption on April 1, 2004 at the price of par plus accrued interest. The County hereby directs Baird, as its financial advisor, to cause a notice of redemption, in substantially the form attached hereto as Exhibit F, to be provided at the times, to the parties and in the manner provided thereon.

Section 15. Bond Insurance. The Chairperson and County Clerk are authorized to agree to such additional provisions as any municipal bond insurer which makes a commitment accepted by the County to insure the Bonds may reasonably request and which are acceptable to the Chairperson and County Clerk, including provisions regarding restrictions on investment of Bond Proceeds, the payment procedure under the municipal bond insurance

policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, appropriate reference to the municipal bond insurance policy shall be made in the form of Bond provided herein.

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

Submitted by:
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Albrecht and seconded to approve. Ayes: 34. Nays: 0. Excused: 2 - Hert and Rankin. Absent: 2 - Nielsen and Tierney. CARRIED.

RESOLUTION NO 318-12004: Authorize Execution of Intergovernmental Agreement With the Town of Menasha (Administration of County Construction Site Erosion Control and Stormwater Management Ordinance)

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

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

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

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

Submitted by:
PLANNING & ZONING COMMITTEE

Motion by Supervisor Schaidler and seconded to approve. Ayes: 34. Nays: 0. Excused: 2 - Hert and Rankin. Absent: 2 - Nielsen and Tierney. CARRIED.

RESOLUTION NO. 319-12004: Accept Additional W-2 Program Funding of \$40,458, and Appropriate to W-2 Program Expenses.

WHEREAS, program funding levels for the W-2 program were very unpredictable during preparation of the 2004 budget, and

WHEREAS, Winnebago County has agreed to participate in the W-2 program providing it was fully funded, and

WHEREAS, a 50% para-professional position was removed from the table of organization for 2004 because of the lack of funding to cover the costs, and

WHEREAS, additional program funding in the amount of \$40,458 has now been made available for the 2004 budget year, and

WHEREAS, these funds would be used to reinstate the 50% position within the department and apply the balance of the funds to overtime costs, and

WHEREAS, this additional funding will allow department staff to adequately service the W-2 clients.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Department of Human Services to accept the additional program funding from the State of Wisconsin for its W-2 program and apply said funding to labor costs related to the W-2 program.

BE IT FURTHER RESOLVED by the Winnebago County Board of Supervisors that if funding for said position

is discontinued, the 50% para-professional position will be removed from the table of organization and overtime costs will be reduced accordingly so as to have a zero cost net impact to Winnebago County.

Submitted by:
187

HUMAN SERVICES BOARD
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Koziczowski and seconded to approve. Ayes: 34. Nays: 0. Excused: 2 - Hert and Rankin. Absent: 2 - Nielsen and Tierney. CARRIED.

RESOLUTION NO. 320-12004: Authorize Health Department to accept Emergency Preparedness Grant of \$21,703 and Appropriate Funds to Accomplish Emergency Preparedness Objectives.

WHEREAS, Grant funding in the amount of \$21,703 is being made available to the Public Health Department for the purpose of planning for emergency preparedness in relation to potential bioterrorism risks, and

WHEREAS, with said grant funding sufficient resources are now available in the County Health Department to conduct the program, and to increase a .6 FTE position to a .8 FTE position to perform tasks associated with said planning; and

WHEREAS, the availability of this grant money was not certain when the 2004 budget was prepared, and
WHEREAS, the Winnebago County Board supports County efforts to prepare for the possible risks of bioterrorism.

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby authorizes the Public Health Department to accept a grant of \$21,703 and appropriates the funds to the Public Health Department for the purpose of conducting bioterrorism preparedness planning as outlined above.

BE IT FURTHER RESOLVED that when the grant funds are discontinued, the .8 FTE position will revert back to a .6 FTE position.

Submitted by:
BOARD OF HEALTH
PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Koziczowski and seconded to approve. Ayes: 34. Nays: 0. Excused: 2 - Hert and Rankin. Absent: 2 - Nielsen and Tierney. CARRIED.

RESOLUTION NO. 321-12004: Establish a COP (Community Options Program) Risk Reserve in the Human Services Department and Transfer \$279,295 into the Reserve Account at the End of the Year 2003

WHEREAS, in 1999, Wisconsin statutory provisions were passed in the state budget which granted counties the ability to establish a Risk Reserve Fund with unspent Community Options Program (COP) State funding, and

WHEREAS, Federal legislation that was enacted in 2003 enhanced the federal match rate for Medicaid during the period April 1, 2003 to June 30, 2004, and

WHEREAS, as a result of this enhanced Federal funding, this frees up either State COP funding or County tax levy dollars that were budgeted for COP program expenses, and

WHEREAS, if the County chooses to "free up" the State COP funding, State statutes now allow for establishment of a Risk Reserve Fund, and

WHEREAS, the County will have \$279,295 of "freed up" funds that it can put into a COP Risk Reserve Fund at the end of 2003, and

WHEREAS, these funds can be used as a County source to address the COP program's exceptional expenses, relocation start-up expenses, coverage for unpredictable caseload fluctuations, etc., when funding reverts back to the Federal rates normally in effect, and

WHEREAS, use of these "Risk Reserve" funds would require approval of the County Board, and

WHEREAS, the County agrees to comply with s. 4627 (7) (fr) Stats. (which requires the establishment of a separate bank account to hold the funds) regarding the COP Risk Reserve and those deposits and disbursements from the account, and

NOW, THEREFORE, BE IT RESOLVED by the Winnebago County Board of Supervisors that it hereby

authorizes the Department of Human Services to establish a Risk Reserve Fund and to transfer unused COP funds of \$279,295 to the Reserve Fund when the County Books are closed for calendar year 2003.

Submitted by:
HUMAN SERVICES BOARD

PERSONNEL & FINANCE COMMITTEE

Motion by Supervisor Koziczowski and seconded to approve. Ayes: 32. Nays: 2 – Scoville and Schaidler. Excused: 2 - Hert and Rankin. Absent: 2 - Nielsen and Tierney. CARRIED.

RESOLUTION NO. 322-12004: Commendation for Barbara J. Kamp

WHEREAS, Barbara Kamp has been employed with Winnebago County Sheriff's Department, for the past thirty-three years, and during that time has been a most conscientious and devoted County employee; and WHEREAS, Barbara Kamp 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 Barbara Kamp 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 Barbara Kamp.

Submitted by,
PERSONNEL AND FINANCE COMMITTEE

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

RESOLUTION NO. 323-12004: Commendation for Judith M. Pierson

WHEREAS, Judith Pierson has been employed with Winnebago County Probate Office Circuit Courts, for the past thirty-three years, and during that time has been a most conscientious and devoted County employee; and WHEREAS, Judith Pierson 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 Pierson 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 Pierson.

Submitted by,
PERSONNEL AND FINANCE COMMITTEE

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

ORDINANCE NO. 324-12004: Amend Section 5.05 of the General Code of Winnebago County (Increase Civil Process Fees)

WHEREAS, the Winnebago County Sheriff has recommended to the Judiciary and Public Safety Committee an increase in fees charged for civil process; and

WHEREAS, the Judiciary and Public Safety Committee is in agreement with the recommendation of the Sheriff's Department that civil process fees be increased.

NOW, THEREFORE, the County Board of Supervisors of the County of Winnebago does ordain as follows: That Section 5.05(2) of the General Code of Winnebago County be amended to read as follows:

5.05 FEES OF SHERIFF

- (2) TRAVEL; CIVIL PROCESS For the serving of any summons, writ or other process, except criminal warrants and for travel in serving said process, the following fees shall be charged by the Winnebago County Sheriff's Department:
 - A. Service of civil process:
 - Each attempt of services of process..... \$35.00
 - Actual Service..... \$35.00
 - Plus mileage at the rate established Pursuant to Section 3.05(4)(a)(1) of this Code.
 - B. Service of Civil Process on Each additional Person..... \$20.00
 - C. Service of civil process accomplished at

| | |
|--|---------------------|
| Winnebago County Sheriff's Department... | \$35.00 |
| D. Sheriff's Foreclosure Sale: | |
| (1) Posting of Notice..... | \$80.00 |
| (2) Holding of Sale..... | \$80.00 |
| E. Notice of Sheriff's Sale: | |
| (1) Posting of Notice..... | \$80.00 |
| (2) Occurrence of Sale..... | \$80.00 |
| F. Executions – Tax Warrants: | |
| 10% of 1 st \$300 | |
| 5% of 2 nd \$300 | |
| 3% of Remaining Balance, with a maximum charge | |
| of \$60.00 | |
| G. Presence of Sheriff's Deputy during execution | |
| Of Writ..... | \$31.00/per hour |
| H. Post Office Address Requests | \$20.00/per request |
| I. Copy Fee (Photocopies or telephone | |
| Facsimilies)..... | \$1.00 per page |

BE IT FURTHER ORDAINED by the County Board of Supervisors of the County of Winnebago that this Ordinance shall be effective as of the date following the date of its publication.

Submitted by:
JUDICIARY & PUBLIC SAFETY COMMITTEE

Motion by Supervisor Rengstorf and seconded to approve. Ayes: 33. Nays: 1 - Thompson. Excused: 2 - Hert and Rankin. Absent: 2 - Nielsen and Tierney. CARRIED.

ORDINANCE NO. 325-12004: Amend Section 16.06(4), General Code of Winnebago County (Private On-Site Wastewater Treatment System Ordinance)

WHEREAS, the Winnebago County Planning and Zoning Committee, pursuant to a proposal submitted by Attorney John St. Peter on behalf of various towns within the County of Winnebago, is recommending that the following amendments to Section 16.06(4) of the General Code of Winnebago County be made.

NOW, THEREFORE, the County Board of Supervisors of the County of Winnebago does ordain as follows: That Section 16.06(4) of the General Code of Winnebago County be amended to read as follows:

CHAPTER 16

COUNTY PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEM

- 16.06 PUBLIC SEWER.....
- (4) (a) Where property is located within an Urban Designated Wisconsin Administrative Code Chapter NR-121 Sewer Service Area and Sanitary District, no County permit for the POWTS shall be issued unless one of the conditions specified in (b) or (c) of this section are applicable. All other development within these areas shall be by public sewer only.
- (b) Where property is within a sanitary district and the district is physically unable to provide sewer to the property, and a county permit for a POWTS may be issued provided that the property owner, in conjunction with the Sanitary District, prepares and records with the Register of Deeds, an agreement to connect to the Sanitary District when so determined by the District.
- (c) Where property is not within a sanitary district, evidence must exist that the nearest sanitary district(s) cannot provide public sewer in a cost-effective manner at this time. The property owner shall prepare and record with the Register of Deeds, an agreement to connect to public sewer when so determined by the nearest sanitary district(s). For purposes of this subsection, "cost-effective" shall be defined as "a systematic comparison of alternative means for providing wastewater treatment that will minimize the total resource costs".

BE IT FURTHER ORDAINED by the County Board of Supervisors of the County of Winnebago that this Ordinance shall be effective as of the date following the date of its publication.

Submitted by:
PLANNING & ZONING COMMITTEE

Motion by Supervisor Schaidler and seconded to approve. Ayes: 34. Nays: 0. Excused: 2 - Hert and Rankin. Absent: 2 - Nielsen and Tierney. CARRIED.

ORDINANCE NO. 326-12004: Amend Specific Sections of Chapter 18 of the General Code of Winnebago County (Subdivision and Platting)

WHEREAS, the Winnebago County Planning and Zoning Department has recommended that Chapter 18 be kept up-to-date; and

WHEREAS, the Winnebago County Planning and Zoning Committee has reviewed said suggested amendments and has recommended them to the Winnebago County Board of Supervisors.

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

That the following Sections of Chapter 18 of the General Code of Winnebago County: Subdivision and Platting Ordinance, be amended to read as follows:

(a) That Section 18.14(1) of the General Code of Winnebago County be amended to read as follows:

18.14 SUBMITTAL. Creation of a minor land division shall be by certified survey map. The certified survey map shall be submitted to the Planning and Zoning Department. The certified survey map shall be prepared according to Sec. 236.34, Wisconsin Statutes, and shall show clearly on its face the following:

(1) All existing buildings, existing setbacks for all buildings, setbacks to structures on adjacent property (only when required by approving authority), watercourses, drainage ditches, navigable water bodies, and other features deemed pertinent to the division of property. ...

(b) To renumber Section 18.16(1) and to create Section 18.16(1)(b) to read as follows:

18.16 REVIEW AND APPROVAL.

(1) (a) The Committee shall not approve a Certified Survey Map without the review of the Town Board. The County Zoning Office shall mail to the Clerk of the Town within which the Certified Survey Map is proposed, a copy of all survey maps. The Town Board should communicate its position in writing. Any response from the Town Board will be taken into consideration by the Committee in their approval or denial of the Certified Survey Map. Failure of the Town Board to communicate its position within thirty (30) days of receipt of mailing unless mutually extended by both parties shall constitute favorable review by the Town Board of whatever action the Committee may take.

(b) The procedure specified in (a), above, shall not be required to be followed when the Town has a subdivision ordinance applicable to CSM's. In these cases, no submission of the proposed certified survey map to the Town shall be required by the County.

(c) Create Section 18.56(3)(b)(2)(c) to read as follows:

18.56 LOTS.

(3) Lot Frontage. ...

(b) A CSM or plat creating a new parcel without frontage on a public street shall contain one or more of the following statements: ...

(2) Areas under town zoning jurisdiction: ...

(c) A-1 and A-2 parcels of less than or equal to 5 acres in size, and intended for residential, commercial, or industrial construction purposes shall meet the frontage and width requirements specified in Table 1. The same sized lots may be created without the required frontage and width requirements provided a non-buildability statement is included on the face of the CSM, and access is provided by easement.

(d) Amend Section 18.65(30) to read as follows:

18.65 DEFINITIONS ...

(30) MINOR LAND DIVISIONS – The creation of one (1) but not more than four (4) parcels or building sites which divide land into a parcel or parcels of five (5) acres or smaller in size or where a certified survey map is required by another ordinance. Minor land divisions shall be created by certified survey map. Not more than four (4) parcels may be created by using minor land division procedures within any five (5) year period from a lot, parcel or tract which existed on the effective date of this

Chapter.

(e) Create Chapter 18, Table 1, Note 11 to read as follows:

Note 11: A-1 and A-2 parcels greater than or equal to five (5) acres require a minimum 200 foot frontage and width in order to be buildable for residential/commercial/industrial purposes. See also Section 18.56(3)(b)(2)(c).

(f) Amend Chapter 18, Table 1 with regard to A-1 with regard to the following zoning districts:

- A-1 (greater than or equal to five (5) acres);
- A-2 (greater than or equal to five (5) acres); and
- A-2 (less than five (5) acres) to read as follows:

| <u>Zoning District</u> | <u>Minimum Area</u> | <u>Minimum Width</u> | <u>Minimum Frontage</u> | <u>Notes</u> |
|------------------------|---------------------|----------------------|-------------------------|-----------------|
| A-1(>/=5 ac) | n/a | See Notes | See Notes | 1,2,5,8,10 & 11 |
| A-2(>/=5 ac) | n/a | See Notes | See Notes | 1,2,5,8,10 & 11 |
| A-2(<5 ac) | not allowed | | | |

BE IT FURTHER ORDAINED by the County Board of Supervisors of the County of Winnebago that this Ordinance shall take effect on the date following the date of its publication.

Submitted by:
PLANNING & ZONING COMMITTEE

Motion by Supervisor Schaidler and seconded to approve. Ayes: 34. Nays: 0. Excused: 2 - Hert and Rankin. Absent: 2 - Nielsen and Tierney. CARRIED.

Motion by Supervisor Robl and seconded to adjourn until 6:00 p.m. on Tuesday, February 3, 2004. CARRIED BY VOICE VOTE.

The meeting was adjourned at approximately 7:50 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 January 20, 2004.

Susan T. Ertmer
Winnebago County Clerk