



MARATHON COUNTY HUMAN RESOURCES, FINANCE AND PROPERTY COMMITTEE AGENDA

Date & Time of Meeting: **Tuesday, November 21, 2023 at 3:00 pm**

Meeting Location: **Assembly Room, Courthouse, 500 Forest Street, Wausau WI 54403**

Committee Members: John Robinson, Chair; Alyson Leahy, Vice-Chair; Kurt Gibbs, Gayle Marshall, Kody Hart, Ann Lemmer, Yee Leng Xiong

Marathon County Mission Statement: Marathon County Government serves people by leading, coordinating, and providing county, regional, and statewide initiatives. It directly or in cooperation with other public and private partners provides services and creates opportunities that make Marathon County and the surrounding area a preferred place to live, work, visit, and do business. (Last updated: 12-20-05)

Committee Mission Statement: Provide leadership for the implementation of the County Strategic Plan, monitor outcomes, review, and recommend to the County Board policies related to human resources initiatives, finance and property of the County.

Persons wishing to attend the meeting by phone may call into the **telephone conference beginning five (5) minutes prior to the start time indicated above using the following number:**

Phone#: 1-408-418-9388 Access Code: 146 235 4571

When you enter the telephone conference, **PLEASE PUT YOUR PHONE ON MUTE!**

The meeting will also be broadcasted on Public Access or at <https://tinyurl.com/MarathonCountyBoard>

1. **Call Meeting to Order**
2. **Pledge of Allegiance**
3. **Public Comment (15 Minutes)** (Any person who wishes to address the committee during the "Public Comment" portion of the meetings, must provide his or her name, address, and the topic he or she wishes to present to the Marathon County Clerk, or chair of the committee, no later than five minutes before the start of the meeting. All comments must be germane to a topic within the jurisdiction of the committee.)
4. **Approval of Minutes from the November 8 HRFC meeting**
5. **Policy Issues Discussion and Potential Committee Determination**
6. **Operational Functions Required by Statute, Ordinance, Resolution, or Policy**
 - A. Items for Discussion and Possible Action by HRFC
 - B. Items for Discussion and Possible Action by HRFC to Forward to County Board
 1. Review of Fund Balances and Policies
 2. Process for Disposing of Excess County Property
 3. Review of Budget Process
 4. Consideration of Initial Resolutions for Proposed Digester Projects
 5. Consideration of Naming Right and Donor Recognition Concept Relative to Regional Forensic Science Center Project
7. **Educational Presentations and Committee Discussion**
8. **Next Meeting Date & Time, Announcements and Future Agenda Items**
 - A. Committee members are asked to bring ideas for future discussion.
 - B. Next meeting: Wednesday, December 13, 2023 at 3:00 pm
9. **Adjournment**

*Any Person planning to attend this meeting who needs some type of special accommodation in order to participate should call the County Clerk's Office at 261.1500 or email countyclerk@co.marathon.wi.us one business day before the meeting.

SIGNED s/s John Robinson
Presiding Officer or Designee

EMAILED TO: Wausau Daily Herald, City Pages, and other Media Groups

EMAILED BY: _____

DATE & TIME: _____

NOTICE POSTED AT THE COURTHOUSE

BY: _____

DATE & TIME: _____



MARATHON COUNTY

HUMAN RESOURCES, FINANCE AND PROPERTY COMMITTEE AGENDA WITH MINUTES

Date & Time of Meeting: **Wednesday, November 8, 2023 at 3:00 pm**

Meeting Location: **Assembly Room, Courthouse, 500 Forest Street, Wausau WI 54403**

John Robinson	Present
Alyson Leahy	Present (W)
Kurt Gibbs	Present
Gayle Marshall	Present (W)
Kody Hart	Present
Ann Lemmer	Present
Yee Leng Xiong	Present (W)

Staff Present: Lance Leonhard, Michael Puerner, Kim Trueblood, Kristi Palmer, Gary Olsen, Jamie Polley, Jason Hake, Jim Griesbach

Others Present: Supervisor Baker, Supervisor Morache (W)

[Meeting Recording](#)

1. **Call Meeting to Order**
2. **Pledge of Allegiance**
3. **Public Comment** - None.
4. **Approval of Minutes from the October 24 and November 2 HRFC meetings** – Motion by Hart, Second by Lemmer to approve the minutes as presented. Motion carried on a voice vote unanimously.
5. **Policy Issues Discussion and Potential Committee Determination**
6. **Operational Functions Required by Statute, Ordinance, Resolution, or Policy**
 - A. Items for Discussion and Possible Action by HRFC
 1. Approval of October claims and questioned costs – Motion by Gibbs, Second by Lemmer to approve the claims and questioned costs. Motion carried on a voice vote unanimously.
 2. Claim Disallowance – Dylan Lyon – Motion by Gibbs, Second by to approve the disallowance of the claim consistent with our insurer’s recommendation. Motion carried on a voice vote unanimously.
 - B. Items for Discussion and Possible Action by HRFC to Forward to County Board
 1. Amending the 2023 Capital Improvement Budget for the Marathon County Jail Kitchen Project (:05) – Motion by Lemmer, Second by Gibbs to approve the amendment. Motion carried on a voice vote unanimously.
 2. Proposed Budget Amendments
 - a. Resolution on Social Improvement Fund (Baker) (:14)
 - b. Resolution on Consolidation and Sale of Property (Marshall) (1:08)
 - c. Other Budget Amendments as Presented
Questions regarding the library amendment that was sent to the board – (1:27)
 3. Amended Budget Resolution (2:48)
 4. Amending the Proposed 2024 Budget CIP Fund
 - a. Sheriff’s Training Resource Center (2:05) – Motion by Gibbs, Second by Lemmer to support and move to the full board the amendment to the CIP. Motion carried on a voice vote unanimously.
 - b. County Highway N Bridge Replacement (2:07) – Motion by Gibbs, Second by Hart to support and move to the full board the amendment to the CIP. Motion carried on a voice vote unanimously.
 - c. Eastgate Hall Improvements (2:28) – Motion by
 - d. Eau Claire Dells Park Improvements (2:20)
 - e. Big Eau Pleine Park Improvements (2:16)
Motion by Gibbs, Second by to Lemmer to fund Eastgate Hall and Dells of the Eau Claire Park improvements using ARPA funds. Motion carried on a voice vote, but was not unanimous.
7. **Educational Presentations and Committee Discussion**
8. **Next Meeting Date & Time, Announcements and Future Agenda Items**
 - A. Committee members are asked to bring ideas for future discussion. (2:49)
 - B. Next meeting: Tuesday, November 21, 2023 at 3:00 pm
9. **Adjournment** – Motion by Gibbs, Second by Lemmer to adjourn. Motion carried on a voice vote unanimously. Meeting adjourned at 5:51 p.m.

Minutes prepared by Kim Trueblood, County Clerk

Legal Authority – Disposal of Surplus County Property

Wisconsin Statutes

59.52(6)

PROPERTY. Except as provided in s. [59.17 \(2\) \(b\) 3.](#), the board may:

- (a) *How acquired; purposes.* Take and hold land acquired under ch. [75](#) and acquire, lease or rent property, real and personal, for public uses or purposes of any nature, including without limitation acquisitions for county buildings, airports, parks, recreation, highways, dam sites in parks, parkways and playgrounds, flowages, sewage and waste disposal for county institutions, lime pits for operation under s. [59.70 \(24\)](#), equipment for clearing and draining land and controlling weeds for operation under s. [59.70 \(18\)](#), ambulances, acquisition and transfer of real property to the state for new collegiate institutions or research facilities, and for transfer to the state for state parks and for the uses and purposes specified in s. [23.09 \(2\) \(d\)](#). The power of condemnation may not be used to acquire property for the purpose of establishing or extending a recreational trail; a bicycle way, as defined in s. [340.01 \(5s\)](#); a bicycle lane, as defined in s. [340.01 \(5e\)](#); or a pedestrian way, as defined in s. [346.02 \(8\) \(a\)](#).
- (b) *Control; actions.* Make all orders concerning county property and commence and maintain actions to protect the interests of the county.
- (c) *Transfers.* Direct the clerk to lease, sell or convey or contract to sell or convey any county property, not donated and required to be held for a special purpose, on terms that the board approves. In addition, any county property may be leased, rented or transferred to the United States, the state, any other county within the state or any municipality or school district within the county. Oil, gas and mineral rights may be reserved and leased or transferred separately.

Marathon County Ordinances

3.07 – Disposing of Used or Surplus Property (Part of Procurement Code)

- (1) Applicability of Procurement Code. Purchasing agents of this county shall abide by the principles of this Procurement Code when disposing of used or surplus property.
- (2) Purchase of Used or Surplus Property. No Marathon County officer or employee, or immediate member of their family, may purchase or bid on property being disposed of by the County, unless the disposal and bid process is conducted by an independent third-party bidding entity with which the officer or employee, or an immediate family member of the officer or employee, has no relationship or interest, and over which the officer or employee, or immediate family member, has no control or influence.
- (3) Exception. This section does not apply to property disposed of pursuant to a collective-bargaining agreement.

3.20 – Sale of Tax Delinquent Land (related to tax delinquent properties)

- (1) Policy and Statutory Authorization. The Marathon County Board of Supervisors intends properties within Marathon County with delinquent property taxes to be returned current and to the county property tax rolls as soon as practicable. To this end, the County Board adopts the use of Ch. 75, Wis. Stats., including the use of the in rem foreclosure process as outlined in § 75.521, Wis. Stats, to be utilized for this purpose.
- (2) Committee of Jurisdiction. The Human Resources, Finance and Property Committee shall determine all policies to be followed with respect to the acquisition, management and/or sale of tax delinquent property, pursuant to Ch. 75, Wis. Stats., and ordinance criteria set forth herein. In this section, the term "appraised value" means the value of tax delinquent property determined at the discretion of the Human Resources, Finance and Property Committee. In the absence of an alternative amount as determined by the Human Resources, Finance and Property Committee, "appraised value" shall be defined as 50 percent of the assessed value of the property for the purpose of sale of tax delinquent land under this section.
- (3) Authority of County Clerk. The County Board delegates to the County Clerk or his or her designee (hereunder for this section County Clerk is fully understood to include the designee) the power to manage and sell all tax delinquent lands acquired by Marathon County, pursuant to policy guidelines established by the committee of jurisdiction. The County Clerk shall have the responsibility to carry out all duties delegated to that office by the Wisconsin Statutes and, in addition, shall do the following after acquisition of tax delinquent property by Marathon County:
 - (a) Notify other county departments that Marathon County has acquired tax delinquent property in the event those departments determine that said property falls within county program needs.
 - (b) Retain professional assistance necessary in order to carry out the sale of tax delinquent property. Such professionals may include, but not be limited to, surplus property auction servicers, licensed appraisers, real estate brokers, real estate salesman and others as may be needed for overall management and possible sale of acquired tax delinquent properties. An annual budget shall be established in the County Clerk's office for such expenses.
 - (c) Have the discretion to permit and/or authorize reasonable maintenance, access and/or use of acquired tax delinquent property pending sale.
 - (d) All vacant and unimproved tax delinquent lands acquired by the County shall be deemed open to reasonable recreational use unless posted by the County Clerk under the authority granted above.
- (4) Interactions with Former Owner after County Acquisition.

- (a) No Preference to Former Owner. There shall be no preference given to the former owner of the property or his or her heirs for purchase of tax delinquent properties acquired by the County.
- (b) If land is occupied upon acquisition by the County, it shall be the general policy, because of liability concerns, to commence immediate legal action to evict any occupant of such lands. An exception to this policy may be granted by the Human Resources, Finance and Property Committee due to mitigating or extenuating circumstances or in the interest of justice and fairness. In the event such an exception is granted, the Human Resources, Finance and Property Committee shall require the occupant to execute a lease with the County for a term specified by the Committee.
- (c) Any sale to a former owner shall be by quitclaim deed with the sale including no warranties by Marathon County as to the real property or any personal property located thereon. The cost of repurchase must include the amount of delinquent taxes owed to Marathon County as to the property prior to acquisition by the County, including any interest imposed under § 74.47, Wis. Stats., in addition to the amount of any liens or judgments on the property that were extinguished by the transfer of the property to the County.

(5) Retention of ownership by County.

- (a) Within 30 days of the notification by County Clerk as provided above, any county department that determines that the acquired tax delinquent property meets their program needs shall notify the County Administrator of the need for said property. Such notification shall include the following:
 - 1. That the department has interest in acquiring the property; and
 - 2. Whether funds are available to be transferred from the department budget to pay for all or part of the purchase price.

Upon receipt of such a notification, the County Administrator shall request that the Human Resources, Finance and Property Committee review the department's request to retain the property for departmental use. Such a request may be approved by a majority vote of the Human Resources, Finance and Property Committee.

- (b) The cost for the department to purchase the tax delinquent property shall be set by the Human Resources, Finance and Property Committee. Proceeds of any such sale shall be distributed in accordance with § 75.36(3), Wis. Stats., and subsection (6) below.

(6) Public Sale.

(a) In the event that acquired tax delinquent property is not retained by a county department, the County Clerk may sell tax delinquent lands at public sale by advertising the sale and the appraised value of such property, as set forth in subsection (2) of this section or as determined by the Human Resources, Finance and Property Committee using a Class 3 notice, pursuant to § 75.69, Wis. Stats., or its successor statute. This public sale shall be conducted by utilizing a surplus auction service or website as selected by the County Clerk with the minimum bid being set as 50 percent of the property's assessed value (the "appraised value" of the property). Sale through such an auction shall be to the highest bidder as long as the accepted bid is equal to or greater than the appraised value of the property. The County Clerk may determine that a bid other than the highest bid is the bid most advantageous to the County, and the Clerk may accept that bid as long as it is in accordance with §§ 75.35 and 75.69, Wis. Stats., is greater than the appraised value of the property, and the acceptance is consistent with the following guidelines. When determining what bid is considered the most advantageous to the County, the following criteria shall be followed:

1. The dollar amounts of the various bids.
2. The future use to which the property would be put, which shall include a consideration of the applicable sanitary and zoning codes, cost of providing services and road access and potential revenue from assessments.
3. Whether by accepting one bid, the property will/will not be subject to real estate taxes.
4. What is the best method of proceeding so as to protect the public health, safety, recreation and welfare of citizens and visitors alike to the County.

Acceptance by the County Clerk of a bid other than the highest bid submitted at auction must first be approved by the Human Resources, Finance and Property Committee.

(b) Property not sold on the first attempt. In the event no bid is received in an amount equal to or above the appraised value of the property on the first attempted sale:

1. The County Clerk is authorized to relist with an auction service or website and sell the property for an amount equal to or above the appraised value within two years of the date of the last advertisement without readvertising.
2. The Human Resources, Finance and Property Committee may direct the County Clerk to readvertise the sale of such property by publication of a Class 1 notice, for an amount less than the property's appraised value and may accept the bid most advantageous to the County as set forth above.

- (c) A deposit may be required to accompany all sealed bids. Unsuccessful bidders' deposits will be refunded in accordance with the terms and conditions set forth by any surplus auction service provider.
 - (d) The successful bidder has 30 days from the date written notice is sent by certified mail to pay the entire bid amount. Upon payment of the balance plus recording fees, a quit claim deed indicating the sale of the property is "as is" with no warranties will be issued by the County Clerk to the bidder. If the bidder does not pay the balance within 30 days, he or she will forfeit any deposit and the property will be relisted for sale.
 - (e) Proceeds from public sale shall be distributed in accordance with § 75.36(2m), (3) and (4), Wis. Stats., or their successor statutes, including any costs of acquisition, maintenance or sale permitted by law.
 - (f) This section shall not apply to the exchange of property or to the withdrawal and sale of county forest lands or the sale or exchange of land to or between municipalities or to the state.
- (7) Notice to Municipality where property is located. No tax delinquent real property shall be sold by the County Clerk under paragraph (6), unless notice of such sale is mailed to the clerk of the municipality in which the real estate is located at least six weeks prior to the publication of the first legal notice. Land may be retained by the County under paragraph (5) without prior notice to the municipality.
- (8) Sale of tax delinquent property to municipality. Any municipality, upon prior authorization and approval by its governing board and the County Board, may sign an agreement on terms of the sale of tax delinquent land and the agreement will then be operative between the county and the municipality. The county may agree to sell tax delinquent property at private sale to a municipality under the following terms:
- (a) The County recoups unpaid general property taxes, special assessments, special charges, and special taxes levied against the property including interest and penalties.
- (9) Homestead property.
- (a) Upon acquisition of tax delinquent property by Marathon County, the County Treasurer shall notify the former owner, by registered mail or certified mail sent to the former owner's mailing address on the tax bill, that the former owner may be entitled to a share of the proceeds of a future sale.
 - (b) Upon sale of tax delinquent property, the County Treasurer shall send to the former owner the remaining net proceeds of the sale of the property as defined in § 75.36(3), Wis. Stats., if any such proceeds exist, minus any delinquent taxes, interest, and penalties owed by the former owner to the county in regard to other

property and minus the actual costs of the sale as specified under § 75.36(3)(a), Wis. Stats., plus all amounts disbursed under §§ 75.36(3)(b) and (bm), Wis. Stats., and plus the amount of property taxes that would have been owed on the property for the year in which the sale occurs if the county had not acquired the property.

- (c) If the former owner cannot be located within five years following the mailing of the notice under this subsection, the former owner forfeits the right to the remaining equity in the property.
 - (d) Notwithstanding any other provision of this section, the County may not retain funds acquired from the sale of tax delinquent property in excess of the amount of past due taxes owed, interest, penalties, the amount of property taxes that would have accrued for the year in which the sale occurs, and costs associated with collecting those taxes.
- (10) Outstanding special assessments. A taxing jurisdiction with which outstanding special assessments have not been settled in full, or otherwise, may purchase tax delinquent property from the County in accordance with § 75.35(2)(f), Wis. Stats., or its successor statute.

Attorney General Opinions

80 Op. Att’y Gen. 49

“Section 59.07(1)(c), Stats., gives the county board the specific authority to “[d]irect the clerk to lease, sell or convey or contract to sell or convey any county property, not donated and required to be held for a special purpose, on such terms as the board approves.” The decision to sell county land, and the terms of that sale, are policy decisions which must be made by the legislative authority, the county board.”

“The county board may, as a matter of policy, determine that it does not want to sell property unless it is sold in a certain manner, for example by auction, under certain conditions restricting use, or above a certain price.”

80 Op. Att’y Gen. 80

“In order for a municipality to expend funds in connection with a business operation, “such business must involve a public function or be concerned with some element of public utility.””
Citing Heimerl v. Ozaukee County, 256 Wis. 151, 160 (1949).

“County land initially acquired for valid public purposes, may, however, generally be leased to private entities. See 76 Op. Att’y Gen. at 169-70. Such property may be leased "during the interim period between one specific public use and another." 76 Op. Att’y Gen. at 171. But such property must "not be considered as surplus by the governmental body involved." 76 Op. Att’y Gen. at 170. That is, the property may not be leased for the conduct of private enterprise if there is no conceivable or identifiable need for its future use in connection with some public purpose at any foreseeable point in time.”

“Whether property has become surplus is a question of fact. See 76 Op. Att’y Gen. at 171. "[T]he type of activity carried on, the duration of such use, the amount of funds necessarily expended and control and accountability" are four factors that would likely be evaluated by a reviewing court in determining whether property has become surplus. 76 Op. Att’y Gen. at 171. Circumstances such as the permanence and magnitude of the facility, the size and use of the parcel leased and the length of the lease term therefore would all be considered by a court in determining whether the land might conceivably be put to a public use at some future point in time. Since you have provided no information concerning any of these items, I decline to speculate as to whether any particular lease arrangement would be permissible. In any event, an attorney general's opinion is not an appropriate vehicle for resolution of such questions of fact.”

PAULSEN: Move to enact the ordinance.

ZEBRO: Second.

Motion carried on a voice vote.

ORDINANCE 0-7-98
Sale/disposal Of Used Property

WHEREAS, § 59.52(6)(c), Wis. Stats., authorizes the County Board of Supervisors to direct the County Clerk to dispose of property on the terms the County Board approves; and

WHEREAS, the county, from time to time, possesses items of real property deemed obsolete, used, incompatible or otherwise of no longer use to the county; and

WHEREAS, there is not now a system for disposing of said property expediently; and

WHEREAS, the Finance and Property Committee is the committee of jurisdiction for financial and property matters; and

WHEREAS, the Finance and Property Committee is best able to evaluate disposal of no longer needed items of real property.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Marathon does hereby ordain as follows: To create Section 2.04 (3)(b)11 of the General Code of the County of Marathon pertaining to the duties of the Finance and Property Committee to read as follows:

2.04(3)(b)11: To direct the County Clerk to sell or otherwise dispose of items of real property determined to be obsolete, used, incompatible or otherwise of no longer use to the county based upon a determination to that effect by a department head and the County Administrator. The Finance and Property Committee may affirm or reject that recommendation. Said property shall be sold or otherwise disposed of in the most cost effective manner determined by the Finance and Property Committee and said committee shall report all such actions for informational purposes to the County Board of Supervisors.

BE IT FURTHER RESOLVED that this ordinance shall take effect upon passage and publication as required by law.

BE IT FURTHER RESOLVED that the County Clerk is authorized to issue checks pursuant to the resolution and the County Treasurer to honor said checks.

Dated this 24th day of February, 1998.

Fiscal Impact Estimate: No budgetary impact.

FINANCE AND PROPERTY COMMITTEE

SEUBERT: Move to enact the ordinance.

BARKOW: Second.

Motion carried on a voice vote.

ORDINANCE O-8-98
Amendment To Section 9.13 Of The
General Code Of Ordinances Of The County Of Marathon
Regarding 911 Rural Numbering System

WHEREAS, the Board of Supervisors of the County of Marathon created Section 9.13 of the General Code of the County of Marathon requiring the use of a 911 Rural Numbering System by Ordinance O-15-95; and

WHEREAS, towns in Marathon County have cooperated fully with the numbering system but there remain inconsistencies due to duplicate road names, curving or looping roads, which do not

Marathon County, Wisconsin
\$ _____ * Tax-Exempt Solid Waste Disposal Revenue Bonds, Series 2023A
\$ _____ * Taxable Solid Waste Disposal Revenue Bonds, Series 2023B
(WI RNG VDG LLC Renewable Natural Gas Production Plant Project)

DISTRIBUTION LIST

MARATHON COUNTY/ISSUER

Lance Leonhard, County Administrator
Kurt Gibbs, Chairperson
Kim Trueblood, County Clerk
Michael Puerner, Corporation Counsel
Marathon County
500 Forest Street
Wausau County, WI 54403

Phone: (715) 261-1402 (Leonhard)
(715) 370-7435 (Gibbs)
(715) 261-1500 (Trueblood)
(715) 261-1129 (Puerner)
Email: Lance.Leonhard@co.marathon.wi.us
Kim.Trueblood@co.marathon.wi.us
Kurt.Gibbs@co.marathon.wi.us
Michael.Puerner@co.marathon.wi.us

ISSUER'S COUNSEL

Rebecca A. Speckhard, Esq.
Quarles & Brady LLP
411 East Wisconsin Avenue, Suite 2400
Milwaukee, WI 53202

Phone: (414) 277-5761
E-mail: rebecca.speckhard@quarles.com

BORROWER

Nick Cioll
WI RNG VDG LLC
111 Veterans Memorial Blvd, Suite 1546
Metairie, LA 70005
Phone: (469) 951-3264
E-mail: ncioll@msn.com

BORROWER'S COUNSEL

[TBD]

BOND COUNSEL

Lynda R. Templen, Esq.
J. Connor Muth, Esq.
Kate L. Albrecht, Senior Paralegal
Husch Blackwell LLP
511 North Broadway, Suite 1100
Milwaukee, WI 53202

Phone: (414) 978-5505 (Templen)
(414) 978-5653 (Muth)
(414) 978-5516 (Albrecht)
Fax: (414) 223-5000
E-mail: lynda.templen@huschblackwell.com
connor.muth@huschblackwell.com
kate.albrecht@huschblackwell.com

UNDERWRITER

Paul Donna
Managing Director, Public Finance
D.A. Davidson & Co.

Phone: (612) 499-3066
Email: pdonna@dadco.com

UNDERWRITER'S COUNSEL

Kimberly D. Magrini, Esq.
Ballard Spahr LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103-7599

Phone: (215) 864-8365
Fax: (215) 864-8999
E-mail: magrini@ballardspahr.com

Charles S. Henck, Esq.
Ballard Spahr LLP
1909 K Street, NW - 12th Floor
Washington, DC 20006-1157

Phone: (202) 661-2209
Fax: (202) 661-2299
E-mail: henck@ballardspahr.com

TRANSACTION ADVISOR

Ralph L. McGinley
Rhonda Suckut, Assistant
Rain Street Advisors, LLC
1925 Oakcrest Avenue, Suite 10
Minneapolis, MN 55113-2619

Phone: (612) 396-0986
E-mail: ralph@rainstreetadvisors.com
rhonda@rainstreetadvisors.com

TRUSTEE

[TBD]

TRUSTEE'S COUNSEL

[TBD]

MACQUARIE GROUP/MACQUARIE CONSULTANTS

Alex Erlikh
E-mail: Alex.Erlikh@macquarie.com

COUNSEL FOR MACQUARIE GROUP

[TBD]

TITLE COMPANY

[INSERT]

E-MAIL ADDRESSES:

Maine Working Group:

Lance.Leonhard@co.marathon.wi.us
Kim.Trueblood@co.marathon.wi.us
Kurt.Gibbs@co.marathon.wi.us
Michael.Puerner@co.marathon.wi.us
rebecca.speckhard@quarles.com
ncioll@msn.com
lynda.templen@huschblackwell.com
connor.muth@huschblackwell.com
kate.albrecht@huschblackwell.com
pdonna@dadco.com
magrini@ballardspahr.com
henck@ballardspahr.com
ralph@rainstreetadvisors.com
rhonda@rainstreetadvisors.com
Alex.Erlikh@macquarie.com

CERTIFICATE OF WI RNG VDG LLC

WI RNG VDG LLC, a Delaware limited liability company (the “Borrower”), has requested that the County Board of Marathon County, Wisconsin (the “Issuer”) consider an “Initial Resolution Regarding Solid Waste Disposal Revenue Bond Financing for WI RNG VDG LLC Renewable Natural Gas Production Plant Project” (the “Initial Resolution”) on October 24, 2023, for the purpose of financing a project to be owned by the Borrower consisting of (i) design, development, construction and operation of a solid waste disposal facility for the purpose of converting dairy cattle waste to natural gas for sale on property owned by Van Der Geest Dairy Cattle, Inc., a Wisconsin corporation, at 5555 County Road A in the Village of Maine, Marathon County, Wisconsin (the “Project Site”), (ii) the lease of the Project Site to the Borrower for the production of renewable natural gas, (iii) acquisition and installation of an anaerobic digester and related equipment at the Project Site, (iv) capitalized interest during the construction period, (v) funding of a Debt Service Reserve Fund and other funds, if necessary, and (vi) payment of certain professional fees and costs of issuance (collectively, the “Project”). This certificate is delivered in connection with the Borrower’s request for the Issuer to issue conduit revenue bonds pursuant to Section 66.1103 of the Wisconsin Statutes on behalf of the Borrower to finance the Project.

The undersigned hereby certifies, represents, and warrants to the Issuer as follows:

1. The undersigned is the Managing Member of Progressive EnergyCo LLC, which entity is the managing member of the Borrower, and as such is familiar with the Borrower’s affairs, properties and records, and in particular, with the Project and the conduit bond financing request to which this certificate relates.
2. The Borrower represents that it is able to negotiate satisfactory arrangements for completing the Project and that the Issuer’s interests are not prejudiced thereby.

Dated: September 22, 2023.

WI RNG VDG LLC

By: Progressive EnergyCo LLC, its Managing Member

By: 

R. Nick Cioll, Managing Member

HUSCH BLACKWELL

Lynda R. Templen
Senior Counsel

511 North Broadway, Suite 1100
Milwaukee, WI 53202
Direct: 414-978-5505
Fax: 414-223-5000
Lynda.Templen@huschblackwell.com

September 5, 2023

Kim Trueblood, County Clerk
Marathon County
500 Forest Street
Wausau County, WI 54403

Steve Sabatke
Underwriting Manager
Wisconsin Economic Development Corporation
201 West Washington Avenue, 6th Floor
Madison, WI 53149

**RE: Not to Exceed \$45,000,000 Marathon County, Wisconsin
Solid Waste Disposal Revenue Bonds, Series 2023
(WI RNG VDG LLC Renewable Natural Gas Production Plant Project)**

Greetings:

We understand that in the near future, the Board of Supervisors of Marathon County, Wisconsin (the "County"), will take action on an Initial Resolution for industrial development revenue bond financing under Section 66.1103 of the Wisconsin Statutes on behalf of WI RNG VDG LLC, a Delaware limited liability company, and/or a related entity, and/or a limited liability entity to be formed.

Section 66.1103 of the Wisconsin Statutes requires that prior to the adoption of the Initial Resolution, a document containing a good faith estimate of the legal fees which will be paid from the bond proceeds must be filed with the County Clerk of the County and with the Wisconsin Economic Development Corporation. This letter is that document.

Estimating legal fees at this stage in the proceedings is difficult because many of the most significant factual matters which may affect legal costs are not known in detail at this time. The size and structure of the bond issue have not been finalized. These and other matters normally are negotiated and determined after the Initial Resolution is adopted. As a result, the scope and amount of work which the

various parties may choose to refer to their lawyers can vary considerably as the economic aspects of the financing develop.

The relationship of these variables to an estimate of aggregate legal fees is evident from the principles which lawyers apply in charging fees for their services. Fees for services rendered by any Wisconsin lawyer should be consistent with, and grounded upon, the Rules of Professional Conduct for Attorneys of the American Bar Association, as currently enforced in Wisconsin. Those rules set forth the following basic guidelines:

A lawyer's fee shall be reasonable. Factors to be considered as guides in determining the reasonableness of a fee include the following:

- (1) The time and labor required, the novelty and the difficulty of the questions involved, and the skill requisite to perform the legal service properly.
- (2) The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer.
- (3) The fee customarily charged in the locality for similar legal services.
- (4) The amount involved and the results obtained.
- (5) The time limitations imposed by the client or by the circumstances.
- (6) The nature and length of the professional relationship with the client.
- (7) The experience, reputation and ability of the lawyer or lawyers performing the services.
- (8) Whether the fee is fixed or contingent.

The maximum principal amount of the bonds will not exceed \$45,000,000.

The following is a good faith estimate of the legal fees which will be paid from the proceeds of the bonds with respect to this financing:

COUNSEL

FEE ESTIMATE

Bond Counsel

\$137,500 plus disbursements*

Counsel to the Eligible Participant

It is unknown whether the legal fees and disbursements of such counsel will be paid from the proceeds of the bonds

Attorneys who have not yet been identified who may be involved in the transaction, including, without limitation, counsel to any Trustee involved, any real estate counsel involved, and any counsel to the initial bond purchaser(s)

It is unknown whether the legal fees and disbursements of such counsel will be paid from the proceeds of the bonds

The actual fee charged by each of the lawyers acting in this matter may vary considerably from the estimates provided above. Without purporting to be exhaustive, the following are reasons why actual fees may be higher or lower than the estimate: (i) assumptions regarding the size, structure, complexity and timing of the bond financing may change; (ii) clients may alter the scope of their lawyers' engagement; (iii) parties may require legal opinions or legal advice beyond that normally requested in similar financings; and (iv) unforeseen legal problems may arise.

We are writing and filing this letter to comply with the requirements of Section 66.1103 of the Wisconsin Statutes. To the extent that we have estimated attorneys' fees other than our own, we did so on the basis of prior experience and information available to us at the time of writing this letter.

Please complete and return the receipt below by email. Thank you.

Very truly yours,


Lynda R. Templen

*Estimate only, based on par.

The undersigned acknowledge receipt of the foregoing this ____ day of _____, 2023.

**WISCONSIN ECONOMIC DEVELOPMENT
CORPORATION**

By: _____
Steven Sabatke, Underwriting Manager

MARATHON COUNTY, WISCONSIN

By: _____
Kim Trueblood, County Clerk

MARATHON COUNTY, WISCONSIN

RESOLUTION NO. 2023 - _____

**INITIAL RESOLUTION
REGARDING SOLID WASTE DISPOSAL
REVENUE BOND FINANCING FOR
WI RNG VDG LLC RENEWABLE NATURAL GAS
PRODUCTION PLANT PROJECT**

WHEREAS, Section 66.1103 of the Wisconsin Statutes (the “Act”) authorizes Marathon County, Wisconsin (the “Issuer”), to authorize the issuance and sale of bonds by the Issuer to construct, equip, re-equip, acquire by gift, lease or purchase, install, reconstruct, rebuild, rehabilitate, improve, supplement, replace, maintain, repair, enlarge, extend or remodel industrial projects; and

WHEREAS, WI RNG VDG LLC, a Delaware limited liability company, and/or a related entity, and/or a limited liability entity to be formed (collectively, the “Borrower”), desires to complete a project to be owned by the Borrower consisting of financing the (i) design, development, construction and operation of a solid waste disposal facility for the purpose of converting dairy cattle waste to natural gas for sale on property owned by Van Der Geest Dairy Cattle, Inc., a Wisconsin corporation, at 5555 County Road A in the Village of Maine, Marathon County, Wisconsin (the “Project Site”), (ii) the lease of the Project Site to the Borrower for the production of renewable natural gas, (iii) acquisition and installation of an anaerobic digester and related equipment at the Project Site, (iv) capitalized interest during the construction period, (v) funding of a Debt Service Reserve Fund and other funds, if necessary, and (vi) payment of certain professional fees and costs of issuance (collectively, the “Project”); and

WHEREAS, the cost of the Project to be financed with one or more issues or series of tax-exempt and/or taxable industrial development revenue bonds (the “Bonds”) issued under the Act does not exceed \$45,000,000; and

WHEREAS, the Borrower has requested that the Issuer now approve an initial resolution (the “Initial Resolution”) providing for the financing of the Project in an amount not to exceed \$45,000,000; and

WHEREAS, the Issuer is a county organized and existing under and pursuant to the laws of the State of Wisconsin, and is authorized to enter into revenue agreements with eligible participants with respect to the Project whereby eligible participants agree to cause said Project to be constructed and to pay the Issuer an amount of funds sufficient to provide for the prompt payment when due of the principal and interest on said industrial development revenue bonds.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Marathon County, Wisconsin, as follows:

1. Based upon representations of the Borrower, it is the finding and determination of the Board of Supervisors that the Project is a qualified “project” within the meaning of the Act and that the Borrower is an “eligible participant” within the meaning of the Act. The Issuer shall:

(a) Finance the Project in an amount not to exceed \$45,000,000; and

(b) Issue industrial development revenue bonds in one or more series of tax-exempt and/or taxable bonds (the “Bond(s)”), in an amount not to exceed \$45,000,000 in order to finance costs of the Project.

2. The aforesaid plan of financing contemplates, and is conditioned upon, the following:

(a) The Bonds shall never constitute an indebtedness of the Issuer within the meaning of any state constitutional provision or statutory limitation;

(b) The Bonds shall not constitute or give rise to a pecuniary liability of the Issuer or a charge against its general credit or taxing powers;

(c) The Project shall be subject to property taxation in the same amount and to the same extent as though the Project were not financed with industrial development revenue bonds;

(d) The Borrower shall find a purchaser for all of the Bonds;

(e) The County’s out-of-pocket costs, including but not limited to legal fees and trustee’s fees, in connection with the issuance and sale of the Bonds shall be paid by the Borrower; and

(f) A notice of public hearing required by federal law for purposes of Section 147(f) of the Internal Revenue Code, as amended, shall be published in a newspaper of general circulation in Marathon County and a public hearing shall be held to provide interested individuals or parties the opportunity to testify as to the Project and the issuance of the Bonds.

3. The aforesaid plan of financing shall not be legally binding upon the Issuer nor be finally implemented unless and until:

(a) The details and mechanics of the same are authorized and approved by a further resolution of the Board of Supervisors which shall be solely within the discretion of the Board of Supervisors;

(b) The County Clerk shall cause notice of adoption of this Initial Resolution, in the form attached hereto as Exhibit A, to be published once in a newspaper of general circulation in Marathon County, and the electors of Marathon County shall have been given the opportunity to petition for a referendum on the matter of the aforesaid bond issue, all as required by law;

(c) Either no such petition shall be timely filed or such petition shall have been filed and said referendum shall have approved the bond issue;

(d) The County Clerk shall have received an employment impact estimate issued under Section 238.11 of the Wisconsin Statutes; and

(e) All documents required to consummate the financing have been duly authorized and delivered.

4. Pursuant to the Act, all requirements that the Project be subject to the contracting requirements contained in Section 66.1103 are waived, the Borrower having represented that it is able to negotiate satisfactory arrangements for completing the Project and that the Issuer's interests are not prejudiced thereby.

5. The County Clerk is directed, following adoption of this Initial Resolution (i) to publish notice of such adoption not less than one time in the official newspaper of Marathon County, Wisconsin, such notice to be in substantially the form attached hereto as Exhibit A and (ii) to file a copy of this Initial Resolution, together with a statement indicating the date the Notice to Electors was published, with the Wisconsin Economic Development Corporation within twenty (20) days following the date of publication of such notice.

6. This Initial Resolution is an "initial resolution" within the meaning of the Act and official action toward issuance of the Bonds for purposes of Sections 103 and 144 of the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder. Furthermore, it is the reasonable expectation of the Issuer that proceeds of the Bonds may be used to reimburse expenditures made on the Project prior to the issuance of the Bonds. The maximum principal amount of debt expected to be issued for the Project on the date hereof is \$45,000,000. This statement of official intent is made pursuant to Treasury Regulations §1.150-2.

Dated: October 24, 2023

Approved as to Form:

Corporation Counsel

Finance Director

County Administrator

I, the undersigned, the duly appointed and qualified Clerk of Marathon County, Wisconsin do hereby certify that the foregoing resolution was duly adopted by the Board of Supervisors at a meeting of said County held in open session in accordance with the requirements of Subchapter V of Chapter 19 of the Wisconsin Statutes on October 24, 2023

Kim Trueblood, County Clerk

EXHIBIT A

NOTICE TO ELECTORS OF MARATHON COUNTY, WISCONSIN

TAKE NOTICE that the Board of Supervisors of Marathon County, Wisconsin (the “Issuer”), at a regular meeting held at the Marathon County Courthouse, 500 Forest Street, Wausau, Wisconsin, on October 24, 2023, adopted an Initial Resolution pursuant to Section 66.1103 of the Wisconsin Statutes, as amended, expressing the intention to issue not to exceed \$45,000,000 of industrial development revenue bonds of the Issuer (the “Bonds”) on behalf of WI RNG VDG LLC, a Delaware limited liability company, and/or a related entity, and/or a limited liability entity to be formed (collectively, the “Borrower”). The Borrower desires to complete a project consisting of financing the (i) design, development, construction and operation of a solid waste disposal facility for the purpose of converting dairy cattle waste to natural gas for sale on property owned by Van Der Geest Dairy Cattle, Inc., a Wisconsin corporation, at 5555 County Road A in the Village of Maine, Marathon County, Wisconsin (the “Project Site”), (ii) the lease of the Project Site to the Borrower for the production of renewable natural gas, (iii) acquisition and installation of an anaerobic digester and related equipment at the Project Site, (iv) capitalized interest during the construction period, (v) funding of a Debt Service Reserve Fund and other funds, if necessary, and (vi) payment of certain professional fees and costs of issuance (collectively, the “Project”). The Borrower has represented that the net number of full-time equivalent jobs which the Project is expected to create on the Project site within three years is 10.

Pursuant to the terms of Section 66.1103 of the Wisconsin Statutes, all requirements that the Project be subject to the contracting requirements contained in Section 66.1103 are waived, the Borrower having represented that it is able to negotiate satisfactory arrangements for completing the Project and that the Issuer’s interests are not prejudiced thereby.

THE BONDS SHALL NEVER CONSTITUTE AN INDEBTEDNESS OF THE ISSUER, NOR SHALL THE BONDS GIVE RISE TO ANY PECUNIARY LIABILITY OF THE ISSUER, NOR SHALL THE BONDS BE A CHARGE AGAINST THE GENERAL CREDIT OR TAXING POWERS OF THE ISSUER. RATHER, THE BONDS SHALL BE PAYABLE SOLELY FROM THE REVENUES AND OTHER AMOUNTS TO BE DERIVED PURSUANT TO THE REVENUE AGREEMENT RELATING TO SAID PROJECT TO BE ENTERED INTO BETWEEN THE ISSUER AND THE BORROWER.

The Initial Resolution may be inspected in the office of the County Clerk at 500 Forest Street, Wausau, Wisconsin, during business hours.

TAKE FURTHER NOTICE THAT THE ELECTORS OF MARATHON COUNTY MAY PETITION FOR A REFERENDUM ON THE QUESTION OF THE BOND ISSUE. Unless within thirty (30) days from the date of the publication of this Notice a petition signed by not less than five percent (5%) of the registered electors of Marathon County is filed with the County Clerk requesting a referendum on the question of the issuance of the Bonds, the Issuer will issue the Bonds without submitting the proposition for the electors' approval. If such petition is filed as aforesaid, then the Bonds shall not be issued until approved by a majority of the electors of Marathon County voting thereon at a general or special election.

Kim Trueblood, County Clerk
Marathon County, Wisconsin

SUMMARY

**Request for MARATHON COUNTY, WISCONSIN
to Serve as Conduit Issuer
for
Not to Exceed \$45,000,000 Exempt Facility Revenue Bonds
to Benefit
WI RNG VDG LLC Renewable Natural Gas Production Plant Project**

This will summarize the request of WI RNG VDG LLC, a Delaware limited liability company, and/or a related entity, and/or a limited liability entity to be formed (collectively, the “Company”), asking that Marathon County, Wisconsin (the “County”) consider an Initial Resolution to benefit the Company through the conduit issuance of one or more series of tax-exempt and taxable exempt facility revenue bonds (“Bonds”) to finance a project located at 5555 County Road A, in the Village of Maine, Marathon County, Wisconsin. The Project consists of the (i) design, development, construction and operation of a solid waste disposal facility for the purpose of converting dairy cattle waste to natural gas for sale on property owned by Van Der Geest Dairy Cattle, Inc., a Wisconsin corporation, at 5555 County Road A in the Village of Maine, Marathon County, Wisconsin (the “Project Site”), (ii) the lease of the Project Site to the Company for the production of renewable natural gas, (iii) acquisition and installation of an anaerobic digester and related equipment at the Project Site, (iv) capitalized interest during the construction period, (v) funding of a Debt Service Reserve Fund and other funds, if necessary, and (vi) payment of certain professional fees and costs of issuance (collectively, the “Project”). Exempt facility revenue bonds must comply with both Federal law (Sec. 142 of Internal Revenue Code (“IRC”) and State law (Section 66.1103 Wis. Stats.). In a conduit bond transaction, a state or local governmental entity issues bonds and loans the proceeds from the sale of the bonds to a private entity for an authorized project. In Wisconsin, counties, cities, villages and towns, as well as duly constituted redevelopment authorities and community development authorities may issue such conduit bonds.

Section 142(a) IRC permits the issuance of qualified exempt facility bonds for multiple purposes, including for projects in which 95% of the project is used for conversion of solid waste to a first useful product (Section 142(a)(6) IRC). The Project, as outlined above, converts animal waste into renewable natural gas (“RNG”) and will constitute a solid waste conversion facility under Section 142(a)(6) IRC.

These exempt facility Bonds are municipal bonds; however, they are not general obligations of the County. If the County agrees to issue bonds to benefit the proposed Project:

1. The County will not be liable for payment of the principal and interest on the bonds;
2. The County will not have ongoing responsibilities of monitoring or reporting with regard to the bonds or the Project.
3. The bonds do not count against the County’s borrowing capacity. The County will not levy a tax for payment of the bonds.
4. The County will be reimbursed for all fees and costs incurred because of the County’s participation as the conduit issuer of the bonds.

The County acts strictly as a conduit, which enables the Company to borrow at a lower rate of interest.

Because the bonds are issued by a governmental entity, the holder of the bond may exclude the interest on the bonds from gross income for federal tax purposes.

Inducement/Reimbursement

Companies considering bond financing must obtain an Initial Resolution, also sometimes referred to as an “inducement resolution” or “qualified reimbursement resolution” from the municipality in which the Project being financed is located, in order to preserve the option to use bond financing and apply for volume cap from the WEDC. The Initial Resolution is preliminary approval only and is non-binding as to the County or the Company but is required by Federal tax law and State law. If the Initial Resolution is adopted by the County, this will assure that when and if bonds are issued, all eligible project costs incurred no more than 60 days prior to the date of the Initial Resolution (including reimbursement of equity contributions or refunding of conventional financing), may be included in the ultimate bond financing. Failure to have a qualified resolution may result in disqualifying certain costs.

By acting as the conduit issuer, the County can grant the Company a significant monetary benefit, at no cost to the County, because the Company will enjoy a lower interest rate as a result of using a bond structure. The bonds will be sold to the public (“Bondholders”) by an underwriter and thereafter, an independent third-party fiduciary, (the “Trustee”) will continuously monitor the bonds on behalf of the Bondholders. The Bondholders will look solely to the Company for repayment. Bondholders will not look to the County for payment. The County will assign all of its rights, liability and responsibilities under the bonds to the Trustee for the benefit of the Bondholders. In addition, the Bond documents will include broad indemnification of the County. The Company will be fully responsible for repaying the loan. If the Company is not able to meet its payment obligations, the Trustee will enforce the rights of the Bondholder as required in the Bond documents. The County is not liable for payment.

If the County adopts the Initial Resolution and the bond financing proceeds, the County, and their counsel, will receive copies of all documents, will be asked to hold a public hearing required by the IRC (the “TEFRA hearing”) at a future date. Once all documents are in substantially final form, the County will be asked to consider a Final Resolution approving the financing.

The foregoing is just a brief discussion of tax-exempt financing. By issuing the bonds, the County will give the Company an interest rate benefit, because the tax-exempt bonds will be tax-exempt in the hands of the Bondholders and, therefore, the cost savings passed along to the Company. It must be emphasized that the County will not be liable in any way on the bonds; the conduit bonds are special, limited obligations of the County.

The Company respectfully asks that the County Board consider the Initial Resolution at its October 24, 2023 meeting.

Notice of Intent to Obtain a Municipal Industrial Revenue Bond

Section 66.1103 (4m) (a) 1 of the Wisconsin Statutes requires the person or business who intends to obtain an industrial revenue bond issue from a Wisconsin municipality to notify this intention to the Wisconsin Economic Development Corporation and to any collective bargaining agent in the state with whom the person or business has a collective bargaining agreement. This notification must occur at least 30 days prior to entering into the revenue agreement or signing the loan contract. The person or business must provide information on the number of full-time jobs that are expected to be eliminated, created, or maintained at the project site and elsewhere in Wisconsin as a result of the project which is the subject of this notice. The person or business named below hereby gives notice of intent to obtain an Industrial Revenue Bond pursuant to s. 66.1103 of the Wisconsin Statutes.

I. Project

A. Person: Nick Cioll
 Business: WI RNG VDG LLC
 Address: 111 Veterans Memorial Blvd, Suite 1546
 Post Office/ZIP: Metairie, LA 70005

B. Project site: Marathon County, Wisconsin (Village of Maine)
 (Name of city, village or town in which the project is located)

C. Project type: Expansion at Present Location Relocation Within Same Municipality
 Relocation From Within State Relocation from Out-of-State New Business
 Branch-Wisconsin Operation Branch-Out-of-State Operation _____

D. Maximum amount of IRB financing: \$45,000,000

II. Employment Estimates (to result within the next 3 years)

Number of Full-Time Jobs	Before Project	To Be Maintained	To Be Created	To Be Eliminated	Net Total Number of Jobs
A. <u>At the Project Site</u>	-0-	-0-	10	-0-	10
B. <u>At All Other Wisconsin Operations</u>	-0-	-0-	-0-	-0-	-0-
C. <u>Net Totals</u>	-0-	-0-	10	-0-	10

D. Will any jobs transfer from one or more locations to the project site? Yes No

Number of jobs to transfer: N/A

Location(s) the jobs will transfer from: (municipality) N/A



 Signed/Person completing this form

R. Nick Cioll

 Name

Sept 21, 2023

 Date

(469) 951-3264

 Telephone Number

Not to Exceed \$45,000,000
Marathon County, Wisconsin
Solid Waste Disposal Revenue Bonds, Series 2023
(WI RNG VDG LLC Renewable Natural Gas Production Plant Project)

CHECKLIST FOR MARATHON COUNTY, WISCONSIN (the “Issuer”)

ITEM	ACTION TO BE TAKEN BY ISSUER	DATE ACTION TAKEN
1. Husch Blackwell LLP (“HB”) provides Procedure Letter to Marathon County, Wisconsin (“Issuer”).	N/A	September 5, 2023
2. HB provides Fee Estimate Letter to County Clerk and Wisconsin Economic Development Corporation (“WEDC”).	County Clerk signs Fee Estimate Letter and returns to HB.	September 5, 2023
3. HB / Borrower provide Job Estimate to Issuer, WEDC and union representatives (if any).	N/A	September 5, 2023
4. HB provides Initial Resolution (inducement resolution) to Issuer.	County Clerk includes Initial Resolution in County Board packet and on agenda.	September 5, 2023
5. County Clerk provides Notice of Meeting to consider Initial Resolution. Must include job information. See Procedure Letter for required language.	County Clerk provides notice of meeting, including required job language to comply with Wisconsin open meetings law.	Notice of meeting provided by County for October 24, 2023 meeting
6. County Board considers Initial Resolution.	County Board considers Initial Resolution.	October 24, 2023
7. HB publishes Notice to Electors.	County Clerk calls Kate L. Albrecht at HB (414-978-5516) to confirm adoption of Initial Resolution.	October 25, 2023
8. HB provides a copy of Initial Resolution and publication date of Notice to Electors to WEDC.	County Clerk mails copy of signed Initial Resolution to Kate L. Albrecht.	October 25, 2023
9. HB provides Issuer with Final Resolution and other documents.	County Clerk includes Final Resolution in County Board packet and on agenda. Issuer reviews documents.	TBD
10. County Clerk provides Notice of Meeting to consider Final Resolution. Final Resolution considered approximately 4 weeks after publication of Notice to Electors (#7 above); however, bonds cannot be issued sooner than 30 days after publication of Notice to Electors.	County Clerk provides notice of meeting to comply with Wisconsin open meetings law.	TBD
11. HB publishes TEFRA Notice at least 7 days prior to meeting date.	County Clerk includes Notice of Public Hearing on County Board agenda.	TBD
12. Issuer holds TEFRA public hearing and considers Final Resolution.	County Board holds TEFRA public hearing, County Board consider Final Resolution, and County signs and returns all bond documents provided by HB to Kate L. Albrecht.	TBD
13. Closing (Issuer does not attend closing; signature pages will be sent to Issuer prior to closing)	N/A - HB will send a closing book to Issuer upon closing.	TBD

Husch Blackwell LLP
Lynda R. Templen, Esq. 414-978-5505

Notice of Intent to Obtain a Municipal Industrial Revenue Bond

Section 66.1103 (4m) (a) 1 of the Wisconsin Statutes requires the person or business who intends to obtain an industrial revenue bond issue from a Wisconsin municipality to notify this intention to the Wisconsin Economic Development Corporation and to any collective bargaining agent in the state with whom the person or business has a collective bargaining agreement. This notification must occur at least 30 days prior to entering into the revenue agreement or signing the loan contract. The person or business must provide information on the number of full-time jobs that are expected to be eliminated, created, or maintained at the project site and elsewhere in Wisconsin as a result of the project which is the subject of this notice. The person or business named below hereby gives notice of intent to obtain an Industrial Revenue Bond pursuant to s. 66.1103 of the Wisconsin Statutes.

I. Project

A. Person: Nick Cioll
Business: WI RNG VDG LLC
Address: 111 Veterans Memorial Blvd, Suite 1546
Post Office/ZIP: Metairie, LA 70005

B. Project site: Marathon County, Wisconsin (Village of Maine)
(Name of city, village or town in which the project is located)

C. Project type: Expansion at Present Location Relocation Within Same Municipality
 Relocation From Within State Relocation from Out-of-State New Business
 Branch-Wisconsin Operation Branch-Out-of-State Operation _____

D. Maximum amount of IRB financing: \$45,000,000

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Number of Full-Time Jobs	Before Project	To Be Maintained	To Be Created	To Be Eliminated	Net Total Number of Jobs
A. <u>At the Project Site</u>	-0-	-0-	10	-0-	10
B. <u>At All Other Wisconsin Operations</u>	-0-	-0-	-0-	-0-	-0-
C. <u>Net Totals</u>	-0-	-0-	10	-0-	10

D. Will any jobs transfer from one or more locations to the project site? Yes No

Number of jobs to transfer: N/A

Location(s) the jobs will transfer from: (municipality) N/A

Signed/Person completing this form Nick Cioll _____
Name Date

(469) 951-3264
Telephone Number

Discussion:

- A 2/3 vote is required to pass this resolution.
- Clerk Kottke stated the recount cost is not a final number yet. She is working on the report which is due to the State by 12/31/16.

Action: **MOTION BY MCEWEN, SECOND BY MILLER, TO ADOPT THE RESOLUTION. MOTION CARRIED ON A ROLL CALL VOTE, 34 – 0.**

Follow Through: None stated; see resolution.

RESOLUTION #R-69-16

**Approve Policy for the Naming, Dedication, and Sponsorship of
Marathon County Facilities, Rooms, and Open Spaces**

WHEREAS, sec. 2.04(4) provides that the Human Resources, Finance and Property Committee shall be responsible for developing policies to be approved by the County Board regarding County Property and specifically delegates responsibility to the Committee to establish and monitor policies regarding donations; and

WHEREAS, from time to time the County has received requests to name or dedicate certain facilities rooms and open spaces, including a recent request from the Marathon County Infrastructure and Information Technology Committee; and

WHEREAS, up to the present, the County has not had a policy for naming such property; and

WHEREAS, the attached Policy establishes a process and criteria for the consideration of requests by interested parties for the naming or renaming of County facilities, except relating to parks, forestry and recreation facilities; and

WHEREAS, it is also the purpose of the Policy to establish a procedure for acceptance of donations and sponsorships that carry with them a request for dedication or recognition; and

WHEREAS, the Policy does not imply that all facilities, rooms, and open spaces will be named for an individual, group, or organization, the Policy simply puts a process in place by which naming may occur; and

WHEREAS, Human Resources, Finance and Property Committee approved the attached Policy on December 5th, 2016.

THEREFORE, BE IT RESOLVED the Marathon County Board of Supervisors hereby approves the attached Policy for the Naming, Dedication, and Sponsorship of Marathon County Facilities, Rooms, and Open Spaces

BE IT FURTHER RESOLVED that all appropriate officials of Marathon County are hereby authorized and empowered to take actions necessary to effectuate the purposes of this resolution.

Respectfully submitted this 20TH day of December, 2016.

Fiscal Impact: None.

HUMAN RESOURCES, FINANCE AND PROPERTY COMMITTEE

ATTACHMENT

**POLICY FOR THE NAMING, DEDICATION, AND SPONSORSHIP OF MARATHON
COUNTY FACILITIES, ROOMS, AND OPEN SPACES**

PURPOSE

This Policy establishes a process and criteria for the consideration of requests by interested parties for the naming or renaming of County facilities, except relating to parks, forestry and recreation facilities. It is also the purpose of this policy to establish a procedure for acceptance of donations and sponsorships that carry with them a request for dedication or recognition. This Policy does not imply that all facilities, rooms, and open spaces will be named for an individual, group, or organization, the Policy simply puts a process in place by which naming may occur.

APPLICATION

County facilities, rooms, or open spaces. This ordinance applies to all County facilities, rooms, or open spaces, except as provided below.

Parks, Forestry and Recreation Facilities Exempted. Parks, forestry and recreation facilities are those facilities that fall under the purview of the Marathon County Forestry/Recreation Committee and the Park Commission, as described under Chapters 16 and 19 of the Marathon County General Code of Ordinances and Chapter 27, Wis. Stats. All decisions with respect to the naming or renaming and/or the acceptance of donations and sponsorships with respect to new or existing parks, forestry and recreational facilities will be at the sole discretion of the Marathon County Forestry/Recreation Committee and the Park Commission.

POLICY STATEMENT

In general, County facilities, rooms or open spaces may be named in honor of a deserving or outstanding individual, group, or organization. In selecting such individuals, groups, or organizations, the criteria specified in Section II of this Policy shall be followed.

Names of individuals, civic, fraternal, veterans, or other groups who have donated land, money property, or equipment to the County may be considered for area dedication under the provisions of Section III of this Policy, entitled "Donations and Sponsorships."

Plaques or other appropriate types of markers may be used when a facility, room, or open space is named or renamed. Memorials depicting an individual's, groups, or organization's accomplishments may be marked with plaques.

I. Process for the Naming/Renaming of County Facilities, Rooms or Open Spaces, Other than Park and Recreation Facilities

The process for naming or renaming a County facility, room or open space will be as follows:

A. Initial Application. A request to name or rename a County facility, room or open space may be initiated by one (1) or more County resident(s), business owner(s), property owner(s), or County staff using the Commemorative Dedication, Naming, and Donor Application ("Application"), which will be submitted to the Marathon County Clerk's Office. The Application should include a full description of any donation or sponsorship offered. The Application should also include letters of support, articles, and other evidence demonstrating broad-based community support of the Application, if any exist.

B. Contents of Application. The Application shall identify the County facility, room, or open space, state the reason(s) for the proposed name or name change, and specify the proposed name(s) if any. If the proposed name is that of a group, organization, association, company, or business, the background information shall include information regarding applicant's purpose, mission, and community involvement supporting the sponsorship request. If the proposed name is that of an individual, the background information shall include information demonstrating the individual's good character, personal achievements, contributions to the community, and/or efforts towards enrichment of the County or its residents.

C. Review of Application by Director. The County Clerk shall forward the Application to the County Administrator. The County Administrator shall designate the Director of the appropriate department to review the Application. The Director shall review the Application and determine if it is consistent with this Policy and any other County policies, rules, or regulations. The department Director may propose alternate names. Once approved by the Director, any names must also be approved by the County Administrator.

D. Incomplete or Inconsistent Application. Applications that are determined by the appropriate County department Director to be incomplete, without sufficient support, or that are otherwise inconsistent with this Policy and any other County policies, rules, or regulations will be returned to the applicant together with a written explanation for the return. The applicant may resubmit the Application at any time with new or additional information to correct the insufficiencies identified by the Director.

E. Value of Donation or Sponsorship. If the Application includes an offered donation or sponsorship, see Section III, below for acceptance criteria and authority.

F. Review by Committee. If the Department director determines that the application is consistent with this Policy and any other County policies, rules, or regulations, the Department director shall forward the Application to the Human Resources/Finance and Property committee for its review and consideration. All decisions with respect to the naming or renaming of County facilities, rooms, or open space will be at the sole discretion of the Human Resources/Finance and Property committee. The Committee may elect to move the Application to the County Board for final consideration.

G. The County Clerk will maintain a record of all names and/or recognition granted.

II. Naming Criteria

Priorities to be considered in naming County facilities, rooms or open spaces shall be as follows:

A. Recognizable area. Names that aid in locating a facility, room, or open space (i.e. "Stratford Highway Shop")

B. Geographical Features. Geographical features, such as rivers, creeks and terrain.

C. Names To Be Avoided:

1. Cumbersome, corrupted, or modified names, profane, discriminatory or derogatory names relating to age, race religion, creed, national origin, sex, color, marital status, disability, sexual orientation, political affiliation or other similar categories.

2. Names that cause confusion due to duplication or that sound too similar to existing named locations within the County or the surrounding region. Only one facility, room or open space may be named in honor of an individual.

3. Names of companies whose business is substantially derived from the sale of alcohol, tobacco, firearms, adult entertainment and/or other practices considered unsuitable or inappropriate for children.

4. Names of appointed or elected local officials currently in office or current County employees.

5. The re-use of former facility names other than for a reconstruction of the same facility in the same location.

6. Names that would result in the overt commercialization of County facilities.

D. Individuals, Groups, or Organizations. The following criteria will be used in evaluating the use of names of persons (whether living or deceased), groups, and organizations.

1. General Criteria. Names of persons, groups, or organizations having a longstanding affiliation with the County of not less than ten (10) years of significant community service, involvement, or contributions beyond the ordinary interest level whose efforts have:

- Enhanced the quality of life and well-being of County residents;
- Contributed to the preservation of the County's history or culture;
- Made exemplary or meritorious contributions to the County or its residents; or
- Contributed to the acquisition, development, or conveyance of land, buildings, or other amenities to the County. See Subsection IV. D., below.

2. Deceased Persons. Such individuals may include national and/or local heroes:

- A resident of Marathon County, who has attained local, state, or national recognition in an area of work that would relate to the facility, room or open space to be named.
- Those who have given outstanding service to mankind or who have worked over and above any ordinary interest level.
- Historic persons.

3. Living Persons. Facilities, rooms, or open spaces may be named after living persons only after a study has been completed relative to the individual's background and qualifications pursuant to the criteria set forth above.

4. County Official or County Employee. Naming after an individual who has served as a County Official or a County employee may only occur after the person has separated from County service and should be based on the following criteria:

- Made significant contributions over and above the duties required by the position.
- Had a positive impact on the past and future development of programs, projects, or facilities in the County.
- Made significant volunteer contributions to the community outside of the scope of their job.
- Had exceptionally long tenure with the County; a minimum of ten (10) years.
- Significant public support for a memorial to the County official or employee on the occasion of their death or retirement.

5. Groups or Organizations. County facilities may be named or recognized in honor of an individual, group, organization, association, company, or business that has been instrumental in acquiring sites either by donation of land or money or has donated the amount of land or money needed to complete development of a site.

- If the donation or contribution exceeds 51% of the project budget or appraised value of the project, facility, or development being considered for naming.
- A lesser donation may be honored by an area dedication/plaque recognizing the individual, group, organization, association, company or business and the donation or contribution they made to the project.

6. Renaming Facilities Previously Named. Facilities rooms, or open spaces should only be renamed in exceptional circumstances. It is recommended that efforts to change a name be subject to the most critical examination so as not to diminish the original justification for the name or discredit the value of the prior contributors or his/her family. Facilities named by deed restriction or other legally binding obligation cannot be considered for renaming unless permitted by the deed or other restriction. Renaming a facility, room, or open space, however, is appropriate when:

- The criteria set forth herein are met;
- There is a valid reason for renaming the facility, room, or open space; and
- An appropriate level of community support exists.

III. Donations and Sponsorships

A. Acceptability of Donations. Individuals, groups, organizations, associations, companies, or businesses may choose to offer a donation of land, equipment, materials, or funding to the County, earmarked for special projects.

1. Such projects may include but are not limited to, the development of capital improvements, facilities, amenities, spaces, displays, benches, and trees.

2. The appropriate County department director will review the acceptability of any donation and determine if the benefits to be derived warrant acceptance of the donation. Criteria for evaluation include:

- the desirability or need for the property or item donated or other benefit to be derived from the donation.
- an analysis of the make, model, and proposed location of the item or equipment donated.
- consideration of any immediate or initial expenditure required by the County in order to accept the donation,

3. Donation of an item may also be required to include funding for its installation and maintenance as determined by the appropriate County department. County staff will arrange for the installation and any ongoing maintenance of any donated item.

B. Authority to Accept Donations.

1. The Human Resources/Finance and Property committee shall have the authority to accept donations of materials, equipment, or funding:

- Up to a value of \$30,000 shall be forwarded to the Committee for consideration.
- In excess of \$30,000, or involving modifications to existing County facilities that will have a significant visual, functional, or land use impact, will require approval of the Capital Improvement

Committee and will then be forwarded on to the Human Resources/Finance and Property committee for consideration.

2. The appropriate County department director shall accompany the request to the committee(s) to provide information gathered in review of the request.

3. The Human Resources/Finance and Property Committee may elect to move the Application to the County Board for final consideration. In the event the Application is associated with a “public works” project, pursuant to sec. 59.52(29), Stats., or successor statute, and involves the donation of materials or volunteer labor, the Application shall be moved to the County Board for final consideration.

C. Conditions of Acceptance.

1. The County will assume ownership, control, and maintenance of any donated property or item unless conditions of acceptance, as determined by the County, provide otherwise.

2. The County shall not be obligated to repair or replace any donated property or item that is damaged or destroyed for any reason, such as by vandalism or theft, or, in the case of live plants, if they die.

3. Unless the conditions of acceptance, as determined by the County, provide otherwise, the County will decide when changes shall be made to any County facility, with no assurances that a donated item will be retained. The County reserves the right to remove and/or relocate any donated item at any time. However, if a donated item(s) needs to be removed, the County will make reasonable efforts to relocate the item(s) at another facility. The County will make reasonable efforts to notify the donor of any changes as they occur.

4. The offer and acceptance of a donation does not necessarily ensure or confer upon such donor an area dedication/plaque. When acknowledging such donation or dedication, the dedication language shall conform to all other naming criteria set forth herein.

- Because such markers are prone to vandalism and require maintenance, plaques, markers, and memorials should be used sparingly.

- The cost of plaques, monuments, and replacement signs resulting from, or done in conjunction with the dedication or commemorative naming/renaming of a facility, room, or open space may be required by the county to be borne by the individual, group, or organization requesting the name.

- The type, size, font, and placement of plaques, monuments and signs installed or placed at County facilities shall be at the sole discretion of the County. Plaques, benches, trees, and other donated objects are not intended to be an official gathering space.

D. Reserved Right to Reject Offer. The County reserves the right to reject any offer of donation or sponsorship if, in the County’s sole discretion, acceptance of the donation is determined not to be in the best interest of the County.

E. Special Events/Promotions. If a donation for a special event or promotion is provided by a corporate or organizational sponsor, such donor or sponsor may, at the discretion of the appropriate County department director, be recognized through display of the donor or sponsor’s logo banner/advertising and/or names on promotional material(s) or at the site(s) of the event. Such donation or sponsorship by a donor or sponsor shall not entitle that donor or sponsor to any special privileges.

Discussion:

- Counsel Corbett explained the policy is designed to be flexible. The County will have the final say in what the sign will look like.
- What is the process to revoke a name?
- Corbett stated the policy doesn’t cover revocation of a name, but there is a portion on re-naming.
- Corbett told that the policy does not address NCHC or the Airport. Naming would be addressed pursuant to the agreement with those entities.
- Chairperson Gibbs stated the policy is for names moving forward, and is not requiring existing names be changed.

Action: **MOTION BY ROBINSON, SECOND BY NUTTING, TO ADOPT THE RESOLUTION. MOTION CARRIED ON A ROLL CALL VOTE, 34 – 0.** (Supervisor Rosenberg indicated she intended to vote YES, even though her vote recorded as ABSTAIN)
Follow Through: None stated.

RESOLUTION #R-70-16
Reorganization of the Park, Recreation, and Forestry Department

WHEREAS, the Park, Recreation and Forestry Department has identified an opportunity to reorganize the department due to employee retirements that will result in improved effectiveness of the department; and

WHEREAS, the request for reorganization of the Park, Recreation and Forestry Department was referred to the Human Resources, Finance, and Property Committee for review, pursuant to §4.20 of the General Code of Ordinances for Marathon County; and

WHEREAS, the Human Resources, Finance, and Property Committee has reviewed the proposed new structure at their meeting on 12/5/2016, and recommends its adoption.

WHEREAS, the Marathon County Park Commission has reviewed the proposed new structure at their meeting on 12/6/2016, and recommends its adoption.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Marathon does ordain the following and approves the implementation of the reorganization as follows:

- (1) A. Abolish full-time Urban Forestry Specialist position DBM B22 (PCN 19406)
B. Create one full-time Assistant Park and Recreation Manager (Operations Supervisor), DBM C42 (PCN 19010)
- (2) Effective January 1, 2017, upon the approval of this resolution.

DATED: December 20, 2016

Estimated Fiscal Impact Statement: The reorganization has the potential to save up to \$29,574 in the 2017 PRF adopted budget.

HUMAN RESOURCES, FINANCE AND PROPERTY COMMITTEE

Discussion: None.

Action: **MOTION BY ROBINSON, SECOND BY SCHAEFER, TO ADOPT THE RESOLUTION. MOTION CARRIED ON A ROLL CALL VOTE, 34 – 0.**
Follow Through: None stated.

RESOLUTION #R-71-16
To Approve Successor Joint County Contract Between Marathon, Langlade and Lincoln Counties that Creates North Central Health Care

WHEREAS, the Marathon County Board of Supervisors have entered into a series of Tri County Joint Contracts to create and renew the North Central Community Services Board as a multi-county community services program with Lincoln and Langlade County; and

WHEREAS, the Marathon County Board has passed Resolution # R-50-16, dated September, 20 2016, attached hereto as Exhibit I, which directed:

The Marathon County Administrator and Corporation Counsel to negotiate in good faith a time-limited successor agreement with Lincoln and Langlade Counties for the provision of community programs that provides for greater oversight and control by Marathon County and is committed to:

- Financial Integrity, so that it is clear what our programs and services costs and that our efforts are sustainable;
- Program Adaptability and Consistency, ensuring that programs and services are responsive to Marathon County needs and priorities; and



Application for Naming/Dedication or Donation/Sponsorship Request for Marathon County Facilities, Rooms or Open Spaces

(Please reference the Policy for the Naming/Dedication/Sponsorship of Marathon County Facilities/Rooms/Spaces)

Applicant's Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

E-mail: _____ Phone: _____

Check type of request:

1. Naming/Dedication Request (Circle Best Description)

Honoree/Name Requested: _____

Location of Request: _____

(If applicable, provide details regarding the site or facility to which this request pertains)

Provide written justification supporting your request to name/dedicate a county-owned facility or provide additional comments related to this application. Attach petitions and/or letters of support from individuals, community groups and organizations. Attach additional pages if needed:

_____ **2. Donation/Sponsorship Request** (Circle Best Description)

Honoree/Name Requested: _____

Location of Request: _____
(if applicable, provide details regarding the site or facility to which this request pertains)

Value of Donation/Sponsorship: \$ _____

Provide written justification supporting your Donation/Sponsorship request or provide additional comments related to this application. Attach petitions and/or letters of support from individuals, community groups and organizations. Attach additional pages if needed:

Signature: _____ Date: _____

Return completed application and any other correspondence to:
Office of Marathon County Clerk
500 Forest St
Wausau WI 54403

This request will be forwarded to the Marathon County Administrator for assignment to the appropriate County Department. If you have any questions, call the County Clerk at 715-261-1500.



VentureArchitects

Conceptual Rendering

Marathon County Regional Forensic Science Center



Funding Status



Donor Recognition

Naming of Select Spaces within the Facility

- Family Comfort Room
- Tissue Donation Area
- Teaching Observation Area
- Training Room
- Lodox

Recognition for donors in Community Grief Garden & on donor wall within facility

