

**KENOSHA COUNTY BOARD OF SUPERVISORS
COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING
February 24, 2009**

The **Regular Meeting** was called to order by Chairman Clark at 7:30 p.m., in the County Board Room located in the Administration Building. Roll call was taken.

Present: Supervisors Grady, Zerban, Kessler, Rose, Huff, Kubicki, Hallmon, Marks, Gentz, Modory, Faraone, Ronald Johnson, Michel, O'Day, Singer, Nudo, Moore, Molinaro, Morton, Jackson, Clark, Noble, West, Roger Johnson, Breunig, Haas, Elverman, Ekornaas.

Absent: None.

Present: 28. Absent: 0.

CITIZEN COMMENTS

Jeffrey Cassity, 4921 20th Avenue, stated he is the president of the League of United Latin American Citizens Council 320 for Kenosha/Racine. He spoke against the policy of the Sheriff's Department and Immigration Customs Enforcement (ICE) to flag criminal illegal aliens. This involves the referring of any individual booked into the county jail who lists a foreign place of birth automatically to ICE. He feels this is profiling an individual based their on place of birth. The Sheriff maintains this practice allows the jail to find out if there is an immigration hold or a foreign warrant for foreign born individuals that are taken into custody. If checking on foreign warrants are the true purpose of this policy, then why aren't all arrestees subject to this procedure. Couldn't U.S. born individuals have pending foreign warrants? This is not a question of a Hispanic civil rights group trying to coddle criminals or not supporting law enforcement, but rather making sure those charged with enforcing our laws respect the rights of the individuals and the legal process while performing that job.

Mark O'Connell, Director of the Wisconsin County Association, stated the budget is going to be a very difficult budget, not just in its introduction now, but when it runs through the process. This is very difficult times we are facing. We will all need to participate in solving our State's fiscal challenges. This budget addresses our current two year period. There is a lot of work to do in addressing our future challenges and putting our State in a position so we are able to succeed and not repeat the same kinds of challenges we face today. The State is very opened to working with County Government as they look at innovated creative ways to collaborate to change the course of business. The challenges we face as a State will require less expenditures in some areas as well as additional revenue in some areas. It cannot be done by looking at one side of the ledger. It will take a lot of leadership and vision to get a budget through that puts us in a better position for the future. The decisions we have to make as a State, County, City, Town, Village, or School District may not be popular, but difficult decisions will have to be made to put us in a position as a State and as a County to succeed in the future. As people involved in the arena of public policy, we have a duty, an obligation, and a responsibility to engage in behavior, thinking, functions and programs that will assist people we will never meet and help generations we will never see.

THERE WERE NO ANNOUNCEMENTS OF THE CHAIR

SUPERVISOR REPORTS

Supervisor Michel stated the Joint Services Board met and he congratulated Supervisor Gentz for being the Chairman of that board. The biggest issue they dealt with was the Sheriff and Police Departments will no longer be doing employee back round checks for them due a shortage of man power. They are looking for other individuals to do the back round checks. He also stated he feels their board, the new mayor and the new county executive are working excellently on the intergovernmental agreement and it will show by the work that is being done within this organization.

Supervisor Elverman reported Highway & Parks will be meeting next Monday to review and approve the 2009 golf rates. Daniel Drier was hired as the General

Manager of the Division of Golf Operations. He brings a private sector knowledge and business back round to the golf operation.

Supervisor Breunig stated the Youth in Governance received 122 nominations from the district schools. They started the interview process tonight for the 18 positions. This year they will open it up to alternates so if a youth member misses three meetings, they can be removed and have another youth appointed to the committee.

Vice-Chair Faraone stated the Finance Committee approved a capital outlay modification for Information Services. The Finance Committee received four reports in addition to the standard report. Two reports were presented by Human Services, one on the analysis of Brookside Care Center and the other an update report on W-2 funding. The committee received the fourth quarter revolving loan fund update from Todd Battle of KABA and a year end 2008 report from the Register of Deeds. The Finance Committee continues to work on a comprehensive debt management policy and is hopeful that they will be doing the final review at the May 12th meeting. The Finance Committee will be getting an update on Information Services and a report from the County Treasurer at the next meeting and prior to the meeting there will be a joint meeting with the Administration Committee to go over contract negotiations.

Supervisor Moore stated there will be a joint meeting on March 12th with Administration and Finance Committees. He encourages board members to attend the meeting to participate in the discussion of the contract negotiations with the four bargaining units they are currently negotiating with.

OLD BUSINESS

Ordinance - second reading - two required

ORDINANCE 28

28. From the Legislative Committee an Ordinance to amend Section 3.01(1)(g) of the Municipal Code of Kenosha County Pertaining to the Filling of Vacancies in the Office of Kenosha County Board Supervisor.

The Kenosha County Board of Supervisors does hereby ordain that section 3.01(1)(g) of the Municipal Code of Kenosha County be, and hereby is, amended to read as follows:

"(g) Filling of Vacancies Occurring Within A Term. Vacancies in the office of County Supervisor shall be filled in the following manner: .

- If the vacancy occurs prior to December 1 of an even numbered year the vacancy shall be filled by an election in the Spring non-partisan election of the odd-numbered year; prior to such an election the County Board ~~Chairman~~ Chair shall appoint a successor, in accordance with the provision set forth in section 4, who shall be confirmed by the County Board and shall serve until his successor is elected at such non-partisan election in the odd numbered year;
- Except as hereinafter provided, if the vacancy occurs after December 1 of an even numbered year the vacancy shall be filled by an election in the Spring non-partisan election of the next even-numbered year; prior to such an election the County Board ~~Chairman~~ Chair shall appoint a successor, in accordance with the provision set forth herein, who shall be confirmed by the County Board and shall serve until his successor is elected at such non-partisan election in the next even- numbered year;
- If the vacancy occurs after December 1 of an odd-numbered year and prior to the Spring election in an even numbered year, the vacancy shall be filled by an election in the Spring non-partisan election of the next odd-numbered year; prior to such an election the County Board ~~Chairman~~ Chair shall appoint a successor;
- Prior to making an appointment pursuant to the provision set forth herein, the County Board ~~Chairman~~ Chair shall advertise for the position in the County's official publication for legal notices; he shall interview all interested candidates and report the qualifications of all such interested persons to the County Board along with the qualifications of his or her appointee.

Persons appointed shall be qualified electors and residents of the supervisory district in which the vacancy occurred.

It was moved by Supervisor Huff to adopt Ordinance 28. Seconded by Supervisor Modory.

Motion carried.

NEW BUSINESS

Resolutions - one reading

RESOLUTION 123

123. From the Finance Committee a Resolution awarding the sale of \$2,735,000 General Obligation Refunding Bonds, Series 2009.

RESOLUTION AWARDING THE SALE OF
\$2,735,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2009

WHEREAS, on February 3, 2009, the County Board of Supervisors of Kenosha County, Wisconsin (the "County") adopted a resolution entitled: "Initial Resolution Authorizing the Issuance of General Obligation Refunding Bonds in an Amount Not to Exceed \$2,735,000 and Providing for the Sale of the Bonds" (the "Initial Resolution") authorizing the issuance of general obligation refunding bonds in an amount not to exceed \$2,735,00 for the purpose of refunding obligations of the County, including interest on them, to wit: refunding the County's outstanding General Obligation Detention Facility Bonds, Series 1998A, dated October 1, 1998, maturing in the years 2010 through 2017 (the "Refunded Obligations") (hereinafter the refinancing of the County's Refunded Obligations shall be referred to as the "Refunding");

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

WHEREAS, counties are authorized by the provisions of Section 67.04, Wisconsin Statutes, to borrow money and issue general obligation refunding bonds to refinance their outstanding obligations;

WHEREAS, pursuant to the Initial Resolution, the County has directed its financial advisor, Ehlers & Associates, Inc. ("Ehlers") to take the steps necessary to sell its General Obligation Refunding Bonds, Series 2009 (the "Bonds");

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

WHEREAS, Ehlers, in consultation with the officials of the County, prepared a 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 February 24, 2009;

WHEREAS, the County Clerk (in consultation with Ehlers) caused notice of the sale of the Bonds to be published and/or announced and caused the Notice of Sale to be distributed to potential bidders offering the Bonds for public sale;

WHEREAS, the County has duly received bids for the Bonds as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference (the "Bid Tabulation"); and

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

WHEREAS, the County Board of Supervisors now deems it to be necessary, desirable and in the best interest of the County that the Bonds be issued in the aggregate principal amount of \$2,735,000.

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

Section 1A. Ratification of the 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 Notice of Sale and any other offering materials

prepared and circulated by Ehlers are hereby ratified and approved in all respects. All actions taken by officers of the County and Ehlers in connection with the preparation and distribution of the Notice of Sale, and any other offering materials are hereby ratified and approved in all respects.

Section 1B. Award of the Bonds. The Proposal of the Purchaser offering to purchase the Bonds for the sum set forth on the Proposal, plus accrued interest to the date of delivery, is hereby accepted. The Chairperson and County Clerk or other appropriate officers of the County are authorized and directed to execute an acceptance of the Proposal on behalf of the County. The good faith deposit of the Purchaser shall be retained by the County Treasurer until the closing of the bond issue, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Bonds bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Refunding Bonds, Series 2009"; shall be issued in the aggregate principal amount of \$2,735,000; shall be dated March 12, 2009; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum; and mature on April 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest is payable semi-annually on April 1 and October 1 of each year commencing on October 1, 2009. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

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. Tax Provisions.

(A) 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 2009 through 2016 for the payments due in the years 2009 through 2017 in the amounts set forth on the Schedule. The amount of tax levied for the year 2009 shall be the total amount of debt service due on the Bonds in the years 2009 and 2010; provided that the amount of such tax carried onto the tax rolls shall be abated by any amounts appropriated pursuant to subsection (D) below which are applied to payment of principal of or interest on the Bonds in the year 2009.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the County shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the County 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, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the County then available, which sums shall be replaced upon the collection of the taxes herein levied.

(D) Appropriation. The County hereby appropriates from amounts levied to pay debt service on the Refunded Obligations or other funds of the County on hand a sum sufficient to be irrevocably deposited in the segregated Debt Service Fund Account created below and used to pay the interest on the Bonds coming due on October 1, 2009 as set forth on the Schedule.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the County, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the County may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for \$2,735,000 General Obligation Refunding Bonds, Series 2009, dated March 12, 2009" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The County Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the County at the time of delivery of and payment for the Bonds; (ii) any premium which may be received by the County above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the County, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the County, unless the County Board of Supervisors directs otherwise.

Section 7. Proceeds of the Bonds; Segregated 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 a special fund separate and distinct from all other funds of the County and disbursed solely for the purpose for which borrowed or for the payment of the principal of and the interest on the Bonds. In no event shall monies in the Borrowed Money Fund be used to fund operating expenses of the general fund of the County or of any special revenue fund of the County that is supported by property taxes. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose for which the Bonds have been issued has been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the County,

charged with the responsibility for issuing the Bonds, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Bonds to the Purchaser which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The County represents and covenants that the projects financed by the Bonds and by the Refunded Obligations and their ownership, management and use will not cause the Bonds or the Refunded Obligations to be "private activity bonds" within the meaning of Section 141 of the Code. The County further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. The County further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The County Clerk or other officer of the County charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the County certifying that the County can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The County also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Bonds provided that in meeting such requirements the County will do so only to the extent consistent with the proceedings authorizing the Bonds and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 10. Designation as Qualified Tax-Exempt Obligations. The Bonds are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Code, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Section 11. Execution of the Bonds; Closing. The Bonds shall be issued in printed form, executed on behalf of the County by the manual or facsimile signatures of the Chairperson and County Clerk, authenticated, if required, by the Fiscal Agent (defined below), 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 (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the County has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing.

Section 12. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by the County Clerk or County Treasurer (the "Fiscal Agent").

Section 13. Persons Treated as Owners; Transfer of Bonds. The County shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. 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 Fiscal Agent, 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 Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent 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.

Section 14. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). 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 Record Date.

Section 15. 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 16. Payment of Issuance Expenses. The County authorizes the Purchaser to forward the amount of the proceeds of the Bonds allocable to the payment of issuance expenses to Bank of America, N.A., New York, New York at Closing for further distribution as directed by Ehlers.

Section 17. Official Statement. The County Board of Supervisors hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the County in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate County official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The County Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 18. Undertaking to Provide Continuing Disclosure. The County hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") required by 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 owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners 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 19. Redemption of the Refunded Obligations. The Refunded Obligations are hereby called for prior payment and redemption on April 1, 2009 at a price of par plus accrued interest to the date of redemption.

The County hereby directs the County Clerk to work with Ehlers to cause timely notice of redemption, in substantially the form attached hereto as Exhibit F and incorporated herein by this reference (the "Notice"), to be provided at the times, to the parties and in the manner set forth on the

Notice. All actions heretofore taken by the officers and agents of the County to effectuate the redemption of the Refunded Obligations are hereby ratified and approved.

Section 20. Record Book. The County Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 21. Bond Insurance. If the Purchaser of the Bonds determines to obtain municipal bond insurance with respect to the Bonds, the officers of the County are authorized to take all actions necessary to obtain such municipal bond insurance. The Chairperson and County Clerk are authorized to agree to such additional provisions as the bond insurer 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, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 22. 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:

Finance Committee

Anita Faraone

John O'Day

Terry Rose

Mark Molinaro, Jr.

David Singer

It was moved by Vice-Chair Faraone to adopt Resolution 123. Seconded by Supervisor Molinaro.

Roll call vote passed unanimously.

RESOLUTION 124

124. From the Highway & Parks and Finance Committees regarding Jurisdictional Transfer Agreement between the Wisconsin Department of Transportation and Kenosha County.

WHEREAS, as part of the State's I-94 Corridor Preservation Project, at each I-94 interchange with a County Trunk Highway in Kenosha County the State requests having the jurisdictional responsibility of the intersecting highway segment between the I-94 relocated frontage roads including for approximately 500 feet on either side of the I-94 relocated frontage roads, and

WHEREAS, Section 84.02(8), Wisconsin Statutes, enables the State to enter into jurisdictional transfer agreements with local units of government, thereby facilitating alterations in jurisdictional highway systems, and

WHEREAS, Section 83.025, Wisconsin Statutes, enables the County to enter into jurisdictional transfer agreements with the Wisconsin Department of Transportation, thereby facilitating alterations in jurisdictional highway systems.

THEREFORE BE IT RESOLVED, that the Kenosha County Board of Supervisors hereby approves the transfer of jurisdictional responsibility between the Wisconsin Department of Transportation and Kenosha County under the conditions and route descriptions as described below, and

BE IT FURTHER RESOLVED, that the Kenosha County Highway Commissioner is authorized to process the jurisdictional transfer with the Wisconsin Department of Transportation as indicated in the Wisconsin Statutes.

CONDITIONS:

The Wisconsin Department of Transportation Shall:

- A. Accept improvement, operational and maintenance responsibility of the County Trunk Highway as described in ROUTE DESCRIPTIONS.
- B. Establish on transportation project plats the access control for all parcels of land adjacent to the jurisdictionally transferred highway limits. The Wisconsin Department of Transportation and the current property owners shall negotiate the value of the access rights. The access shall be included on the transnsportation project plats as filed with the Kenosha County Clerk.

The County Shall:

- A. Transfer the improvement, operational and maintenance responsibility of the County Trunk Highway as described in ROUTE DESCRIPTIONS.

ROUTE DESCRIPTIONS:

County Trunk Highway ML, beginning at the I-94 west frontage road to a point approximately 500 feet east of the relocated I-94 east frontage road located in Section 36, Town 1 North, Range 21 East, in the Town of Bristol and Section 31, Town 1 North, Range 22 East, in the Village of Pleasant Prairie, Kenosha County.

County Trunk Highway Q, beginning 500 feet west of the reolocated I-94 west frontage road to State Highway 165 located in Sections 24 and 25, Town 1 North, Range 21 East, in the Town of Bristol and Sections 19 and 30, Town 1 North, Range 22 East, in the Village of Pleasant Prairie, Kenosha County.

County Trunk Highway C, beginning at a point approximately 500 feet west of the relocated I-94 west frontage road to a point approximately 500 feet east of the relocated I-94 east frontage road located in Section 13, Town 1 North, Range 21 East, in the Town of Bristol and Section 8, Town 1 North, Range 22 East, in the Village of Pleasant Prairie, Kenosha County.

County Trunk Highway S, beginning at State Highway 142 to a point approximately 500 feet east of the relocated I-94 east frontage road located in Section 19, Town 2 North, Range 22 East in the Town of Somers.

County Trunk Highway E, beginning at a point approximately 500 feet west of the relocated I-94 west frontage road to a point approximately 500 feet east of the relocated I-94 east frontage road located in Sections 12 and 13, Town 2 North, Range 21 East in the Town of Paris, and in Sections 7 and 18, Town 2 North, Range 22 East in the Town of Somers, Kenosha County.

Southern portion of County Trunk Highway KR beginning at a point 500 feet west of the relocated I-94 West Frontage Road to a point 500 feet east of the relocated I-94 east frontage road located in Section 1, Town 2 North, Range 21 East in the Town of Paris and in Section 6, Town 2 North, Range 22 East in the Town of Somers, Kenosha County.

SUBMITTED BY:

Highway & Parks Committee	Finance Committee
Dennis Elverman	Anita Faraone
John O'Day	John O'Day
William Grady	Terry Rose
Gordon West	Mark Molinaro, Jr.
Douglas Noble	David Singer

It was moved by Supervisor Elverman to adopt Resolution 124. Seconded by Vice-Chair Faraone.
Motion carried.

RESOLUTION 125

125. From Highway & Parks Committee regarding Kenosha Public Snowmobile Trail (Existing Trail 76.9 miles).

WHEREAS, Kenosha County has at the present time a public snowmobile trail which is 76.9 miles in length and is maintained by contract service with the Kenosha County Snowmobile Club Alliance, and

WHEREAS, Kenosha County wants to retain the same number of miles in the trail system for the 2009-2010 winter season, and

WHEREAS, the Kenosha County Public Snowmobile Trail is eligible for 100% reimbursable funds under Sec. 23.09(26), Wis. Stats., for such eligible maintenance acquisition, insurance and development costs.

NOW, THEREFORE, BE IT RESOLVED that the Kenosha County board of Supervisors hereby authorizes the Department of Public Works to act on behalf of Kenosha County to:

Submit an application to the State of Wisconsin Department of Natural Resources for 100% reimbursable financial aid that is available; sign Documents, and take necessary action to undertake, direct and complete the approved project.

SUBMITTED BY:

Highway & Parks Committee
Dennis Elverman
John O'Day
William Grady
Gordon West
Douglas Noble

It was moved by Supervisor Elverman to adopt Resolution 125. Seconded by Supervisor Noble.
Motion carried.

RESOLUTION 126

126. From Human Services and Finance Committees a Resolution to convert one full-time Economic Support Program Manager position to two full-time Economic Support Supervisor Positions.

WHEREAS, the Kenosha County Department of Human Services, Division of Workforce Development has one recently vacated full time Economic Support Program Manager position, and

WHEREAS, this position provided oversight of Economic Support worker's and supervisor's activities in the Economic Support Program, and

WHEREAS, the unduplicated caseloads in Economic Support have increased by more than 100% between January 2002 and January 2009, and with the state of the current economy this trend is expected to continue, and

WHEREAS, the Economic Support program currently has additional State performance reports, contract and program monitoring, and staff training requirements for Economic Support workers that supervisors are responsible for, and

WHEREAS, the Economic Support Supervisors were reduced by one FTE in 2004 through the budget process due to levy constraints at the time, and

WHEREAS, it is beneficial both programmatically and fiscally to convert the Program Manager position to two full time supervisory positions to address the additional training, monitoring and management responsibilities, and

WHEREAS, having two supervisors would better serve the current needs of clients, staff and the internal operations by having more management available to respond to staff questions, public complaints and correspondence, provide necessary training, and

WHEREAS, this budget modification poses no additional levy-funded costs to the County for 2009; and

WHEREAS, if this request for modification of the management staff positions is not approved, the Division of Workforce Development would continue to operate with one full time Economic Support Program Manager.

NOW, THEREFORE, BE IT RESOLVED, that the Kenosha County Department of Human Services, Division of Workforce Development be authorized to increase expenses by \$23,083 and to increase revenue by \$23,083, to convert one full time Economic Support Program Manager to two Economic Support Supervisors per the attached budget modification incorporated herein by reference.

SUBMITTED BY:

Human Services Committee	Finance Committee
Edward Kubicki	Anita Faraone
Terry Rose	John O'Day
Richard Kessler	Terry Rose
Jennifer Jackson	Mark Molinaro, Jr.
Jeff Gentz	David Singer

It was moved by Supervisor Kubicki to adopt Resolution 126. Seconded by Vice-Chair Faraone.

Roll call vote passed unanimously.

RESOLUTION 127

127. From Human Services and Finance Committees a Resolution to modify Division of Aging & Disability Services 2009 Budget for a State Prevention Grant to Coordinate a Local Campaign, "Physical Activity: the Arthritis Pain Reliever".

WHEREAS, the Kenosha County Department of Human Services, Division of Aging and Disability Services was awarded funds by the State of Wisconsin to implement 'Physical Activity: The Arthritis Pain Reliever' campaign to increase public awareness of physical activity as a way to manage arthritis pain and increase function and to also increase awareness of local resources for physical activity and chronic disease management; and

WHEREAS, the Kenosha County Department of Human Services, Division of Aging and Disability Services is receiving \$25,000 from the Department of Health Services, Division of Public Health to implement 'Physical Activity: The Arthritis Pain Reliever'; and

WHEREAS, no local match is required;

NOW, THEREFORE, BE IT RESOLVED that the Kenosha County Department of Human Services, Division of Aging and Disability Services budget be modified as follows:

Authorize increase of expenditures of \$25,000 and to increase revenues by \$25,000, per the attached budget modification incorporated herein by reference.

SUBMITTED BY:

Human Services Committee	Finance Committee
Edward Kubicki	Anita Faraone
Terry Rose	John O'Day
Richard Kessler	Terry Rose
Jennifer Jackson	Mark Molinaro, Jr.
Jeff Gentz	David Singer

It was moved by Supervisor Kubicki to adopt Resolution 127. Seconded by Vice-Chair Faraone.

Roll call vote passed unanimously.

RESOLUTION 128

128. From Judiciary & Law and Finance Committees regarding Kenosha County Crane Collapse Exercise Series Grant.

WHEREAS, Kenosha County Division of Emergency Management is being awarded an Exercise Training Grant totaling \$32,184.00 from the State of Wisconsin Office of Justice Assistance (OJA), and

WHEREAS, this grant will be used to pay for supplies, operating expenses, consultants/contractual expenses and personnel costs of those participating in the Functional and Full-scale Exercises, and

WHEREAS, the cost of this grant is 100% funded by WI OJA requiring no tax levy, and

WHEREAS, the Kenosha County Emergency Management Budget will require a FY09 Budget Modification of \$32,184,

NOW THEREFORE BE IT RESOLVED, that the Kenosha County Board of Supervisors approve that the FY09 Emergency Management revenue and expenditure line items be modified, as per the attached budget modification form.

BE IT FURTHER RESOLVED, that the Administration be authorized to modify these Budget Expenditures for purposes of expending all of the grant dollars in accordance with the Grant Criteria.

SUBMITTED BY:

Judiciary & Law Committee	Finance Committee
William Michel, II	Anita Faraone
Jim Huff	John O'Day
Bob Haas	Terry Rose
Roger Johnson	Mark Molinaro, Jr.
Ronald Johnson	David Singer

It was moved by Supervisor Michel to adopt Resolution 128. Seconded by Vice-Chair Faraone.

Roll call vote passed unanimously.

RESOLUTION 129

129. From Judiciary & Law Committee regarding Regular Cabaret License for Hawg Heaven Bar.

WHEREAS, the application of Michael Frost for a probationary cabaret license for the Hawg Heaven Bar, 10306 Antioch Road, Salem, Wisconsin, in the Town of Salem, was made during the month of June, was turned over to this office on June 3rd, 2008, and

WHEREAS, the establishment known as for the Hawg Heaven Bar was granted a Probationary Cabaret License per County Board Resolution on August 5th, 2008, and

WHEREAS, the establishment known as the Hawg Heaven Bar was found to be in conformity with County Ordinance # 8.02 governing it's conduct for a probationary period of the last 6 months.

NOW, THEREFORE BE IT RESOLVED, that a regular cabaret license, in lieu of a probationary cabaret license, be granted to Michael Frost, for the Hawg Heaven Bar.

SUBMITTED BY:
Judiciary & Law Committee
William Michel, II
James Huff
Bob Haas
Roger Johnson
Ronald Johnson

It was moved by Supervisor Michel to adopt Resolution 129. Seconded by Supervisor Huff.
Motion carried.

RESOLUTION 130

130. From Judiciary & Law Committee regarding Regular Cabaret License for The Annex.

WHEREAS, the application of Connie Georges for a probationary cabaret license for The Annex tavern, 39918 93rd Street, Genoa City, Wisconsin, in the Town of Randall, was made during the month of June, was turned over to this office on June 19th, 2008, and

WHEREAS, the establishment known as The Annex tavern was granted a Probationary Cabaret License per County Board Resolution on September 16th, 2008, and

WHEREAS, the establishment known as The Annex tavern was found to be in conformity with County Ordinance # 8.02 governing it's conduct for a probationary period of the last 6 months.

NOW, THEREFORE BE IT RESOLVED, that a regular cabaret license, in lieu of a probationary cabaret license, be granted to Connie Georges, for The Annex tavern.

SUBMITTED BY:
Judiciary & Law Committee
William Michel, II
James Huff
Bob Haas
Roger Johnson
Ronald Johnson

It was moved by Supervisor Michel to adopt Resolution 130. Seconded by Supervisor Huff.
Motion carried.

RESOLUTION 131

131. From Land Use Committee regarding Final Plat of Bristol Trails Estates, Berryville Development company LLC (Developer) in the Town of Bristol.

WHEREAS, at a regularly held public hearing of the Kenosha County Land Use Committee on February 11, 2009, review was given to the Final Plat of Bristol Trails Estates Subdivision located on Tax Parcels #35-4-121-091-0205, #35-4-121-091-0300 and #35-4-121-093-0410 in the northeast and southwest quarter of Section 9, Township 1 North, Range 21 East, Town of Bristol. For informational purposes only, these properties are located on the south side of State Trunk Highway "50" (75th Street) immediately west of Bristol Oaks golf course; and

WHEREAS, the plat was submitted in accordance with the requirements of Chapter 236 of Wisconsin State Statutes and the developer agreed to comply with those land platting laws; and

WHEREAS, the plat is in conformance with the Kenosha County Subdivision Control Ordinance and the developer agreed to all county conditions for approval (Exhibit 1, on file in the Department of Planning and Development); and

WHEREAS, the Town of Bristol recommended approval of Bristol Trails Estates Subdivision subject to the conditions presented in (Exhibit 1, on file in the Department of Planning and Development) and subject to signing the developer's agreement between the developer and the Town; and

WHEREAS, the Southeastern Wisconsin Regional Planning Commission (SEWRPC) reviewed the subject plat and recommended approval of the plat; and

WHEREAS, Ruekert-Mielke, an engineering firm working as a consultant for Kenosha County with regards to stormwater and erosion control, recommended approval of the plat;

NOW, THEREFORE, BE IT RESOLVED that the Kenosha County Board of Supervisors approve the Final Plat of Bristol Trails Estates Subdivision subject to the conditions as approved by the Land Use Committee.

SUBMITTED BY:

Land Use Committee

Fred Ekornaas

Gabe Nudo

Kimberly Breunig

Gordon West

Brian Morton

It was moved by Supervisor Ekornaas to adopt Resolution 131. Seconded by Supervisor Breunig.

Motion carried.

COMMUNICATION

16. From George E. Melcher Director of Planning and Development, regarding future rezonings.

Chairman Clark referred Communication 16 to the Land Use Committee.

It was moved by Grady to approve the February 3, 2009 minutes. Seconded by Supervisor Morton.

Motion carried.

It was moved by Supervisor Gentz to adjourn. Seconded by Supervisor Haas.

Motion carried.

Prepared by: Edie LaMothe

Deputy Clerk

Submitted by: Mary T. Schuch-Krebs

County Clerk