

**KENOSHA COUNTY BOARD OF SUPERVISORS  
COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING  
August 20, 2013**

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

Roll call was taken.

Present: Supervisors Grady, Rose, Gentz, Montemurro, Dodge, Kubicki, Hallmon, R. Johnson, R. Frederick, Nudo, Kohlmeier, B. Frederick, Molinaro, Esposito, Noble, Skalitzky, Underhill, Decker, Elverman.

Excused: Supervisors, O'Day, Arrington, A. Johnson, Breunig.

Present: 19. Excused: 4.

**CITIZEN COMMENTS**

Mark Montague, 78356<sup>th</sup> Ave, stated Local 70 has recertified quite some time ago and understands under Act 10 they are able to negotiate wages. He is hoping they are able to negotiate soon.

Diana Kanecki, 5700 19<sup>th</sup> Ave., spoke in favor of Domestic Partnership Benefits for County Employees.

John Franco, 107304<sup>th</sup> St., spoke in favor of the Resolution to urge the amending of the United States Constitution to Diminish the Negative Effects of Corporate Money in Elections.

Katie Belanger, 5583 Bantry Ln, Fitchburg, thanked the board for considering the resolution for Domestic Partnership Benefits. This is a very critical way to move the community and government forward. Most major corporations already have Domestic Partner Benefits. She urged the board to continue to move this resolution forward.

Anthony Kennedy, 42229<sup>th</sup> Ave., stated he is an Alderman for the City of Kenosha and is in support of Domestic Partnership Benefits for County Employees. The City already offers this for their employees and offered any help he can provide to help the board make their decision.

**There were no Announcements of the Chairman**

**SUPERVISOR REPORTS**

Supervisor Rose stated the two Bond Ratings Agencies recently came out with new bond ratings for Kenosha County. Standard & Poors gave the county the same rating as the past year, Aa with a stable outlook. Moody's rating declined from Aa1 to Aa2 with strong marks with an improved fund balance and finance practices.

**COUNTY EXECUTIVE APPOINTMENTS**

17. Teri A. Jacobson to serve on the Racine/Kenosha Community Action Agency Board.

Chairman Gentz referred County Executive 17 to the Human Services Committee.

**OLD BUSINESS**

Resolutions – one reading

**RESOLUTION 33**

33. From Supervisors Dodge and Underhill a Resolution to urge the Amending of the United States Constitution to Diminish the Negative Effects of Corporate Money in Elections.

**WHEREAS**, In 1976 the United States Supreme Court held in *Buckley v. Valeo* that there was a compelling state interest in preventing corruption or the appearance of corruption in the electoral process by imposing some limits on the amount that could be contributed to political candidates; and

**WHEREAS**, In 2010 the United States Supreme Court held in *Citizens United v. Federal Election Commission* that a prohibition on independent expenditures by corporations, unions and associations to advocate for or against candidates, or directly attempt to influence elections, violated the First Amendment's guaranteed freedom of speech; and

**WHEREAS**, The result has been an explosion of money being spent by large corporate, union and association interests in an effort to directly influence elections in a way which would most benefit them; and

**WHEREAS**, While corporations, unions and associations do enjoy certain constitutional rights, the significant financial advantage that corporations, unions and associations enjoy over individuals has the potential to dramatically tilt the scales of advocacy to those enjoying the deepest pockets, similar to a megaphone's ability to drown out the lone person on a soapbox; and

**WHEREAS**, This situation has left many with significant doubts about the fundamental fairness of the electoral system and the significant potential for political entities being solely beholden to the largest contributors; and

**WHEREAS**, It is a vital first step in restoring confidence in the fundamental fairness of the electoral system to "level the playing field" to ensure that individual citizens have the same ability to play a part in the process as moneyed interests; therefore

**BE IT RESOLVED** that the Kenosha County Board of Supervisors hereby calls for reclaiming democracy from the corrupting effects of undue corporate, union and association influence by amending the United States Constitution to establish that money is not speech, and therefore regulating political contributions and spending is not equivalent to limiting political speech; and

**BE IT FURTHER RESOLVED** that the Kenosha County Board of Supervisors hereby instructs our state and federal representatives to enact resolutions and legislation to advance this effort; and

**BE IT FURTHER RESOLVED** that the Clerk is hereby directed to send a copy of this resolution to Kenosha County's representatives in the State Assembly and State Senate, our United States Representative and Senators, the Office of the Governor, and the Wisconsin Counties Association.

SUBMITTED BY:

Executive Committee

Jeffrey Gentz  
Edward Kubicki  
Terry Rose  
Dennis Elverman  
Dayvin Hallmon  
Daniel Esposito  
Kimberly Breunig

It was moved by Supervisor Dodge to adopt Resolution 33. Seconded by Supervisor Underhill.

Roll call vote.

Aye: Supervisors Grady, Rose, Gentz, Montemurro, Dodge, Kubicki, Hallmon, R. Johnson, R. Frederick, Kohlmeier, B. Frederick, Esposito, Noble, Underhill, Elverman.

Nay: Supervisors Nudo, Molinaro, Skalitzky, Decker.

Aye: 15. Nay: 4.

Motion carried.

## **NEW BUSINESS**

Ordinances – one reading

### **ORDINANCE 9**

9. From Planning Development and Extension Education Committee regarding Proposed Comprehensive Plan Amendment, Arthur B. Bushing, (Owner), Bradley Zautcke, Land Use Coordinator, Town of Salem (Agent), requests an amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (Map 65 of the comprehensive plan) from “Commercial”, “Medium-Density Residential” and “Isolated Natural Resource Area” to “Park and Recreational” and “Non-Farmed Wetland” in the Town of Salem.

AN ORDINANCE TO AMEND CHAPTER 11 OF THE MULTI-JURISDICTIONAL COMPREHENSIVE PLAN FOR KENOSHA COUNTY: 2035

That part of Tax Parcel #66-4-120-233-0300 located in the SW ¼ of Section 23, T1N, R20E, Town of Salem, be changed from “Commercial,” “Medium-Density Residential,” and “Isolated Natural Resource Area” to “Park and Recreational” and “Non-Farmed Wetland” as presented in the Multi-Jurisdictional Comprehensive Plan for Kenosha County: 2035.

For informational purposes only, this property is located just north of the intersection of STH 83 and CTH “SA”.

SUBMITTED BY:

Planning Development and Extension Education Committee

Kimberly Breunig

Erin Decker

Michael Underhill

Rick Dodge

Mike Skalitzky

It was moved by Supervisor Decker to adopt Ordinance 9. Seconded by Supervisor Dodge.

Motion carried.

### **ORDINANCE 10**

10. From Planning Development and Extension Education Committee regarding Proposed Comprehensive Plan Amendment, Jacob Stohr, 53128 (Owner), requests an amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (Map 65 of the comprehensive plan) from “Suburban-Density Residential” to “Rural-Density Residential” in the Town of Randall.

AN ORDINANCE TO AMEND CHAPTER 11 OF THE MULTI-JURISDICTIONAL COMPREHENSIVE PLAN FOR KENOSHA COUNTY: 2035

That Tax Parcel #60-4-119-202-0406 located in the NW ¼ of Section 20, T1N, R19E, Town of Randall, be changed from “Suburban-Density Residential” to “Rural-Density Residential” as presented in the Multi-Jurisdictional Comprehensive Plan for Kenosha County: 2035.

For informational purposes only, this property is commonly known as 9730 388<sup>th</sup> Avenue, Genoa City, Wisconsin.

SUBMITTED BY:

Planning Development and Extension Education Committee

Kimberly Breunig

Erin Decker

Michael Underhill

Rick Dodge

Mike Skalitzky

It was moved by Supervisor Decker to adopt Ordinance 10. Seconded by Supervisor Skalitzky.

Motion carried.

### **ORDINANCE 11**

11. From Planning Development and Extension Education Committee regarding Arthur B. Bushing, (Owner), Bradley Zautcke, Land Use Coordinator, Town of Salem (Agent), requests a rezoning from A-1 Agricultural Preservation Dist. and C-1 Lowland Resource Conservancy Dist. to A-1 Agricultural Preservation Dist., PR-1 Park-Recreation Dist. and C-1 Lowland Resource Conservancy Dist. Town of Salem.

AN ORDINANCE TO AMEND CHAPTER 12 OF THE MUNICIPAL CODE OF KENOSHA COUNTY, WISCONSIN, WITH REFERENCE TO ZONING

That the map referred to in Section 12.02-10 of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance be amended as follows:

That the zoning for Tax Parcel #66-4-120-233-0300 located in the SW ¼ of Section 23, T1N, R20E, Town of Salem, be changed as follows: from A-1 Agricultural Preservation District and C-1 Lowland Resource Conservancy District to A-1 Agricultural Preservation District, PR-1 Park-Recreation District and C-1 Lowland Resource Conservancy District.

For informational purposes only, this property is located just north of the intersection of STH 83 and CTH "SA".

SUBMITTED BY:

Planning Development and Extension Education Committee  
Kimberly Breunig  
Erin Decker  
Michael Underhill  
Rick Dodge  
Mike Skalitzky

It was moved by Supervisor Decker to adopt Ordinance 11. Seconded by Supervisor Underhill.  
Motion carried.

#### **ORDINANCE 12**

12. From Planning Development and Extension Education Committee regarding Jacob Stohr (Owner), requests a rezoning from A-1 Agricultural Preservation Dist. to R-1 Rural Residential Dist. in the Town of Randall.

#### **AN ORDINANCE TO AMEND CHAPTER 12 OF THE MUNICIPAL CODE OF KENOSHA COUNTY, WISCONSIN, WITH REFERENCE TO ZONING**

That the map referred to in Section 12.02-10 of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance be amended as follows:

That the zoning for Tax Parcel #60-4-119-202-0406 located in the NW ¼ of Section 20, T1N, R19E, Town of Randall, be changed as follows: from A-1 Agricultural Preservation District to R-1 Rural Residential District  
For informational purposes only, this property is commonly known as 9730 388<sup>th</sup> Avenue (CTH "P"), Genoa City, WI.

SUBMITTED BY:

Planning Development and Extension Education Committee  
Kimberly Breunig  
Erin Decker  
Michael Underhill  
Rick Dodge  
Mike Skalitzky

It was moved by Supervisor Decker to adopt Ordinance 12. Seconded by Supervisor Dodge.  
Motion carried.

Resolutions – one reading

#### **RESOLUTION 34**

34. From Finance/Administration Committee a Resolution to approve the Appointment of Mark Starzyk to the Kenosha County Housing Authority Board.

**WHEREAS**, Pursuant to County Executive Appointment 2013/14-12, the County Executive has appointed Mark Starzyk to serve on the Kenosha County Housing Authority Board, and

**WHEREAS**, the Finance Committee has reviewed the request of the County executive for confirmation of his appointment of the above named to serve on the Kenosha County Housing Authority Board and is recommending to the County Board the approval of this appointment,

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors confirms the appointment of Mark Starzyk to the Kenosha County Housing Authority Board. Mr. Starzyk's appointment shall be effective immediately and continuing until the 30<sup>th</sup> day of April, 2018 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. Starzyk will serve without pay and will be succeeding himself. He has attended 24 of 24 meetings held since his last appointment in July of 2008.

SUBMITTED BY:

Finance/Administration Committee  
Terry Rose  
Ronald Frederick  
William Grady  
Aaron Kohlmeier  
Edward Kubicki  
Mark Molinaro, Jr.

It was moved by Supervisor Rose to adopt Resolution 34. Seconded by Supervisor Grady.  
Motion carried.

#### **RESOLUTION 35**

35. From Finance/Administration Committee a Resolution Awarding the sale of \$9,765,000 General Obligation Promissory Notes, Series 2013 A.

**WHEREAS**, on November 10, 2010, the County Board of Supervisors of Kenosha County, Wisconsin (the "County"), by a vote of more than three-fourths of the members-elect, adopted a resolution entitled "Initial Resolution Authorizing the Issuance of General Obligation Promissory Notes in an Amount Not to Exceed \$14,100,000 for Road and Highway Improvements" (the "Highway Initial Resolution") authorizing the issuance of general obligation promissory notes in an amount not to exceed \$14,100,00 for the public purpose of acquiring property or interests in property and constructing, improving and extending roads and highways;

**WHEREAS**, on August 9, 2011, the County issued its \$10,030,000 General Obligation Promissory Notes, Series 2011A, which consisted in part of \$1,350,000 for the purpose authorized in the Highway Initial Resolution;

**WHEREAS**, on July 11, 2012, the County issued its \$15,750,000 General Obligation Promissory Notes, Series 2012B, which consisted in part of \$3,158,670 for the purpose authorized in the Highway Initial Resolution;

**WHEREAS**, on November 8, 2012, the County Board of Supervisors, by a vote of more than three-fourths of the members-elect, adopted a resolution entitled "Initial Resolution Authorizing the Issuance of General Obligation Promissory Notes in an Amount Not to Exceed \$5,809,259 for Budgeted Capital Projects" (the "Capital Projects Initial Resolution") authorizing the issuance of general obligation promissory notes in an amount not to exceed \$5,809,259 for public purposes, consisting of acquisition, demolition, construction, repair and improvement projects included in the County's Capital Improvement Budget;

**WHEREAS**, on July 16, 2013, the County Board of Supervisors adopted a resolution (the "Set Sale Resolution") providing that general obligation promissory notes in an amount not to exceed \$9,765,000 (consisting of an amount not to exceed \$3,955,741 for the purpose authorized in the Highway Initial Resolution and an amount not to exceed \$5,809,259 for the purposes authorized in the Capital Projects Initial Resolution) be offered for public sale;

**WHEREAS**, the projects authorized by the Highway Initial Resolution and the Capital Projects Initial Resolution are collectively referred to herein as the "Projects";

**WHEREAS**, the County Board of Supervisors hereby finds and determines that the Projects are within the County's power to undertake and therefore serve a "public purpose" as that term is defined in Section 67.04(1)(b), Wisconsin Statutes;

**WHEREAS**, pursuant to the Set Sale Resolution, the County directed Ehlers & Associates, Inc. ("Ehlers") to take the steps necessary to sell its general obligation promissory notes (the "Notes") to pay costs of the Projects;

**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 Notes and indicating that the Notes would be offered for public sale on August 20, 2013;

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

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

**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 now deems it to be necessary, desirable and in the best interests of the County that the Notes be issued in the aggregate principal amount of \$9,765,000, consisting of \$3,955,741 for the purpose authorized in the Highway Initial Resolution and \$5,809,259 for the purposes authorized in the Capital Projects Initial Resolution.

**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 Notes set forth in Exhibit A attached hereto as and for the details of the Notes. 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. Authorization and Award of the Notes. For the purpose of paying costs of the Projects, there shall be borrowed pursuant to Section 67.12(12), Wisconsin Statutes, the principal sum of NINE MILLION SEVEN HUNDRED SIXTY-FIVE THOUSAND DOLLARS (\$9,765,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal of the Purchaser offering to purchase the Notes for the sum set forth on the Proposal (as modified on the Bid Tabulation and reflected in the Pricing Summary referenced below and incorporated herein), 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 note issue, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Notes bear

interest at the rates set forth on the Proposal.

Section 2. Terms of the Notes. The Notes shall be designated "General Obligation Promissory Notes, Series 2013A"; shall be issued in the aggregate principal amount of \$9,765,000; shall be dated September 10, 2013; 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 August 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 February 1 and August 1 of each year commencing on February 1, 2014. 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 Notes 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 Notes maturing on August 1, 2021 and thereafter shall be subject to redemption prior to maturity, at the option of the County, on August 1, 2020 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, and if in part, from maturities selected by the County and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption. If the Proposal specifies that any of the Notes are subject to mandatory redemption, the terms of such mandatory redemption are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference.

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

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Notes as the same becomes due, the full faith, credit and resources of the County are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the County a direct annual irrepealable tax in the years 2013 through 2022 for the payments due in the years 2014 through 2023 in the amounts set forth on the Schedule.

(B) Tax Collection. So long as any part of the principal of or interest on the Notes 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 Notes, 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 Notes 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.

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 \$9,765,000 General Obligation Promissory Notes, Series 2013A, dated September 10, 2013" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Notes 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 Notes; (ii) any premium which may be received by the County above the par value of the Notes 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 Notes when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Notes 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 Notes until all such principal and interest has been paid in full and the Notes canceled; provided (i) the funds to provide for each payment of principal of and interest on the Notes 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 Notes may be used to reduce the next succeeding tax levy, or may, at the option of the County, be invested by purchasing the Notes 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 Notes 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 Notes; Segregated Borrowed Money Fund. The proceeds of the Notes (the "Note Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Notes into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the County and disbursed solely for the purposes for which borrowed or for the payment of the principal of and the interest on the Notes. 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 purposes for which the Notes have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purposes 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 Notes 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 Notes, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Notes to the Purchaser which will permit the conclusion that the Notes 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 Notes and the ownership, management and use of the projects will not cause the Notes 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 Notes 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 Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. The County Clerk or other officer of the County charged with the responsibility of issuing the Notes shall provide an appropriate certificate of the County 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 Notes provided that in meeting such requirements the County will do so only to the extent consistent with the proceedings authorizing the Notes 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 Notes 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 Notes; Closing; Professional Services. The Notes 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 Notes may be imprinted on the Notes in lieu of the manual signature of the officer but, unless the County has contracted with a fiscal agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Notes 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 Notes and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The County hereby authorizes the officers and agents of the County to enter into, on its behalf, agreements and contracts in conjunction with the Notes, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Notes is hereby ratified and approved in all respects.

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

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

of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the 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 Note or Notes 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 Note surrendered for transfer.

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

Section 14. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Notes (the "Record Date"). Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the County at the close of business on the Record Date.

Section 15. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the County agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the County and on file in the County Clerk's office.

Section 16. Payment of Issuance Expenses. The County authorizes the Purchaser to forward the amount of the proceeds of the Notes allocable to the payment of issuance expenses to KleinBank, Chaska, Minnesota 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 Notes 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 Notes, to enter into a written undertaking (the "Undertaking") if 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 Notes 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 Notes).

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

Section 19. 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 Notes in the Record Book.

Section 20. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Notes, 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 Note proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Notes by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Note provided herein.

Section 21. 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/Administration Committee

Terry Rose

Ronald Frederick

William Grady

Aaron Kohlmeier

Edward Kubicki

Mark Molinaro, Jr

It was moved by Supervisor Rose to adopt Resolution 35. Seconded by Supervisor Molinaro. Roll call vote passed unanimously.

**RESOLUTION 36**

36. From Judiciary & Law Committee a Resolution to Approve the Re-appointment of Jim Huff to serve as a Member of the Local Emergency Planning committee.

**WHEREAS**, pursuant to County Executive Appointment #2013/14-14, the County Executive has re-appointed Jim Huff to serve a three-year term as a member of the Local Emergency Planning Committee, and;

**WHEREAS**, the Judiciary & Law Committee has reviewed the County Executive's request for review and approval of his re-appointment of the above named to serve on this Committee and is recommending to the County Board the approval of this appointment, and;

**BE IT FURTHER RESOLVED**, that the Kenosha County Board of Supervisors approve the re-appointment of Jim Huff to serve as a member of the Local Emergency Planning Committee immediately upon passage of this resolution and continuing until the 1<sup>st</sup> day of July, 2016, or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors.

SUBMITTED BY:

Judiciary & Law Committee

Daniel Esposito

Ronald Johnson

Boyd Frederick

Douglas Noble

It was moved by Supervisor Esposito to adopt Resolution 36. Seconded by Supervisor R. Johnson. Motion carried.

**RESOLUTION 37**

37. From Judiciary & Law Committee a Resolution to Approve the Re-appointment of Michael Tarasik to serve as a Member of the Local Emergency Planning Committee.

**WHEREAS**, pursuant to County Executive Appointment #2013/14-11, the County Executive has re-appointed Michael Tarasik to serve a three-year term as a member of the Local Emergency Planning Committee, and;

**WHEREAS**, the Judiciary & Law Committee has reviewed the County Executive's request for review and approval of his re-appointment of the above named to serve on this Committee and is recommending to the County Board the approval of this appointment, and;

**BE IT FURTHER RESOLVED**, that the Kenosha County Board of Supervisors approve the re-appointment of Michael Tarasik to serve as a member of the Local Emergency Planning Committee immediately upon passage of this resolution and continuing until the 1<sup>st</sup> day of August, 2016, or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors.

SUBMITTED BY:

Judiciary & Law Committee

Daniel Esposito

Ronald Johnson

Boyd Frederick

Douglas Noble

It was moved by Supervisor Esposito to adopt Resolution 37. Seconded by Supervisor B. Frederick. Motion carried.

**RESOLUTION 38**

38. From Planning Development and Extension Education Committee regarding Proposed Comprehensive Plan Amendment, Arthur B. Bushing, (Owner), Bradley Zautcke, Land Use Coordinator, Town of Salem, (Agent), requests an amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (Map 65 of the comprehensive plan) from "Commercial", "Medium-Density Residential" and "Isolated Natural Resource Area" to "Park and Recreational" and "Non-Farmed Wetland" in the Town of Salem.

**WHEREAS**, in compliance with Wisconsin's comprehensive planning law set forth in Section 66.1001 of the Wisconsin Statutes, Kenosha County adopted a Multi-Jurisdictional Comprehensive Plan for Kenosha County: 2035 on April 20, 2010; and,

**WHEREAS**, the Town of Salem also adopted said comprehensive plan; and,

**WHEREAS**, Arthur B. Bushing, 25000 103rd Street, Salem, WI 53168 (Owner), Bradley Zautcke, Land Use Coordinator, Town of Salem, 9814 Antioch Road, PO Box 446, Salem, WI 53168 (Agent), requests an amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (Map 65 of the comprehensive plan) from "Commercial", "Medium-Density Residential" and "Isolated Natural Resource Area" to "Park and Recreational" and "Non-Farmed Wetland" on part of Tax Parcel #66-4-120-233-0300 located in the SW ¼ of Section 23, T1N, R20E, Town of Salem; and,

**WHEREAS**, the Town of Salem and the Department of Planning and Development have published said request in accordance to State Statutes; and

**WHEREAS**, the Town Board of Salem recommended approval of the request; and,

**WHEREAS**, the Kenosha County Planning, Development and Extension Education Committee held a public hearing on the request on August 14, 2013, and recommended approval of the request.



**NOW, THEREFORE, BE IT RESOLVED** that pursuant to Sections 59.69 and 66.1001(4) of Wisconsin Statutes, the Kenosha County Board of Supervisors hereby amends the comprehensive plan on part of Tax Parcel ##66-4-120-233-0300 as described above.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Kenosha County Board of Supervisors enact an ordinance adopting the comprehensive plan change.

SUBMITTED BY:

Planning Development and Extension Education Committee

Kimberly Breunig

Erin Decker

Michael Underhill

Rick Dodge

Mike Skalitzky

It was moved by Supervisor Decker to adopt Resolution 38. Seconded by Supervisor Skalitzky.

Motion carried.

#### **RESOLUTION 39**

39. From Planning Development and Extension Education Committee regarding Proposed Comprehensive Plan Amendment, Jacob Stohr (Owner), requests an amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (Map 65 of the comprehensive plan) from "Suburban-Density Residential" to "Rural-Density Residential" in the Town of Randall.

**WHEREAS**, in compliance with Wisconsin's comprehensive planning law set forth in Section 66.1001 of the Wisconsin Statutes, Kenosha County adopted a Multi-Jurisdictional Comprehensive Plan for Kenosha County: 2035 on April 20, 2010; and,

**WHEREAS**, the Department of Planning and Development has published said request in accordance with State Statutes; and

**WHEREAS**, the Town of Randall has approved the amendment to the Town of Randall and Village of Twin Lakes Smart Growth Comprehensive Plan; and,

**WHEREAS**, Jacob Stohr, 9730 388<sup>th</sup> Avenue, Genoa City, WI 53128 (Owner), requests an amendment to the Adopted Land Use Plan map for Kenosha County: 2035 (Map 65 of the comprehensive plan) from "Suburban-Density Residential" to "Rural-Density Residential" on Tax Parcel #60-4-119-202-0406 located in the NW ¼ of Section 20, T1N, R19E, Town of Randall; and,

**WHEREAS**, the Town Board of Randall recommended approval of the request; and,

**WHEREAS**, the Kenosha County Planning, Development and Extension Education Committee held a public hearing on the request on August 14, 2013, and recommended approval of the request.

**NOW, THEREFORE, BE IT RESOLVED** that pursuant to Sections 59.69 and 66.1001(4) of Wisconsin Statutes, the Kenosha County Board of Supervisors hereby amends the comprehensive plan on Tax Parcel #60-4-119-202-0406 as described above.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Kenosha County Board of Supervisors enact an ordinance adopting the comprehensive plan change.

SUBMITTED BY:

Planning Development and Extension Education Committee

Kimberly Breunig

Erin Decker

Michael Underhill

Rick Dodge

Mike Skalitzky

It was moved by Supervisor Decker to adopt Resolution 39. Seconded by Supervisor Underhill.

Motion carried.

#### **RESOLUTION 40**

40. From Planning Development and Extension Education Committee regarding request To Approve the Appointment of Andy M. Buehler to Serve on the Kenosha County Land Information Council

**WHEREAS**, pursuant to County Executive Appointment 2013/14-15, the County Executive has appointed Andy M. Buehler to serve on the Kenosha County Land Information Council; and

**WHEREAS**, the Planning, Development & Extension Education Committee of the Kenosha County Board of Supervisors has reviewed the request of the County Executive for confirmation of the above-named to serve on the Kenosha County Land Information Council and is recommending to the County Board the approval of the appointment,

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors confirms the appointment of Andy M. Buehler to the Kenosha County Land Information Council. Mr. Buehler's appointment shall be effective immediately and shall continue until the 1<sup>st</sup> day of July 2015, or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors. Mr. Buehler will serve without pay and will be succeeding George E. Melcher, former Director of the Kenosha County Planning and Development Department.

SUBMITTED BY:

Planning Development and Extension Education Committee

Kimberly Breunig

Erin Decker

Michael Underhill  
Rick Dodge  
Mike Skalitzky

It was moved by Supervisor Decker to adopt Resolution 40. Seconded by Supervisor Dodge.  
Motion carried.

#### **RESOLUTION 41**

41. From Planning Development and Extension Education Committee regarding request to Approve the Appointment of Dr. Kurt W. Bauer (Kenosha County Surveyor) to Serve on The Kenosha County Land Information Council

**WHEREAS**, pursuant to County Executive Appointment 2013/14-10, the County Executive has appointed Dr. Kurt W. Bauer (Kenosha County Surveyor) to serve on the Kenosha County Land Information Council; and

**WHEREAS**, the Planning, Development & Extension Education Committee of the Kenosha County Board of Supervisors has reviewed the request of the County Executive for confirmation of the above-named to serve on the Kenosha County Land Information Council and is recommending to the County Board the approval of the appointment,

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors confirms the appointment of Dr. Kurt Bauer (Kenosha County Surveyor) to the Kenosha County Land Information Council. Mr. Bauer's appointment shall be effective immediately and shall continue until the 1<sup>st</sup> day of July 2017, or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors. Dr. Bauer will serve without pay and will be succeeding himself.

SUBMITTED BY:

Planning Development and Extension Education Committee  
Kimberly Breunig  
Erin Decker  
Michael Underhill  
Rick Dodge  
Mike Skalitzky

It was moved by Supervisor Decker to adopt Resolution 41. Seconded by Supervisor Skalitzky.  
Motion carried.

#### **RESOLUTION 42**

42. From Planning Development and Extension Education Committee regarding Request to approve the Appointment of Supervisor Michael Skalitzky to the Southeastern Wisconsin Regional Planning Commission (SEWRPC).

**WHEREAS**, pursuant to the County Executive Appointment 2013/14-16, the County Executive has appointed Supervisor Michael Skalitzky to serve on the Southeastern Wisconsin Regional Planning Commission, and

**WHEREAS**, the Planning, Development and Extension Education Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named as the Kenosha County representative to SEWRPC and is recommending to the County Board the approval of the appointment,

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors confirm the appointment of Supervisor Michael Skalitzky to serve on the Southeastern Wisconsin Regional Planning Commission (SEWRPC). Mr. Skalitzky's appointment shall be effective immediately and continue until the 15<sup>th</sup> day of September 2016 or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors. Mr. Skalitzky will receive a per diem along with mileage reimbursements and will be succeeding Supervisor Kimberly Breunig.

SUBMITTED BY:

Planning Development and Extension Education Committee  
Kimberly Breunig  
Erin Decker  
Michael Underhill  
Rick Dodge  
Mike Skalitzky

It was moved by Supervisor Decker to adopt Resolution 42. Seconded by Supervisor Underhill.  
Motion carried.

43. From Supervisors Hallmon and Rose a Resolution to Extend Health Benefit in the Employee Health Insurance Plan to Domestic Partners of Eligible County of Kenosha Employees and their Dependents.

Chairman Gentz referred Resolution 43 to Finance/Administration Committee.

#### **COMMUNICATION**

7. Communication from Andy M. Buehler regarding future items scheduled before the Planning, Development & Extension Education Committee.

Chairman Gentz referred Communication 7 to Planning Development, Extension Education Committee.

#### **CLAIM**

11. Peter Richter – damaged vehicle window  
Chairman Gentz referred Claims 11 to Corporation Council

#### **SUPERVISOR COMMENTS**

Supervisor Hallmon spoke regarding Patient Protection Affordable Care Act ( PPACA) and how it can affect residents of Kenosha County.

It was moved by Supervisor Kohlmeier to approve the minutes from the August 6, 2013 County Board meeting. Seconded by Supervisor Grady.

Motion carried.

It was moved by Supervisor Decker to adjourn. Seconded by Supervisor Skalitzky.

Motion carried.

Meeting adjourned at 8:30 p.m.

Prepared by: Edie LaMothe  
Deputy Clerk

Submitted by: Mary Schuch-Krebs  
County Clerk