

Lincoln County Board of Supervisors

Meeting: December 21, 2021

The Lincoln County Board of Supervisors met at the Lincoln County Service Center, 801 N Sales Street, Room 257, Merrill, WI in session assembled pursuant to law.

1. Chair Koth called the meeting to order at 6:00 p.m.
2. Pledge of allegiance followed. Immediately following the pledge, Chair Koth announced that Supervisor Woller had recently lost her brother in a tragic house fire. Koth then asked for a moment of silence in honor of Woller's brother, William H. Ohlmann.
3. Roll was called with the following present (in person): Ashbeck, Bialecki, Callahan, Friske, Gilk, Gorski, Heller, Koth, Loka, McCrank, Panfil, Peterson, Rusch, Simon. (virtual) Allen, Breitenmoser, and Woller. (17) Excused: Hafeman, Nelson, and Voermans (3) Absent: Weaver and Wendt (2)
4. Announcements/Recognitions/Awards/Appointments
 - A. Announcements: None
 - B. Service Recognitions for December 2021:
 - 25 years: Amy Kohnhorst, Finance
 - 15 years: Travis Watruba, Sheriff's Office
 - Beckie Gennrich, Social Services
 - C. Appointments & Re-appointments: None
5. Approval of the Journal: M/S Heller/Panfil to approve the November 9, 2021 as presented. Motion carried by a voice vote.
6. A. Letters: None
 - B. Memorials: None
7. Reports of Standing & Special Committees:
 - A. Finance Committee: 2021 Year-to-Date Report – Finance Director (Dan Leydet) Leydet reviewed his report; there were no questions.
 - B. Administrative & Legislative Committee: Administrative Coordinator/HR Director's Written Report – Administrative Coordinator/HR Director (Cate Wylie) Wylie reviewed her report and answered questions.
 - C. Administrative & Legislative Committee: Corporation Counsel Written Report – Corporation Counsel (Karry Johnson) Johnson reviewed her report and answered questions.
8. Resolutions and Ordinances

A. 1) Resolution 2021-12-53

Ordering County Clerk to Take Tax Deeds of the 2018 Sale

WHEREAS, sec 3.17, Lincoln County Code (Lincoln County Policy for Screening of Tax Delinquent Property for Possible Acquisition) requires the Property Evaluation Team inspect tax delinquent properties and report to the Finance & Insurance Committee its' recommendations; and

WHEREAS, the Finance & Insurance Committee has approved the acquisition of the tax deeds for parcels (as reflected on the attachment hereto) whose owner has not paid the delinquent taxes as of 12/21/2021 or whose owner does not now/hereafter comply with their County Clerk Payment Agreement terms; and

NOW, THEREFORE BE IT RESOLVED, subject to the above payment provisions, that the County Clerk be and is hereby ordered to take tax deeds from the tax delinquent properties itemized on the attachment hereto on the unredeemed tax certificates of the 2018 sale and also those of prior years, which have not been deeded to Lincoln County, pursuant to sec. 75.14, Wis. Stats., excepting that no tax deed will be taken for any description upon which the county already holds a good tax deed.

Dated this 21st day of December, 2021

Introduced by: Finance & Insurance Committee Committee Action: Passed 4-0

Sponsored By: Julie Allen, Norbert Ashbeck, Greta Rusch, and Eugene Simon

Fiscal Impact: \$ 241,248.63

M/S Bialecki/Ashbeck to adopt Resolution 2021-12-53. Daniel Fuszard owner of a tax delinquent property, on the list to take, located at 404 S Tomahawk Ave in the City of Tomahawk (Fuzzy's Auto LLC) spoke on his behalf. He explained his financial situation stating that he is a single parent in custody of his daughter and relies on his business as his only source of income. Mr. Fuszard asked for six more months to get his finances in

order. Discussion followed. M/S Simon/ to layover this resolution until January's board meeting. Discussion followed where Clerk Marlowe explained the significance of not recording the tax deeds this year. He estimated that this motion could cost the county approximately \$30,000. Simon rescinded his motion. M/S Gilk/Loka to amend the resolution to exclude Daniel Fuszard's property (Fuzzy's Auto LLC) for six (6) months. Supervisor Heller motioned to amend Gilk's motion to include that \$1,888.40 be paid by the end of the year. Discussion followed on whether Robert's Rules would allow Heller to amend the motion. Supervisors Gilk and Loka agreed to the additional language offered by Heller. Discussion again followed and the motion carried by a voice vote. It was agreed that the amendment to extend for six (6) months would expire if the \$1,888.40 is not paid by the end of the year. Daniel Fuszard also asked for more time on a property located at 204 S 2nd Street in the City of Tomahawk. Discussion followed. No extension was given on this property due to the fact Mr. Fuszard is not the owner of record. Moving on to other properties on the list, Chair Koth stated that David Dotter will have a check for \$2,500 by close of business on December 22nd and will then pay the balance shortly thereafter. Discussion followed. Clerk Marlowe added that he also heard from Charles Giese since the resolution was forwarded by the Finance Committee. Mr. Geise offered earnest money of \$7,200 by year end and would then begin a payment plan. Further discussion followed where it was determined that Clerk Marlowe does have the ability to act in favor of a delinquent tax owner, if in the best interest of the county, after the resolution is passed. It was agreed that no further amendments were needed. The question was called on the original motion. Motion to adopt with the amendment carried by a voice vote. (The list of properties can be viewed in the County Clerk's Office and on the Lincoln County Website).

2) Resolution 2021-12-54

ACCEPTING DONATION FOR LINCOLN COUNTY POLLINATOR GARDEN

WHEREAS, the Lincoln County Pollinator Garden was established around the Lincoln County Service Center in 2019 to decrease grounds maintenance costs while also combatting declining bee and butterfly populations; and WHEREAS, the Lincoln County Pollinator Garden has provided a positive community space for the residents of Lincoln County; and

WHEREAS, the Lincoln County Pollinator Garden has been used as a living classroom by Lincoln County Schools, UW-Master Gardeners, and other groups to conduct in-person and hands-on instruction about pollinators and prairie habitat; and

WHEREAS, the Land Services Department strives to continue enhancing learning opportunities that the Lincoln County Pollinator Garden provides to Lincoln County residents; and

WHEREAS, the ROCK ISLAND X-PRESS SNOWMOBILE CLUB has made a donation intended to help continue educational events provided by the Lincoln County Pollinator Garden.

NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors accepts the \$200 for funding the Pollinator Garden Community and School educational events, as the donation requests.

Dated: December 9, 2021

Introduced by: Land Services Committee Endorsed by: Chris Heller, Bill Bialecki, Greta Rusch, Julie Allen,
Elizabeth McCrank and Hans Breitenmoser Date Passed: 12/9/21 Committee Vote: 6-0

Fiscal Impact: Receiving \$200 in funds to be used for expenses related to Pollinator Garden Community and School educational events.

M/S Heller/McCrank to adopt Resolution 2021-12-54. Motion carried by a voice vote.

3) Resolution 2021-12-55

ZONING BOARD OF ADJUSTMENT MEMBERS

WHEREAS, the Lincoln County Zoning Board of Adjustment (BOA) hears and decides on requests for variations from the dimensional regulations of the zoning ordinance. The BOA determines if the variance request will not be contrary to the public interest, are owing to special factors, and if literal enforcement of the provisions of the zoning ordinance would result in a practical difficulty or an unnecessary hardship ; and

WHEREAS, the BOA authorizes variances once they determine that the spirit of the zoning chapter is observed, public safety and welfare secured, and substantial justice done; as provided for by Wisconsin Statutes and applicable case law; and

WHEREAS, Section 17.8.12 - ZONING BOARD OF ADJUSTMENT of the Lincoln County Code establishes the BOA membership and membership number. Membership is approved through appointment made by the Chair of the County Board, according to procedures established under §59.694(10), Wis. Stats; and

WHEREAS, §59.694(2), Wis. Stats. states that for counties with a population of less than 750,000 the BOA shall consist of not more than 5 members and also provides the process for establishing the number of BOA members, specifically the reduction of BOA members below 5 but not less than 3; and

WHEREAS, Lincoln County has had difficulty maintaining a membership of 5 members on the BOA, and did not have the desired designation within its membership for the 2 alternates provided for under §59.694(2), Wis. Stats; and

WHEREAS, the Land Services Committee approved a change in the aforementioned Lincoln County Code Section to provide for 3 members and 2 alternates to the BOA, and recommended the proposal be presented to the County Board for approval; and

WHEREAS, §59.694(2)(a), Wis. Stats., states that the BOA membership be "determined by resolution of the county board," thereby seemingly requiring both a resolution to the County Board as well as the change in Lincoln County Code Section 17.8.12, which contains the membership makeup for the BOA in Lincoln County; and

WHEREAS, the Lincoln County Land Services Committee distributed the proposed BOA membership reduction to the public and towns, received testimony at public hearing and is recommending to the County Board to amend the Lincoln County Zoning Ordinance to reduce the BOA membership, and

NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors reduces the Lincoln County Board of Adjustment membership to 3 members and 2 alternate members.

Dated: December 21st, 2021

Introduced by: Land Services Committee Endorsed by: Chris Heller, Bill Bialecki, Greta Rusch, Julie Allen,
Elizabeth McCrank and Hans Breitenmoser Date Passed: 12/9/21 Committee Vote: 6-0 Fiscal
Impact: None

M/S Heller/Loka to adopt Resolution 2021-12-55. Motion carried by a voice vote.

4) Resolution 2021-12-56

Cancellation of County Checks

WHEREAS, it is in the business interest of Lincoln County that all County Checks be negotiated promptly,
and

WHEREAS, the following checks have reached their expiration date,

NOW, THEREFORE BE IT RESOLVED, by the Lincoln County Board of Supervisors that the following checks be canceled and returned to the fund from which the check originated:

<u>DATE</u>	<u>CHECK #</u>	<u>NAME</u>	<u>AMOUNT</u>
08/2020	329188	JOYCE DORAVA	\$9.00
09/2020	329468	KATHY ECHTERLING	\$6.75
12/2020	330453	RENEE NIES	\$2.42
03/2021	331774	JOSE TABORA	\$2.54
04/2021	332128	AARON J NIEMAN	\$10.01
06/2021	332825	STEVEN WESTFALL	\$4.00
06/2021	332958	BRYAN PFORTMILLER	\$16.02
			<u>TOTAL \$ 50.74</u>

Dated: December 21, 2021

Introduced by: Finance Committee Endorsed by: Ashbeck, Rusch, Simon, Weaver

Committee Action: Passed unanimously by voice vote (4-0)

Fiscal Impact: Reduce expenses by: \$ 50.74

M/S Heller/Bialecki to adopt Resolution 2021-12-56. Motion carried by a voice vote.

5) Resolution 2021-12-57

Approving Conveyance of Delinquent Real Estate to the City of Tomahawk

NOW, THEREFORE BE IT RESOLVED, by the Lincoln County Board of Supervisors duly assembled this 21st day of December, 2021 that, upon Lincoln County obtaining title to the below-described property by tax deed, the following conveyance of real estate to be made by the County Clerk on behalf of Lincoln County be, and the same is hereby ratified, confirmed, and approved:

Purchaser	Description	Amount
City of Tomahawk	404 S. Tomahawk Ave	\$6,187.79

Lots One (1) and Two (2), in Block One (1) of Pride's Addition to the City of Tomahawk, Lincoln County, Wisconsin. PIN: 286-3406-032-0026

Dated: December 21, 2021

Introduced by: Forestry, Land and Parks Committee

Endorsed by: William Bialecki, Norbert Ashbeck, Don Friske, Judy Woller, and Timothy Panfil

Date Passed: December 13, 2021 Committee Vote: All Ayes Fiscal impact: \$ 6,187.79

M/S Heller/McCrank to adopt Resolution 2021-12-57. Clerk Marlowe explained that this sale is contingent on the county recording the tax deed first. Discussion followed. Motion carried by a voice vote.

6) Resolution 2021-12-58

Approving Conveyance of Delinquent Real Estate to the City of Merrill

NOW, THEREFORE BE IT RESOLVED, by the Lincoln County Board of Supervisors duly assembled this 21st day of December, 2021 that, upon Lincoln County obtaining title to the below-described properties by tax deed, the following conveyance of real estate to be made by the County Clerk on behalf of Lincoln County be, and the same is hereby ratified, confirmed, and approved:

Purchaser	Description	Amount
City of Merrill		
	607 Douglas St	\$ 398.56
	South One-half (S ½) of Lot Eight (8) Block Four (4) of J M Smith's Fourth Addition to Merrill, City of Merrill, Lincoln County, Wisconsin. PIN: 251-3106-111-0026	
	609 Douglas St	\$ 453.88
	North One-half (N 1/2) of Lot Eight (8) Block Four (4) of J M Smith's Fourth Addition to Merrill, City of Merrill, Lincoln County, Wisconsin. PIN: 251-3106-111-0027	
	405 N Genesee St	\$ 3,119.35
	Lot Three (3) Block Six (6), J M Smith's Addition to West Merrill, City of Merrill, Lincoln County, Wisconsin. PIN: 251-3106-113-0382	
	410 N Prospect St	\$ 2,208.06
	Lot Seven (7) Block Six (6) of J M Smith's Addition to West Merrill, City of Merrill, Lincoln County, Wisconsin. PIN: 251-3106-113-0386	
	405 E 7 th St	\$ 3,984.25
	Lots Six (6) and Seven (7) in Block Four (4) of J M Smith's Fourth Addition to Merrill, City of Merrill, Lincoln County, Wisconsin. PIN: 251-3106-111-0025	

Dated: December 21, 2021

Introduced by: Forestry, Land and Parks Committee

Endorsed by: William Bialecki, Norbert Ashbeck, Don Friske, Judy Woller, and Timothy Panfil

Date Passed: December 13, 2021 Committee Vote: All Ayes Fiscal impact: \$ 10,164.10

M/S Heller/Bialecki to adopt Resolution 2021-12-58. Motion carried by a voice vote.

7) Resolution 2021-12-59

Resolution Authorizing Lincoln 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, in Resolution No. 2017-10-102, the County Board of Supervisors authorized the County to enter 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 made available for review 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 § 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 an explanation 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 including authorizing the Board Chair to sign all settlement documents including the Settlement Participation Forms, establish the County's Opioid Abatement Account, and establish the Attorney Fees Account; and

WHEREAS, the County, by this Resolution, shall also authorize its Corporation Counsel to negotiate and finalize any escrow agreement, and further authorize the Board Chair to execute such 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, including the Settlement Participation Form, and authorizes the Board Chair to execute same.
2. The execution of the Janssen Settlement Agreement and any and all documents ancillary thereto, including the Settlement Participation Form, 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 the 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 the Board Chair's 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 authorizes the establishment of 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, but in no event exceeding, an amount equal to 25% 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 25% of a Local Government's allocated share in the Attorney Fees Account for each payment. Funds in the Attorney Fees Account shall be utilized to pay the fees, costs, and disbursements owed 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 25% of the proceeds of the Settlement Agreements 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.

Dated: December 21, 2021

Introduced by: A&L Committee Endorsed by: Allen, Breitenmoser, Friske, Gilk, Koth, Rusch

Date Passed: 12/1/21 Committee Vote: 6-0 Fiscal Impact: TBD

M/S Friske/Heller to adopt Resolution 2021-12-59. Corporation Counsel Johnson explained this resolution and answered questions. Discussion followed. Motion carried by a voice vote. (Supporting documents can be viewed at the Corporation Counsel Office, County Clerk's Office, and on the Lincoln County Website.)

8) Resolution 2021-12-60

Designation of Public Depositories

WHEREAS, provisions in Chapter 34 and Chapter 59 of Wisconsin Statutes require that counties designate public depositories;

NOW, THEREFORE BE IT RESOLVED, that the following banking institutions shall be and are hereby designated, until further action, as public depositories for all public monies coming into the hands of the Treasurer of Lincoln County, State of Wisconsin:

- Associated Bank, Tomahawk, WI 54487
- mBank, Merrill, WI 54452
- BMO Harris Bank, Merrill, WI 54452
- IncredibleBank, Merrill, WI 54452
- Park City Credit Union, Merrill, WI 54452
- Merrill Community Bank, Merrill, WI 54452
- State Investment Pool, Madison, WI 53707
- Tomahawk Community Bank, Tomahawk, WI 54487
- Huntington Bank, Chicago, IL 60601
- American Deposit Management, LLC, Delafield, WI 53018
- U.S. Bank, Madison, WI 53703
- PMA Financial Network, Inc.

NOW, THEREFORE BE IT ALSO RESOLVED, that the list of bank accounts on the accompanying schedule be approved for use by Lincoln County.

Dated this 21st day of December 2021.

Introduced by: Finance and Insurance Committee Committee Action: Passed unanimously (4-0) on December 3, 2021. Endorsed By: Simon, Ashbeck, Weaver, and Rusch Fiscal Impact: N/A

M/S Loka/Heller to adopt Resolution 2021-12-60. Motion carried by a voice vote. (Supporting document can be viewed at the Finance Department, County Clerk's Office, and on the Lincoln County Website.)

9) Resolution 2021-12-61

Lincoln Industries Office Relocated to Pine Crest 700 Wing

WHEREAS, Lincoln County has contracted with North Central Health Care (NCHC) for the administration and management of Lincoln Industries programs. Changes in the support and structure of State funded programming has impacted Lincoln Industries services. Current participants of Adult Day services have been relocated to St. Stephens Church, and pre-vocational program is now a community based. Only the administrative offices remain at the Memorial Drive, Merrill location; and

WHEREAS, Pine Crest Nursing Home has vacant space in the 700 wing due to a change in census and bed licensing. NCHC is also contracted for the administration and management of Pine Crest Nursing Home and recommends relocating Lincoln Industries administrative offices to the Pine Crest location for organizational efficiency and cost savings; and

WHEREAS, said relocation of Lincoln Industries staff office would require no structural changes to the Pine Crest building.

NOW, THEREFORE BE IT RESOLVED, Lincoln County Board of Supervisors approves the relocation of Lincoln Industries staff office to Pine Crest Nursing Home.

Dated: December 21, 2021

Introduced by: A&L Committee Endorsed by: A&L Committee Date Passed: 12/16/2021

Committee Vote: unanimous (5-0) Endorsed By: Breitenmoser, Friske, Gilk Koth, and Weaver Fiscal

Impact: None

M/S Heller/Gilk to adopt Resolution 2021-12-61. Administrative Coordinator Wylie explained the resolution. Supervisor Friske unanimous consent request to add committee members names on Resolutions 2021-12-61 and 2021-12-62. No objections. Motion carried by a voice vote.

10) Resolution 2021-12-62

North Central Health Care Short Term Contract For Use of Vacant Pine Crest beds

WHEREAS, North Central Health Care (NCHC) requests the approval to enter into a short term (8 week) contract with area hospitals to address skilled nursing care needs for COVID-free patients; and

WHEREAS, the contract would be managed and governed through Healthcare Emergency Response Commission (HERC) and Department of Health Services (DHS). Additional staff would be contracted through the Wisconsin Emergency Assistance Volunteer Registry (WEAVR) to support this endeavor. Pine Crest would only accept referrals from local Aspirus and Marshfield facilities and would not supplant any resident in need of nursing home care; and

WHEREAS, the State would cover 60% of the costs and NCHC would cover the 40% remaining. The return on investments would be favorable, with an expected increase in revenue for Pine Crest; and

WHEREAS, entering into this short term contract would be an opportunity to support the residents of Lincoln County during the ongoing pandemic.

NOW, THEREFORE BE IT RESOLVED, Lincoln County Board of Supervisors supports this short term contract opportunity and the use of Pine Crest Nursing Home facility for the purposes of supporting local hospital facilities in need of skilled nursing facilities.

Dated: December 21, 2021

Introduced by: A&L Committee Endorsed by: A&L Committee Date Passed: 12/16/2021

Committee Vote: unanimous (5-0) Endorsed By: Breitenmoser, Friske, Gilk Koth, and Weaver

Fiscal Impact: None

M/S Heller/McCrank to adopt Resolution 2021-12-62. Administrative Coordinator Wylie explained the resolution and answered questions. Motion carried by a voice vote.

B.1) Ordinance 2021-12-709

Chapter 17 –Zoning Code (Zoning Board of Adjustment Members).

An Ordinance Amending the General Code of the County of Lincoln Chapter 17 –Zoning Code (Zoning Board of Adjustment Members).

The County Board of Supervisors of Lincoln County, Wisconsin, does hereby ordain that Chapter 17 be amended as indicated in the attachment.

This ordinance shall take effect following its passage and publication.

Dated this 21nd day of December, 2021

Introduced by: Land Services Committee

Endorsed by: Bialecki, Heller, McCrank, Rusch, and Wendt

Date Passed: November 11, 2021

Committee Vote: 5-0 Fiscal Impact: None

M/S Heller/McCrank to adopt Ordinance 2021-12-709. Land Services Administrator Huth explained the Ordinance. Motion carried by a voice vote.

2) Ordinance 2021-12-710

An Ordinance Amending the General Code of the County of Lincoln Chapter 2 – The Governing Body.

The County Board of Supervisors of Lincoln County, Wisconsin, does hereby ordain that Chapter 2, Sections 2.04 and 2.05, be amended as indicated in the attachment.

This ordinance shall take effect following its passage and publication.

Dated: December 21, 2021

Introduced by: A&L Committee Endorsed by: Allen, Breitenmoser, Friske, Gilk, Koth, Rusch

Date Passed: 12/1/21

Committee Vote: 6-0 Fiscal Impact: None

M/S Heller/Koth to adopt Ordinance 2021-12-710. Corporation Counsel Johnson explained the Ordinance and answered questions. Discussion followed. M/S Peterson/Friske to amend to exclude the word “guidance” from line 2 of (11) (1)(b). Discussion followed. Roll call was asked for on the amendment: Aye’s: Bialecki, Friske, Heller, Loka, Peterson, and Simon (6); Nay’s: Allen, Ashbeck, Breitenmoser, Gilk, Gorski, Koth, McCrank, Panfil, Rusch, and Woller (10). Motion was defeated 10 – 6. Original motion carried by a voice vote.

9. Reports of Claims: None.

10. M/S Heller/Peterson to approve the mileage and per diem for this meeting. Motion carried by a voice vote.

11. Next County Board Meeting: Tuesday, January 18, 2022, at 6:00 p.m., at the Lincoln County Service Center, 801 N Sales Street, Room 257, Merrill, WI 54452

12. M/S Heller/Loka to adjourn. Motion carried by a voice vote. Meeting adjourned at 7:31 p.m.

STATE OF WISCONSIN)

) SS

COUNTY OF LINCOLN)

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, December 21, 2021

Christopher J Marlowe, County Clerk