

MARATHON COUNTY BOARD OF SUPERVISORS
ADJOURNED ANNUAL MEETING
Tuesday, December 14, 2021 - 7:00 p.m.
Marathon County Courthouse and Via WebEx

1. Call to Order

The meeting was called to order by Chair Gibbs at 7:00 p.m., the agenda being duly signed and posted.

2. Pledge of Allegiance

The Pledge of Allegiance to the Flag was recited and the Board stood for a moment of silence/reflection.

3. Reading of Notice

The Clerk read the meeting notice, as follows:

A. OPENING OF SESSION:

1. Meeting called to order by Chair Gibbs at 7:00 p.m., the agenda being duly signed and posted.
2. Pledge of Allegiance to the Flag; Followed by a Moment of Silence/Reflection.
3. Reading of Notice.
4. Request for silencing of cellphones and other electronic devices.
5. Roll Call.
6. Acknowledgment of visitors.
7. 15 Minute Public Comment:

B. EDUCATION PRESENTATIONS/REPORTS

8. Update from Rules Review Committee on Their Work to This Point

C. CONSENT AGENDA:

9. Approval of minutes from the November 4 & 9, 2021 meetings.
10. Referral of bills and communications to respective committees.
11. Authorizing the Clerk to issue orders, bills, and claims from the last session through this session.

D. APPOINTMENTS:

12. Veterans Service Commission – Dan Southworth
13. Library Board – Kari Sweeney, Scott Winch

E. ORDINANCES:

14. Town of Elderon Rezone – Travis & Lydiah Ostrowski and Daniel & Kristy Day #O-41-21
15. Town of Hewitt Rezone – Kim Polley #O-42-21
16. Town of Elderon Rezone – Kenyon and Sue Ann Rose #O-43-21
17. Town of Spencer Rezone – Kim and Gwen Sandley #O-44-21
18. Town of Eau Plein Rezone – Larry Zarnke #O-45-21
19. Repealing and Replacing Sections 3.01 through 3.16 of the Marathon County General Code to Update Marathon County's Procurement Code #O-46-21

RESOLUTIONS

F. FORESTRY/RECREATION COMMITTEE & ENVIRONMENTAL RESOURCES COMMITTEE:

20. To Approve the Annual County Forest Work Plan #R-82-21
21. Application for County Forest Acreage Share Loan Payment #R-83-21

**G. TRANSPORTATION COORDINATING COMMITTEE AND
HEALTH & HUMAN SERVICES COMMITTEE:**

22. 2022 Elderly and Disabled Transportation (85.21) Application #R-84-21

H. HUMAN RESOURCES FINANCE & PROPERTY COMMITTEE:

23. Tentative Agreements for 2022 through 2024 Salary and Benefits for Sheriff's Lieutenants #R-85-21

- 24. Tentative Agreements for 2022 through 2024 Collective Bargaining Agreement Between Marathon County and Deputy Sheriff’s Association #R-86-21
- 25. A Resolution to Amend the 2021 CIP for Courtroom and Jail Audio/Video Enhancements #R-87-21
- 26. A Resolution to Amend the 2021 CIP for the 2020 CIP Big Eau Pleine Electrical Upgrade and Funding of the Big Eau Pleine Electrical Upgrade #R-88-21

I. EXECUTIVE COMMITTEE:

- 27. Authorizing Marathon County to Enter into the Settlement Agreements with McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson@Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc., Agree to the Terms of the MOU Allocating Settlement Proceeds, and Authorize Entry into the MOU with the Attorney General #R-89-21

J. HEALTH AND HUMAN SERVICES COMMITTEE:

- 28. Resolution on Reduction in Bed Licenses at Mount View Care Center #R-90-21

K. MISCELLANEOUS BUSINESS

- 29. Announcements and / or Requests
- 30. Motion to Adjourn

4. **Request for Silencing of Cellphones and Other Electronic Devices**

Chairperson Gibbs stated the request.

5. **Roll Call**

The Clerk initiated the roll. 32 Supervisors were present as shown:

<u>Supervisor</u>	<u>District</u>	<u>Supervisor</u>	<u>District</u>
Michelle Van Krey.....	1	Sara Guild.....	20
Jenifer Bizzotto.....	2	Thomas Rosenberg.....	21
William Harris.....	3	Alan Christensen.....(excused).....	22
John Robinson	4	Chris Voll	(tardy 7:10pm).....23
Ka Lo.....	5	Jean Maszk	24
Jeff Johnson.....	6	Sandi Cihlar	25
Rebecca Buch.....	7	Brent Jacobson	26
Kelley Gabor.....	8	Thomas Seubert.....	27
David Oberbeck.....	9	Dennis Gonnering.....	28
Donna Krause.....	10	Chris Dickinson	29
Alyson Leahy.....	11	Richard Gumz.....	30
Vacant.....	12	Allen Drabek.....	31
Matthew Bootz	(excused).....13	Kurt Gibbs.....	32
Rick Seefeldt	14	Tim Buttke.....	33
Randy Fifrick	15	Gary Beastron.....	34
Bill Conway.....	16	Jacob Langenhahn	35
Jennifer Aarrestad.....	17	Bruce Lamont.....	36
Craig McEwen.....	18	Allen Opall.....(excused).....	37
Yee Leng Xiong.....(excused).....	19	Jonathan Fisher.....	38

6. **Acknowledgement of Visitors**

Chairperson Gibbs acknowledged and welcomed visitors to the meeting.

7. **Public Comment**

None:

B. PRESENTATIONS / REPORTS

Update from Rules Review Committee on Their Work to This Point – Vice Chair McEwen

As per recommendation, Vice Chair McEwen reviewed topics that the Review Committee are currently discussing and the topics that will be brought up for review in the future. All meeting minutes are available on the website.

Discussion: Questions were asked and addressed.

Follow Through: None.

C. CONSENT AGENDA

Discussion: None.

Action: MOTION BY LANGENHAHN, SECOND BY DICKINSON TO APPROVE AGENDA ITEMS C9-C11 AS LISTED ON THE CONSENT AGENDA. MOTION CARRIED ON A VOICE VOTE, UNANIMOUSLY. As part of the consent agenda, minutes of the November 4 & 9, 2021 meetings were approved. The bills and communications were referred to respective committees. The Clerk was authorized to issue orders, bills and claims from the last session through this session.

Follow Through: None.

**APPOINTMENT
Veterans Service Commission**

I, Lance Leonhard, Marathon County Administrator, do hereby, upon approval of the Board of Supervisors, appoint Dan Southworth, 175283 State Highway 153, Aniwa, to the Veterans Service Commission for a three-year term to expire December 31, 2024.

An annual salary of \$100 shall be paid and mileage reimbursement is allowed, paid upon request.

Dated this 14th day of December, 2021.

LANCE LEONHARD, MARATHON COUNTY ADMINISTRATOR

CONFIRMED ON A MOTION BY CIHLAR, SECOND BY ROSENBERG. MOTION CARRIED ON A VOICE VOTE, UNANIMOUSLY.

**APPOINTMENT
Public Library Board**

I, Lance Leonhard, Marathon County Administrator, do hereby, upon approval of the Board of Supervisors, re-appoint the following individuals to the Marathon County Public Library Board for three-year terms to expire December 31, 2024:

Kari Sweeney, 609 Gray Place, Wausau

Scott Winch, 206430 Rusty Road, Stratford

Per diem and mileage/expense reimbursement will be paid for meeting attendance, to be paid from library budgeted funds.

Dated this 14th day of December, 2021.

LANCE LEONHARD, MARATHON COUNTY ADMINISTRATOR

CONFIRMED ON A MOTION BY ROBINSON, SECOND BY BEASTROM. MOTION CARRIED ON A VOICE VOTE, UNANIMOUSLY.

**ORDINANCE #O -41-21
Town of Elderon Rezone**

WHEREAS, the Marathon County Board of Supervisors has been petitioned to amend the General Code of Ordinances for Marathon County Chapter 17 Zoning Code by Travis & Lydiah Ostrowski and Daniel & Kristy Day to rezone lands from L-D-R Low Density Residential to G-A General Agriculture and lands from G-A General Agriculture to L-D-R Low Density Residential described as part of the SE ¼ of the NE ¼ and part of the NE ¼ of the NE ¼ of Section 10, Township 27 North, Range 10 East, Town of Elderon. The area proposed to be rezoned to L-D-R is described as part of Lot #1 (Shown below the south line of Parcel 2 CSM Number 15079) on the preliminary Certified Survey Map (CSM) submitted with the rezone petition, whereas the area proposed to be rezoned to G-A is described as Outlot #1 on the preliminary CSM; Parent parcels have the PIN# 022.2710.101.0991 (Address 217384 Black Cherry Drive, Eland WI 54427) and PIN# 022.2710.101.0996

WHEREAS, the petition was referred to the Marathon County Environmental Resources Committee (the Committee) for public hearing; and

WHEREAS, the Committee, on due notice, conducted a public hearing thereon, pursuant to Section 59.69, Wisconsin Statutes on November 30, 2021 to consider the petition to amend Chapter 17; and

WHEREAS, the Committee being duly informed of the facts pertinent to the changes proposed, having reviewed the staff report, and duly advised of the recommendations of the Town of Elderon hereby recommends the petition be GRANTED AS APPLIED FOR

NOW, THEREFORE, the County Board of Supervisors of the County of Marathon does ordain as follows: The General Code of Ordinances for Marathon County Chapter 17 Zoning Code (and accompanying Zoning Map) is amended as stated above.

Dated this 30th day of November, 2021

ENVIRONMENTAL RESOURCES COMMITTEE

Discussion: None

Action: MOTION BY LANGENHAHN, SECOND BY SEEFELDT, TO ENACT THE ORDINANCE. MOTION CARRIED ON A VOICE VOTE, UNANIMOUSLY.

Follow through: None.

**ORDINANCE #O-42-21
Town of Hewitt Rezone**

WHEREAS, the Marathon County Board of Supervisors has been petitioned to amend the General Code of Ordinances for Marathon County Chapter 17 Zoning Code by Kim Polley to rezone lands from R-R Rural Residential to G-A General Agriculture described as part of the SE ¼ of the SW ¼ of Section 32, Township 30 North, Range 09 East, Town of Hewitt. The lot proposed to be rezoned is described as Lot #1 (2.8630 acres) on the Certified Survey Map (CSM) Vol. 60 Pg. 137 Document #1403072; PIN# 040.3009.323.0992; address 168540 State Highway 52, Wausau WI 54403

WHEREAS, the petition was referred to the Marathon County Environmental Resources Committee (the Committee) for public hearing; and

WHEREAS, the Committee, on due notice, conducted a public hearing thereon, pursuant to Section 59.69, Wisconsin Statutes on November 30, 2021 to consider the petition to amend Chapter 17; and

WHEREAS, the Committee being duly informed of the facts pertinent to the changes proposed, having reviewed the staff report, and duly advised of the recommendations of the Town of Hewitt hereby recommends the petition be GRANTED AS APPLIED FOR

NOW, THEREFORE, the County Board of Supervisors of the County of Marathon does ordain as follows: The General Code of Ordinances for Marathon County Chapter 17 Zoning Code (and accompanying Zoning Map) is amended as stated above.

Dated this 30th day of November, 2021

ENVIRONMENTAL RESOURCES COMMITTEE

Discussion: None.

Action: MOTION BY GUMZ, SECOND BY BUTTKE, TO ENACT THE ORDINANCE. MOTION CARRIED ON A VOICE VOTE, UNANIMOUSLY.

Follow through: None.

**ORDINANCE #O-43-21
Town of Elderon Rezone**

WHEREAS, the Marathon County Board of Supervisors has been petitioned to amend the General Code of Ordinances for Marathon County Chapter 17 Zoning Code by Kenyon and Sue Ann Rose to rezone lands from N-C Neighborhood Commercial to R-R Rural Residential described as part of the SE ¼ of the SE ¼ of Section 11, Township 27 North, Range 10 East, Town of Elderon. The parcel proposed to be rezoned is described as Parcel 2 (2.445 acres) on the Certified Survey Map (CSM) Vol. 62 Pg. 95 Document #1426547; PIN# 022-2710-114-0980. Address: 184330 County Road II, Eland WI 54427.

WHEREAS, the petition was referred to the Marathon County Environmental Resources Committee (the Committee) for public hearing; and

WHEREAS, the Committee, on due notice, conducted a public hearing thereon, pursuant to Section 59.69, Wisconsin Statutes on November 30, 2021 to consider the petition to amend Chapter 17; and

WHEREAS, the Committee being duly informed of the facts pertinent to the changes proposed, having reviewed the staff report, and duly advised of the recommendations of the Town of Elderon hereby recommends the petition be GRANTED AS APPLIED FOR

NOW, THEREFORE, the County Board of Supervisors of the County of Marathon does ordain as follows: The General Code of Ordinances for Marathon County Chapter 17 Zoning Code (and accompanying Zoning Map) is amended as stated above.

Dated this 30th day of November, 2021

ENVIRONMENTAL RESOURCES COMMITTEE

Discussion: None.

Action: MOTION BY SEEFELDT, SECOND BY DRABEK, TO ENACT THE ORDINANCE. MOTION CARRIED ON A VOICE VOTE, UNANIMOUSLY.

Follow through: None.

**ORDINANCE #O-44-21
Town of Spencer Rezone**

WHEREAS, the Marathon County Board of Supervisors has been petitioned to amend the General Code of Ordinances for Marathon County Chapter 17 Zoning Code by Kim and Gwen Sandley to amend the Marathon County Zoning Ordinance to rezone lands from R-R Rural Residential to G-A General Agriculture described as part of the NE ¼ of the NE ¼ of Section 19, Township 26 North, Range 02 East, Town of Spencer. The parcel proposed to be rezoned is described as part of Lot #1 (4.99 acres) on the Certified Survey Map (CSM) Vol. 78 Pg. 141 Document #1669598; PIN# 074.2602.191.0977

WHEREAS, the petition was referred to the Marathon County Environmental Resources Committee (the Committee) for public hearing; and

WHEREAS, the Committee, on due notice, conducted a public hearing thereon, pursuant to Section 59.69, Wisconsin Statutes on November 30, 2021 to consider the petition to amend Chapter 17; and

WHEREAS, the Committee being duly informed of the facts pertinent to the changes proposed, having reviewed the staff report, and duly advised of the recommendations of the Town of Spencer hereby recommends the petition be GRANTED AS APPLIED FOR

NOW, THEREFORE, the County Board of Supervisors of the County of Marathon does ordain as follows: The General Code of Ordinances for Marathon County Chapter 17 Zoning Code (and accompanying Zoning Map) is amended as stated above.

Dated this 30th day of November, 2021

ENVIRONMENTAL RESOURCES COMMITTEE

Discussion: None.

Action: MOTION BY DRABEK, SECOND BY JOHNSON, TO ENACT THE ORDINANCE. MOTION CARRIED ON A VOICE VOTE, UNANIMOUSLY.

Follow through: None.

**ORDINANCE #O-45-21
Town of Eau Pleine Rezone**

WHEREAS, the Marathon County Board of Supervisors has been petitioned to amend the General Code of Ordinances for Marathon County Chapter 17 Zoning Code by Larry Zarnke to rezone lands from F-P Farmland Preservation to R-R Rural Residential described as part of the N ½ of the Fractional W ½ of the SW ¼ and part of the NE ¼ of the SW ¼, Section 6, Township 27 North, Range 03 East, Town of Eau Pleine. The area proposed to be rezoned is described as Outlot #1 (3.735 acres) on the Certified Survey Map (CSM) Document #1666636 submitted with the rezone petition; PIN# 020.2703.063.0992

WHEREAS, the petition was referred to the Marathon County Environmental Resources Committee (the Committee) for public hearing; and

WHEREAS, the Committee, on due notice, conducted a public hearing thereon, pursuant to Section 59.69, Wisconsin Statutes on November 30, 2021 to consider the petition to amend Chapter 17; and

WHEREAS, the Committee being duly informed of the facts pertinent to the changes proposed, having reviewed the staff report, and duly advised of the recommendations of the Town of Eau Pleine hereby recommends the petition be GRANTED AS APPLIED FOR

NOW, THEREFORE, the County Board of Supervisors of the County of Marathon does ordain as follows: The

General Code of Ordinances for Marathon County Chapter 17 Zoning Code (and accompanying Zoning Map) is amended as stated above.

Dated this 30th day of November, 2021

ENVIRONMENTAL RESOURCES COMMITTEE

Discussion: None.

Action: MOTION BY GUMZ, SECOND BY AARRESTAD, TO ENACT THE ORDINANCE. MOTION CARRIED ON A VOICE VOTE, UNANIMOUSLY.

Follow through: None.

ORDINANCE #O-46-21

Repealing and Replacing Sections 3.01 Through 3.16 of the Marathon County General Code to Update Marathon County's Procurement Code

WHEREAS, Sections 3.01 through 3.16 of the General Code of Ordinances for Marathon County constitute Marathon County's procurement code; and

WHEREAS, Marathon County's procurement code governs the purchasing of goods and services by Marathon County departments and intergovernmental agencies; and

WHEREAS, on December 8, 2021, the Human Resources, Finance & Property Committee voted to recommend the Board repeal and replace Sections 3.01 through 3.16, as outlined in the attached document, to update, streamline, and modernize Marathon County's procurement code.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Marathon does hereby ordain as follows:

1. To repeal and replace Sections 3.01 through 3.16 of the General Code of Ordinances, pursuant to the attached.

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

Dated the 14th day of December, 2021.

HUMAN RESOURCES, FINANCE AND PROPERTY COMMITTEE

Discussion: Changes and clarification given by Corporation Counsel Michael Puerner.

Action: MOTION BY ROBINSON, SECOND BY FISHER, TO ENACT THE ORDINANCE. MOTION CARRIED ON A VOICE VOTE, UNANIMOUSLY.

Follow through: None.

RESOLUTION #R-82-21

To Approve the Annual County Forest Work Plan

WHEREAS, Marathon County has lands enrolled in the Wisconsin County Forest Land Program commonly referred to as the Marathon County Forest; and

WHEREAS, the Marathon County Forest Comprehensive Land Use Plan requires an annual work plan to be approved by the Marathon County Board of Supervisors to be eligible for certain grant funding per §28.11(5)(b), Wis. Stats.; and

WHEREAS, the Forestry/Recreation Committee and Environmental Resources Committees approved the 2022 Forestry Division Work Plan at their regular meeting held November 30, 2021; and

WHEREAS, the Marathon County Board of Supervisors adopted the 2022 Wausau and Marathon County Parks, Recreation and Forestry Department Budget at its budget meeting November 9, 2021.

NOW, THEREFORE BE IT RESOLVED, the County Board of Supervisors of the County of Marathon does hereby ordain and resolve as follows: To approve and adopt the attached 2022 Forestry Division Work Plan.

BE IT FURTHER ORDAINED AND RESOLVED, that the County Clerk is directed to issue checks pursuant to this resolution and the Treasurer to honor said checks.

Dated this 14th day of December 2021.

FORESTRY/RECREATION COMMITTEE

Discussion: None.

Action: MOTION BY SEEFELDT, SECOND BY ROSENBERG, TO ADOPT THE RESOLUTION. MOTION CARRIED ON A VOICE VOTE, UNANIMOUSLY.

Follow through: None.

RESOLUTION #R-83-21
Application for County Forest Acreage Share Loan Payment

WHEREAS, Counties having lands entered as “County Forest Lands”, under the provisions of Sec. 28.11(4)(b), Wis. Stats., annually receive from the state a non-interest bearing loan to be used for the purchase, development, preservation and maintenance of such lands; and

WHEREAS, said loan monies are repaid through a 20% severance tax on timber revenue coming from County Forest Lands unless a higher rate is mutually agreed to by the County and the department; and

WHEREAS, the current provisions of Sec. 28.11 (8)(b)1 make it possible for the County, at its option to receive not more than 50 cents per acre to meet the needs identified in its County Forest Comprehensive Land Use Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Marathon, in consideration of meeting the needs identified in its County Forest Comprehensive Land Use Plan hereby request the Department of Natural Resources to provide the 2022 payment to the County on the basis of 50 cents for each acre of Marathon County Forest Lands; and

BE IT FURTHER ORDAINED AND RESOLVED that the Clerk is hereby authorized and directed to file this request with the Department of Natural Resources prior to December 31st preceding the year in which said payment is being requested to be made.

Dated this 14th day of December, 2021.

FORESTRY/RECREATION COMMITTEE

Discussion: None.

Action: MOTION BY LANGENHAHN, SECOND BY JOHNSON, TO ADOPT THE RESOLUTION. MOTION CARRIED ON A VOICE VOTE, UNANIMOUSLY.

Follow through: None.

RESOLUTION #R-84-21
2022 Elderly and Disabled Transportation (85.21) Application

WHEREAS, Section 85.21 of the Wisconsin Statutes authorizes the Wisconsin Department of Transportation to make grants to the counties of Wisconsin for the purpose of assisting them in providing specialized transportation services to the elderly and the disabled; and

WHEREAS, each grant must be matched with a local share of not less than 20% of the amount of the grant; and

WHEREAS, this body considers that the provision of specialized transportation services would improve and promote the maintenance of human dignity and self-sufficiency of the elderly and the disabled.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Marathon does ordain as follows:

1) Authorizes the Planning Manager of Conservation, Planning, and Zoning, to prepare and submit to the Wisconsin Department of Transportation an application for assistance during 2022 under Section 85.21 of the Wisconsin Statutes, in conformance with the requirements issued by that Department.

2) Authorizes the obligation of funds in the amount of \$72,353.00 in order to provide the required local match.

3) Authorizes Kurt Gibbs, County Board Chairperson, to execute a state aid contract with the Wisconsin Department of Transportation under Section 85.21 of the Wisconsin Statutes on behalf of Marathon County.

Dated this 14th day of December, 2021.

TRANSPORTATION COORDINATING COMMITTEE & HEALTH & HUMAN SERVICES COMMITTEE

Discussion: Dave Mack gave background information. Chair Gibbs gave clarification.

Action: MOTION BY BUTTKE, SECOND BY CIHLAR, TO ADOPT THE RESOLUTION. MOTION CARRIED ON A VOICE VOTE, UNANIMOUSLY.

Follow through: None.

RESOLUTION #R-85-21
Tentative Agreements For 2022 through 2024 Salary and Benefits for Sheriff’s Lieutenants

WHEREAS, the bargaining process has been successfully concluded with joint labor-management agreement on several contract revisions for the ten (10) positions in this bargaining unit; and

WHEREAS, these contract revisions are specifically noted on the attached summary of tentative agreements and were unanimously approved by the Human Resources, Finance and Property Committee at their November 9, 2021, meeting;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Marathon does approve the attached revisions, and thus updating the existing 2020-2021 Salary and Benefit Ordinance for Sheriff's Lieutenant; and

BE IT FURTHER RESOLVED that the Board hereby authorizes and directs the Marathon County Clerk to issue checks pursuant to this resolution and the Marathon County Treasurer to honor same; and

BE IT FURTHER RESOLVED that the proper officers of Marathon County are hereby authorized and directed to take all actions necessary to effectuate this resolution.

DATED: December 14, 2021

HUMAN RESOURCES, FINANCE & PROPERTY COMMITTEE

Discussion: None.

Action: MOTION BY MCEWEN, SECOND BY JACOBSON, TO ADOPT THE RESOLUTION. MOTION CARRIED ON A VOICE VOTE, UNANIMOUSLY.

Follow through: None.

RESOLUTION #R-86-21

Tentative Agreements for 2022 through 2024 Collective Bargaining Agreement Between Marathon County and Deputy Sheriff's Association

WHEREAS, the bargaining process has been successfully concluded with joint labor-management agreement on several contract revisions for the fifty-eight (58) positions in this bargaining unit; and

WHEREAS, these contract revisions are specifically noted on the attached summary of tentative agreements and were unanimously approved by the Human Resources, Finance and Property Committee at their November 9, 2021, meeting;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Marathon does approve the attached revisions, and thus updating the existing 2020-2021 Deputy Sheriff's Association Labor Agreement; and

BE IT FURTHER RESOLVED that the Board hereby authorizes and directs the Marathon County Clerk to issue checks pursuant to this resolution and the Marathon County Treasurer to honor same; and

BE IT FURTHER RESOLVED that the proper officers of Marathon County are hereby authorized and directed to take all actions necessary to effectuate this resolution.

DATED: December 14, 2021

HUMAN RESOURCES, FINANCE & PROPERTY COMMITTEE

Discussion: None.

Action: MOTION BY LANGENHAHN, SECOND BY JOHNSON, TO ADOPT THE RESOLUTION. MOTION CARRIED ON A VOICE VOTE, UNANIMOUSLY.

Follow through: None.

RESOLUTION #R-87-21

A Resolution to Amend The 2021 CIP for Courtroom and Jail Audio/Video Enhancements

WHEREAS, On May 10th, 2021, the U.S. Department of the Treasury announced the launch of Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act (ARPA) of 2021, to provide \$350 billion in emergency funding for eligible state, local, territorial, and Tribal governments; and

WHEREAS, Marathon County was been awarded \$26,356,580 in ARPA funding to be used to respond to acute pandemic response needs, fill revenue shortfalls among these governments, and support the communities and populations hardest-hit by the COVID-19 crisis; and

WHEREAS, the County has engaged the public in listening sessions and is in the process of developing its strategic funding plan for the use of ARPA funding; and

WHEREAS, the COVID-19 pandemic has immensely impacted court operations, resulting in a significant backlog of pending court matters, particularly criminal matters. To address this backlog, our courts need to ensure that they are able to operate as efficiently as possible, including being able to provide for the effective participation of court personnel and case parties from remote settings; and

WHEREAS, ARPA guidelines allow the County to use ARPA funding for Public Health; specifically, Section 1.7 allows for expenditures on Capital Investments or Physical Plant Changes to Public Facilities that Respond to the COVID-19 Public Health Emergency; and

WHEREAS, the County wishes to standardize the audio and video equipment in the 6 courtrooms and 2 hearing rooms in the Marathon County Courthouse to address the case backlog caused by the COVID-19 pandemic, as the current system is inadequate to address the backlog and accommodate the use of increased remote hearings; and WHEREAS, If video conferencing is to be used in courtrooms and hearing rooms, that equipment must comply with the technical and operational standards in Subchapter III of Chapter 885 of the Wisconsin Statutes; and WHEREAS, there is a need to prioritize this project and provide for the implementation of the project with a target date start date of December 27, 2021; and

WHEREAS, there is currently an unencumbered balance in the ARPA funding received by Marathon County that would cover the estimated costs of \$630,000 for the project; and

WHEREAS, the Human Resources, Finance and Property Committee has reviewed the request and has recommended to amend the 2021 CIP for the Courtroom and Jail Audio/Video Enhancements using APRA Public Health funds, specifically Section 1.7, Capital Investments or Physical Plant Changes to Public Facilities that Respond to the COVID-19 Public Health Emergency; and

WHEREAS, § 65.90(5)(a), Wis. Stats., dictates that appropriations in the Marathon County budget may not be modified unless authorized by a vote of two-thirds of the entire membership of the County Board of Supervisors.

WHEREAS, the Human Resources, Finance and Property Committee has reviewed the proposed funding for the project, understands other funding sources may be available for the project, and recommends to the County Board to approve the project with the final estimated cost to use the ARPA Public health Section 1.7 Expenditure Category for funding.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of the County of Marathon does hereby resolve and ordain to amend the 2021 CIP Budget to do the following:

1. Amend the 2021 CIP for the Courthouse and Jail Audio/Video Enhancement for \$630,000,
2. Authorize the use of ARPA Public Health Section 1.7 funds to fund the project.

Dated this 14th day of December 2021.

HUMAN RESOURCES, FINANCE and PROPERTY COMMITTEE

Discussion: Questions asked and addressed by Robinson and Chair Gibbs. 2/3 majority vote required.

Action: MOTION BY ROBINSON, SECOND BY MASZK, TO ADOPT THE RESOLUTION. MOTION CARRIED ON A VOICE VOTE, UNANIMOUSLY.

Follow through: None.

RESOLUTION #R-88-21

A Resolution to Amend the 2021 CIP for the 2020 CIP Big Eau Pleine Electrical Upgrade and Funding of the Big Eau Pleine Electrical Upgrade

WHEREAS, The 2020 CIP has a project listed as the Big Eau Pleine Road Project at \$80,600; and

WHEREAS, This project has been slated to begin in 2021; and

WHEREAS, Whereas there is an unencumbered amount in the 2021 CIP project for the Horse Barn of \$35,000; and

WHEREAS, the County wishes to use the fund from the 2021 Horse Barn Project to complete the Big Eau Pleine Electrical Upgrade; and

WHEREAS, In order to accomplish this with the 2021 funding the County would like to amend the 2021 CIP for the Big Eau Pleine Electrical Upgrade; and

WHEREAS, the Human Resources, Finance and Property Committee has reviewed the request and has recommended to amend the 2021 CIP for the Big Eau Pleine Electrical Upgrade to transfer the funding of \$35,000 from the 2021 CIP Horse Barn Project; and

WHEREAS, § 65.90(5)(a), Wis. Stats., dictates that appropriations in the Marathon County budget may not be modified unless authorized by a vote of two-thirds of the entire membership of the County Board of Supervisors.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of the County of Marathon does hereby resolve and ordain to amend the 2021 CIP Budget to do the following:

1. Amend the 2021 CIP funding for the Big Eau Pleine Electrical Upgrade project to be taken from the funding for the 2021 Horse Board project

Dated this 14th day of December 2021.

HUMAN RESOURCES, FINANCE and PROPERTY COMMITTEE

Discussion: Background given by Chair Gibbs. 2/3 majority vote required.

Action: MOTION BY FISHER, SECOND BY ROBINSON, TO ADOPT THE RESOLUTION. MOTION CARRIED ON A VOICE VOTE, UNANIMOUSLY.

Follow through: None.

RESOLUTION #R-89-21

Authorizing Marathon County to Enter into the Settlement Agreements with McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc., Agree to the Terms of the MOU Allocating Settlement Proceeds, and Authorize Entry into the MOU with the Attorney General

WHEREAS, Marathon County (the "County") previously entered into an engagement agreement with von Briesen & Roper, s.c., Crueger Dickinson LLC and Simmons Hanly Conroy LLC (the "Law Firms") to pursue litigation against certain manufacturers, distributors, and retailers of opioid pharmaceuticals (the "Opioid Defendants") in an effort to hold the Opioid Defendants financially responsible for the County's expenditure of vast money and resources to combat the opioid epidemic;

WHEREAS, on behalf of the County, the Law Firms filed a lawsuit against the Opioid Defendants;

WHEREAS, the Law Firms filed similar lawsuits on behalf of 66 other Wisconsin counties and all Wisconsin cases were coordinated with thousands of other lawsuits filed against the same or substantially similar parties as the Opioid Defendants in the Northern District of Ohio, captioned In re: Opioid Litigation, MDL 2804 (the "Litigation").

WHEREAS, four (4) additional Wisconsin counties (Milwaukee, Dane, Waukesha, and Walworth) hired separate counsel and joined the Litigation;

WHEREAS, since the inception of the Litigation, the Law Firms have coordinated with counsel from around the country (including counsel for Milwaukee, Dane, Waukesha, and Walworth Counties) to prepare the County's case for trial and engage in extensive settlement discussions with the Opioid Defendants;

WHEREAS, the settlement discussions with McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho- McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (the "Settling Defendants") resulted in a tentative agreement as to settlement terms pending agreement from the County and other plaintiffs involved in the Litigation;

WHEREAS, copies of the Distributors Settlement Agreement and Janssen Settlement Agreement (collectively "Settlement Agreements") representing the terms of the tentative settlement agreements with the Settling Defendants have been provided with this Resolution;

WHEREAS, the Settlement Agreements provide, among other things, for the payment of certain sums to Participating Subdivisions (as defined in the Settlement Agreements) upon the occurrence of certain events detailed in the Settlement Agreements;

WHEREAS, the County is a Participating Subdivision in the Settlement Agreements and has the opportunity to participate in the benefits associated with the Settlement Agreement provided the County (a) approves the Settlement Agreements; (b) approves the Memorandum of Understanding allocating proceeds from the Settlement Agreements among the various Wisconsin Participating Subdivisions, a copy of which is attached to this Resolution (the "Allocation MOU");

(c) approves the Memorandum of Understanding with the Wisconsin Attorney General regarding allocation of settlement proceeds, a copy of which is attached to this Resolution (the "AG MOU"); and (d) the Legislature's Joint Committee on Finance approves the terms of the Settlement Agreements and the AG MOU;

WHEREAS, 2021 Wisconsin Act 57 created Section 165.12 of the Wisconsin Statutes relating to the settlement of all or part of the Litigation;

WHEREAS, pursuant to Wis. Stat. § 165.12(2), the Legislature's Joint Committee on Finance is required to approve the Settlement Agreements and the AG MOU;

WHEREAS, pursuant to Wis. Stat. § 165.12(2), the proceeds from any settlement of all or part of the Litigation are distributed 70% to local governments in Wisconsin that are parties to the Litigation and 30% to the State;

WHEREAS, Wis. Stat. § 165.12(4)(b)2. provides the proceeds from the Settlement Agreement must be deposited in a segregated account (the "Opioid Abatement Account") and may be expended only for approved uses for opioid abatement as provided in the Settlement Agreements;

WHEREAS, Wis. Stat. § 165.12(7) bars claims from any Wisconsin local government against the Opioid Defendants filed after June 1, 2021;

WHEREAS, the definition of Participating Subdivisions in the Settlement Agreements recognizes a statutory bar on claims such as that set forth in Wis. Stat. § 165.12(7) and, as a result, the only Participating Subdivisions in Wisconsin are those counties and municipalities that were parties to the Litigation (or otherwise actively litigating a claim against one, some, or all of the Opioid Defendants) as of June 1, 2021;

WHEREAS, the Legislature's Joint Committee on Finance is not statutorily authorized or required to approve the allocation of proceeds of the Settlement Agreements among Wisconsin Participating Subdivisions;

WHEREAS, the Law Firms have engaged in extensive discussions with counsel for all other Wisconsin Participating Subdivisions resulting in the proposed Allocation MOU, which is an agreement between all of the entities identified in the Allocation MOU as to how the proceeds payable to those entities under the Settlement Agreements will be allocated;

WHEREAS, there is provided with this Resolution a summary of the essential terms of the Settlement Agreements, the deadlines related to the effective dates of the Settlement Agreements, the ramifications associated with the County's refusal to enter into the Settlement

Agreements, the form of the Allocation MOU, the form of the AG MOU, and an overview of the process for finalizing the Settlement Agreements;

WHEREAS, the County, by this Resolution, shall establish the Opioid Abatement Account for the receipt of the proceeds of the Settlement Agreements consistent with the terms of this Resolution;

WHEREAS, the County's Opioid Abatement Account shall be separate from the County's general fund, shall not be commingled with any other County funds, and shall be dedicated to funding opioid abatement measures as provided in the Settlement Agreements;

WHEREAS, pursuant to the County's engagement agreement with the Law Firms, the County shall pay up to an amount equal to 25% of the proceeds from successful resolution of all or part of the Litigation, whether through settlement or otherwise, plus the Law Firms' costs and disbursements, to the Law Firms as compensation for the Law Firms' efforts in the Litigation and any settlement;

WHEREAS, the Law Firms anticipate making application to the national fee fund established in the Settlement Agreements seeking payment, in whole or part, of the fees, costs, and disbursements owed the Law Firms pursuant to the engagement agreement with the County;

WHEREAS, it is anticipated the amount of any award from the fee fund established in the Settlement Agreements will be insufficient to satisfy the County's obligations under the engagement agreement with the Law Firms;

WHEREAS, the County, by this Resolution, and pursuant to the authority granted the County in the applicable Order emanating from the Litigation in relation to the Settlement Agreements and payment of attorney fees, shall execute an Escrow Agreement, which shall among other things direct the escrow agent responsible for the receipt and distribution of the proceeds from the Settlement Agreements to establish an account for the purpose of segregating funds to pay the fees, costs, and disbursements of the Law Firms owed by the County (the "Attorney Fees Account") in order to fund a state-level "backstop" for payment of the fees, costs, and disbursements of the Law Firms;

WHEREAS, in no event shall payments to the Law Firms out of the Attorney Fees Account and the fee fund established in the Settlement Agreements exceed an amount equal to 25% of the amounts allocated to the County in the Allocation MOU;

WHEREAS, the intent of this Resolution is to authorize the County to enter into the Settlement Agreements, the Allocation MOU, and the AG MOU, establish the County's Opioid Abatement Account, and establish the Attorney Fees Account; and

WHEREAS, the County, by this Resolution, shall authorize the County's corporation counsel to finalize and execute any escrow agreement and other document or agreement necessary to effectuate the Settlement Agreements and the other agreements referenced herein;

NOW, THEREFORE, BE IT RESOLVED: the County Board of Supervisors hereby approves:

1. The execution of the Distributors Settlement Agreement and any and all documents ancillary thereto and authorizes the Board Chair to execute same.
2. The execution of the Janssen Settlement Agreement and any and all documents ancillary thereto and authorizes the Board Chair to execute same.
3. The final negotiation and execution of the Allocation MOU in form substantially similar to that presented with this Resolution and any and all documents ancillary thereto and authorizes the Board Chair to execute same upon finalization provided the percentage share identified as allocated to the County is substantially similar to that identified in the Allocation MOU provided to the Board with this Resolution.
4. The final negotiation and execution of the AG MOU in form substantially similar to that presented with this Resolution and any and all documents ancillary thereto and authorizes the Board Chair to execute same.
5. The corporation counsel's negotiation and execution of the Escrow Agreement for the receipt and disbursement of the proceeds of the Settlement Agreements as referenced in the Allocation MOU.

BE IT FURTHER RESOLVED: the County hereby establishes an account separate and distinct from the County's general fund which shall be titled "Opioid Abatement Account." All proceeds from the Settlement Agreements not otherwise directed to the Attorney Fees Account established under the Escrow Agreement shall be deposited in the

Opioid Abatement Account. The Opioid Abatement Account shall be administered consistent with the terms of this Resolution, Wis. Stat. § 165.12(4), and the Settlement Agreements.

BE IT FURTHER RESOLVED: the County hereby authorizes the escrow agent under the Escrow Agreement to establish an account separate and distinct from any account containing funds allocated or allocable to the County which shall be referred to by the County as the "Attorney Fees Account." The escrow agent shall deposit a sum equal to up to, but in no event exceeding, an amount equal to 20% of the County's proceeds from the Settlement Agreements into the Attorney Fees Account. If the payments to the County are not enough to fully fund the Attorney Fees Account as provided herein because such payments are made over time, the Attorney Fees Account shall be funded by placing up to, but in no event exceeding, an amount equal to 20% of the proceeds from the Settlement Agreements attributable to Local Governments (as that term is defined in the Allocation MOU) into the Attorney Fees Account for each payment. Funds in the Attorney Fees Account shall be utilized to pay the fees, costs, and disbursements owed to the Law Firms pursuant to the engagement agreement between the County and the Law Firms provided, however, the Law Firms shall receive no more than that to which they are entitled under their fee contract when considering the amounts paid the Law Firms from the fee fund established in the Settlement Agreements and allocable to the County. The Law Firms may make application for payment from the Attorney Fees Account at any time and the County shall cooperate with the Law Firms in executing any documents necessary for the escrow agent to make payments out of the Attorney Fees Account.

BE IT FURTHER RESOLVED that all actions heretofore taken by the Board of Supervisors and other appropriate public officers and agents of the County with respect to the matters contemplated under this Resolution are hereby ratified, confirmed and approved.

Adopted by the Marathon County Board of Supervisors this 14TH day of December, 2021.

EXECUTIVE COMMITTEE

Discussion: Clarification given by Chair Gibbs.

Action: MOTION BY LANGENHAHN, SECOND BY MCEWEN, TO ADOPT THE RESOLUTION. MOTION CARRIED ON A VOICE VOTE, UNANIMOUSLY.

Follow through: None.

RESOLUTION #R-90-21

Resolution on Reduction in Bed Licenses at Mount View Care Center

WHEREAS, Mount View Care Center currently maintains a licensure of 188 nursing home beds with 23 beds in reserve; and

WHEREAS, with 23 beds in reserve, Mount View Care Center pays bed tax on a total of 165 beds; and

WHEREAS, the 2022 daily census occupancy target for Mount View Care Center has been set at 136 based upon continued construction activity at the facility; and

WHEREAS, Mount View Care Center and NCHC continue to face fiscal pressures related to staffing costs and continued volatility associated with the COVID-19 pandemic; and

WHEREAS, North Central Health Care (NCHC) leadership is recommending that thirty-four (34) of the 188 beds licensed at Mount View Care Center be placed into reserve with the State of Wisconsin during the pendency of the ongoing construction at Mount View Care Center; and

WHEREAS, placing 34 beds in reserve will allow Mount View Care Center to operate with 154 licensed and active beds, an amount greater than the 2022 daily census occupancy target, while paying bed tax on only those 154 beds that are active and not in reserve; and

WHEREAS, on November 3, 2021, the Health and Human Services Committee considered the recommendation from NCHC leadership and voted to support the approval of a licensure for 188 beds at Mount View Care Center with 154 beds being active and 34 beds being held in reserve.

NOW, THEREFORE, BE IT RESOLVED that the County Board of Supervisors of Marathon County does hereby ordain and resolve as follows: To approve a licensure for 188 Beds with 154 being active and 34 being held in reserve at Mount View Care Center Nursing Home.

Respectfully submitted this 14TH day of December 2021.

Health & Human Service Committee

Discussion: Clarification given by Chair Gibbs.

Action: MOTION BY BUTTKE, SECOND BY ROBINSON, TO ADOPT THE RESOLUTION. MOTION CARRIED ON A VOICE VOTE, UNANIMOUSLY.

Follow through: None.

Announcements or Requests

Chair Gibbs – Informed Supervisors that when using personal emails to conduct county business, the emails must be available for an open records request for a period of 7 years.

Chair Gibbs - Thank you cards received from Pat Schlei and Supervisor Robinson thanking the board for there condolences.

Clerk Trueblood – The deadline for non-candidacy forms to be turned in is Friday December 24th by 5:00pm. The deadline for signatures, declaration of candidacy, campaign finance registration statement, is January 4th at 5:00pm.

Supervisor Langenhahn – The public hearing on the County’s Animal Waste Ordinance is on January 4 @ 3pm in the courthouse assembly room.

Chair Gibbs – Happy Holidays to everyone.

Adjournment

MOTION BY GUMZ, SECOND BY ROSENBERG, TO ADJOURN. MOTION CARRIED ON A VOICE VOTE, UNANIMOUSLY. Meeting adjourned at 8:09 p.m.

- Minutes prepared by Patricia Hornung, Administrative Specialist.