

PROCEEDINGS OF THE BROWN COUNTY BOARD OF SUPERVISORS
December 15, 2010

Pursuant to Section 19.84 and 59.14, Wis. Stats., notice is hereby given to the public that the REGULAR meeting of the **BROWN COUNTY BOARD OF SUPERVISORS** was held on **Wednesday, December 15, 2010, at 7:00 p.m.**, in the Legislative Room 203, 100 North Jefferson Street, Green Bay, Wisconsin.

The following matters will be considered:

Call to order at 7:00 p.m.

Invocation.

Pledge of Allegiance to the Flag.

Present: Tumpach, Nicholson, Theisen, Krueger, Haefs, Erickson, Brunette, Zima, Evans, Vander Leest, Buckley, Dantine, La Violette, Andrews, Kaster, Van Vonderen, Schuller, Fleck, Clancy, Wetzel, Moynihan, Scray, Carpenter, Lund, Fewell

Excused: De Wane

Total Present: 25

Total Excused: 1

No. 1 -- ADOPTION OF AGENDA.

A motion was made by Supervisor La Violette and seconded by Supervisor Wetzel **“to adopt the agenda”**. Voice vote taken. Motion carried unanimously with no abstentions to adopt the agenda.

No. 2 -- APPROVAL OF MINUTES OF NOVEMBER 8, 2010.

A motion was made by Supervisor Moynihan and seconded by Supervisor Krueger **“to approve the minutes of November 8, 2010.”** Voice vote taken. Motion carried unanimously with no abstentions.

No. 3 -- ANNOUNCEMENTS OF SUPERVISORS.

Supervisor Evans discussed Wind Turbine Rules stating the PSC has ignored the wishes of Brown County residents who have expressed many reasons for not having wind turbines. Mr. Evans asked Executive Hinz to request a Special Meeting of the State Legislature before January 1st, otherwise the Wind Turbine Rules will go into effect.

Supervisor Erickson wished everyone a Merry Christmas and a Happy New Year. Supervisor Erickson announced he is again accepting canned good donations or monetary donations for the Salvation Army.

No. 4 -- COMMUNICATIONS

No. 4a -- FROM SUPERVISOR THEISEN RE: REQUEST THAT ALL NEW ADMINISTRATIVE EMPLOYEES CONTRIBUTE TO THE WISCONSIN RETIREMENT SYSTEM.

Refer to Administration Committee and Executive Committee

No. 4b -- FROM SUPERVISOR BUCKLEY RE: HAVE THE SHERIFF'S DEPARTMENT REPORT TO THE PUBLIC SAFETY COMMITTEE THE STATUS OF THE RFP THAT WENT OUT FOR THE RECORDS MANAGEMENT SYSTEM. I WOULD LIKE TO SEE THIS DONE BEFORE ANY CONTRACT IS SIGNED. I WOULD ALSO LIKE TO SEE A PRESENTATION OF THE DIFFERENT COMPANIES THAT RESPONDED TO THE RFP.

Refer to Public Safety Committee.

No. 4c -- FROM SUPERVISOR BRUNETTE RE: TO POSSIBLY COORDINATE A JOINT MEETING OF THE ED AND REC COMMITTEE AND THE NEVILLE PUBLIC MUSEUM GOVERNING BOARD TO SEEK PUBLIC INPUT AND SUGGESTIONS FOR THE NEVILLE PUBLIC MUSEUM.

Refer to Education and Recreation Committee.

No. 5 -- APPOINTMENTS BY THE COUNTY EXECUTIVE. NONE.

No. 6a -- REPORT BY COUNTY EXECUTIVE.

County Executive Hinz stated that Sue Gladh, a former Human Resources Analyst, has died. He asked to keep her in your prayers.

Executive Hinz highlighted various department happenings, some which are: an Administrative Staff meeting was held last Friday, December 10; County received a very favorable interest rate (2.75%) for the S & L Building; Family Care has been implemented in the County; dedication took place for the storage building at the Airport; energy grants have been received; progress is being made on the 1st Tee Program; the Ashwaubenon Dispatch Center was folded into our current system without any problems; complimented the County Health Department on its handling of the H1N1 Clinic; reported a profit of \$41,000 derived from the Community Partnership for Children's Golf Outing; announced the installation of a new phone system by the Information Services Department saving the County thousands of dollars; announced the new Food Court at the NEW Zoo which has been an excellent addition; the Sheriff's Department spent approximately \$300,000 less in overtime versus last year's overtime; and in closing Mr. Hinz thanked Syble Hopp school for decorating the County's Christmas Tree in the Northern Building.

No. 6b -- REPORT BY BOARD CHAIRMAN

County Board Chair Zima announced that mileage must be turned in to the County Board's Office by January 10, 2011. Mr. Zima announced to County Board members that the Press Gazette is looking at County Board charges.

Chairman Zima wished everyone a nice Christmas Season.

No. 7 -- OTHER REPORTS. None.

No. 8 -- STANDING COMMITTEE REPORTS:

No. 8a -- REPORT OF ADMINISTRATION COMMITTEE OF NOVEMBER 18, 2010

TO THE MEMBERS OF THE BROWN COUNTY
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The ADMINISTRATION COMMITTEE met in regular session on November 18, and recommends the following motions:

1. Review Minutes of:
 - a. Housing Authority (October 18, 2010). Receive and place on file.
2. Communication from Supervisor Evans re: If there is no purchase, lease, or functional use of the old Mental Health Center by June 1, 2011, the facility will be torn down/razed. To hold until the December Meeting.
3. Information Services - Budget Status Financial Report for August, 2010 and September, 2010. Receive and place on file.
4. Information Services - Director's Report – November 18, 2010. Receive and place on file.
- #4a Information Services - Budget Adjustment Request (#10-108): Increase in expenses with offsetting increase in revenue. To approve.
5. Dept. of Administration - 2010 Budget Adjustment Log. Receive and place on file.
6. Dept. of Administration - 2010 Vehicle Purchases Monthly Vehicle Costs – September, 2010. Receive and place on file.
7. Dept. of Administration - Director's Report. *No Report, No Action.*
8. Human Resources Activity Report for October, 2010. Receive and place on file.
9. Human Resources - LEAN Report. *No Report, No Action.*
10. Human Resources - Medical and Dental Benefits – Fred Mohr attachment. Receive and place on file.
- 10a. Facility & Park Management - Review of Facilities Management departmental changes for 2011 budget approved by County Board. Receive and place on file.
11. Audit of Bills. To approve audit of bills.

A motion was made by Supervisor Lund and seconded by Supervisor Andrews "to adopt". Voice vote taken. Motion passed unanimously with no abstentions.

Approved by: _____ \s\ _____ Tom Hinz, County Executive _____ Date: 12/21/2010

No. 8b -- REPORT OF EDUCATION & RECREATION COMMITTEE OF DECEMBER 2, 2010

TO THE MEMBERS OF THE BROWN COUNTY
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The EDUCATION & RECREATION COMMITTEE met in regular session on December 2, 2010 and recommends the following:

1. Review minutes of:
 - a) Library Board (September 16, 2010).
 - b) Museum Governing Board (October 11, 2010). To approve 1a & b.
2. Communication from Supervisor Brunette re: For the County to create a subcommittee to work on the new 5-year strategic plan at the Neville Public Museum. *Motion at October Ed & Rec meeting: To direct Chair Brunette to work with the County Executive and the Interim Director on guidelines for the strategic plans and to report back.* To hold.
3. Presentation re: Central Library Renovations. To refer to the Library Board to gather additional information and return to committee.
4. Resch Centre/Arena/Shopko Hall - Complex Attendance for the Brown County Veterans Memorial Complex for 2010. To receive and place on file.
5. Resch Centre/Arena/Shopko Hall - Budget Adjustment Request (#10-140): Interdepartmental reallocation or adjustment (including reallocation from the County's General Fund). To approve.
6. Parks - Budget Status Financial Report for October, 2010. Receive and place on file.
7. Parks - Approval of 2012 Park Rates and Fees. To approve 2010 proposed Park Rates and Fees, with amendment to double rates and fees for Easter and Thanksgiving to cover costs.
8. Parks - Director's Report for October, 2010. Receive and place on file.
9. Museum - Budget Status Financial Report for October, 2010. Receive and place on file.
10. Museum - Neville Public Museum Attendance and Admissions – October 2010. Receive and place on file.
11. Museum Report. Receive and place on file.
12. NEW Zoo - Budget Status Financial Report for October, 2010. Receive and place on file.
13. NEW Zoo - Budget Adjustment Request (#10-128): Increase in expenses with offsetting increase in revenue. See #16
14. NEW Zoo - Budget Adjustment Request (#10-129): Increase in expenses with offsetting increase in revenue. See #16
15. NEW Zoo - Budget Adjustment Request (#10-144): Increase in expenses with offsetting increase in revenue. See #16
16. NEW Zoo - Budget Adjustment Request (#10-148): Increase in expenses with offsetting increase in revenue. To suspend the rules and approve items 13 to 16 together.
17. Zoo Monthly Activity Report for
 - a. Operations Report.
 - i. Admissions, Revenue, Attendance.
 - ii. Gift Shop, Mayan, Zoo Pass Revenue. Receive and place on file 17a.
 - b. Education/Volunteer Programs Report for the month of October, 2010. Receive and place on file.
 - c. Curator's Report. Receive and place on file.
18. NEW Zoo - Director's Report. Receive and place on file.
19. Golf Course - Budget Status Financial Report October, 2010. Receive and place on file.
20. Golf Course Financial Statistics as of November 14, 2010. Receive and place on file.
21. Golf Course - Approve request from WPGA Junior Golf Foundation to hold a Junior Tour even at Brown County Golf Course on Wednesday, June 15, 2011. To approve.
22. Golf Course - Discussion with possible action re: Cancellation Fees. To hold.
23. Golf Course - Superintendent's Report. Receive and place on file.
24. Golf Course - Discussion with Possible Action re: Trout Creek Agreement with the Oneida Tribes. This session may be closed pursuant to Wis. Stats. § 19.85(1)(e) for the purpose of conducting other specified public business whenever competitive or bargaining reasons require a closed session. To hold until January 2011.

25. Golf Course - Discussion and Recommendation Concerning Agreement with First Tee Organization for Three-Hole Golf Course and Practice Facility. This session may be closed pursuant to Wis. Stat. s. 19.85(1)(e) which authorizes a closed session to deliberate or negotiate the purchase of public property, investing public funds, or "conducting other specified public business, whenever competitive or bargaining reasons require a closed session." Receive and place on file.
26. Library - Budget Status Financial Report for October, 2010. Receive and place on file.
27. Library - Discussion with possible recommendation regarding the Library's inclusion in the Brown County's 2011 Five-Year Capital Improvement Plan. To hold for further information from the Library Board.
28. Library - Director's Report. Receive and place on file.
- #28a Library - Review and Recommendation from Library Board re: Library Policy on DVD Rental Content. Receive and place on file.
29. Audit of bills. *Bills were not available for review.*

A motion was made by Supervisor Clancy and seconded by Supervisor Vander Leest "to adopt". Supervisor Vander Leest requested item #3 be taken separately. Voice vote taken on remainder of report. Motion carried unanimously with no abstentions.

Item #3 -- Presentation re: Central Library Renovations. COMMITTEE ACTION: To refer to the Library Board to gather additional information and return to committee.

A motion was made by Supervisor Evans and seconded by Supervisor La Violette that any Library presentations should be presented to the entire County Board; total Library minutes and costs were not reflected in the minutes.

It was brought to Supervisor Vander Leest's attention that a note in the Library Board's minutes indicates a full Library Report can be viewed in the County Board Office, County Clerk's Office and on the County Web Site.

After discussion, a vote was taken on Supervisor Evan's motion. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: \sl Tom Hinz, County Executive Date: 12/21/2010

No. 8c -- REPORT OF EXECUTIVE COMMITTEE OF DECEMBER 6, 2010

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TO THE MEMBERS OF THE BROWN COUNTY
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The EXECUTIVE COMMITTEE met in regular session on December 6, 2010 and recommends the following motions:

1. Communication from Supervisor Evans re: If there is no purchase, lease, or functional use of the old Mental Health Center by June 1, 2011 the facility will be torn down/razed.
 - a) To refer to January meeting for the presence of Supervisor Evans.
 - b) To hold for 60 days and bring back to committee.
2. Communication from Supervisor Erickson re: Formation of a Sub Committee to discuss future labor contracts.

- a) That the Chair appoints Supervisor Erickson to serve on a sub-committee to discuss future labor contracts. *Motion withdrawn*
- b) To discuss the parameters of future labor contracts at the January County Board meeting in closed session.
3. Communication from Supervisor Krueger re: Request the Human Services Department report their amount of County patient revenue each month (or at least quarterly) to the Human Services Committee and to eliminate the "fund balance" account. When funds are needed the County Board should be voting to pay these bills.
 - a) To hold for the presence of Supervisor Krueger
 - b) Receive and place on file. *Motion withdrawn*
4. Communication from Supervisor Scray re: For the 2012 budget to have staff review the increase for employee's contribution to their retirement fund. To refer to staff for review of employee's contribution to their retirement fund.
5. Communication from Supervisor Scray re: Review and Possible Action on Process and Timeline for moving the Sheriff's Department into the S&L Building. *Closed Session: Pursuant to Wis. Stats. § 19.85(1)(e) to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. (S&L Building Renovations).*
 - a) To hold until after item #20
 - b) Enter into closed session.
 - c) Return to regular order of business.
 - d) No action taken.
 - e) To recommend that an architect be chosen and brought forward for approval at a special Executive Committee meeting before the County Board meeting on December 15th.
6. Legal Bills - Review and Possible Action on Legal Bills to be paid.
 - a) To approve. *No vote*
 - b) To have Corporation Counsel and the Board Attorney review payment of bills of Michael Best and bring back in a closed session in January.
7. County Executive Report.
 - a) Budget Status Financial Report for October, 2010. Receive and place on file
8. Internal Auditor Report.
 - a) Budget Status Financial Report for October, 2010. Receive and place on file.
 - b) 2011 Audit Plan. To approve.
 - c) Other. *None.*
9. Board Attorney Report.
 - a) Labor Negotiations. To refer to closed session.
 - b) Review the Solid Waste Board Ordinance and Statute.
 - i. To refer to Attorney Mohr to bring back appropriate language to clarify County Board intent relative to Solid Waste Board authority at a special meeting of the Executive Committee before the County Board on December 15, 2010.
 - ii. That a presentation be made to the Executive Committee at their January meeting regarding gasification and the Oneida 7 Generation Venture; that there be representation from 7 Generation, the Solid Waste Director (Chuck Larscheid), Alliance Construction, and any other interested parties related to questions regarding:
 - The exact gasification process
 - Has gasification been tried in other places in the US
 - Benefits and drawbacks

- Intent of the 7 Generation
 - Location of property in relationship to the Ashwaubenon Business Park
 - Status of permitting process
10. Vacant Budgeted Positions - County Board – Secretary. To approve.
 11. Vacant Budgeted Positions - Human Resources – Senior Analyst. To approve.
 12. Vacant Budgeted Positions - Human Services – SW/CM (Child Protection/Intake). To approve.
 13. Vacant Budgeted Positions - Human Services – Staff RN. To approve.
 14. Vacant Budgeted Positions - Library – Senior Library Assistant. To approve.
 15. Vacant Budgeted Positions - Sheriff’s Department – Clerk Typist III. To approve.
 16. Vacant Budgeted Positions - Human Services – Economic Support Supervisor (vacated 10/01/2010). To approve.
 - #16a Vacant Budgeted Positions - Facilities Management - Facility Engineer. To refer to Human Resources to rewrite the job description for Mechanical Engineer and bring back in January.
 17. Resolution re: Creating “Section 4.51(7) Pay Increases during Probationary Employment” of the Brown County Code. To approve. See Resolutions, Ordinances December County Board.
 18. Resolution re: Reclassification of Clerk/Typist II Clerk of Courts.
 - a) To approve for discussion.
 - b) To refer to Public Safety.
 - c) To hold until the January Executive Committee meeting, requesting that interested parties come before the committee with their justification. See Resolutions, Ordinances December County Board.
 19. Resolution re: Authorizing \$1,540,108 Brown County, Wisconsin, Industrial Development Revenue Bonds (Wesco Project) Series 2010 Bonds. To approve. See Resolutions, Ordinances December County Board.
 20. Resolution - Brown County, Wisconsin Resolution re: Public Bidding and Non-Discrimination in Connection with Industrial Development Revenue Bond Financing. To approve. See Resolutions, Ordinances December County Board.
 21. Closed Session - Pursuant to Wis. Stats. § 19.85(1)(e) to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. (Safari Restaurant). *No Closed Session held.*
 22. ** Closed Session - For the purpose of deliberating whenever competitive or bargaining reasons require a closed session pursuant to Wis. Stats. § 19.85(1)(e). (Labor Negotiations)"
 - a) Enter into closed session.
 - b) Return to regular order of business.
 - c) No action taken.

** #22 -- Amended by the Brown County Board of Supervisors on 12/15/2010 as follows:

“Motion made by Supervisor Lund, seconded by Supervisor Erickson to direct the Board Attorney to move forward in establishing the Sheriff’s Supervisory Employees as exempt employees and to rescind the Letter of Agreement providing that employees receive full benefits in the last year of employment”. COMMITTEE ACTION: Motion carried unanimously.

A motion was made by Supervisor Andrews and seconded by Supervisor Carpenter **“to adopt”**. Supervisor Lund requested Item #22 be taken separately. Vote taken on remainder of report. Motion carried unanimously with no abstentions.

Item #22 -- Closed Session - For the purpose of deliberating whenever competitive or bargaining reasons require a closed session pursuant to Wis. Stats. 19.85(1)(e). (Labor Negotiations). COMMITTEE ACTION: a) Enter into closed session. b) Return to regular order of business; c) No action taken.

A motion was made by Supervisor Lund and seconded by Supervisor Erickson **“to direct the Board Attorney to move forward in establishing the Sheriff’s Supervisory Employees as exempt employees and to rescind the Letter of Agreement providing that employees receive full benefits in the last year of employment”**.

Following discussion, a vote was taken on Supervisor Lund’s motion **“to direct the Board Attorney to move forward in establishing the Sheriff’s Supervisory Employees as exempt employees and to rescind the Letter of Agreement providing that employees receive full benefits in the last year of employment”**. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: \ / Tom Hinz, County Executive Date: 12/21/2010

No. 8c(i) -- REPORT OF “SPECIAL” EXECUTIVE COMMITTEE OF DECEMBER 15, 2010

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The EXECUTIVE COMMITTEE met in special session on December 15, 2010 and recommends the following motions.

1. Resolution re: An Amendment to Subsection (6)(C) of Section 12.01 of the Brown County Code Entitled “County Waste Management Board”. To approve.
2. Communication from Supervisor Scray re: Review and Possible Action on Process and Timeline for moving the Sheriff’s Department into the S&L Building. Closed Session: Pursuant to Wis. Stats. § 19.85(1)(e) to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. (S&L Building Renovations). *Motion at 12/6/10 Exec Cmte: To recommend that an architect be chosen and brought forward for approval at a special Executive Committee meeting before the County Board meeting on December 15, 2010. To receive and place on file.*

Item #1 -- Resolution re: An Amendment to Subsection (6)(c) of Section 12.01 of the Brown County Code entitled “County Waste Management Board”. COMMITTEE ACTION: To approve.

A motion was made by Supervisor Andrews and seconded by Supervisor Fleck **“to adopt”**. Voice vote taken. Motion carried unanimously with no abstentions.

Item #2 -- Communication from Supervisor Scray re: Review and Possible Action on Process and Timeline for moving the Sheriff's Department into the S&L Building. Closed Session: Pursuant to Wis. Stats. § 19.85(1)(e) to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. (S&L Building Renovations). Motion at 12/6/10 Exec Cmte: To recommend that an architect be chosen and brought forward for approval at a Special Executive Committee meeting before the County Board meeting on December 15, 2010. COMMITTEE ACTION: To receive and place on file.

A motion was made by Supervisor Buckley and seconded by Supervisor Nicholson "to receive and place on file". Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: _____ \s\ _____ Tom Hinz, County Executive _____ Date: 12/21/2010

No. 8d -- REPORT OF HUMAN SERVICES COMMITTEE. No Meeting, No Minutes.

No. 8e -- REPORT OF PLANNING, DEVELOPMENT & TRANSPORTATION COMMITTEE OF NOVEMBER 29, 2010

TO THE MEMBERS OF THE BROWN COUNTY
BOARD OF SUPERVISORS

Ladies and Gentlemen:

The PLANNING, DEVELOPMENT & TRANSPORTATION COMMITTEE met in regular session on November 29, 2010 and recommends the following motions.

1. Review minutes of:
 - a. Harbor Commission (September 13, 2010 and October 11, 2010).
 - b. Lower Fox River and Green Bay Shoreline Waterfront Redevelopment Steering Committee Meeting (July 7, 2010 and November 4, 2010).
 - c. Planning Commission Board of Directors (October 6, 2010).
 - d. Solid Waste Board (September 20, 2010). To suspend the rules and receive and place on file 1a, b, c and d.
2. Communication from Supervisor Kaster re: Discussion and Possible Action regarding going out for bids on road projects. To hold and direct the Highway Commission to bring a list to the December meeting related to what tasks the department does on a road project and what tasks are bid out; and to provide a percentage of cost share on public jobs vs. county jobs.
3. Highway - Budget to Actual for October, 2010. Receive and place on file.
4. Highway - Director's Report. Receive and place on file.
5. Port - Budget Status Financial Report for October, 2010. See #6.
6. Solid Waste - Budget Status Financial Report for October, 2010. Receive and place on file #'s 5 & 6.
7. ** Port & Solid Waste - Project #1395 VandeHey & Sanderfoot property sale Bid Tab – Request for Approval. To approve the bid of Virgil, Sandra, Dain, Todd & Terry VandeHey in the amount of \$1,198,227.09.

- ** Item #7 - Refer back to Planning, Development & Transportation Committee as per the County Board on 12/15/2010.
8. Port & Solid Waste - Project #1429 Renard Isle Closure Activities Bid Tab – Request for Approval. To approve the bid of Peters Concrete in the amount of \$1,785,948.94. Ayes: Erickson, Fleck, Haefs, Kaster. Nays: Dantine.
 9. Port & Solid Waste - Director's Report. Receive and place on file.
 10. Planning Commission - Budget Status Financial Report for October, 2010. See #11.
 11. Property Listing - Budget Status Financial Report for October, 2010. Receive and place on file #'s 10 & 11.
 12. Zoning - Budget Status Financial Report for October, 2010. Receive and place on file.
 13. Zoning - Update regarding the implementation of the private onsite wastewater treatment system maintenance program for the remaining pressure and holding tank systems. Receive and place on file.
 14. Airport - Budget Status Financial Report for October, 2010. See #15.
 15. Register of Deeds - Budget Status Financial Report for October, 2010. Receive and place on file #'s 14 & 15.
 16. Audit of bills. To approve audit of bills.

A motion was made by Supervisor Erickson and seconded by Supervisor Andrews **“to adopt”**. Supervisor Erickson requested Item #7 be taken separately and Supervisor Dantine requested Item #8 be taken separately. Voice vote taken on remainder of report. Motion carried unanimously with no abstentions.

Item #7 -- Port & Solid Waste - Project #1395 Vande Hey & Sanderfoot property sale Bid Tab -- Request for Approval. COMMITTEE ACTION: To approve the bid of Virgil, Sandra, Dain, Todd & Terry Vande Hey in the amount of \$1,198,227.09.

After discussion, a motion was made by Supervisor Erickson and seconded by Supervisor Nichols **“to refer back to Planning, Development & Transportation Committee”**. Voice vote taken. Motion carried unanimously with no abstentions.

Item #8 -- Port & Solid Waste - Project #1429 Renard Isle Closure Activities Bid Tab -- Request for Approval. COMMITTEE ACTION: To approve the bid of Peters Concrete in the amount of \$1,785,948.94. Ayes: Erickson, Fleck, Haefs, Kaster. Nays: Dantine.

A motion was made by Supervisor Andrews and seconded by Supervisor Fleck **“to adopt Item #8”**. Voice vote taken. Motion carried unanimously with no abstentions. Supervisor Dantine requested **that his vote be changed from “aye” to “abstain”**. Voice vote taken. Motion carried unanimously **“to allow Supervisor Dantine to change his vote on item #8 from “aye” to “abstain”**.

Approved by: _____ \s\ Tom Hinz, County Executive _____ Date: 12/21/2010

No. 8e(i) -- REPORT OF LAND CONSERVATION SUB-COMMITTEE OF NOVEMBER 29, 2010

TO THE MEMBERS OF THE BROWN COUNTY

BOARD OF SUPERVISORS

Ladies and Gentlemen:

The LAND CONSERVATION SUB COMMITTEE met in regular session on November 29, 2010 and recommends the following motions.

1. Land and Water Conservation Department Monthly Budget Update, October 31, 2010. Receive and place on file.
2. Request by Supervisor Erickson to Review and approve the 2010 Wolf Depredations and Proposed Brown County Resolution Requesting Wisconsin DNR to Set Reasonable Wolf Population Goals for the State of Wisconsin. To approve. Ayes: Dantine, Fleck, Kaster, Vandehei, Erickson. Nays: Haefs.

A motion was made by Supervisor Fleck and seconded by Supervisor Kaster “to adopt”. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: _____ \s\ _____ Tom Hinz, County Executive _____ Date: 12/21/2010

No. 8e(ii) -- REPORT OF “SPECIAL” PLANNING, DEVELOPMENT AND TRANSPORTATION COMMITTEE OF DECEMBER 15, 2010

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The PLANNING, DEVELOPMENT & TRANSPORTATION COMMITTEE met in special session on December 15, 2010 and recommends the following motions.

1. Approval of Cat Island Grant Agreement for the Wisconsin Harbor Assistant Program. To approve.

Item #1 -- Approval of Cat Island Grant Agreement for the Wisconsin Harbor Assistance Program. COMMITTEE ACTION: To approve.

A motion was made by Supervisor Krueger and seconded by Supervisor Carpenter “to adopt”. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: _____ \s\ _____ Tom Hinz, County Executive _____ Date: 12/21/2010

No. 8f -- REPORT OF PUBLIC SAFETY COMMITTEE OF DECEMBER 1, 2010

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The PUBLIC SAFETY COMMITTEE met in regular session on December 1, 2010 and recommends the following motions:

1. Review minutes and reports of:
 - a. Drug Enforcement and Crime Oversight Board of Directors (October 12, 2010).
 - b. Emergency Medical Services Council (September 15, 2010).
To combine items 1a&b for approval. To receive and place on file.
 2. District Attorney - Monthly drug criminal complaint numbers (standing item).
To have September and October Monthly Drug Criminal Complaint Numbers provided with the addition to chart of branch number and judge and the elimination of attorney assigned.
 3. Clerk of Courts - Budget Status Financial Report for October, 2010. Receive and place on file.
 4. Clerk of Courts - Resolution re: Reclassification of Clerk/Typist II Clerk of Courts. To deny. See Resolutions, Ordinances December County Board.
 5. Public Safety Communications - Budget Status Financial Report for September, 2010. Receive and place on file.
 6. Public Safety Communications - Budget Adjustment Request (#10-137): Increase in expenses with offsetting increase in revenue. To approve.
 7. Public Safety Communications - Grant Application Review (#10-25): Hazardous Materials Emergency Planning – Training Grant. To approve.
 8. Public Safety Communications - Radio Interoperability Project Update. To follow up the questions from Mr. Carlsted's inquiries from the Green Bay Press Gazette article.
 9. Public Safety Communications - Director's Report. Receive and place on file.
 10. Sheriff - Budget Status Financial Report for October, 2010. Receive and place on file.
 11. Sheriff - Key Factor Report for December, 2010 and Jail Average Daily Population by Month and Type for the Calendar Year 2010. Receive and place on file.
 12. Sheriff - Budget Adjustment Request (#10-120): Increase in expenses with offsetting increase in revenue. To approve.
 13. Sheriff - Update on Pharmaceutical position in the Drug Task Force. To forward to Corporation Counsel for recommendations and possible action.
 14. ** Sheriff - Approval of RFP for Architectural and Engineering Design Services for the Sheriff Office Building, Project # 1434.
 - a. To table the approval of RFP for Architectural and Engineering Design Services for the Sheriff Office Building, Project \$1434. Ayes: 2 (Nicholson, Buckley); Nays: 2 (Kaster Carpenter) MOTION FAILED.
 - b. To approve. Ayes: 2 (Kaster, Carpenter); Nays: 2 (Nicholson, Buckley).
- ** Item #14 -- Amended by the Brown County Board of Supervisors on 12/15/2010 as follows: "A motion to make the S&L Building a Leed Project and have Mr. Dowell give the Board the savings in writing."
15. Sheriff's Report. Receive and place on file.
 - #15a Review the Pay Scale of Lieutenants and Captains from the Brown County Sheriff's Department. Receive and place on file.
 16. Circuit Courts – Budget Status Financial Report for September, 2010 and October, 2010. Receive and place on file.
 17. Audit of bills. To pay the bills.

A motion was made by Supervisor Andrews and seconded by Supervisor Fleck **"to adopt."** Supervisor Buckley requested that Item #14 be taken separately. Voice vote taken on remainder of report. Motion carried unanimously with no abstentions.

Item #14 -- Sheriff -- Approval of RFP for Architectural and Engineering Design Services for the Sheriff Office Building, Project #1434. COMMITTEE ACTION: a. To table the approval of RFP for Architectural and Engineering Design Services for the Sheriff Office Building, Project #1434. Ayes: 2 (Nicholson, Buckley); Nays: 2 (Kaster, Carpenter). MOTION FAILED. b. To approve. Ayes: 2 (Kaster, Carpenter); Nays: 2 (Nicholson, Buckley).

A motion was made by Supervisor Buckley and seconded by Supervisor Nicholson **“to remove the LEED certification from the project. The County Project Manager should be able to fill that role saving the County \$50,000 to \$75,000 from the S & L Project”**.

Following discussion, a motion was made by Supervisor Evans and seconded by Supervisor Andrews **“to refer back to Public Safety Committee”**. After further discussion, Supervisor Evans withdrew his motion to refer.

Vote taken on Supervisor Buckley’s motion **“to remove the LEED certification from the project. The County Project Manager should be able to fill that role saving the County \$50,000 to \$75,000 from the S & L Project”**. Voice vote taken. Motion defeated.

A motion was made by Supervisor Dantine and seconded by Supervisor Evans **“to make the S & L Building a LEED Project and have Mr. Dowell, Facilities Director, give the Board the savings in writing”**. Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: \sl Tom Hinz, County Executive Date: 12/21/2010

No. 9 -- RESOLUTIONS, ORDINANCES:

No 9a -- RESOLUTION REGARDING: CREATING “SECTION 4.51(7) PAY INCREASES DURING PROBATIONARY EMPLOYMENT” OF THE BROWN COUNTY CODE

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE
BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, the Brown County Board desires to adopt a policy in regard to pay increases for employees during their probationary period; and

WHEREAS, it is the desire of the Brown County Board to prohibit the granting of pay raises to employees during a probationary period.

NOW, THEREFORE, BE IT RESOLVED, by the Brown County Board of Supervisors, that the following provision is created in the Brown County Code:

4.51(7) PAY INCREASES DURING PROBATIONARY EMPLOYMENT.
No pay raise shall be granted to probationary employees during the probationary period. At the successful conclusion of the probationary period, the employee shall be entitled to any general pay raise which occurred during the employee’s probationary period.

Fiscal Impact: Unknown.

Respectfully submitted,
EXECUTIVE COMMITTEE

A motion was made by Supervisor Lund seconded by Supervisor Andrews "to adopt." Voice vote taken. Motion carried with Supervisor Schuller abstaining.

| | |
|--|------------------|
| Approved by: _____ \s\ _____ Tom Hinz, County Executive | Date: 12/21/2010 |
| Approved by: _____ \s\ _____ Darlene Marcelle, County Clerk | Date: 12/22/2010 |
| Approved by: _____ \s\ _____ Guy Zima, County Board Chairman | Date: 01/05/2011 |

No. 9b -- RESOLUTION REGARDING: AUTHORIZING \$1,540,108 BROWN COUNTY, WISCONSIN, INDUSTRIAL DEVELOPMENT REVENUE BONDS (Wesco Project) SERIES 2010 BONDS

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE
BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

**RESOLUTION AUTHORIZING \$1,540,108 BROWN COUNTY, WISCONSIN,
INDUSTRIAL DEVELOPMENT REVENUE BONDS (WESCO PROJECT)
SERIES 2010 BONDS**

WHEREAS, in a resolution (the "Initial Resolution") adopted September 15, 2010, by the County Board of Brown County, Wisconsin (the "County"), the County expressed its intent, and authorized and directed its officers, to work toward the consummation of a financing agreement with Ashland Avenue LLC, a Wisconsin limited liability company, (hereinafter referred to as the "Eligible Participant") pursuant to which the County would issue its industrial development revenue bonds pursuant to Section 66.1103, Wisconsin Statutes, as amended (the "Act"), in an amount not to exceed Two Million Dollars (\$2,000,000) for the purpose of financing costs related to the acquisition, construction, improvement, and/or equipping of a distribution facility located in the County, to be owned by the Eligible Participant and leased to WESCO Distribution, Inc., a subsidiary of WESCO International, Inc., (such acquisition, construction, improvement, and/or equipping is hereinafter referred to as the "Project"); and

WHEREAS, as a condition to the issuance by the County of a bond to finance the Project, the Eligible Participant has agreed to pay to the County an administrative fee of \$5,000, and has also agreed to reimburse the County for its outside Counsel fees payable to the law firm of Whyte Hirschboeck Dudek S. C. in connection with a review of the documentation to be executed by the County in connection with the issuance of the bonds; and

WHEREAS, in reliance upon such resolution, the Eligible Participant has commenced such acquisition, construction, improvement and/or equipping, and the payment of related costs, has entered into negotiations with U.S. Bank National Association as purchaser of Bonds to be issued by the County (the "Purchaser") and as the Servicer (the "Servicer") with respect to the Bonds; and

WHEREAS the Eligible Participant and the Purchaser have caused to be prepared and submitted to the law firm of Whyte Hirschboeck Dudek S. C., through Mr. Thomas E. Klancnik,

special counsel to the County, for his review on behalf of the County, forms of the following documents:

(a) The Indenture (the "Indenture") dated as of December 1, 2010 between the County and the Servicer under which the County will issue its \$1,540,108 Brown County, Wisconsin Industrial Development Revenue Bonds (WESCO Project) Series 2010 Bonds (the "Bonds");

(b) Mortgage, Loan and Revenue Agreement (the "Mortgage, Loan and Revenue Agreement") dated as of December 1, 2010 between the County and the Eligible Participant pursuant to which the County agrees to loan the proceeds of the Bonds to the Eligible Participant; and

(c) Project Financing Agreement (the "Project Agreement") among the County, the Eligible Participant and the Purchaser; and

(d) Note, to be dated the date of original issuance of the Bonds (the "Note"), to be issued by the Eligible Participant payable to the order of the County in the principal amount of \$1,540,108 as evidence of the borrowing provided for in the Mortgage, Loan and Revenue Agreement and to be assigned by the County to the Servicer for the benefit of the holders, from time to time, of the Bonds (the "Bondholders"); and

WHEREAS, the issuance of the Bonds by the County, the loan of the proceeds thereof to finance the Project, and the pledge of revenues from the Mortgage, Loan and Revenue Agreement to the Servicer, for the benefit of the Bondholders, as herein recited and provided, in the judgment of this County Board, will serve the intended accomplishments and in all respects conform to the provisions and requirements of the Act; and

WHEREAS, the Eligible Participant has made representations to the County (to be supported by appropriate documentation) that the estimated cost of completing the Project, together with related costs, is an amount which will be at least One Million Five Hundred Forty Thousand One Hundred Eight Dollars (\$1,540,108); and

WHEREAS, the Eligible Participant has made representations to the County (to be supported by appropriate documentation) that 95 percent or more of the net proceeds of the Bonds (as defined in section 150(a)(3) of the Code) are to be used for recovery zone property as defined in section 1400U-3(c) of the Code; and

WHEREAS, the Eligible Participant will agree in the Project Agreement to pay all of the County's expenses with respect to the Bonds, and comply with all the terms and provisions of the Mortgage, Loan and Revenue Agreement so that full debt service will be provided in order to meet payments of principal of and interest on the Bonds; and

WHEREAS, as security for the repayment of the Bonds, the Eligible Participant will provide a security interest in the Pledged Property as described in the Mortgage, Loan and Revenue Agreement; and

WHEREAS, at least 30 days prior to entering into the Mortgage, Loan and Revenue Agreement, the Eligible Participant has given notice of intent to enter into a revenue agreement with respect to the Bonds, and has provided information on the number of jobs the Eligible Participant expects to have eliminated, created or maintained on the project site and elsewhere

in the State of Wisconsin as a result of the Project, to the Department of Commerce of the State of Wisconsin and to any collective bargaining agent in the State of Wisconsin with whom the Eligible Participants has a collective bargaining agreement; and

WHEREAS, the County has received from the Department of Commerce of the State of Wisconsin an estimate of the net number of jobs expected to be eliminated, created or maintained as a result of the Project; and

WHEREAS, on September 25, 2010, notice of the adoption of the Initial Resolution was published in accordance with Section (10)(b) of the Act, and no sufficient petition was filed with the County Clerk requesting a referendum on the question of the issuance of bonds in an amount not to exceed \$2,000,000; and

WHEREAS, on November 17, 2010, a public hearing was held in Room 200, second floor of the Northern Building, 305 E. Walnut Street, Green Bay, WI and conducted in a manner that provided a reasonable opportunity to be heard for persons with differing views on the issuance of bonds in an amount not to exceed \$2,000,000 and on the location and nature of the proposed facility to be financed with the Bonds; and

WHEREAS, notice of the public hearing was published by one insertion in the official newspaper of the County for the publication of notices pursuant to Chapter 985 of the Wisconsin Statutes no less than 14 days before the scheduled date of the hearing; and

WHEREAS, the official newspaper is a newspaper of general circulation in the locality of the Project; and

WHEREAS, this County Board is an elected legislative body of the County; and

WHEREAS, the Department of Commerce for the State of Wisconsin has, or is expected to, allocate to the County, for the benefit of the Eligible Participant, \$1,540,108 of the national recovery zone facility bond limitation available to the State of Wisconsin as provided Section 1400U-1 of the Internal Revenue Code of 1986, as amended (the "Code") to be applied against the Bonds to be currently issued.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY BOARD OF BROWN COUNTY, WISCONSIN THAT:

1. Determination. Based on the representations hereinbefore described, this County Board hereby finds and determines that:

(a) the estimated cost of the Project, as more particularly defined in the Mortgage, Loan and Revenue Agreement, including all costs in connection therewith permitted to be financed with the Bonds under the Act is at least One Million Five Hundred Forty Thousand One Hundred Eight Dollars (\$1,540,108);

(b) the loan payments to be made by the Eligible Participant as specified in Note described in the Mortgage, Loan and Revenue Agreement are sufficient to pay the principal of, premium if any, and interest on the Bonds to be currently issued;

(c) no reserve fund need be established in connection with the retirement of the Bonds

or maintenance of the Project;

(d) the Project qualifies to be financed with Industrial Development Revenue Bonds pursuant to Wisconsin Statute 66.1103(2)(k)22. as a facility with respect to which is issued a recovery zone facility bond under Section 1400U-3 of the Code;

(e) 95 percent or more of the net proceeds (as defined in section 150(a)(3) of the Code) of the Bonds are to be used for recovery zone property as defined in Section 1400U-3(c) of the Code;

(f) the anti-discrimination provision included in the Mortgage, Loan and Revenue Agreement is satisfactory in all respects to the County;

(g) the Eligible Participant is a qualified "eligible participant" under and for the purposes of the Act;

(h) the Mortgage, Loan and Revenue Agreement meets the requirements of a "revenue agreement" under and for the purposes of the Act;

(i) U.S. Bank National Association is qualified to act as the Servicer under the Indenture;

(j) all conditions set forth in the Initial Resolution have been satisfactorily met or provided for;

(k) it is desirable that the County's Industrial Development Revenue Bonds be issued in the aggregate principal amount of \$1,540,108 upon the terms and conditions set forth in the Indenture; and

(l) the County shall, pursuant to the Indenture, assign its rights under the Mortgage, Loan and Revenue Agreement (with certain reservations) to the Servicer as security for the payment of the principal of, premium, if any, and interest on the Bonds.

3. Issue of Bonds. The County shall issue its Bonds in the aggregate principal amount of One Million Five Hundred Forty Thousand One Hundred Eight Dollars (\$1,540,108) which shall be described as the \$1,540,108 Brown County, Wisconsin Industrial Development Revenue Bonds (WESCO Project) Series 2010 Bonds. The County intends the interest payable on the Bonds to be tax-exempt for federal income tax purposes. The proceeds of the Bonds shall be used for the purpose of financing the Project. The Bonds shall be sold in accordance with the terms and conditions set forth in the Project Agreement. The Bonds shall be issued pursuant to the Act, shall be designated, dated, in the form, and have the maturities and bear interest as provided in the Indenture. All details pertaining to the Bonds as provided in the Indenture are hereby adopted as and for the details approved by this County, which terms are, for this purpose, incorporated herein by reference.

THE BONDS SHALL NOT BE A GENERAL OBLIGATION OR INDEBTEDNESS OF THE COUNTY WITHIN THE MEANING OF ANY STATE CONSTITUTIONAL PROVISION OR STATUTORY LIMITATION AND SHALL NOT CONSTITUTE NOR GIVE RISE TO A PECUNIARY LIABILITY OF THE COUNTY OR A CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWERS, BUT SHALL BE PAYABLE SOLELY FROM THE PAYMENTS AND OTHER REVENUES THAT MAY BE AVAILABLE THEREFORE FROM THE LOAN

AGREEMENT OR IN THE EVENT OF DEFAULT THEREON AS OTHERWISE PROVIDED HEREIN OR IN THE TRUST INDENTURE AND PERMITTED BY LAW, AND IN NO EVENT SHALL THE BONDS OR THE INTEREST THEREON OR ANY OTHER COSTS OR EXPENSES IN CONNECTION THEREWITH OR WITH THE PROJECT EVER BE PAYABLE FROM ANY FUNDS OF THE COUNTY OTHER THAN THE PAYMENTS AND OTHER REVENUES TO BE RECEIVED BY THE COUNTY UNDER THE MORTGAGE, LOAN AND REVENUE AGREEMENT. The payments, when paid by the Eligible Participant, pursuant to the Mortgage, Loan and Revenue Agreement, shall be paid directly to the Servicer for the account of the County so long as any of the Bonds shall be outstanding and unpaid. The Bonds shall be executed on behalf of the County by its County Executive and its Clerk or their authorized deputies in their absence and shall have its corporate seal, if any, impressed or imprinted thereon. Facsimile signatures and seals may be used as permitted by law.

4. Approval and Execution of Documents. Subject to such changes or revisions therein as the law firm of Nelson & Schmeling as Bond Counsel ("Bond Counsel") or counsel for the County may approve, the Indenture, the Mortgage, Loan and Revenue Agreement, the Note and the Project Agreement, in substantially their respective forms presented to this meeting are hereby approved. The County Executive and the Clerk or any of their authorized deputies, if necessary, are authorized on behalf of the County to execute and deliver the Indenture, the Mortgage, Loan and Revenue Agreement, the Project Agreement, and the assignment of the Note with such revisions, changes, or deletions as may be approved by the signatories thereto, which approval shall be conclusively proved by their execution of such documents. Said County Executive and Clerk and their authorized deputies and other officials of the County are hereby authorized to prepare or to have prepared and to execute, file and deliver, as appropriate, all such documents, financing statements, opinions, certificates, affidavits, and closing or post-closing instruments (including but not limited to an Issuer's Officer Closing Certificate and Issuer's Officer Arbitrage Certificate (the "Tax Agreements"), amendments or supplements of the Indenture, the Mortgage, Loan and Revenue Agreement or the Note) as may be required by this resolution or deemed necessary by said officials or by Bond Counsel.

5. Appointment of Servicer; Creation of Project Fund; Pledge of Payments. U.S. Bank National Association, Green Bay, Wisconsin is hereby designated as Servicer under the Indenture. There shall be created by the County and established with the Servicer the Project Fund as described in Section III-2 of the Indenture, which the Servicer is hereby authorized to administer as provided in the Indenture.

The County authorizes and directs the Servicer to invest and reinvest monies, if any, in the Project Fund, or as otherwise received, as set forth in the Indenture and the Mortgage, Loan and Revenue Agreement.

6. Covenants Binding Upon County. All covenants, stipulations, obligations and agreements of the County contained in this resolution and in the Bonds, the Indenture, the Mortgage, Loan and Revenue Agreement, the Project Agreement, and the Tax Agreements shall be deemed to be the covenants, stipulations, obligations and agreements of the County to the full extent authorized or permitted by law, and such covenants, stipulations, obligations, and agreements shall be binding upon the County and its successors from time to time and upon any body to which any powers or duties affecting such covenants, stipulations, obligations and agreements shall be transferred by or in accordance with law. Except as otherwise provided in this resolution, all rights, powers, and privileges conferred and duties and liabilities imposed upon the County or the officers thereof by the provisions of this Resolution, the Bonds, the

Indenture, the Mortgage, Loan and Revenue Agreement or Project Agreement shall be exercised or performed by the County or by such officers, board or body as may be required by law to exercise such powers and to perform such duties.

7. No Personal Liability. No covenant, stipulation, obligation, or agreement herein contained or contained in the Bonds, the Indenture, the Mortgage, Loan and Revenue Agreement, the Project Agreement or the Tax Agreements shall be deemed to be a covenant, stipulation, obligation, or agreement of any officer, agent or employee of the County or of this County Board in his or her individual capacity and neither the members of this County Board nor any officer executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

8. Determination of Revenue Payment. The amount necessary in each year to pay the principal of, premium, if any, and interest on the Bonds is the sum of (i) the amount of principal becoming due in such year in accordance with the Indenture plus (ii) the principal amount of Bonds to be redeemed in such year in accordance with a call for redemption made in accordance with the Indenture, plus the premium, if any, payable with respect thereto; plus (iii) the amount of interest on the Bonds becoming due in such year in accordance with the interest rates determined in accordance with the Indenture.

9. Award of Bonds; Execution and Delivery of the Project Agreement. The Eligible Participant has negotiated for the sale of the Bonds to the Purchaser at a price of \$1,540,108. Given the purposes of the financing and the involvement of the County therewith, it is the determination of this body that the Bonds shall be hereby awarded to the Purchaser at the price aforesaid with delivery to follow in the manner, at the time and subject to the conditions set forth in the Project Agreement.

10. General Authorization. The County Executive and the Clerk and the appropriate deputies and officials of the County in accordance with their assigned responsibilities are each authorized to execute, deliver, publish, file and record such other documents, instruments, notices (including, without limitation, the Internal Revenue Service Form 8038) and records and to take such other actions as shall be necessary or desirable to accomplish the purposes of this Resolution and to comply with and perform the obligations of the County under the Project Agreement, the Bonds, the Mortgage, Loan and Revenue Agreement, the Tax Agreements, and the Indenture.

11. Effective Date; Conformity. This Resolution shall be effective immediately upon its passage and approval. To the extent that any prior Resolutions of the County Board are inconsistent with the provisions hereof, this Resolution shall control and such prior Resolutions shall be deemed amended to such extent as may be necessary to bring them in conformity with this Resolution.

12. Publication of Notice. Notice of the sale of the Bonds, in the form attached to this Resolution as Exhibit A, shall be published forthwith in the official newspaper of the County as a class 1 notice under Chapter 985 of the Wisconsin Statutes. The County Clerk of the County shall obtain proof in affidavit form, of such publication, and shall compare the notice as printed with the form attached to this Resolution as Exhibit A to ascertain that no mistake had been made therein.

13. Public Approval. The County Board, on behalf of the County, following the Public Hearing held with respect to the bonds on November 17, 2010, hereby approves the issuance of the Bonds for the purposes of Section 147(f) of the Code.

14. Designation of Bonds. The County hereby designates the Bond as a "recovery zone facility bond" within the meaning of Section 1400U-3 of the Code.

15. Issuance Requirement. To be valid, the Bonds must be issued before January 1, 2011.

Respectfully submitted,
EXECUTIVE COMMITTEE

Exhibit A

NOTICE TO ELECTORS OF
BROWN COUNTY, WISCONSIN
RELATING TO BOND SALE

On December 15, 2010, pursuant to Section 66.1103 of the Wisconsin Statutes, a resolution was offered, adopted, and approved whereby Brown County, Wisconsin (the "County"), was authorized to borrow money and enter into a contract to sell its \$1,540,108 Brown County, Wisconsin Industrial Development Revenue Bonds (WESCO Project) Series 2010 Bonds in the principal amount of \$1,540,108. It is anticipated that the closing of this bond financing will be on or about December 22, 2010. A copy of all proceedings had to date with respect to the authorization and sale of said bond financing is on file and may be examined in the Office of the County Clerk, 305 E. Walnut Street, Green Bay, WI 54301. This Notice has been authorized by the County Board of Brown County and is given pursuant to Section 893.77(2), Wisconsin Statutes, which provides that an action or proceeding to contest the validity of such bond financing, for other than constitutional reasons, must be commenced within 30 days after the publication of this Notice.

/s/ Darlene K. Marcelle
County Clerk

Publication Date: December 22, 2010

A motion was made by Supervisor Erickson and seconded by Supervisor Vander Leest "to adopt". Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: /s\ Tom Hinz, County Executive Date: 12/20/2010

**No. 9c -- RESOLUTION - BROWN COUNTY, WISCONSIN RESOLUTION REGARDING:
PUBLIC BIDDING AND NON-DISCRIMINATION IN CONNECTION WITH
INDUSTRIAL DEVELOPMENT REVENUE BOND FINANCING**

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE
BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

BROWN COUNTY WISCONSIN
RESOLUTION REGARDING PUBLIC BIDDING AND NON-DISCRIMINATION IN
CONNECTION WITH INDUSTRIAL DEVELOPMENT REVENUE BOND FINANCING

WHEREAS, Brown County, Wisconsin, (the "County") has previously approved an initial resolution for the issuance of industrial development revenue bonds by the County on behalf of Ashland Avenue, LLC, a Wisconsin limited liability company (the "Eligible Participant"); and

WHEREAS, the project (the "Project") to be financed with the proceeds of the bonds will be located in the County and will consist of the acquisition, construction, improvement and/or equipping of a distribution facility in the County to be leased to WESCO Distribution, Inc., a subsidiary of WESCO International, Inc.; and

WHEREAS, the County finds it beneficial toward the completion of the Project to waive the requirements of Wis. Stat. 66.1103(11)(b) in connection with the Project;

NOW, THEREFORE, BE IT RESOLVED BY THIS COUNTY BOARD OF THE COUNTY OF BROWN, STATE OF WISCONSIN, THAT:

1. The requirements as specified in Wis. Stat. 66.1103(11)(b)1. are to be waived in accordance with the provisions of Wis. Stat. 66.1103(11)(b)2. with reference to the Project to be financed with the industrial development revenue bonds of the County issued on behalf of the Eligible Participant for the Project because the County is not responsible for controlling any of the acquisition, construction, improvement and/or equipping costs and because it is more efficient and expedient for the accomplishment of the public purposes of the Project if the Eligible Participant were to have complete control over the Project.

2. The Bonds, when issued, will contain such provisions regarding non-discrimination as the County shall require.

3. This resolution shall be published as a Class 1 notice in the official newspaper of the County, the Green Bay Press-Gazette, prior to the closing of the bond issue.

Respectfully submitted,
EXECUTIVE COMMITTEE

A motion was made by Supervisor Andrews and seconded by Supervisor La Violette "to adopt." Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: _____ \s\ _____ Tom Hinz, County Executive _____ Date: 12/20/2010

No. 9d -- RESOLUTION REGARDING: AUTHORITY TO EXECUTE A COMMERCIAL LEASE AGREEMENT BETWEEN BROWN COUNTY AND SAFARI STEAKHOUSE, MANAGED BY KLEINSCHMIDT, LLC

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, there exists a Service Contract between Brown County and the Safari Steakhouse, managed by Kleinschmidt, LLC, for the exclusive furnishing of food and beverage services at the Brown County Golf Course; and

WHEREAS, the parties to the Service Contract mutually desire to alter the terms and conditions of the Service Contract and to provide for a Lease Agreement between the parties.

NOW, THEREFORE, BE IT RESOLVED, by the Brown County Board of Supervisors, that the County Golf Course Superintendent be and is hereby authorized to execute a Lease Agreement on behalf of Brown County with the Safari Steakhouse, managed by Kleinschmidt, LLC, for a period of two (2) years commencing on January 1, 2011, and terminating on December 31, 2012, which agreement shall provide the following major changes to the existing Lease Agreement and shall supersede the existing Lease Agreement:

1. Term. Modify the language to provide for a two-year term commencing January 1, 2011 and ending December 31, 2012.
2. Rent. Modify the existing agreement providing for a percentage of sales rental to a fixed annual rental of Sixty thousand dollars (\$60,000.00) payable in unequal monthly installments.
3. Repairs. Modify the existing agreement to provide that the tenant be responsible for all necessary repairs to the leased premises except for major mechanical repairs or replacement.
4. Utilities. Modify the existing lease to provide that the tenant pay a proportionate share of the utilities.
5. Personal Guaranty. Modify the existing lease to require a personal guaranty of rent.

Fiscal Impact:

This resolution does not require an appropriation from the General Fund. Although this resolution does not impact the General Fund, the estimated \$32,000 decrease in lease payments will be offset by savings of \$39,500 in utilities and repairs for a net savings of \$7,500 for the Golf Course.

| | <u>Prior Lease</u> | <u>New Lease</u> |
|-----------------------|--------------------|------------------|
| Lease Revenue | \$ 92,000 | \$ 60,000 |
| Utilities | (48,000) | (12,000) |
| Repairs | <u>(3,500)</u> | <u>-</u> |
| Net Golf Course Funds | \$ 40,500 | \$ 48,000 |

Respectfully submitted,
EXECUTIVE COMMITTEE

A motion was made by Supervisor Vander Leest and seconded by Supervisor Carpenter “to adopt.” Voice vote taken. Motion carried unanimously with no abstentions.

Approved by: _____ \s\ Tom Hinz, County Executive _____

Date: 12/21/2010

ATTACHMENT TO RESOLUTION #9D

LEASE AGREEMENT

THIS COMMERCIAL LEASE AGREEMENT ("Lease") is made and effective December ____, 2010, by and between BROWN COUNTY, WISCONSIN ("County") and SAFARI STEAKHOUSE, managed by Kleinschmidt, LLC ("Tenant").

County is the owner of land and improvements commonly known and numbered at 897 Riverdale Drive, Oneida, Wisconsin, 54155.

Therefore, in consideration of the mutual promises herein contained and other good and valuable consideration, IT IS AGREED:

1. **Term.**

County hereby leases the leased premises to Tenant, and Tenant hereby leases the same from County, for a term beginning January 1, 2011, and ending December 31, 2012.

2. **Description of Premises.**

County leases to Tenant that certain commercial area referred to as the demised premises and situated at 897 Riverdale Drive, Oneida, Wisconsin, the area and location of which is more particularly described as the Safari Steakhouse. The demised premises are a portion of the Brown County Golf Course Clubhouse containing another commercial establishment, a parking area, and common facilities for the use and benefit of all frequenters of the Brown County Golf Course Clubhouse.

3. **Rent.**

Tenant agrees to pay County an annual rent of Sixty thousand dollars (\$60,000.00) for the demised premises and for rental of personal property owned by the County and situated in the demised premises. Rental payments shall be prepaid, commencing with the first month that rent is due as hereinafter set forth. Tenant shall pay an uneven proportion of the annual rent as follows: Tenant shall pay no rent for the months of December, January, February and March, but shall be responsible for Tenant's full proportion of utilities as hereinafter set forth. Tenant shall pay Seven thousand five hundred dollars (\$7,500.00) for the months of April through November. In the event of default, the annual rent shall be calculated on the basis of equal monthly payments and Tenant shall be responsible for a sum of money determined by calculating the months on an equal rental basis less any monies paid by Tenant up to the point of default (for example, a default in the June payment would result in a balance owed as calculated: $(6 \times 5,000 = 30,000 - \text{received payments of } 15,000 = \text{a balance due of } 15,000)$).

4. **Use.**

Tenant shall use the demised premises for the purposes of conducting a restaurant business, and no part of the demised premises shall be used for any other purpose without the prior written consent of County.

5. **Sublease and Assignment.**

Tenant shall have the right without County's consent, to assign this Lease to a corporation with which Tenant may merge or consolidate, to any subsidiary of Tenant, to any corporation under common control with Tenant, or to a purchaser of substantially all of Tenant's assets. Except as set forth above, Tenant shall not sublease all or any part of the leased

premises, or assign this Lease in whole or in part without County's consent, such consent not to be unreasonably withheld or delayed.

6. Repairs.

During the Lease Term, Tenant shall make, at Tenant's expense, all necessary repairs to the leased premises. Repairs shall include such items as routine repairs of floors, walls, ceilings, and other parts of the leased premises damaged or worn through normal occupancy, except for major mechanical systems or the roof, subject to the obligations of the parties otherwise set forth in this Lease. Tenant shall be responsible for maintaining in good working condition all of the personal property of the County under the terms of this Lease. County shall be responsible for any major mechanical repairs or replacement of the personal property.

7. Alterations and Improvements.

Tenant, at Tenant's expense, shall have the right following County's consent to remodel, redecorate and make additions, improvements and replacements of and to all or any part of the leased premises from time to time as Tenant may deem desirable, provided the same are made in a workmanlike manner and utilizing good quality materials.

8. Insurance.

Tenant shall maintain a comprehensive general liability insurance policy in an amount of not less than One million dollars (\$1,000,00.00) combined single limit per occurrence, and in the aggregate including coverage extensions for products liability, contractual liability and host liquor liability. Tenant shall maintain worker's compensation insurance and employer's liability insurance in compliance with Wisconsin laws. Tenant shall give County not less than thirty (30) days advance notice of any material change in, or cancellation of, these required policies. Tenant shall provide the Brown County Purchasing Department with certificates of insurance evidencing compliance with these requirements. Tenant shall list County as an additional insured on Tenant's policy of comprehensive general liability insurance.

9. Utilities.

Tenant shall pay for all charges related to telephone during the term of this Lease. Tenant shall be responsible for a proportionate share of charges for water, sewer, gas, electricity, satellite television, rug and floor mats, fire extinguisher, pest control and other services and utilities used by Tenant on the leased premises during the life of this Lease. In regard to these latter utilities or services, County shall pay the amount due and separately invoice Tenant for Tenant's prorated share of the charges. Tenant shall pay such amounts within fifteen (15) days of invoice. Tenant shall be responsible for cleaning the premises including common areas at Tenant's cost during the term of this Lease, except County shall be responsible for an annual carpet cleaning of the premises. Tenant shall receive an offset for the cost of such cleaning services, and shall provide County with evidence of such costs within fifteen (15) days of invoice.

10. Entry.

County shall have the right to enter upon the leased premises at reasonable hours to inspect the same, provided County shall not thereby unreasonably interfere with Tenant's business on the leased premises.

11. Parking.

During the term of this Lease, Tenant shall have the non-exclusive use in common with County, other tenants of the building, their guests and invitees, of the common

automobile parking areas, driveways, and footways, subject to rules and regulations for the use thereof as prescribed from time to time by County. County agrees to maintain common parking areas and to provide snow plowing services for a reasonable amount of parking for customers of Tenant during the normal business hours maintained by the Brown County Golf Course Superintendent. Tenant shall be responsible to provide snow plowing services outside of the normal business hours on evenings and weekends.

12. Cart Concession and Concession Stand.

Tenant shall operate a cart concession consisting of not less than two (2) carts in operation which offer beverages and food to customers during normal operations of the Golf Course from April through October of each year. Operational time shall be coordinated with the County's designee, the Superintendent of the Brown County Golf Course. Tenant may also operate a concession stand on the tenth tee for the sale of food and beverages, the operation of which shall be coordinated with the Superintendent of the Brown County Golf Course.

13. Damage and Destruction.

If the leased premises or any part thereof is so damaged by fire, casualty, or structural defects that the same cannot be used for Tenant's purposes, then Tenant shall have the right within ninety (90) days following damage to elect by notice to County to terminate this Lease as of the date of such damage. In the event of minor damage to any part of the leased premises, and if such damage does not render the leased premises unuseable for Tenant's purposes, County shall promptly repair such damage at the cost of the County. In making the repairs called for in this paragraph, County shall not be liable for any delays resulting from strikes, inability to obtain necessary materials or labor or other matters which are beyond the reasonable control of County. Tenant shall be relieved from paying rent and other charges during the portion of the Lease Term that the leased premises are inoperable or unfit for occupancy, or use, in whole or in part, for Tenant's purposes.

14. Quiet Possession.

County covenants and warrants that upon performance by Tenant of its obligations hereunder, County will keep and maintain Tenant in its exclusive, quiet, peaceable and undisturbed and uninterrupted possession of the leased premises during the term of this Lease.

15. Default.

If default shall at any time be made by Tenant in the payment of rent when due to County as herein provided, and if said default shall continue for ten (10) days after written notice thereof shall have been given to Tenant by County, or if default shall be made in any of the other covenants or conditions to be kept, observed and performed by Tenant, and such default shall continue for more than ten (10) days after notice thereof in writing to Tenant by County without correction thereof then having been commenced and thereafter diligently prosecuted, County may declare the term of this Lease ended and terminated by giving Tenant written notice of such intention, and if possession of the leased premises is not surrendered, County may reenter said premises. County shall have, in addition to the remedy above provided, any other right or remedy available to County on account of any Tenant default, either in law or equity. County shall use reasonable efforts to mitigate its damages.

16. Waiver.

No waiver of any default of County or Tenant hereunder shall be implied from any omission to take any action on account of such default if such default persists or is

repeated, and no express waiver shall affect any default other than the default specified in the express waiver and that only for the time and to the extent therein stated.

17. Compliance with Law.

Tenant shall comply with all laws, orders, ordinances and other public requirements now or hereinafter pertaining to Tenant's use of the leased premises.

18. Final Agreement.

This agreement terminates and supersedes all prior understandings or agreements on the subject matter hereof. This agreement may be modified only by a further writing that is duly executed by both parties. It is understood that this agreement shall not be binding upon the parties until approval by the Brown County Board. It is further acknowledged that any written change hereof shall not be binding until final approval by the Brown County Board.

IN WITNESS WHEREOF, the parties have executed this Lease as of the day and year first above written.

BROWN COUNTY:

KLEINSCHMIDT, LLC, d/b/a
Safari Steakhouse:

By: Scott Anthes
Golf Course Superintendent

By: Chad Kleinschmidt

PERSONAL GUARANTY

This personal guaranty is given by Chad Kleinschmidt of 2866 Sunnyvale Court, Green Bay, Wisconsin, as of the 1 day of January, 2011, in order to induce Brown County to enter into a Lease Agreement ("Agreement") providing restaurant space to Kleinschmidt, LLC, located at 897 Riverdale Drive, Oneida, Wisconsin, 54155, the 1st day of January, 2011. Guarantor hereby absolutely and unconditionally personally guarantees the full, prompt and faithful performance of each and all of the terms, covenants and conditions of the Agreement to be kept or performed by Kleinschmidt, LLC, including all payments of rent, additional obligations and all other charges, expenses and costs of every kind and nature which are or may be due now or in the future under the terms of the Agreement irrespective of the validity, regularity or enforceability of the Agreement.

In the event there is a breach of the Agreement, Guarantor shall pay, reimburse and indemnify Brown County for any and all damages, costs, expenses, losses and other liabilities arising or resulting from the breach.

The liability of Guarantor is primary, direct, immediate, absolute, continuing, unlimited and Brown County may, at its option, proceed against Guarantor without having commenced any action or having obtained any judgment against Kleinschmidt, LLC. Guarantor shall not be discharged or released for any reason including bankruptcy, receivership or other proceedings. The Guarantor hereby waives notice of default in the payment of covenants thereunder of hereunder.

This Personal Guaranty is binding upon Guarantor, his legal representatives and assigns, and is binding upon and shall inure to the benefit of Brown County, its successors and

assigns. No assignment or delegation by Guarantor shall release Guarantor of his obligations under this Personal Guaranty.

This Personal Guaranty shall not be modified orally, but only by a writing signed by both Guarantor and Brown County.

In Witness Whereof, Guarantor has duly signed this Personal Guaranty on the date stated above.

Chad Kleinschmidt

No. 9e -- RESOLUTION REGARDING: RECLASSIFICATION OF CLERK TYPIST II, CLERK OF COURTS

A motion was made by Supervisor Lund and seconded by Supervisor Nicholson **“to refer back to Executive Committee and Public Safety Committee”**.

Supervisor Lund withdrew his above motion to refer.

A motion was made by Supervisor Dantine and seconded by Supervisor Erickson **“to suspend the rules to allow interested parties to address the Board”**. Vote taken. Roll Call #9e(1):

Ayes: Theisen, Krueger, Haefs, Erickson, Brunette, Evans, Vander Leest, Dantine, Andrews, Van Vonderen, Schuller, Fleck, Clancy, Wetzel, Moynihan, Scray, Carpenter, Lund
Nays: Tumpach, Nicholson, Zima, Buckley, La Violette, Kaster, Fewell
Excused: De Wane
Total Ayes: 18 Total Nays: 7 Excused: 1

Motion carried.

Neal Basten, addressed the Board on behalf of Clerk of Court employees. Mr. Basten answered questions regarding the position and the proposed reclassification in the Clerk of Courts.

A motion was made by Supervisor Haefs and seconded by Supervisor Nicholson **“to return to the regular order of business”**. Voice vote taken. Motion carried unanimously with no abstentions.

A motion was made by Supervisor Nicholson and seconded by Supervisor Buckley **“to refer back to Executive Committee and Public Safety Committee”**.

Following discussion, a vote was taken on Supervisor Nicholson’s motion **“to refer back to Executive Committee and Public Safety Committee”**. Vote taken. Roll Call #9e(2):

Ayes: Tumpach, Nicholson, Theisen, Haefs, Zima, Evans, Vander Leest, Buckley, Kaster, Wetzel, Moynihan, Scray, Carpenter, Fewell
Nays: Krueger, Erickson, Brunette, Dantine, La Violette, Andrews, Van Vonderen, Schuller, Fleck, Clancy, Lund
Excused: De Wane
Total Ayes: 14 Total Nays: 11 Excused: 1

Motion carried **“to refer”**.

No. 9f -- RESOLUTION REGARDING: AN AMENDMENT TO SUBSECTION (6)(c) OF SECTION 12.01 OF THE BROWN COUNTY CODE ENTITLED "COUNTY WASTE MANAGEMENT BOARD"

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, the Brown County Board of Supervisors is declaring their intention to clarify and establish the limitations on the powers of the Solid Waste Board; and

WHEREAS, the language of the present County Code is ambiguous and needs clarification.

NOW, THEREFORE, BE IT RESOLVED, by the Brown County Board of Supervisors, that it hereby deletes the following language contained in Subsection (6)(c) of Section 12.01 of the County Code of Ordinances:

(c) The Solid Waste Board shall have no authority, on any basis, to levy taxes or borrow money for the solid waste management system from sources other than the Brown County Board of Supervisors and revenues from state or federal assistance programs, grants, contracts or agreements entered into by the Solid Waste Board are subject to review and final approval by the Brown County Board of Supervisors.

BE IT FURTHER RESOLVED, by the Brown County Board of Supervisors, that the following language shall be substituted in Subsection (6)(c) of Section 12.01 of the County Code of Ordinances for the language hereinbefore deleted which shall read:

(c) The Solid Waste Board shall have no authority to levy taxes or borrow money. All contracts or agreements entered into by the Solid Waste Board are subject to review and final approval by the Brown County Board of Supervisors. All applications and acceptance of revenues from state or federal assistance programs, and grants are subject to review and final approval by the Brown County Board of Supervisors.

Fiscal Impact: None.

Respectfully submitted,
EXECUTIVE COMMITTEE

A motion was made by Supervisor Andrews and seconded by Supervisor Vander Leest "to adopt." Voice vote taken. Motion carried unanimously with no abstentions.

| | |
|--|------------------|
| Approved by: _____ \s\ Tom Hinz, County Executive | Date: 12/21/2010 |
| Approved by: _____ \s\ Darlene Marcelle, County Clerk | Date: 12/21/2010 |
| Approved by: _____ \s\ Guy Zima, County Board Chairman | Date: 01/05/2011 |

No. 10 -- SUCH OTHER MATTERS AS AUTHORIZED BY LAW. LATE COMMUNICATIONS:

No. 10a -- FROM SUPERVISOR BUCKLEY REGARDING: TO REVIEW AT THE NEXT PUBLIC SAFETY COMMITTEE INCENTIVES AND PENALTY FOR THE TIME OF COMPLETION IN REFERENCE TO THE S&L BUILDING. ALSO SEND TO EXECUTIVE COMMITTEE

Refer to Public Safety Committee and Executive Committee.

No. 10b -- FROM SUPERVISOR VANDER LEEST REGARDING: REQUEST TO REVIEW OTHER LOWER COST OPTIONS TO RENOVATE THE CENTRAL BRANCH LIBRARY

Refer to Education and Recreation Committee.

No. 11 -- BILLS OVER \$5,000 FOR PERIOD ENDING NOVEMBER 30, 2010.

A motion was made by Supervisor Andrews and seconded by Supervisor Fleck “**to pay the bills for the period ending November 30, 2010**”. Voice vote taken. Motion carried unanimously with no abstentions.

No. 12 -- CLOSING ROLL CALL.

Present: Tumpach, Nicholson, Theisen, Krueger, Haefs, Erickson, Brunette, Zima, Evans, Vander Leest, Buckley, Dantine, La Violette, Andrews, Kaster, Van Vonderen, Schuller, Fleck, Clancy, Wetzal, Moynihan, Scray, Carpenter, Lund, Fewell

Excused: De Wane

Total Present: 25 Total Excused: 1

No. 13 -- ADJOURNMENT TO WEDNESDAY, JANUARY 19, 2011 AT 7:00 P.M., LEGISLATIVE ROOM #203, CITY HALL, 100 NORTH JEFFERSON STREET, GREEN BAY, WISCONSIN.

A motion was made by Supervisor Moynihan and seconded by Supervisor Krueger “**to adjourn to the above date and time**”. Voice vote taken. Motion carried unanimously with no abstentions.

Meeting adjourned at 10:15 p.m.

DARLENE K. MARCELLE
Brown County Clerk

Deleted: ¶

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