

MARATHON COUNTY BOARD OF SUPERVISORS
ADJOURNED ANNUAL MEETING
Tuesday, October 26, 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: None.

B. EDUCATION PRESENTATIONS/REPORTS

7. None.

C. CONSENT AGENDA:

8. Approval of minutes from the September 16 & 21, 2021 meetings.
9. Referral of bills and communications to respective committees.
10. Authorizing the Clerk to issue orders, bills and claims from the last session through this session.
11. Confirmation of Appointments:
 - a) Infrastructure Committee, Chair, Executive Committee, Environmental Resources Committee, Land Information Council – Randy Fifrick
 - b) Board of Health – Tara Draeger
 - c) Aging and Disability Resource Center of Central Wisconsin, Advisory Committee – Randi Hartwig & Dana Macalalad
12. Enactment of Ordinances
 - a) Environmental Resources Committee:
 1. Town of Rib Falls Rezone – Tim Vreeland on behalf of Chad & Jenny Stieber #O-36-21
 2. Town of Hewitt Rezone – Herbert & Sheri Naef #O-37-21
 3. Gown of Frankfort Rezone – Loren Weiland #O-38-21
13. Adoption of Resolutions:
 - a) Environmental Resources Committee:
 1. Approval of Town of Texas Local Zoning Ordinance Amendment #R-70-21
 - b) Infrastructure Committee:
 1. Resolution Approving Decision-Making Process for 28th Avenue Corridor #R-71-21

D. MEMORIAL:

14. Life and Public Service of Arnold Schlei

E. ORDINANCE:

15. Amending Section 7.125 of the Marathon County Code Relating to the Designation of ATV/UTV Routes and Trails and Regulation of ATV/UTV Operation within Marathon County #O-39-21

RESOLUTIONS

F. INFRASTRUCTURE COMMITTEE:

16. County Bridge / Culvert Aid #R-76-21

G. HUMAN RESOURCES, FINANCE, & PROPERTY COMMITTEE:

- 17. Create a 1.0 FTE Social Service Coordinator Grant funded #R-72-21
- 18. Final Resolution Regarding Unconditional County Guaranty of its Pro Rata Share Intergovernmental Agreement and Taxable Revenue Bond Financing for Bug Tussel 1, LLC Project #R-73-21
- 19. Approve 2021 Budget Transfers for Marathon County Department Appropriations #R-74-21

H. EXECUTIVE COMMITTEE:

20. Resolution in Opposition to Proposed Legislation on use of ARPA for Housing #R-75-21

I. MISCELLANEOUS BUSINESS:

- 21. Announcements and Requests.
- 22. 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.....	22
John Robinson.....	4	Chris Voll.....(excused).....	23
Ka Lo.....	5	Jean Maszk.....	24
Jeff Johnson.....	6	Sandi Cihlar.....	25
Rebecca Buch.....(excused).....	7	Brent Jacobson.....	26
Kelley Gabor.....	8	Thomas Seubert.....(excused).....	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.....	13	Kurt Gibbs.....	32
Rick Seefeldt.....(excused).....	14	Tim Buttke.....	33
Randy Fifrick.....(7:45).....	15	Gary Beastro.....	34
William Conway.....	16	Jacob Langenhahn.....(excused).....	35
Aarrestad, Jennifer.....	17	Bruce Lamont.....	36
Craig McEwen.....	18	Allen Opall.....	37
Yee Leng Xiong.....	19	Jonathan Fisher.....	38

6. **Acknowledgement of Visitors**

Chairperson Gibbs acknowledged and welcomed visitors to the meeting.

7. **Public Comment**

None

C. **CONSENT AGENDA**

Discussion: None.

Action: MOTION BY BUTTKE, SECOND BY DICKINSON TO APPROVE AGENDA ITEMS C8-C13, B1 AS LISTED ON THE CONSENT AGENDA. MOTION CARRIED ON A VOICE VOTE, UNANIMOUS. As part of the consent agenda, minutes of the September 16 & 21, 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. The following appointments were confirmed.

Follow Through: None.

APPOINTMENT
Supervisor Fifrick – Committee Appointments

I, Kurt Gibbs, Chairman of the Marathon County Board of Supervisors, do hereby upon approval of the Board, appoint Randy Fifrick, 1555 Greenwood Drive, Kronenwetter, to the following Marathon County Board Committees:

Infrastructure Committee (Chair)
Executive Committee
Environmental Resources Committee
Land Information Council

These appointments will expire at the Organizational County Board meeting in April, 2022.

Dated: October 26, 2021

APPOINTMENT
Board of Health

I, Lance Leonhard, Marathon County Administrator, do hereby upon approval of the Board of Supervisors, appoint the following to the Board of Health for a five year term to expire December 31, 2026:

Tara Draeger, 235827 N. 128th Ave, Wausau, WI

Per diem and mileage/expense reimbursement is allowed, paid upon request.

Dated this 26th day of October, 2021.

APPOINTMENT
Aging and Disability Resource Center of Central Wisconsin Advisory Committee

I, Kurt Gibbs, Chairperson of the Marathon County Board of Supervisors, do hereby upon approval of the Board, appoint the following to the Aging and Disability Resource Center of Central Wisconsin (ADRC-CW) Advisory Committee for three year terms to expire December 31, 2024:

Randi Hartwig (Marathon County), 1893 Judy Dr, Kronenwetter

Dana Macalalad (Marathon County), 159568 Shamrock Road, Wausau

Dated this 26th day of October, 2021.

ORDINANCE # O-36-21
Town of Rib Falls 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 Tim Vreeland on behalf of Chad & Jenny Stieber to rezone lands from G-A General Agriculture to R-E Rural Estate described as part SW ¼ of the SW ¼ Section 36, Township 29 North, Range 05 East, Town of Rib Falls. The area proposed to be rezoned is described as Lot #1 (5.344 acres) on the preliminary Certified Survey Maps (CSM) submitted with the rezone petition; parent parcel PIN# 066.2905.363.0996 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 October 5, 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 Rib Falls 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 5th day of October, 2021
ENVIRONMENTAL RESOURCES COMMITTEE

ORDINANCE # O-37-2121
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 Naef Farms INC (Herbert and Sheri Naef) to amend the Marathon County Zoning Ordinance from G-A General Agriculture to L-D-R Low Density Residential and L-D-R Low Density Residential to G-A General Agriculture described as part of Govt. Lot 3; Section 06, Township 30 North, Range 09 East, Town of Hewitt. The area proposed to be rezoned to L-D-R is described as part of Lot #1 (1.583 acres total) and the area proposed to be rezoned to G-A is described as Outlot 1 (0.414) on the preliminary Certified Survey Map (CSM) submitted with the rezone petition; areas proposed to be rezone have parent parcel PIN#'s 040.3009.065.0995 and 040.3009.065.0997; Address 166937 County Line Road, Merrill WI 54452

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 October 5, 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 5th day of October, 2021
ENVIRONMENTAL RESOURCES COMMITTEE

ORDINANCE # O-38-21
Town of Frankfort 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 Loren Weiland to rezone lands from G-A General Agriculture to R-E Rural Estate described as part of the SW ¼ of the SW ¼ of Section 18, Township 28 North, Range 03 East, Town of Frankfort. The area proposed to be rezoned is described as all of the existing Lot #1 (10.10 acres) on the Certified Survey Map (CSM) Vol. 84 Pg. 31, Parcel PIN# 026.2803.184.0989; Address 110156 County Road N, Colby WI 54421

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 October 5, 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 Frankfort 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 5th day of October, 2021
ENVIRONMENTAL RESOURCES COMMITTEE

RESOLUTION #R-70-21
Approval of Town of Texas Local Zoning Ordinance Amendment

WHEREAS, to §60.62(3) Wis. Stats provides that any Zoning Ordinance and/or map adopted by a Town Board and any amendment thereof shall be subject to the approval of the County Board in counties having a county zoning ordinance, and

WHEREAS, the Town Board of the Town of Texas has amended their zoning as shown on the attached report, and

WHEREAS, the Marathon County Environmental Resources Committee, having considered the request to review amendments of the Town Zoning Ordinance filed by the Clerk of the Town of Texas, and duly advised action by the Town, hereby recommends that the County Board approves this amendment as attached.

NOW, THEREFORE BE IT RESOLVED, that the Marathon County Board of Supervisors hereby approves the amendment to the Town of Texas Zoning Ordinance as attached and made part of this record, all of which to be filed with the Marathon County Clerk.

Dated this 5th day of October, 2021

ENVIRONMENTAL RESOURCES COMMITTEE

RESOLUTION #R-71-21

Resolution Approving Decision-Making Process for 28th Avenue Corridor

WHEREAS, Marathon County owns certain property in the City of Wausau and Village of Maine along the 28th Avenue Corridor. This property was purchased by Marathon County for potential future expansion of county roads, and the corridor itself is designated as a county highway corridor; and

WHEREAS, the Marathon County Highway Commissioner has developed the attached decision-making process to assist the Marathon County Board of Supervisors in determining whether to maintain the 28th Avenue Corridor map in its current state, transfer county-owned property to appropriate municipalities, or divest properties through public sale and remove the corridor's designation as a county corridor map; and

WHEREAS, the Infrastructure Committee of the Marathon County Board of Supervisors voted to approve the attached decision-making process and forward the same onto the Marathon County Board of Supervisors for consideration.

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

The Marathon County Board of Supervisors adopts the attached decision-making process and directs County staff to execute the process as outlined.

Dated the 26th day of October, 2021.

INFRASTRUCTURE COMMITTEE

As part of the Consent Agenda, the above Appointments were confirmed, Ordinance #'s O-36-21 - O-38-21 were enacted and Resolution #'s, R-70-21 – R-71-21 were adopted.

MEMORIAL

Life and Public Service of Arnold "Arnie" Schlei

Arnie Schlei, 73, passed away on Wednesday, October 13, 2021. He was born to Albert and Esther Schlei and grew up in eastern Marathon County.

Arnie attended DC Everest High School, graduating in 1966. It was there that he met his wife, Pat, and they were married for 52 years. Pat survives, along with sons Chad and Scott, daughters-in-law Bobbi and Amy, grandchildren August, Violet, Sophie, and Zachary, siblings, nieces, nephews, and friends.

Arnie was a member of the Army Reserves, receiving an Honorable Discharge as a Staff Sergeant.

In addition to founding a construction company and operating his family veal farm, he served his community in numerous ways. The Town of Easton was fortunate to have Arnie as a building inspector for two years, Town Supervisor for six years, and Town Chairman for 28 years. He also served on the Wisconsin Towns Association as an officer and as president. He was also Director of Wisconsin County Forests Association. He shared his knowledge of and love for the outdoors with future generations by teaching at the DC Everest School Forest.

Arnie was elected to the Marathon County Board of Supervisors in 2010, representing District 14 and then District 12. During his tenure on the Board, he served on the Human Resources Committee, Forestry and Recreation Committee, Infrastructure Committee, Environmental Resources Committee, Public Safety Committee, Board of Adjustment and Metallic Mining Committee.

He was a lifelong member of Zion Lutheran Church in Aniwa. He enjoyed playing cards with friends, and especially loved the company of his family. Even in death, he served others as an organ and tissue donor.

In the passing of Arnie Schlei, we have lost a leader who was dedicated to serving his community in numerous ways. He is hereby honored and remembered for his faithful public service.

NOW, THEREFORE, BE IT RESOLVED by the Marathon County Board of Supervisors that they enter this Memorial into the proceedings of the Board out of respect for the memory of Arnold "Arnie" Schlei. A copy of this memorial shall be sent to his family with the sympathies of the Board.

Dated this 26th day of October, 2021.

Discussion: Chair Gibbs asked Clerk Trueblood to read the memorial.

Action: MOTION BY CHRISTENSEN, SECOND BY MASZK TO APPROVE. MOTION CARRIED ON A VOICE VOTE, UNANIMOUSLY.

Follow through: Moment of silence observed.

ORDINANCE #O-39-21

Amending Section 7.125 of the Marathon County Code Relating to the Designation of ATV/UTV Routes and Trails and Regulation of ATV/UTV Operation within Marathon County

WHEREAS, § 7.125 of the General Code of Ordinances for Marathon County addresses regulation of ATVs and UTVs in Marathon County; and

WHEREAS, on October 13, 2021, the Infrastructure Committee of Marathon County voted to amend § 7.125, as outlined in the attached document, to designate certain county highway segments as ATV/UTV routes if the highway segment meets the outlined criteria, to alter the operating hours for ATVs and UTVs on designated routes, and to update the ordinance to be consistent with requirements of state law.

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

1. To amend section 7.125 of the General Code of Ordinances, pursuant to the attached.

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

Dated the 26th day of October, 2021.

INFRASTRUCTURE COMMITTEE

Discussion: has it gone through Public Safety Committee.

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

Discussion: Comments made to pass the resolution as state data, input from 46 other counties and input from the Sheriff's dept were all reviewed when considering the resolution. Comments made that we should look into the safety aspect in regards to traffic counts, differences of speeds and mandating reflective tape, by having the Public Safety Committee review. The risk of ATV/UTV vehicles using the same roads as trucking companies and the potential risk was voiced. Comment made that by opening the trails it creates a mechanism to connect trails and that ATV/UTV owners understand the risk.

Question asked and answered regarding if different time changes of the year were taken into consideration when considering the hours of operation. Comment made that by having a standard time and opening the roads this helps with enforcement. Comment made that townships have yearly reviews and during that time it can be requested to have roads closed and signage cost could be reduced by putting signs only on the roads that were closed. Annual review by towns was clarified by Corporation Counsel Michael Puerner.

Roll call vote requested by Lamont. Gibbs clarified that an Aye is in support of moving to the Public Safety Committee, Nay does not.

Action: MOTION TO REFER TO PUBLIC SAFETY COMMITTEE BY CHRISTENSEN, SECOND BY KRAUSE. MOTION CARRIED ON A ROLL CALL VOTE 19-13

AYE: Aarrestad, Bizzotto, Bootz, Buttke, Conway, Fifrick, Fisher, Gabor, Gibbs, Gonnering, Harris, Krause, Lo, McEwen, Opall, Robinson, Rosenberg, Van Krey, Xiong - 19

Nay: Beastron, Christensen, Cihlar, Dickinson, Drabek, Guild, Gumz, Jacobson, Johnson, Lamont, Leahy, Maszk, Oberbeck - 13

Follow through: Resolution is referred to Public Safety.

RESOLUTION #R-76-21 County Bridge / Culvert Aid

WHEREAS, various municipalities hereinafter named have filed petitions for County Aid for construction of bridges under Section 82 08 of the Statutes, said petitions are hereby granted and the County's anticipated share is appropriated as follows:

<u>Town-Village-City</u>	<u>Bridge or Culvert</u>
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Berlin	Skye Falls Drive	0.3 mile east of STH 107
Day	Kraus Street	300' east of Veerland Lane
Day	Grand Meadow Road	0.25 mile north of Kraus Street
Eau Pleine	B37-0301 6678-01-70	Equity Road over Noisy Creek
Eau Pleine	Big Rapids Road	0.75 mile west of STH 97
Green Valley	P37-0360 6688-00-70	Rangeline Road over Little Eau Pleine River
Halsey	County Line Road	1/4 mile west of Halsburt Lane
Halsey	Nehrbass Road	1/3 mile south of County Road L
Halsey	Felbaum Road	1/2 mile south of CTH L
Hamburg	Schoolhouse Lane	1/2 mile south of Lincoln Drive
Hamburg	Schoolhouse Lane	500' south of CTH L
Holton	P37-017 Fence Road	0.75 mile west of CTH F
Holton	Oriole Lane	0.4 mile north of Draper Road
Holton	B37-0321	Holton Road over Big Eau Pleine River
Kronenwetter	Peplin Road	300' north of 16th Road
McMillan	Mann Street	1/4 mile east of Lincoln Ave
McMillan	P37-0174	Staad Ave over Little Eau Plein River
Rib Falls	Sandstone Falls Trail	0.2 mi west Grass Creek Ln
Rib Falls	P37-0194 9525-01-70	18th Street over Branch Big Rib River
Rib Mountain	Swan	0.2 mile south of Parrot Lane
Rietbrock	Snowy Owl Road	1/3 mile west of CTH M
Ringle	P37-928	Abt Road Bridge Repair
Stettin	Decator Drive	0.2 mile east of N 80th Ave
Stettin	P37-0203 9526-00-70	Stettin Drive over Artus Creek
Stettin	P37-0204 9526-00-71	Highland Drive over Artus Creek
Wausau	Mcintosh Road	500' west of CTH X
Wausau	Evergreen Road	1/4 mile east of Jim Moore Creek
Wausau, City of	Bridge Street	Wisconsin River Bridge
Wien	Aspen Road	1/2 mile north of Four Mile Road

TOTAL PROJECT COSTS: \$960,000

TOTAL COUNTY BRIDGE OR CULVERT AID APPROPRIATION: \$480,000

City of Wausau Bridge Street project will be reimbursed in program years 2020-2023. The annual payment for this project will be the remaining balance after all other projects are deducted from the Total Appropriation.

THEREFORE, BE IT RESOLVED, that the County Board does hereby levy a tax on all of the property in the County which is taxable for such purposes as to meet such total appropriations; and

BE IT FURTHER RESOLVED that the provisions for this levy shall be made in the County Budget, but that this levy shall not be duplicated.

Dated the 9th day of September, 2021

INFRASTRUCTURE COMMITTEE

Discussion: None.

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

Follow through: None.

**RESOLUTION #R-72-21
Create 1.0 FTE Social Service Coordinator (Grant Funded)**

WHEREAS, the overarching goal of Marathon County is to be the healthiest, safest, and most prosperous county in Wisconsin; and

WHEREAS, the mission of the Marathon County Department of Social Services is to strengthen individuals and families by coordinating and providing resources that promote safety and maximize independence to build a strong and health community; and

WHEREAS, the Department of Social Services has identified the need to create a more robust approach to services currently offered and increase the support of families effectively and long term; and

WHEREAS, to accomplish this goal, the Department of Social Services is requesting the creation of a grant funded 1.0 Social Service Coordinator position; and

WHEREAS, the intent of this new position is to support the coordination of all services offered through the ELEVATE grant that the Marathon County Department of Social Services – Child Support Unit has received; and

WHEREAS, ELEVATE (Empowering Lives through Vocational Assessment and Training and Education) is a systems change grant awarded to five counties; and

WHEREAS, Marathon County has excelled in enrollment for this program, and thus, been awarded additional grant dollars to expand capacity; and

WHEREAS, the employee in this position will work directly with partners and participants to determine potential eligibility, enrollments, referrals to parenting services, and offering employment services; and

WHEREAS, on October 6, 2021, the Health and Human Services Committee voted to recommend the creation of this 1.0 FTE Social Service Coordinator position; and

WHEREAS, on October 18 2021, the Human Resources, Finance and Property Committee also voted to recommend the creation of this 1.0 FTE Social Service Coordinator position to the County Board.

NOW, THEREFORE, BE IT RESOLVED: that the Board of Supervisors of the County of Marathon hereby creates a 1.0 FTE Social Service Coordinator position within the Marathon County Department of Social Services.

Respectfully submitted this 26th day of, October 2021.

HUMAN RESOURCES, FINANCE AND PROPERTY COMMITTEE

Discussion: None.

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

Follow through: None.

RESOLUTION #R-73-21

Final Resolution Regarding Unconditional County Guaranty of its Pro Rata Share, Intergovernmental Agreement and Taxable Revenue Bond Financing for Bug Tussel 1, LLC Project

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

Section 1 Recitals.

1.01 Under Wisconsin Statutes, Section 66.1103, as amended (the “Act”), the Issuer (as hereinafter defined) is authorized and empowered to issue revenue bonds to finance eligible costs of qualified “projects” (as defined in the Act), and to enter into “revenue agreements” (as defined in the Act) with “eligible participants” (as defined in the Act).

1.02 Bug Tussel 1, LLC, a Wisconsin limited liability company (the “Borrower”), Hilbert Communications, LLC, a Wisconsin limited liability company (the “Company” and the “Guarantor”) and/or one or more of its affiliates (including, without limitation, Bug Tussel Wireless, LLC and Cloud 1, LLC), whether existing on the date hereof or to be formed and whether owned directly or indirectly by the Company, desires to finance a project consisting of the acquisition, construction and installation of certain telecommunications infrastructure that includes, among other things (i) acquisition of tower sites by purchase or lease of land and equipping such sites with towers and electronics to provide broadband, high speed cellular, emergency communications and point to point (P2P) data communications; (ii) constructing fiberoptic data transmission facilities (cable and electronics) between towers, key community facilities, businesses and residential aggregation points; (iii) where appropriate, connecting individual premises into the broadband network including the cost of Consumer Premise Equipment (CPE); (iv) payment of capitalized interest; (v) funding of a debt service reserve fund; (vi) payment of such project costs located in Marathon County to be financed with bonds in an amount not to exceed \$25,000,000; and (vii) payment of professional fees (collectively, the “Project”), all of which will be for the purpose of providing wireless internet and telephone communications services to businesses, governmental units and residents of rural communities where such service is currently unavailable or is prohibitively expensive.

1.03 The Project will be constructed and installed in the following Wisconsin counties (each a “Participating County” and collectively, the “Participating Counties”): (i) Calumet County, (ii) Fond du Lac County, (iii) Iron County, (iv) Jackson County, (v) Marathon County, and (vi) Waushara County.

1.04 The Act authorizes the Issuer to make loans to an eligible participant, in connection with financing a qualified project.

1.05 Pursuant to initial resolutions duly adopted by (i) the Calumet County Board on September 21, 2021, (ii) the Fond du Lac County Board on August 17, 2021, (iii) the Iron County Board on August 31, 2021, (iv) the Jackson County Board on September 20, 2021, (v) the Marathon County Board on September 21, 2021, and (vi) the Waushara County Board on September 21, 2021, the Participating Counties expressed their intention to enter into an Intergovernmental Agreement (the "Intergovernmental Agreement") by and among Calumet County, Fond du Lac County, Iron County, Jackson County, Marathon County, and Waushara County, pursuant to which one of the Participating Counties would issue revenue bonds to be issued in one or more issues or series in an aggregate amount not to exceed \$240,000,000 to finance the Project. Notices of adoption of the initial resolutions adopted by the respective Participating Counties on August 17, 2021, August 31, 2021, September 20, 2021, and September 21, 2021, were published as provided in the Act, and no petition requesting a referendum upon the question of issuance of the revenue bonds has been filed in any Participating County.

1.06 The Participating Counties shall enter into an Intergovernmental Agreement to appoint Fond du Lac County as the issuer of the conduit revenue bonds (the "Issuer") for the purpose of financing the Project on behalf of the Borrower.

1.07 The Borrower has requested that Marathon County and each Participating County who will directly benefit from the Project provide an unconditional guaranty (the "County Guaranty") to enhance the collateral position of the Borrower in an amount equal to Marathon County's or such Participating County's pro rata share of the principal of and interest on the Bonds in an amount necessary to replenish the debt service reserve fund, which for Marathon County will be in an amount not to exceed \$25,000,000 (plus interest to accrue thereon annually over the life of the Bonds at a rate not to exceed 4.00%).

1.08 The Guarantor will provide a guaranty (the "Hilbert Guaranty") to Marathon County, and each Participating County, guaranteeing the full and prompt payment to Marathon County, and each Participating County, of amounts due from the Borrower pursuant to, and the performance of all other obligations, covenants and agreements of the Borrower under the Reimbursement Agreements by and between the Borrower and each of the Participating Counties, the Intergovernmental Agreement, and the Mortgage or Leasehold Mortgage, Assignment of Leases and Rents, Security Agreement, and Fixture Financing Statement referenced below.

1.09 The Borrower will have the primary obligation to make all scheduled principal and interest payments when due, and each Participating County's guaranty will apply only in the event that the Borrower does not pay such debt service as required and a draw is made on the debt service reserve fund for the Bonds (defined below) established under the Indenture.

1.10 In return for each Participating County's Guaranty, each Participating County shall receive a guaranty fee as further described in Section 3.02, and the Borrower and the Guarantor will pay any and all costs of each Participating County and all expenses incurred by each Participating County related to the bond issue.

1.11 As further security for the County Guaranty, Marathon County and each Participating County shall receive a first fee or leasehold mortgage on all land, buildings, and improvements of the Borrower and a first security interest in all fixtures and equipment of the Borrower located in the applicable county in which the Project financed with proceeds of the Bonds is constructed.

1.12 The Project includes necessary infrastructure for essential services, including emergency response and public safety communications by and for Marathon County and local units of government in Marathon County and is in furtherance of the public purposes set forth in the Act, Wisconsin Statutes, Section 59.54, and promotes the economic development and well-being of Marathon County.

1.13 The following documents have been submitted to this County Board and are ordered filed in the office of the County Clerk:

- (a) a Preliminary Limited Offering Memorandum;
- (b) a Bond Purchase Agreement by and among UBS Financial Services Inc., as underwriter, and the Issuer, with the Letter of Representations from the Borrower and accepted and agreed to by the Issuer;
- (c) an Indenture of Trust (the "Indenture") by and between the Issuer and U.S. Bank National Association, as trustee (the "Trustee");
- (d) a Loan Agreement (the "Loan Agreement") by and between the Issuer and the Borrower;
- (e) a Promissory Note from the Borrower to the Issuer, and assigned to the Trustee;
- (f) a Reimbursement Agreement from the Borrower to Marathon County and each of the Participating Counties;
- (g) a Facilities Access Agreement from the Borrower to Marathon County and each of the Participating Counties;
- (h) a form of Mortgage or Leasehold Mortgage, Assignment of Leases and Rents, Security Agreement, and Fixture Financing Statement from the Borrower to Marathon County and each of the Participating Counties;
- (i) a Continuing Disclosure Agreement;
- (j) a Guaranty Agreement (Hilbert Guaranty) from the Guarantor to Marathon County;

- (k) a Borrower's Closing Certificate;
- (l) an Intergovernmental Agreement; and
- (m) the unconditional County Guaranty from Marathon County and the unconditional County Guaranty from each of the Participating Counties.

Section 2 Findings and Determinations.

It is hereby found and determined that:

- (a) based on representations of the Borrower, the Project constitutes a "project" authorized by the Act;
- (b) the purpose of the Issuer's financing costs of the Project is and the effect thereof will be to promote the public purposes set forth in the Act;
- (c) the Project includes necessary infrastructure for essential services by and for Marathon County and local units of government in Marathon County and is in furtherance of the public purposes set forth in the Act, Wisconsin Statutes, Section 59.54, and promotes the economic development and well-being of Marathon County;
- (d) it is desirable that a series of taxable revenue bonds in the aggregate principal amount not to exceed \$78,000,000 (the "Bonds") be issued by the Issuer upon the terms set forth in the Indenture and Loan Agreement, under the provisions of which the Issuer's interest in the Indenture and Loan Agreement (except for certain rights as provided therein) and the loan repayments will be assigned to the Trustee as security for the payment of principal of and interest on and premium, if any, on all the Bonds outstanding under the Indenture;
- (e) the loan payments provided for in the Loan Agreement, and the formula set out for revising those payments under the Loan Agreement as required under the Act, are sufficient to produce income and revenue to provide for prompt payment of principal of and interest on and premium, if any, on Bonds issued under the Indenture when due; the amount necessary in each year to pay the principal of and interest on the Bonds is the sum of the principal and interest on the Bonds due in such year, whether on a stated payment date, a redemption date, or otherwise; the Loan Agreement provides that the Borrower shall provide for the maintenance of the Project in good repair, keeping it properly insured; and
- (f) under the provisions of the Act, the Bonds shall be limited obligations of the Issuer and the Bonds do not constitute an indebtedness of the Issuer or the Participating Counties within the meaning of any state constitutional or statutory provision, and do not constitute nor give rise to a charge against the Issuer's or the Participating Counties' general credit or taxing powers or a pecuniary liability of the Issuer or the Participating Counties.

Section 3 Approvals and Authorizations; Authentication of Transcript.

3.01 There is hereby approved the issuance by the Issuer of its Taxable Revenue Bonds, Series 2021 (Bug Tussel 1, LLC Project) (specifically, the Bonds) in an aggregate principal amount not to exceed \$78,000,000, for the purpose of financing the Project.

3.02 (a) In furtherance of the public purposes recited above, Marathon County shall provide an unconditional County Guaranty to enhance the collateral position of the Borrower in an amount equal to Marathon County's pro rata share of the principal of and interest on the Bonds in an amount necessary to replenish the debt service reserve fund in an amount not to exceed \$25,000,000 (plus interest to accrue thereon annually over the life of the Bonds at a rate not to exceed 4.00%). In return for its County Guaranty, Marathon County shall receive either (i) an annual guaranty fee equal to 40 basis points (0.40%) of the outstanding par amount of the Bonds covered by its County Guaranty, payable on a semi-annual basis on each May 1 and November 1, or (ii) a discounted upfront guaranty fee as agreed to by the Borrower and Marathon County. Prior to issuance of the Bonds, each Participating County on behalf of which Bonds are being issued shall have each authorized the execution and delivery of its respective County Guaranty.

(b) There is hereby authorized the issuance by Marathon County of general obligation promissory notes pursuant to Wisconsin Statutes, Section 67.12(12) to finance payment of the County Guaranty. The terms and provisions of any such notes shall be established pursuant to a subsequent resolution of this County Board.

3.03 Marathon County hereby authorizes the execution and delivery of the Intergovernmental Agreement, the County Guaranty and the other documents listed in Section 1.13 above to which Marathon County is a signatory.

3.04 Subject to the conditions set forth herein, the County Board Chairperson is authorized and directed to execute and deliver the County Guaranty, the Intergovernmental Agreement and the other documents listed in Section 1.13 above to which Marathon County is a signatory.

3.05 The County Board Chairperson and the County Clerk of Marathon County are authorized to prepare and furnish to the Trustee and bond counsel certified copies of all proceedings and records of the Marathon County of relating to the Bonds, and such other affidavits and certificates as may be required by the Trustee and bond counsel.

3.06 The approval hereby given to the various documents referred to in this Resolution includes the approval by the County Administrator of the addition, deletion, or modification of operational details within those documents and the approval of additional documents or agreements as may be necessary and appropriate for execution of the policy

approved within this Resolution. The execution of any document by the appropriate officer or officers of Marathon County herein authorized shall be conclusive evidence of the approval by Marathon County of such document in accordance with the terms hereof.

Dated October 26, 2021

HUMAN RESOURCES, FINANCE & PROPERTY COMMITTEE

Discussion: Chair Gibbs stated requires $\frac{3}{4}$ majority vote. Corporation Counsel Michael Puerner gave an update on negotiations.

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

Follow through: None.

RESOLUTION # R-74-21
Approve 2021 Budget Transfers For
Marathon County Department Appropriations

WHEREAS, Section 65.90(5)(a) 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, and

WHEREAS, the Human Resources, Finance and Property Committee has reviewed and does recommend the 2021 transfers listed below, and

NOW, THEREFORE, BE IT RESOLVED the Marathon County Board of Supervisors authorize and direct the budget transfers as listed below:

Transfer from: CPZ TBD 82485 State DNR grant

Transfer to: CPZ TBD 92190 Professional Services

Amount:\$150,000

Re: DNR-Draeger dairy Main Farm Notice of Discharge Grant

Transfer from: CPZ TBD 87130 State and Federal Transportation Grant

Transfer to: CPZ TDV 97170 Direct Payments

Amount:\$50,000

Re: Transit Planning Grant to develop a transit plan for Marathon County

Transfer from: Emergency Government TBD 87400 revenues from local governments grant

Transfer to: Emergency Government TBD 91100

Amount:\$10,000

Re: Emergency Management services agreement with the City of Wausau

Transfer from: Medical Examiner 207 110 9 Judicial state grants

Transfer to: Medical Examiner 207 110 9 various

Amount:\$19,125

Re: Overdose Grant 9/1/2020-8/31/2021

Transfer from: Medical Examiner 206 110 8 418 Judicial state grants

Transfer to: Medical Examiner 206 110 9 various

Amount:\$9,105

Re: Overdose Grant 9/1/2021-8/31/2022

That a Class 1 Notice of this transaction be published within (10) days of its adoption;

BE IT FURTHER RESOLVED that the County Board of Supervisors hereby authorizes

and directs the Marathon County Clerk to issue checks pursuant to this resolution and the Marathon County Treasurer to honor said checks.

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

Respectfully submitted this 26th day of October 2021.

HUMAN RESOURCES, FINANCE AND PROPERTY COMMITTEE

Discussion: Chair Gibbs stated requires $\frac{3}{4}$ majority vote.

Action: MOTION BY FISHER, SECOND BY OPALL TO ADOPT THE RESOLUTION. MOTION

CARRIED ON A VOICE VOTE, UNANIMOUSLY.

Follow through: None.

RESOLUTION #R-75-21

Resolution in Opposition to Proposed Legislation on use of ARPA for Housing

WHEREAS, on March 11, 2021, the American Rescue Plan Act of 2021 was signed into law designating \$350 billion dollars in COVID-19 relief funds to state, local, tribal, and territorial governments; and

WHEREAS, \$2.5 billion dollars of these funds were allocated to Wisconsin, with \$1.1 billion dollars in direct aid going to counties; and

WHEREAS, Assembly Bill 605 was introduced on October 8, 2021, requiring counties to expend the lesser of \$1M or 10% of ARPA funds on (1) workforce housing infrastructure (water, sewer, etc.); (2) establishing a loan program for rehabilitation of older workforce housing; (3) establishing a loan program for building new workforce housing; or (4) redeveloping old shopping malls; and

WHEREAS, the U.S. Treasury Guidance allows counties to expend ARPA funds on infrastructure without regard to any relationship between the expenditure and the impacts of the COVID; and

WHEREAS, in addition, many counties have already formed committees to discuss how to expend their respective ARPA allocations; and

WHEREAS, in some cases, counties have approved plans to designate over 95% of their federal funds; and

WHEREAS, Marathon County believes that it is in a better position to establish spending priorities to address local needs and has created an open and transparent process to all its residents to provide comments on the use of ARPA funds and is in the process of developing a plan in response to those comments; and

WHEREAS, the requirements in this bill preempt the authority of elected county boards to spend ARPA funds in a manner consistent with federal law and U.S. Treasury Guidance.

NOW, THEREFORE, BE IT RESOLVED that Marathon County oppose Assembly Bill 605 requiring political subdivisions to use a portion of ARPA funds toward workforce housing projects.

Dated 10/26/2021

EXECUTIVE COMMITTEE

Discussion: Comments made in support of and against the resolution. Comments made that the county should have the decision on how the funds are used as opposed to the state. Chair Gibbs clarified the amount of funds available.

Action: MOTION BY ROSENBERG, SECOND BY ROBINSON TO ADOPT THE RESOLUTION.

MOTION CARRIED ON A VOICE VOTE, NOT UNANIMOUSLY.

Follow through: None.

Announcements or Requests

Chair Gibbs - Western Towns Association meeting, October 28, 7pm, Town of Reitbrock

Supervisor Johnson - Matt Thums Wausau native, participant in the Team USA World Wheelchair-B Curling Championships

Supervisor Xiong – Hmong American Center, Cultural Meal Site grand opening, November 13, 11am

Supervisor Xiong – History Speaks in Your Town series, Jim and Marty Harris Museum, Jefferson Street Inn
Nov 20

Supervisor Krause –EPA bans Chlorpyrifos pesticide

Vice Chair McEwen - Rules Review Committee, Thursday, Oct 28th, 8am at the Court House.

Adjournment

MOTION BY OPALL, SECOND BY JACOBSON TO ADJOURN. MOTION CARRIED ON A VOICE VOTE.

Meeting adjourned at 8:25 p.m.

- Minutes prepared by Patricia Hornung, Administrative Specialist.