

Lincoln County Board of Supervisors  
Meeting: October 15, 2013

The Lincoln County Board of Supervisors met at the Lincoln County Service Center, 801 N. Sales Street, Room 255, Merrill, in session assembled pursuant to law. Due to the unavailability of both the Chair and Vic-Chair, Clerk Marlowe called for nomination for Temporary Chairperson. Plant /Bailey nominated Bob Lee, Lee declined the nomination. Gilk/Lee nominated Bob Weaver, Weaver accepted. Zeitz/Lee nominated Kortney Pike, Pike declined the nomination. M/S Alber/Lee to close nomination and to cast unanimous vote for Bob Weaver. Motion carried by voice vote. Chair Pro Tem Weaver called the meeting to order at 6:03 p.m. Pledge of allegiance followed. Roll was called with the following present: Alber, Bailey, Bloomer, Breitenmoser, Fox, Gilk, Lee, Loka, Nelson, Pike, Plant, Rankin, Rusch, Saal, Weaver, Woller, and Zeitz (17). Excused: Caylor, Giese, Hetfeld, Lussow, Vander Sanden. Clerk Marlowe moved up Resolutions 2013-10-49 & 50 based on the fact that we needed 2/3 vote of the body as a whole and Supervisor Rusch might need to leave before we get to the rest of the resolutions.

8. Resolutions and Ordinances for Board Action

5) Resolution 2013-10-49

Resolution Providing For the Defeasance of a Portion of the Outstanding Debt of the County

WHEREAS, on March 15, 2004 Lincoln County, Wisconsin (the "County") issued its \$2,400,000 Taxable General Obligation Refunding Bonds, Series 2004, (the "2004 Bonds") which are presently outstanding in the amount of \$1,450,000, \$1,140,000 of which is callable on December 1, 2014 (the "Callable Portion") (total debt service on the 2004 Bonds is shown on Exhibit 1-A); and

WHEREAS, the County Board hereby finds and determines that it is necessary, desirable, and in the best interests of the County to defease the following portion of the 2004 Bonds (the "Defeased Portion") by making provision for the payment of debt service on the Defeased Portion (the "Defeasance"):

Maturity Date	Principal Amount	Interest Rate	CUSIP No.
12/01/13	\$ 150,000	4.820%	533475EY1
12/01/14	\$ 160,000	4.870%	533475EZ8
12/01/15	\$ 165,000	4.920%	533475FA2
12/01/16	\$ 175,000	5.020%	533475FB0
12/01/17	\$ 185,000	5.120%	533475FC8
12/01/18	\$ 195,000	5.220%	533475FD6
12/01/19	\$ 205,000	5.270%	533475FE4
12/01/20	\$ 215,000	5.320%	533475FF1

WHEREAS, to accomplish the Defeasance it is necessary to deposit funds (the "Defeasance Funds") in escrow sufficient to provide for payment of the principal and interest on the Defeased Portion; and

WHEREAS, the County has been furnished with the proposed form of an Escrow Agreement with Associated Trust Company, NA, Milwaukee, Wisconsin (the "Escrow Agent") pursuant to which the Escrow Agent will accept the Defeasance Funds and agree to invest the Funds so as to make payments of the principal and interest on the Defeased Portion; and

WHEREAS, Causey Demgen & Moore, P.C., Bidding Agent for the County, on October 1, 2013, has solicited proposals for the sale of Treasury Securities to be held by the Escrow Agent on behalf of the County; and

WHEREAS, Credit-Suisse, New York, New York, has submitted a proposal for the sale of Treasury Securities that the County deems to be the most advantageous for it.

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

Section 1. Authorization of Defeasance. For the purpose of defeasing a portion of the 2004 Bonds, there shall be deposited with Associated Trust Company, NA on October 16, 2013 from the general account of the County upon execution of the Escrow Agreement the sum of \$1,569,129.55 (the "Defeasance Funds") to be invested and utilized to accomplish the defeasance of the Defeased Portion of the 2004 Bonds and pay the

transaction expenses associated with the Defeasance and identified on Exhibit 3 to the Escrow Agreement (the "Transaction Expenses").

Section 2. Authorization of Escrow Agreement and Purchase of Securities. To further accomplish the Defeasance, the County hereby authorizes the County Board Chair and County Clerk to enter into an Escrow Agreement in substantially the form attached hereto as Exhibit A with the Escrow Agent and to purchase the Treasury Securities from Credit-Suisse (Investment Banking) in accordance with its proposal.

Section 3. Segregated Fund. The Defeasance Funds shall be segregated in a special account used solely for the purposes for which borrowed or for the payment of the principal of and interest on the Defeased Portion.

Section 4. Redemption of \$2,400,000 Taxable General Obligation Refunding Bonds. The County hereby calls the Defeased Portion of the 2004 Bonds maturing December 1, 2015 through December 1, 2020 for redemption prior to maturity on December 1, 2014 and authorizes the County Clerk and the Escrow Agent to send any required notice of redemption, which may be in the form attached to the Escrow Agreement as Exhibit 5, to the Depository for the 2004 Bonds as required by the terms of the Bonds, to Assured Guaranty as successor to Financial Security Assurance, Inc., and to the Electronic Municipal Market Access system maintained by the MSRB.

Section 5. Escrow Agent; Escrow Agreement; Escrow Account. Associated Trust Company, NA, Milwaukee, Wisconsin is hereby appointed Escrow Agent for the County for the purpose of ensuring the payment of the principal of and interest on the Defeased Portion.

The County Board Chairperson and County Clerk are hereby authorized and directed to execute an escrow agreement substantially in the form attached hereto as Exhibit A (the "Escrow Agreement") (such form may be modified by said officers prior to execution), the execution of such agreement by said officers to constitute full approval of the County of any such modifications), with the Escrow Agent, for the purpose of effecting the provisions of this Resolution.

Upon transfer of the Defeasance Funds and any other necessary funds allocable to refunding the Defeased Portion to the Escrow Account, the taxes heretofore levied to pay debt service on the Defeased Portion shall be abated to the extent such transfer together with investment earnings thereon is sufficient to pay the principal and interest on the Defeased Portion, but such abatement shall not affect the County's pledge of its full faith, credit and resources to make such payments. The escrow account created by the Escrow Agreement shall hereinafter serve as the debt service (or sinking) fund for the Defeased Portion. The Escrow Agent shall serve as custodian of said debt service (or sinking) funds.

Section 6. Compliance with Rule 15c2-12. The County and its escrow adviser, Stifel Nicolaus & Company, shall prepare and file any notice, which may be in the form of the Notice of Defeasance attached to the Escrow Agreement as Exhibit 4, required by the provisions of such Rule. The County shall also file any other documents required with the Municipal Securities Rulemaking Board.

Section 7. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the County or any parts thereof in conflict with the provisions hereof shall be and the same are hereby rescinded insofar as they may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Dated: 15th day of October, 2013

Robert Lussow, County Board Chairperson

Introduced by: Finance and Insurance Committee Date Passed: October 4, 2013

Committee Vote: 5-0 Fiscal Impact: Payment of \$1,569,129.55

M/S Alber/Lee to adopt Resolution 2013-10-49. Following discussion, roll was called. Ayes: Alber, Bailey, Bloomer, Breitenmoser, Fox, Gilk, Lee, Loka, Nelson, Pike Plant Rankin, Rusch, Saal, Weaver, and Woller. (16) Nay: Zeitz (1). Motion carried 16-1.

6) Resolution 2013-10-50

Resolution Authorizing Transfer of Funds Pursuant to Section 65.90, Wisconsin Statutes

WHEREAS, Lincoln County, Wisconsin, (the "County") is in the process of defeasing a portion of its existing indebtedness, to wit: \$2,400,000 Taxable General Obligation Refunding Bonds dated March 15, 2004 (the "2004 Bonds") to accomplish debt service savings (the "Defeasance"); and

WHEREAS, to accomplish the Defeasance it is necessary to transfer a portion of the balance of the General Fund of the County to an Escrow Account for the benefit of the 2004 Bonds.

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

1. Transfer from General Fund to Escrow Account for \$2,400,000 Taxable General Obligation Refunding Bonds dated March 15, 2004. The County will transfer the sum of \$1,382,220.80 from its general fund to the Escrow Account for \$2,400,000 Taxable General Obligation Refunding Bonds dated March 15, 2004 to purchase the Treasury Securities and cash to be held in the Escrow Account.
2. Publication of Section 65.90 Notice. The County Clerk will publish a Notice of these transfers pursuant to Section 65.90, Wisconsin Statutes in the Tomahawk Leader and the Merrill Courier, the Official Newspapers of the County, within ten days of the adoption of this Resolution. Said notice will be substantially in the form attached hereto as Exhibit A.

Dated: 15th day of October, 2013

Robert Lussow, County Board Chair

Introduced by: Finance and Insurance Committee      Date Passed: October 4, 2013

Committee Vote: 5-0      Fiscal Impact: Transfer of \$1,382,220.80 above 2013 Budgeted Debt Service

M/S Bloomer/Nelson to adopt Resolution 2013-10-50. Roll was called. Ayes: Alber, Bailey, Bloomer, Breitenmoser, Fox, Gilk, Lee, Loka, Nelson, Pike Plant Rankin, Rusch, Saal, Weaver, and Woller. (16) Nay: Zeitz (1). Motion carried 16-1.

4. a. Announcements – None

b. Service Recognitions for October 2013:

10 Years:	Darin Alft, Highway Department Georgia Schneiderwent, Lincoln Industries
20 Years:	Kurt Schumacher, Social Services
25 Years:	Susan Kuber, Health Department

c. Appointments & Re-Appointments:

- a. Ray Bloomer – Comprehensive Community Services of North Central Health Care (Indefinite Term)  
M/S Alber/ Woller to appoint Ray Bloomer to Comprehensive Community Services of North Central Health Care. Motion carried by voice vote.
- b. Hans Breitenmoser, Jr. – Comprehensive Community Services of North Central Health Care (Indefinite Term). M/S Alber/Woller to appoint Hans Breitenmoser, Jr. to Comprehensive Community Services of North Central Health Care. Motion carried by voice vote.

5. Approval of Journal – M/S Lee/Nelson to accept the minutes as presented. Motion carried on a voice vote. Discussion followed, M/S Lee/Nelson to amend September minutes to reflect that Supervisor Vander Sanden was present. Motion carried on a voice vote.

6. a. Letters, Petitions – None

b. Memorials – None

7. Reports of Standing & Special Committees:

- A. 2013 Year-to-Date Budget Report – Finance Director – Dan Leydet
- B. 2014 Preliminary Budget – (Randy Scholz)
- C. Administrative Coordinator's Written Report – September (Randy Scholz)
- D. Power of Tourism Presentation – Sarah Pischer (Dept. of Tourism)
- E. Berm System Presentation by Tom Mudrovich – Q & A To Follow

8. Resolutions and Ordinances for Board Action continued

1) Resolution 2013-10-45

Title: Cancellation of Illegal Tax Certificate

WHEREAS, the following tax certificate is illegal for the reason stated:

2010 Certificate No. 1006 covering "Sanitary Dist No 1 Smith's Add'n of Gleason Lot 12 & Prt of E ½ Lot 11 Blk 2 AKA Being prt of Lot 1 of Csm 1904 Sec 33-T33N-R8E"

TOWN OF RUSSELL Illegal assessment – double assessment. Face - \$449.46

NOW, THEREFORE BE IT RESOLVED, that the above certificate be cancelled and charged back to the taxing district on the 2013 apportionment.

Dated: October 15, 2013

Introduced by: Finance & Insurance Committee Date Passed: October 4, 2013 Committee Vote: 5-0

Fiscal Impact: none

M/S Lee/Zeitz to adopt Resolution 2013-10-45. Following discussion, motion carried on a voice vote.

2) Resolution 2013-10-46

Approve Filling Authorized Position in District Attorney – Program Assistant

WHEREAS page 7 of the Lincoln County Personnel Policy specifies a procedure for approval authorized positions, and

WHEREAS the Administrative Coordinator has recommended filling the vacant position, and

WHEREAS the Emergency Medical Services & Judicial Committee and Personnel Committee have approved filling the authorized vacant position

NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors accepts the recommendation of the Emergency Medical Services & Judicial Committee and Personnel Committee and approves filling the authorized vacant position

Fiscal Impact:

Exact saving unknown – savings with new employee – lower pay, less vacation, less sick leave

Dated this 15th day of October, 2013

Introduced by: Emergency Medical Services & Judicial Committee

Date Passed: October 9, 2013

Committee Vote: Unanimous

Introduced by: Personnel Committee Date Passed: October 7, 2013 Committee Vote: Unanimous

M/S Alber/Rankin to adopt Resolution 2013-10-46. Following discussion, motion carried on a voice vote.

3) Resolution 2013-10-47

Approve Filling Authorized Position in District Attorney – Legal Secretary

WHEREAS page 7 of the Lincoln County Personnel Policy specifies a procedure for approval authorized positions, and

WHEREAS the Administrative Coordinator has recommended filling the vacant position, and

WHEREAS the Emergency Medical Services & Judicial Committee and Personnel Committee have approved filling the authorized vacant position

NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors accepts the recommendation of the Emergency Medical Services & Judicial Committee and Personnel Committee and approves filling the authorized vacant position

Fiscal Impact:

Exact saving unknown – savings with new employee – lower pay, less vacation, less sick leave

Dated this 15th day of October, 2013

Introduced by: Emergency Medical Services & Judicial Committee

Date Passed: October 9, 2013

Committee Vote: Unanimous

Introduced by: Personnel Committee Date Passed: October 7, 2013 Committee Vote: Unanimous

M/S Loka/Zeitz to adopt Resolution 2013-10-47. Following discussion, motion carried by voice vote.

4) Resolution 2013-10-48

Approve Filling Authorized Position in Solid Waste Department – Program Assistant

WHEREAS page 7 of the Lincoln County Personnel Policy specifies a procedure for approval authorized positions, and

WHEREAS the Administrative Coordinator has recommended filling the vacant position, and

WHEREAS the Solid Waste and Personnel Committees have approved filling the authorized vacant position

NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors accepts the recommendation of the Solid Waste and Personnel Committees and approves filling the authorized vacant position

Fiscal Impact:

Exact saving unknown – savings with new employee – lower pay, less vacation, less sick leave

Dated this 15th day of October, 2013

Introduced by: Solid Waste Committee Date Passed: September 17, 2013 Committee Vote: Unanimous

Introduced by: Personnel Committee Date Passed: October 7, 2013 Committee Vote: Unanimous

M/S Bloomer/Pike to adopt Resolution 2013-10-48. Following discussion, motion carried by a voice vote.

7) Resolution 2013-10-51

Approve Filling Authorized Position in Land Conservation & Zoning Department –Land Services Administrator  
WHEREAS page 7 of the Lincoln County Personnel Policy specifies a procedure for approval authorized positions, and

WHEREAS the Administrative Coordinator has recommended filling the vacant position, and

WHEREAS the Land Conservation & UW Extension, Zoning and Personnel Committees have approved filling the authorized vacant position

NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors accepts the recommendation of the Land Conservation & UW Extension, Zoning and Personnel Committees and approves filling the authorized vacant position

Fiscal Impact:

Exact saving unknown – savings with new employee – lower pay, less vacation, less sick leave

Dated this 15th day of October, 2013

Introduced by: Land Conservation & UW Extension Committee Date Passed: October 15, 2013

Committee Vote: Unanimous

Introduced by: Zoning Committee Date Passed: October 15, 2013 Committee Vote: Unanimous

Introduced by: Personnel Committee Date Passed: October 15, 2013 Committee Vote: Unanimous

M/S Plant/Alber to adopt Resolution 2013-10-51. Following discussion, motion carried by voice vote.

9. Reports of Claims – None

10. M/S Bloomer/Alber to approve the mileage and per diem for this meeting. Motion carried on a voice vote.

11. Next County Board Meeting: Tuesday, November 12, 2013, at 8:00 a.m., at Lincoln County Service Center, 801 N Sales ST, Room 255, Merrill, WI 54452

12. M/S Plant/Gilk to adjourn. Motion carried on a voice vote. Meeting adjourned at 7:36 p.m.

I, Christopher J Marlowe, County Clerk in and for said Lincoln County, Wisconsin do hereby certify the within and foregoing is a true and accurate recital of all proceedings by and before the Board of Supervisors at their regular meeting, October 15, 2013.

Christopher J Marlowe, County Clerk