

MARATHON COUNTY BOARD OF SUPERVISORS

SPECIAL MEETING

Thursday, August 8, 2019 - 7:00 p.m.

Marathon County Courthouse

1. Call to Order

The meeting was called to order by Chairperson 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 Chairperson 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. Resolution – Determination by County Board That an Emergency Exists With Respect to Repair and Reconstruction of the Marathon County Jail and Authorization of Transfer of Funds from Capital Reserves to Pay for Repair and Reconstruction

4. Request for Silencing of Cellphones and Other Electronic Devices

Chairperson Gibbs stated the request.

5. Roll Call

The Clerk initiated the roll. 29 Supervisors were present as shown:

<u>Supervisor</u>	<u>District</u>	<u>Supervisor</u>	<u>District</u>
Katie Rosenberg.....	1	Sara Guild.....	20
Romey Wagner.....	2	Loren White (excused).....	21
David Nutting	3	Alan Christensen.....	22
John Robinson	4	Chris Voll (excused).....	23
Ka Lo.....	5	Jean Maszk	24
Jeff Johnson.....	6	Sandi Cihlar (excused).....	25
Mary Ann Crosby (excused).....	7	John Durham	26
Karen Kellbach	8	Thomas Seubert	27
Ashley Lange.....	9	Maynard Tremelling (excused).....	28
Donna Krause	10	Jim Bove (excused).....	29
Alyson Leahy.....	11	Richard Gumz.....	30
Arnold Schlei (excused).....	12	Allen Drabek.....	31
Matthew Bootz.....	13	Kurt Gibbs.....	32
Rick Seefeldt	14	Tim Buttke.....	33
Randy Fifrick (excused).....	15	Gary Beastron.....	34
Jeffrey Zriny	16	Jacob Langenhahn.....	35
EJ Stark.....	17	Bill Miller.....	36
Craig McEwen.....	18	Allen Opall (excused).....	37
Yee Leng Xiong.....	19	Jim Schaefer.....	38

6. Acknowledgement of Visitors

Chair Gibbs welcomed visitors and those in the viewing audience.

RESOLUTION #R-39-19

Determination by County Board That an Emergency Exists With Respect to Repair and Reconstruction of the Marathon County Jail and Authorization of Transfer of Funds from Capital Reserves to Pay for Repair and Reconstruction

WHEREAS, Wis. Stats. §59.52(29)(a) and the Marathon County Procurement Code require counties to bid all public work that is estimated to exceed \$25,000 in value; and

WHEREAS, public work includes any contract for construction, repair, remodeling or improvement of any public work or building or the furnishing of any supplies or material of any kind for said purposes; and

WHEREAS, the requirement of procurement through public bidding is not mandatory, pursuant to Wis. Stats. §59.52(29)(b) and §3.05(5) Gen Code of Ord. for Marathon County, for “the repair or reconstruction of public facilities when damage or threatened damage thereto creates an emergency, as determined by resolution of the [County Board], in which public health or welfare of the county is endangered;” and

WHEREAS, Marathon County Administration together with Marathon County Facilities and Capital Management and the Marathon County Sheriff’s Office have received the opinion of an engineering consultant regarding the risk for collapse of a portion of the Marathon County Jail, unless preventative action is taken as soon as possible; and

WHEREAS, said departments have jointly requested authority from the Board to act without public bidding to procure engineering, construction contracting and financial advisor services as well as materials for the repair and reconstruction of the Marathon County Jail.

WHEREAS, Wis. Stats. § 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.

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

- A. An emergency exists with respect to the integrity of the Marathon County Jail structure, which endangers public health and welfare, pursuant to Wis. Stats. §59.52(29)(b) and §3.05(5) Gen Code of Ord. for Marathon County.
- B. Public bidding of engineering, construction contracting and financial advisor services as well as materials for repair and reconstruction of the Marathon County Jail is not required in order to deal with the emergency defined above.
- C. This resolution shall remain in effect until the Board, by specific resolution, determines that an emergency no longer exists.
- D. Costs incurred by the county pursuant to this resolution shall be funded by a transfer from General Fund Working Capital Reserve into separate sub-funds for operation and capital in an amount not to exceed \$ [TBD by County Board].
- E. The Marathon County Finance Department shall track expenditures made as a result of the need to repair and reconstruct the Jail, including but not limited to, costs of the services and materials procured for this purpose as well as other operational expenses incurred. The County Board shall have the option to backfill the Reserve Fund through bonding or other funding sources, as permitted by law.

BE IT FURTHER RESOLVED that the County Board of Supervisors hereby authorizes and directs appropriate Marathon County staff to take all actions necessary to carry out the intent of this resolution.

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.

Respectfully submitted this 8th day of August, 2019.

COUNTY BOARD OF SUPERVISORS

Fiscal Impact: Unknown at this time. The need for emergency funds will likely affect the priorities and amounts previously budgeted for both capital and operations, including but not limited to, the following:

- 1) Sheriff transport of prisoners
- 2) Out-of-county placement
- 3) Prisoner medical expenses
- 4) Additional Sheriff's Office staff overtime
- 5) Capital Improvement Program (CIP) rankings
- 6) Ongoing Capital projects
- 7) Funds borrowed for CIP projects
- 8) Miscellaneous operating costs associated with the project planning, engineering and construction (e.g. meetings, temporary signage, reassigned parking).

Adequate funds are currently available in accessible reserves. Additional budget transfers or financing resolutions will be brought forward to be separately reviewed for approval by the County Board once the scope and nature of the project are better defined.

Discussion: Administrator Karger spoke and explained the situation in the jail, the current shoring process that is going on, and the need for more extensive repairs going forward. The prices noted are staff best estimates based on the information available in real time right now. The administrator is asking the Board to authorize the \$2 million to get the work done so it can be complete before winter starts. The delay of following the normal RFP process would be five months. The request is for an amendment to fix a dollar amount – of which the minimum needs to be the amount to pay for the shoring.

There were questions from Supervisors – answered by Administrator Karger, Chair Gibbs, Corporation Counsel Corbett, and Engineer Michael Leiferman.

Action: MOTION BY CHRISTENSEN, SECOND BY NUTTING TO ADOPT THE RESOLUTION.

Action: MOTION BY JOHNSON, SECOND BY ROBINSON TO AMEND THE RESOLUTION TO INSERT "\$584,966" IN THE [] SECTION OF LETTER D.

Discussion: Director of Facilities & Capital Management, Michael Lotter, addressed the board regarding the issue of whether limiting the amount to the \$584,966 would prevent the engineers from continuing to address the problem and design a solution that can be assigned a dollar value.

Action: MOTION BY ROBINSON, SECOND BY JOHNSON TO AMEND THE AMENDMENT TO STATE, "\$584,966 FOR TEMPORARY SHORING PLUS A SUM SUFFICIENT FOR ENGINEERING STUDIES TO DETERMINE A PERMANENT SOLUTION."

Discussion: Further discussion regarding the meaning of the term "sum sufficient" and clarification on what the amendment will encompass. Chairman Gibbs stated that Supervisor Bootz has requested to be allowed to abstain due to his employment and that request has been granted.

Action: VOTE ON THE AMENDMENT (adding \$584,966 to item D) PASSED ON A ROLL CALL VOTE, 26-2 WITH 1 ABSTENTION AS FOLLOWS:

AYE: Beaström, Buttke, Drabek, Durham, Gibbs, Guild, Gumz, Johnson, Kellbach, Krause, Lange, Langenhahn, Leahy, Lo, Maszk, McEwen, Miller, Nutting, Robinson, Rosenberg, Schaefer, Seubert, Stark, Wagner, Xiong, Zriny
- 26

NO: Christensen, Seefeldt - 2

ABSTAIN: Bootz – 1

Action: VOTE ON THE AMENDMENT TO THE AMENDMENT (\$584,966 plus sum sufficient for engineering study) PASSED ON A ROLL CALL VOTE, 25-3 WITH 1 ABSTENTION AS FOLLOWS:

AYE: Beastron, Buttke, Drabek, Durham, Gibbs, Guild, Gumz, Johnson, Kellbach, Krause, Lange, Langenhahn, Leahy, Lo, Maszk, McEwen, Miller, Nutting, Robinson, Rosenberg, Schaefer, Seubert, Stark, Wagner, Xiong – 25

NO: Christensen, Seefeldt, Zriny – 3

ABSTAIN: Bootz – 1

**Action: VOTE ON THE RESOLUTION AS AMENDED PASSED ON A ROLL CALL VOTE 28-0 WITH 1 ABSTENTION AS FOLLOWS:
(2/3 VOTE REQUIRED FOR PASSAGE)**

AYE: Beastron, Buttke, Christensen, Drabek, Durham, Gibbs, Guild, Gumz, Johnson, Kellbach, Krause, Lange, Langenhahn, Leahy, Lo, Maszk, McEwen, Miller, Nutting, Robinson, Rosenberg, Schaefer, Seefeldt, Seubert, Stark, Wagner, Ziong, Zriny – 28

ABSTAIN: Bootz – 1

Follow Through: Letter “D” of the Resolution to read as follows:

“Costs incurred by the county pursuant to this resolution shall be funded by a transfer from General Fund Working Capital Reserve into separate sub-funds for operation and capital in an amount not to exceed \$584,966 for temporary shoring plus a sum sufficient for engineering services to determine a plan for permanent repair and to estimate the cost of said repair.”

ANNOUNCEMENTS / REQUESTS

- Supervisor Beastron announced that the Athens Fair is taking place next week.

ADJOURNMENT

MOTION BY XIONG, SECOND BY SCHAEFER TO ADJOURN. MOTION CARRIED ON A VOICE VOTE. Meeting adjourned at 8:00 p.m.

- Minutes prepared by Kim Trueblood, Administrative Specialist