

APRIL 21, 2009

EVENING SESSION

6:00 P.M.

LINCOLN COUNTY SERVICE CENTER – 801 N. SALES STREET – MERRILL WI 54452
 COUNTY BOARD ROOM

The Lincoln County Board of Supervisors met at the Lincoln County Service Center County Board Room at 801 N. Sales Street – City of Merrill, in session assembled pursuant to law. The meeting was called to order at 6:00 p.m. by Vice Chair Caylor. Pledge of Allegiance was given by the Board. Roll was called by the Clerk and the following answered present: Alber, Anderson, Bailey, Berndt, Bloomer, Caylor, Eisenman, Fox, Krueger, Meyer, Mittelsteadt, Rankin, Rusch, Saal, Simon, Weaver, Woller, and Zeitz (18). Supervisors Lee, Loka, and Lussow were excused. Supervisor Short resigned as of April 1, 2009. Supervisor Alber arrived at 6:11 p.m.

ANNOUNCEMENTS//RECOGNITIONS/AWARDS - APPOINTMENTS

ANNOUNCEMENTS: Vice Chair Caylor introduced Nate Walrath as the new Chief Deputy at the Sheriff's Department.

SERVICE RECOGNITIONS FOR APRIL, 2009

Clerk read a service recognition for Burl P. T. Byer, currently an Equipment Operator at the Highway Department for 15 years of service. He received a fleece blanket.

Clerk read a service recognition for Kathleen Hameau, currently a cook at the Pine Crest Nursing Home for 15 years of service. She received a fleece blanket

Clerk read a service recognition for Shirley A. Schnae, currently the Deputy County Clerk in the County Clerk's Office for 20 years of service. She received a folding chair.

Clerk read a service recognition for Sarah Sabatke, currently a Dietary Aide at the Pine Crest Nursing Home for 30 years of service. She received a clock.

Clerk read a service recognition for Richard LeDuc, currently a Maintenance Supervisor at the Pine Crest Nursing Home for 30 years of service. He received a clock.

APPOINTMENTS & RE-APPOINTMENTS

Appointment of Patricia Burg – Wisconsin Valley Library Service

Motion was made by Supervisor Woller, seconded by Supervisor Krueger to approve the appointment of Patricia Burg to the Wisconsin Valley Library Service. All Supervisors voting aye and motion carried.

APPROVAL OF JOURNAL – MARCH 17, 2009

Motion was made by Supervisor Mittelsteadt, seconded by Supervisor Eisenman to approve the minutes of March 17, 2009 as presented and placed on file. All Supervisors voting aye and motion carried.

LETTERS, PETITIONS AND MEMORIALS

Monthly Mailbox Correspondence – Any Questions

Supervisor Zeitz spoke on Correspondence b – the Resolution from Oconto County – Opposition to S.149 Weekend Voting Act. He requested this resolution be referred to the Administrative & Legislative Committee. He also spoke on Correspondences d & e.

ADMINISTRATIVE COORDINATOR'S WRITTEN REPORT – Q & A

John Mulder had nothing to add to his report. Place on file.

REPORT OF STANDING & SPECIAL COMMITTEE

Year-to-date Budget Report – Dan Leydet, Finance Director

Dan Leydet, Finance Director, explained the year-to-date for March expenditures. He had nothing else to add. Place on file.

2008 Budget Review – Dan Leydet, Finance Director

Dan Leydet, Finance Director, gave a 2008 budget review. Social Services might have \$200,000 left in the 2008 budget. Discussion followed.

Personnel Committee Action on Wages & Benefits

No action taken.

Discussion on email for County Board Members

Don Schlising, IT Director explained. Discussion followed.

Special County Board Meeting May 26 or 27, 2009

Motion made by Supervisor Zeitz to hold it on May 27th. There was no second. This item is for discussion only. After discussion it was decided the special County Board meeting will be held on May 27, 2009 at 6:00 p.m. at the Lincoln County Services Center – County Board Conference Room.

Vice-Chair Caylor stated that Supervisor Zeitz asked if we could go to Resolution 2009-04-24 first due to the public that is here for the resolution. There was no objection.

RESOLUTIONS AND ORDINANCES FOR BOARD ACTION

Resolution 2009-04-24

Title: Resolution Supporting Local Farming, Home Gardens & Local Farmers' Markets and Opposing Federal Legislation that would Destroy American Freedom to Raise Good Food

WHEREAS home gardening is a healthy form of exercise which supplements the home table with nutritious food and lowers overall family food costs in difficult economic times.

WHEREAS the local Lincoln County farmers not only contribute to their families food supply but also provide products for our local population as well as needed employment for families and workers.

WHEREAS the local Farmers' Market provides a beneficial source for both producers and consumers of local farm products

WHEREAS American consumers are clearly shifting their buying habits away from the mega corporate production of food products of agribusiness giants such as Monsanto, Cargill, Tyson and Archer Daniels Midland.

WHEREAS these corporate giants, through lobbying and campaign contributions, influence federal legislation to the detriment of the local family farms of America and Lincoln County

WHEREAS federal legislation has been introduced under the guise of food safety which would impair and perhaps eliminate our freedom to produce good food locally (HR 875 and S425)

WHEREAS these or similar bills, which are vague, cumbersome and bureaucratic, are supported by the agribusiness empire to stifle present and future competition

THEREFORE BE IT RESOLVED that the Lincoln County Board applauds our local farming community, the local Farmers' Market and home gardeners and wishes to promote and encourage their efforts under our system of economic freedom

THEREFORE BE IT RESOLVED that the Lincoln County Board opposes HR 875 and S425 and any similar legislation that would increase current regulations on our farmers and gardeners

THEREFORE BE IT RESOLVED that copies of this resolution be sent to the President, the Wisconsin Congressional delegation, the U.S. Department of Agriculture, all Wisconsin counties, the Wisconsin Counties Association and the state and local Departments of Agriculture.

Dated this 21st day of April, 2009

Fiscal Impact: not known

Motion made by Supervisor Zeitz, seconded by Supervisor Mittelsteadt to adopt Resolution 2009-04-24. Supervisor Zeitz explained the resolution. Discussion followed. John Hanson, Farmers Market representative, also spoke on the Resolution. Motion made by Supervisor Simon, seconded by Supervisor Anderson to refer Resolution 2009-04-24 to the U.W. Extension Committee. More discussion held. Supervisor Weaver called the question. A roll call vote on the call of question was requested. Clerk called roll with Supervisors Anderson, Caylor, Eisenman, Krueger, Meyer, Rankin, Rusch, Saal, Simon, Weaver and Woller voting aye (11); Supervisors Alber, Bailey, Berndt, Bloomer, Fox, Mittelsteadt and Zeitz voting nay (7). Motion carried and there will be no more discussion. Clerk called roll with Supervisors Alber, Anderson, Caylor, Eisenman, Krueger, Meyer, Mittelsteadt, Rankin, Rusch, Saal, Simon, Weaver and Woller voting aye (13); Supervisors Bailey, Berndt, Bloomer, Fox and Zeitz voting nay (5). Motion is carried to refer the resolution to U.W. Extension Committee.

Resolution 2009-04-17

Title: Supporting a Change in State Legislation Permitting Register of Deeds Recording Fees To Be Changed from “Per Page” Fees to “Flat” Fees

WHEREAS, real estate recording fees in the State of Wisconsin are significantly lower than similar fees collected in neighboring states (see attachment 1); and

WHEREAS, a flat fee would eliminate delays in recording documents due to the shortage in recording fees when documents are initially submitted; and,

WHEREAS, Wisconsin Act 339 created a statewide Land Information Program in 1989 for the purpose of facilitating land records modernization within each County across the State; and,

WHEREAS, Per Wisconsin State Statutes 59.72 and 59.43, each County funds its Land Information Program through real estate document recording fees collected in the Register of Deeds office (see attachment 2); and,

WHEREAS, a flat fee structure would increase funds for the Land Information Office, which directs and supervises Land Information Programs and Geographic Information Systems (GIS).

NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors respectfully requests that the Real Estate Recording Fee collected under Wisconsin Statute section 59.43(2)(ag) be changed to a flat fee of \$25 per document and that pursuant to section 59.72(5)(a) the distribution of said fees be changed to permit \$10 to go to the Department of Administration; 59.72(5)(b) be changed so that a county may retain \$8 of the \$10 if the county has established a Land Information Office under subsection 3; and, that section 59.72(5)(b)(3) be changed to permit counties to use \$6 of each \$8 fee retained under this paragraph for the purpose of developing, implementing and maintaining countywide land records modernization plans; and, to permit \$2 of each fee to be retained by counties for the provision of land information on the Internet.

BE IT FURTHER RESOLVED, that the flat fee of \$25 per document be distributed as follows:

- ▶ \$2 to the Wisconsin Department of Administration:
 - ▶ \$6 retained by the county to develop, implement and maintain the countywide plan for land records modernization;
 - ▶ \$2 retained by the county for the provision of land information on the Internet;
 - ▶ \$15 retained by the county for general purpose revenue;

(Attachment 3 provides a comparison of current & proposed document recording fees.)

BE IT FURTHER RESOLVED, that this resolution be distributed to all other Counties in the State of Wisconsin to gain their support and to the Wisconsin Counties Association.

Introduced by: Land Information, Conservation and University Extension Committee

Committee Action: Passed 5-0 on March 11, 2009

Fiscal Impact: Unknown Revenue

Motion made by Supervisor Bailey, seconded by Supervisor Anderson to adopt Resolution 2009-04-17. Supervisor Saal explained the resolution. Discussion was held. Resolution 2009-04-17 is adopted by a voice vote and motion is carried.

Resolution 2009-04-18

Title: Proposed Use of Wireless 911 Funds to Offset State Budget Deficit

WHEREAS, the present budget proposal of Governor James Doyle allows for the transfer of funds from the Wireless 911 Fund as being held by the Wisconsin Public Service Commission to the General State Budget for the purpose of offsetting the budget deficit; and

WHEREAS, legislation was enacted by the State Legislature in 2008 to create this fund by adding a 911 surcharge to cellular subscriptions; and

WHEREAS, said legislation provided that any remaining balance in the fund after legislation sunset in November, 2008 would be returned to customers through their wireless carriers; and

WHEREAS, the potential failure by the State of Wisconsin to reimburse sending these funds to cellular customers appears to be an act of bad faith on the part of the Wisconsin Legislature and the Governor; and

WHEREAS, your undersigned Committee is of the opinion that pursuant to the original legislation, any unexpected revenue within said fund should be returned to cellular subscribers and customers.

NOW, THEREFORE, BE IT RESOLVED by the Lincoln County Board of Supervisors that it hereby opposes the use of any unexpended funds in the Wireless 911 Fund for the purpose of offsetting the state budget deficit.

BE IT FURTHER RESOLVED by the Lincoln County Board of Supervisors that it hereby urges the State of Wisconsin to return all unexpended funds within the Wireless Fund to cellular customers and subscribers.

NOW, THEREFORE BE IT RESOLVED, by the Lincoln County Board of Supervisors that a copy of this resolution be transmitted by the Lincoln County Clerk to all legislators representing constituents within Lincoln County; to the Wisconsin Counties Association; and to the Office of Governor James Doyle.

Dated this 21st day of April 2009

Introduced by: Law Enforcement Committee

Committee Action: Law Enforcement Committee; Passed 5 of 5 ayes on 03/11/2009

Fiscal Impact: None

Motion made by Supervisor Mittelsteadt, seconded by Supervisor Meyer to adopt Resolution 2009-04-18. Supervisor Mittelsteadt explained the resolution. Discussion was held. Resolution 2009-04-18 is adopted by a voice vote and motion is carried.

Resolution 2009-04-19

**Title: Approve Policy on Voluntary
Unpaid Leaves of Absences**

WHEREAS, Lincoln County faces potential cuts in state aids and other revenues and faces uncertain budget issues for 2010, and

WHEREAS, the Personnel Committee has been reviewing various strategies to reduce the county's workforce and reduce personnel expenses, and

WHEREAS, the Personnel Committee has developed the attached Voluntary Unpaid Leave of Absence Policy which allows employees to voluntarily reduce their work hours saving the County money, now

THEREFORE BE IT RESOLVED that the Lincoln County Board of Supervisors accepts the recommendation of the Personnel Committee and approves the attached Lincoln County Voluntary Unpaid Leave of Absence Policy dated April 7, 2009.

Dated this 21st day of April, 2009

Introduced by: Personnel Committee

Committee Action: Personnel Committee 4/7/09

Fiscal Impact: Savings based on participation by employees undetermined at this time.

Motion made by Supervisor Saal, seconded by Supervisor Rankin to adopt Resolution 2009-04-19. John Mulder, Administrative Coordinator, explained the resolution. Discussion was held. Resolution 2009-04-19 is adopted by a voice vote and motion is carried.

Resolution 2009-04-20

**Title: Approve the use of Lincoln County contingency funds for unbudgeted expenses in the
Administration Department**

WHEREAS, due to unforeseen expenditures, the Administration Department exceeded its 2008 Budget by \$31,076; now

THEREFORE BE IT RESOLVED that the Lincoln County Board of Supervisors approves the recommendation of the Administrative and Legislative Committee and the Finance and Insurance Committee that \$31,076 of the contingency fund for 2008 be used to cover unbudgeted expenses in the Administration Department.

Dated this 21st day of April, 2009

Introduced by: Administrative and Legislative Committee

Committee Action: Administrative & Legislative Committee 2/22/09 and 4/6/09
Finance Committee 3/9/09 and 4/8/09

Fiscal Impact: \$31,076 from 2008 Contingency

Motion made by Supervisor Mittelsteadt, seconded by Supervisor Weaver to adopt Resolution 2009-04-20. John Mulder, Administrative Coordinator, explained the resolution. Discussion followed. Resolution 2009-04-20 is adopted by a voice vote and motion is carried.

Resolution 2009-04-21

Title: Create County Child Death Review Team

WHEREAS, many Wisconsin children die each year from preventable deaths; and

WHEREAS, for every one child that dies significantly more are treated in emergency rooms and hospitalized for serious injuries; and

WHEREAS, local Child Death Review Teams provide the opportunity to review the circumstances and risk factors surrounding the death of a child, to identify trends and assist in prevention strategies to decrease the chances of further deaths or serious injuries; and

WHEREAS, local Child Death Review Teams allow each county to review deaths in a timely manner through an established system involving local agencies and community members who are familiar with the facts of the case; and

WHEREAS, Local Child Death Review Teams are encouraged to use the National Center for Child Death Review's guidelines and review process to ensure consistency and continuity of information gathering; and

NOW, THEREFORE BE IT RESOLVED, Dated this 21st day of April, 2009, that Lincoln County Board of Supervisors acknowledge and recognize the formation of a Child Death Review Team that will include membership from Lincoln County agencies, included but not limited to, coroner, police departments, sheriff's department, public health, social services, mental health, district attorney, emergency medical services, hospitals, clinics, school districts, and be lead by Lincoln County Coroner.

Introduced by: Law Enforcement, Judicial and EMS Committee

Committee Action: Law Enforcement, Judicial and EMS Committee; Passed 5 - 0 on 04/15/09

Fiscal Impact: Unknown

Motion made by Supervisor Woller, seconded by Supervisor Mittelsteadt to adopt Resolution 2009-04-21. Paul Proulx, Lincoln County Coroner, explained the resolution. Dora Gorski also spoke on the resolution. Discussion was held. Resolution 2009-04-21 is adopted by a voice vote and motion is carried.

Resolution 2009-04-22

RESOLUTION DECLARING OFFICIAL INTENT OF LINCOLN COUNTY

WHEREAS, Lincoln County, Wisconsin (the "County") is undertaking a project that will involve remodeling and constructing an addition to the County Jail (collectively, the "Project"); and

WHEREAS, the County anticipates financing the Project through the issuance of Bank-Qualified Tax-Exempt or Taxable Build America General Obligation Bonds in an amount not to exceed \$2,290,000 (the "Bonds"); and

WHEREAS, the County anticipates incurring expenses for the Project after February 17, 2009 and prior to the time the Bonds are issued; and

WHEREAS, the County anticipates paying such expenses out of its general fund or other funds on hand or through interim taxable financing in the form of a Bond Anticipation Note to be issued to a purchaser to be identified in a subsequent Resolution of the County Board of Supervisors until such time as the Bonds are issued; and

WHEREAS, the County plans to reimburse itself for such expenses after the Bonds are issued;

NOW THEREFORE, BE IT RESOLVED By the Board of County Supervisors of Lincoln County, as follows:

1. **Declaration of Official Intent.** The Board hereby declares its intent to reimburse expenditures for the Project originally paid from sources other than the Bonds with proceeds of the Bonds.
2. **Reimbursement Allocation.** An allocation of reimbursement of such expenditures shall be made not later than 18 months after the later of (a) the date the original expenditure is paid; or (b) the date the Project is placed in service or abandoned, but in no event more than 3 years after the original expenditure is paid.
3. **Limit on Reimbursement Allocation.** Amounts reimbursed under this Declaration shall not exceed the amount of expenditures paid after February 17, 2009, and paid within 60 days prior to this Declaration plus amounts paid prior to the time the Bonds are issued plus any preliminary expenditures, up to an amount not in excess of 20 percent of the aggregate issue price of the issue or issues that finance or are reasonably expected by the issuer to finance the project for which the preliminary expenditures were incurred. Preliminary expenditures include architectural, engineering, surveying, soil testing, reimbursement bond issuance, and similar costs that are incurred prior to commencement of acquisition, construction, or rehabilitation of a project, other than land acquisition, site preparation, and similar costs incident to commencement of construction.
4. **Retention of Records.** Pursuant to Treas. Regs. Section 1.150-1, the Clerk/Treasurer of the County is authorized and instructed to keep a copy of this Declaration among the official records of the County for a period ending 6 years from the date of adoption of this Declaration.

Dated this 21st day of April, 2009

Robert Lussow, Chairperson

Introduced by: Finance and Insurance Committee

Committee Action: Finance and Insurance Committee; Passed (4-0) on April 8, 2009

Fiscal Impact: Debt Service on Bond Anticipation Notes

Motion made by Supervisor Weaver, seconded by Supervisor Simon to adopt Resolution 2009-04-22. Dan Leydet, Finance Director, explained the resolution. David DeYoung also spoke on the bonding issue. Discussion was held. Supervisor Mittelsteadt called the question. A roll call vote was requested. Clerk called roll with Supervisors Anderson, Berndt, Caylor, Eisenman, Krueger, Meyer, Mittelsteadt, Rankin, Rusch, Saal, Simon, Weaver and Woller voting aye (13); Supervisors Alber, Bailey, Bloomer, Fox and Zeitz voting nay (5). Resolution 2009-04-22 is adopted and motion is carried.

Resolution 2009-04-23

RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION BOND ANTICIPATION NOTES IN AN AMOUNT NOT TO EXCEED \$1,500,000 PURSUANT TO SECTION 67.12(1)(B), WISCONSIN STATUTES

WHEREAS, on December 19, 2006, the County Board of Supervisors of Lincoln County, Wisconsin (the "County") adopted Resolution Nos. 2006-12-75 and 2006-12-76 (collectively, the "Initial Resolutions") which authorized the issuance of General Obligation Bonds in the respective amounts of \$9,965,000 and \$2,290,000 to finance portions of a project that included remodeling of the County Courthouse, paying the cost of an addition to and remodeling of the County Jail, and paying the cost of constructing and equipping of an administration building (collectively, the "Jail Project"); and

WHEREAS, pursuant to the Initial Resolutions, the County Board of Supervisors set forth its reasonable expectations that issuance of such bonds would not cause the County to increase the debt levy rate as defined in Section 59.605(1)(b), Wisconsin Statutes; and

WHEREAS, counties may issue general obligation bonds for such public purposes pursuant to Section 67.045(1)(b) of the Wisconsin Statutes if such reasonable expectations apply; and

WHEREAS, the County has previously issued its \$9,965,000 Bond Anticipation Notes dated October 1, 2007 (the "\$9,965,000 Notes") which were refinanced by the County's \$9,965,000 General Obligation Refunding Bonds dated November 15, 2008 (the "\$9,965,000 Bonds") representing a portion of the permanent financing authorized by the Initial Resolutions;

WHEREAS, the County intends to issue general obligation bonds or general obligation promissory notes (collectively, the "Securities") in the amount of \$2,290,000 for the balance of the costs of the Project authorized by the Initial Resolutions; and

WHEREAS, the Securities have not yet been issued and sold; and

WHEREAS, the Board of Supervisors finds and determines that it is necessary, desirable and in the best interest of the County to anticipate the issuance of the Securities and to provide interim financing for the Project by the issuance and sale of bond anticipation notes pursuant to Section 67.12(1)(b), Wisconsin Statutes;

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

Section 1. Authorization of General Obligation Bonds. The County hereby authorizes the issuance and declares its intention and covenants to issue the Securities pursuant to the provisions of Chapter 67, Wisconsin Statutes, in an amount of Not to Exceed \$1,500,000 to retire any outstanding Bond Anticipation Notes issued for the purpose of paying the cost of the Project. There is hereby levied on all the property in the County a direct, annual, irrepealable tax, sufficient to pay the interest on said Securities as it becomes due, and also to pay and discharge the principal thereof.

Section 2. Authorization and Sale of the Bond Anticipation Note. For the purpose of paying the cost of the Project, there shall be borrowed pursuant to Section 67.12(1)(b), Wisconsin Statutes, the principal sum of ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000) from A Purchaser to be identified by Subsequent Resolution of the County Board of Supervisors (the "Purchaser") in accordance with the terms and conditions of its Proposal. To evidence the obligation of the County, the Chairperson and the County Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the County, a Bond Anticipation Note in the principal amount of NOT TO EXCEED ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000) (the "Note") on the terms set forth in the Proposal.

Section 3. Terms of the Note. The Note shall be designated "Bond Anticipation Note"; shall be dated the date of the first draw of proceeds of the Note; shall be in the denomination of \$5,000 or any integral multiple thereof; shall bear interest on the outstanding balance at the variable rate established under the Note and authorized under Section 67.15, Wisconsin Statutes; and shall mature on the date one year from the date of issuance. Interest is payable at maturity or upon redemption prior to maturity.

Section 4. Redemption Provisions. The Note shall be subject to redemption prior to maturity, at the option of the County on any date. Said Note shall be redeemable as a whole or in part, and if in part, by lot, at the principal amount thereof, plus accrued interest to the date of redemption. Such redemption shall be in minimum amount of \$25,000 and in increments of \$5,000 above such minimum amount.

Section 5. Form of the Note. The Note shall be issued in registered form and shall be executed and delivered in such form as shall be approved by the County Corporation Counsel.

Section 6. Security. The Note shall in no event be a general obligation of the County and does not constitute an indebtedness of the County nor a charge against its general credit or taxing power. No lien is created upon the Project or any other property of the County as a result of the issuance of the Note. The Note shall be payable only from (a) any proceeds of the Note set aside for payment of interest on the Note as it becomes due, and (b) proceeds to be derived from the issuance and sale of the Securities, which proceeds are hereby declared to constitute a special trust fund, hereby created and established, to be held by the County Clerk and expended solely for the payment of the principal of and interest on the Note until paid. The County hereby agrees that, in the event such monies are not sufficient to pay the principal of and interest on the Note when due, if necessary, the County will pay such deficiency out of its annual general tax levy or other available funds of the County; provided, however, that such payment shall be subject to annual budgetary appropriations therefor and any applicable levy limits; and provided further, that neither this Resolution nor any such payment shall be construed as constituting an obligation of the County to make any such appropriation or any further payments.

The County and the Purchaser may enter into a Revolving and Term Credit Agreement (the "Credit Agreement") evidencing the loan to the County in such form as may be approved by the County Corporation Counsel.

Section 7. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There shall be and there hereby is established in the treasury of the County a separate and distinct fund account designated as the "Debt Service Fund Account for \$1,500,000 Bond Anticipation Note, dated the [Date of Issuance] ("Debt Service Fund Account"), and said account shall be maintained until the obligation evidenced by the Note is fully paid or otherwise extinguished. The County Treasurer shall deposit in the Debt Service Fund Account (i) proceeds of the Securities (or other obligations of the County issued to pay principal of or interest on the Note); (ii) such other sums, including tax monies, as may be necessary at any time to pay principal of and interest on the Note when due and which are appropriated by the County Board of Supervisors for that purpose; and (iii) surplus monies in the Borrowed Money Fund as specified in Section 9 hereof.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purposes other than the payment of principal of and interest on the Note until all such principal and interest has been paid in full and canceled; provided that such monies may be invested in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue as a part of the Debt Service Fund Account. Said account shall be used for the sole purpose of paying the principal of and interest on the Note and shall be maintained for such purpose until the Notes are fully paid or otherwise extinguished.

(C) Remaining Monies. When the Note has 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 8. Covenants of the County. The County hereby covenants with the owner of the Note as follows:

(A) It shall issue and sell the Securities as soon as practicable, as necessary to provide for payment of the Note;

(B) It shall segregate the proceeds derived from the sale of the Securities into the special trust fund herein created and established and shall permit such special trust fund to be used for no purpose other than the payment of principal of and interest on the Note until paid. After the payment of principal of and interest on the Note in full, said trust fund may be used for such other purposes as the County Board of Supervisors may direct in accordance with law; and,

(C) It shall maintain a debt limit capacity such that the combined outstanding principal amount of general obligation bonds or notes or certificates of indebtedness of the County and the \$1,500,000 authorized for the issuance of the Securities shall at no time exceed the constitutional debt limit of the County.

Section 9. Expenditures under the Note.

(A) Requisition Procedure. The County shall requisition draws on the Project Fund from the Purchaser by submitting a completed Requisition Form substantially in the form attached as Exhibit B. Requisitions will be in the minimum amount of \$25,000 and shall be in increments of \$5,000 if greater than \$25,000. The requisition will be submitted to the Purchaser at least five days prior to the time the funds are required.

(B) Proceeds of the Notes; Segregated Borrowed Money Fund. All monies received by the County from the Purchaser upon requisition shall be deposited by the County Clerk into a special fund (the "Borrowed Money Fund") that shall be maintained separate and distinct from all other funds of the County and shall be used for no purpose other than the purposes for which the Notes are issued. 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 created herein.

Section 10. Execution of the Note; Closing. The Note shall be prepared in typewritten form, executed on behalf of the County by the manual or facsimile signatures of the President and County Clerk, authenticated, if required, by its fiscal agent, if any, sealed with its official or corporate seal, if any, or a facsimile thereof and delivered to the Purchaser upon execution by the County and the Purchaser of the Credit Agreement (the "Closing"). In the event that either of the officers whose signatures appear on the Note shall cease to be such officers before the delivery of the Note, 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 directed and authorized to do all acts and execute all documents, certifies and acknowledgements as may be necessary and convenient to effectuate the Closing.

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

Section 12. 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 Note in the Record Book.

Section 13. Designation as Build America Bond. Pursuant to the provisions of Section 54AA of the Internal Revenue Code of 1986 as amended by Subpart J of the American Recovery and Reinvestment Act of 2009 (PL 111-5, 2/17/2009), the County designates the Note as a "Build America Bond" as defined in Section 54AA(d)(1) and certifies that:

- (a) The Interest on the Note would be excludable from gross income under Section 103 of the Code but for the operation of Section 54AA.
- (b) The Note will be issued before January 1, 2011.
- (c) The County is making an irrevocable election to have Section 54AA apply to the Note.
- (d) The County further represents that the Note constitutes a "qualified bond" as defined in Section 54AA(g)(2) providing for the credit specified under Section 54AA (g)(1) to be allowed to the County in that 100 percent of the available project proceeds of the Note are to be used for capital expenditures paid after February 17, 2009, and the County is making an irrevocable election to the Section 54AA(g)(2) apply.
- (e) The County Clerk or other official is authorized to file Form 8038-CP with the Internal Revenue Service to perfect the rights of the County to the credit in accordance with rules and regulations to be provided by the Treasury Department.
- (f) For purposes of the closing of the Note, the County Clerk or other official is authorized to make such certifications regarding the yield on the proceeds of the Note and regarding arbitrage as are required to comply with the Internal Revenue Code.

Section 14. Tax Status Preserved for \$2,290,000 General Obligation Bonds. The County declares that it intends to issue the Securities at the earliest practicable date to provide permanent financing for this portion of the Project. The County further declares its intention, to the extent permitted by applicable Treasury Department Regulations to issue the Bonds either as "Qualified Build America Bonds" under Section 54AA(g)(2) of the Code or as Bank-Qualified Tax-Exempt Obligations under section 103 and Section 265(G) of the Code.

Section 15. 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.

Dated this 21st day of April 2009

(SEAL)

By: Robert Kunkel
County Clerk

Robert Lussow
Chairperson of the County Board

Introduced by: Finance and Insurance Committee

Committee Action: Finance and Insurance Committee; Passed (4-0) on April 8, 2009

Fiscal Impact: Debt Service on Bond Anticipation Notes.

Motion made by Supervisor Simon, seconded by Supervisor Eisenman to adopt Resolution 2009-04-23. Dan Leydet, Finance Director, explained the resolution. Motion made by Supervisor Bloomer, seconded by Supervisor Zeitz to refer the resolution back to the Finance & Insurance Committee. Discussion held. Clerk called roll with Supervisors Bailey, Bloomer, Fox and Zeitz voting aye (4); Supervisors Alber, Anderson, Berndt, Caylor, Eisenman, Krueger, Meyer, Mittelsteadt, Rankin, Rusch, Saal, Simon, Weaver and Woller voting nay (14). Motion failed. More discussion held. Clerk called roll with Supervisors Alber, Anderson, Berndt, Caylor, Eisenman, Krueger, Meyer, Mittelsteadt, Rankin, Rusch, Saal, Simon, Weaver and Woller voting aye (14); Supervisors Bailey, Bloomer, Fox and Zeitz voting nay (4). Motion is carried and Resolution 2009-04-23 is adopted.

Resolution 2009-04-25

Title: Limitations on Predatory Banking Practices

WHEREAS, the Lincoln County Board recognizes that a primary residence is an essential component for maintaining strong family and, thus, a stable community, and

WHEREAS, the Lincoln County Board recognizes that the housing construction industry is a primary economic driver in the U.S. and Lincoln County economies, and

WHEREAS, the Lincoln County Board has a fundamental responsibility in protecting the citizens of Lincoln County, and

WHEREAS, predatory banking practices have taken advantage of the citizens of Lincoln County and caused economic devastation to the local economy, and

WHEREAS, predatory banking practices are defined by the Lincoln County Board, as any banking practice that applies interest beyond the 30-year mortgage rate or is convertible to the 30-year mortgage rate, at the discretion of, and at no charge to, the mortgage holder of a primary residence in Lincoln County whose home is that primary residence, and

WHEREAS, reverse mortgages are allowed by law to consume 25 percent of homeowner equity as a fee in the reverse mortgage transaction, and

WHEREAS, the Lincoln County Board has no authority, under law, to regulate the banking system,

BE IT THEREFORE RESOLVED, that the Lincoln County Board goes on record in strong opposition to predatory banking practices, and

BE IT THEREFORE RESOLVED, that the Lincoln County Board forwards this resolution to the Governor, State and Federal representatives with the demand that they act to correct predatory practices.

Dated this 21st day of April, 2009

Submitted by: Jim Alber
Fiscal Impact: Unknown

Motion made by Supervisor Alber, seconded by Supervisor Bailey, to adopt Resolution 2009-04-25. Supervisor Alber explained the resolution. Clerk called roll with Supervisors Alber, Bailey, Bloomer, Fox, Rankin, and Zeitz voting aye (6); Supervisors Anderson, Berndt, Caylor, Eisenman, Krueger, Meyer, Mittelsteadt, Rusch, Saal, Simon, Weaver and Woller voting nay (12). Resolution 2004-25 failed.

ORDINANCE 2009-04-538

AN ORDINANCE AMENDING THE GENERAL CODE OF THE COUNTY OF LINCOLN (creating Ch. 7.04(2)(e) All-Terrain Vehicle Routes Designated)

The County Board of Supervisors of Lincoln County, Wisconsin, does hereby ordain:

Chapter 7.04(2)(e), Lincoln County Code is created to read:

7.04(2)(e) CTH "T"

1. From Pine Tree Lane south a distance of 4.4 miles to existing trail entrance.

This ordinance shall take effect following its passage and publication.

Dated this 21st day of April, 2009

Introduced by: Highway Committee

Committee Action: Hwy Committee 5-0 on 4/2/09

Fiscal Impact: 0

LINCOLN COUNTY, WISCONSIN

Dan Caylor

Robert Lussow

Vice-Chairman

Robert D. Kunkel

County Clerk

Motion made by Supervisor Bailey, seconded by Supervisor Meyer to adopt Ordinance 2009-04-538. Randy Schulz, Highway Commissioner, explained the ordinance. Discussion followed. Ordinance 2009-04-538 is adopted by a voice vote and motion is carried.

ORDINANCE 2009-04-539

An Ordinance Amending County Records Retention Policy re Electronic Records

The County Board of Supervisors of Lincoln County, Wisconsin, does hereby ordain:

Chapter 1.35 **RECORDS MANAGEMENT AND RETENTION**

”Records Management and Retention Ordinance of Lincoln County” as attached to Ordinance 405-2002 **and amended by this ordinance**, is adopted by reference as though fully set forth herein. This ordinance and any amendments hereto shall be provided promptly to each department head by the County Clerk. Department heads assume responsibility for notice and compliance within their respective departments.

This ordinance shall take effect from and after its passage and publication.

Dated this 21st day of April, 2009

Introduced by: Administrative & Legislative Committee; Passed unanimously on 4/6/09

Fiscal Impact: approx \$19,000

LINCOLN COUNTY, WISCONSIN

Dan Caylor

Robert Lussow

County Board Vice-Chair

Robert D. Kunkel

County Clerk

Motion made by Supervisor Eisenman, seconded by Supervisor Weaver to adopt Ordinance 2009-04-539. Nancy Bergstrom, Corporation Counsel, explained the ordinance. Discussion held. Ordinance 2009-04-539 is adopted by a voice vote and motion is carried.

REPORT OF ACTION ON CLAIMS AGAINST THE COUNTY OF LINCOLN - NONE

Motion made by Supervisor Eisenman, seconded by Supervisor Weaver to approve the report on mileage and per diem. Motion carried – all ayes

The next meeting will be the Regular County Board Meeting to be held on **Tuesday, May 19, 2009 at 6:00 p.m.** at the William Buedingen Training Room, W6147 State Hwy 86, Tomahawk.

Motion made by Supervisor Krueger, seconded by Supervisor Meyer to adjourn the meeting at 8:45 p.m. Motion carried – all ayes.

STATE OF WISCONSIN)

) SS

COUNTY OF LINCOLN)

I, Robert D. Kunkel, County Clerk in and for said Lincoln County, Wisconsin do hereby certify that the within and foregoing is a true and correct copy of all proceedings by and before the Board of Supervisors at their regular meeting, April 21, 2009.

Robert D. Kunkel, Lincoln County Clerk