

LINCOLN COUNTY BOARD OF SUPERVISORS

Tuesday, September 16, 2025 - 6:00 PM

MINUTES

1. Call to Order

Chair Boyd called the meeting to order at 6:00pm.

2. Pledge of Allegiance

3. Roll Call

Clerk Marlowe called the roll with the following members in attendance: Bialecki, McCrank, Woellner (V), Zelinski, Ashbeck, Dunphy, Thiel, Vorpapel (6:04), Boyd, Detert, Bishop, Lyskawa, Lemke, Meunier, Wickham, Dorava, Cummings, Simon, and Hartwig **(19)**. Excused: Anderson-Malm, DePasse and Miller **(3)**.

4. Announcements

- a. The Merrill Chamber of Commerce announced the appointment of Sarah Brooks as their next Executive Director, effective September 15, 2025.

5. Appointments

- a. Appointment of Sarah Brooks to the North Central Wisconsin Tourism Partnership Tourism Committee to fill the unexpired term of Clyde Nelson.

M/S Bialecki/Thiel to approve the appointment of Sarah Brooks. The motion to approve was carried by a voice vote.

6. Awards - None

7. Recognitions - None

8. Approval of the Minutes

- a. **July 23, 2025, County Board Special Meeting**

M/S Cummings/Lyskawa to approve the July 23 County Board Meeting Minutes. The motion to approve was carried by a voice vote.

- b. **August 19, 2025, County Board Meeting**

M/S Detert/Dorava to approve the August 19 County Board Meeting Minutes. The motion to approve was carried by a voice vote.

9. Letters and Memorials - None

10. Reports of Standing & Special Committees

- a. Aging and Disability Resource Center of Central Wisconsin Board (ADRC/CW): 2024 Annual Report - Michael Rhea (Executive Director)

Executive Director Rhea was in attendance and summarized his report. Rhea then fielded questions from the floor.

- b. Finance & Insurance Committee: 2024 Audit Review – Clifton Larson Anderson Accounting Firm – (Stuart Randall and Jon Trautman)

Stuart Randall from Clifton Larson Anderson Accounting Firm was in attendance to summarize and review his firm's findings during their 2024 Financial Audit. Randall then fielded questions from the floor. The 2024 Financial Audit of Lincoln County is on file and available for public review in the Lincoln County Clerk's Office.

- c. Finance & Insurance Committee: 2025 Year-to-Date Budget Report – Finance Director (Heather Marheine)

Director Marheine was in attendance to summarize the Lincoln County 2025 Year to Date Budget. After reporting no major concerns, she then fielded questions from the floor. The report will remain on record.

- d. Finance & Insurance Committee: Sheriff Department Budget – Finance Director Marheine

Director Marheine explained that the Sheriff Budget Report was included in this month's agenda in response to questions that arose during her Year to Date report at the August County Board Meeting. She explained the hand-outs that were included in the packet and answered questions from the floor.

11. Public Comment

There was no public comment offered.

12. Resolutions

- a. **Res 2025-09-43 Proclamation in Recognition of Chamber of Commerce Month**

WHEREAS; the Merrill Area Chamber of Commerce and the Tomahawk Regional Chamber of Commerce serve to benefit Lincoln County; and

WHEREAS; both Chambers of Commerce exist to support their members and community through networking, tourism, advocacy and promotion of new and existing businesses; and

WHEREAS; both Chambers of Commerce have partnered with Lincoln County to support marketing the branding of Lincoln County- Where the Northwoods Start & Your Adventure Begins; and

WHEREAS; The Wisconsin Department of Tourism released the 2024 economic impact data, showing Lincoln County tourism experienced a record-breaking 2024, generating \$113 million and contributing to a total Wisconsin tourism economic impact of 25.8 billion; and

WHEREAS; Lincoln County tourism supported 671 part- and full-time jobs across various sectors of the industry, part of the more than 181,898 jobs sustained by tourism across the state. Tourism in Lincoln County also generated \$6.1 million in local and state tax revenue; and

WHEREAS; both Chamber of Commerce's have engaged in various Lincoln County groups, such as Dream Up! Childcare to promote awareness to critical community needs that also support growth and sustainability of businesses; and

WHEREAS; September is recognized annually as Chamber of Commerce Month and has been recognized by the Governor of Wisconsin in hopes of encouraging statewide recognition of their work; now

THEREFORE, BE IT RESOLVED; that the Lincoln County Board of Supervisors joins in the recognition and celebration of our local Chamber of Commerce's for their continued dedication and efforts to promote greater community connections.

M/S Cummings/Bialecki to approve Resolution 2025-09-43. The motion to approve was carried by a voice vote.

- b. **Res 2025-09-44 Authorizing the Grant of an Easement on the Hiawatha Trail for Natural Gas Service to WPS Corporation**

WHEREAS, Lincoln County Board of Supervisors, by Resolution No. 29-88, did authorize the jurisdictional transfer and purchase of the railroad right-of-way between Tomahawk and Heafford Junction; and

WHEREAS, by its decision in Docket No. AB-343 (Sub.-No. 1X), the Interstate Commerce Commission granted an Abandonment Exemption subject to interim trails use under the National Trails System Act,

16 U.S.C. 1247(d); and

WHEREAS, the abandoned line, now known as the Hiawatha Trail, has been developed for recreational use subject to the limitations of this federal law; and

WHEREAS, Wisconsin Public Service (WPS) Corporation requires an easement agreement from property owners before an underground natural gas distribution system can be installed; and

WHEREAS, WPS Corporation provides natural gas service in Government Lot 4, Section 10 T.35N. – R.06E. Town of Bradley, where two 12 wide foot easements are required to locate infrastructures necessary to provide natural gas service to its customers; therefore, has need for this easement; and

WHEREAS, this easement will enhance natural gas service to Lincoln County taxpayers.

NOW, THEREFORE BE IT RESOLVED, that the Lincoln County Board of Supervisors does hereby authorize the grant of an easement under the terms and conditions set forth therein and as attached hereto.

BE IT FURTHER RESOLVED, that the Chairman of the Board is authorized to sign this agreement on behalf of Lincoln County.

M/S McCrank/Hartwig to approve Resolution 2025-09-44. The motion to approve was carried by a voice vote.

c. Res 2025-09-45 Resolution Authorizing the Opioid Settlement Task Force to Initiate and Manage a Mini-Grant Process for Community Organizations to Apply for Opioid Settlement Funds

WHEREAS, the Lincoln County Opioid Settlement Task Force was created to make a plan for the use of the Opioid Settlement dollars that will support the Lincoln County residents to combat the current opioid epidemic; and

WHEREAS, the Lincoln County Opioid Settlement Task Force recognizes they lack the personnel capacity to efficiently and effectively implement programs and resources using opioid settlement funds without more community involvement; and

WHEREAS, the Lincoln County Opioid Settlement Task Force has created a mini-grant process for community organizations serving Lincoln County to apply for settlement funding of up to \$10,000 per project; and

WHEREAS, the Lincoln County Opioid Settlement Task Force will provide a total allocation of \$50,000 in settlement dollars.

NOW, THEREFORE BE IT RESOLVED that the Lincoln County Board of Supervisors authorizes the Opioid Settlement Task Force to allocate \$50,000 of settlement dollars to a mini-grant process for community organizations to utilize the funds.

M/S Vorpapel/Lyskawa to approve Resolution 2025-09-45. The motion to approve was carried by a voice vote.

d. Res 2025-09-46 Approving Conveyance of Real Estate

NOW, THEREFORE BE IT RESOLVED, by the Lincoln County Board of Supervisors duly assembled this 16th day of September, 2025 that the following conveyance of real estate be made by the County Clerk on behalf of Lincoln County, be and same are hereby ratified, confirmed, and approved:

Purchaser: Hans Buehler **Amount:** \$ 1,570.00

Description: A part of the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4), Section Thirty-one (31), Township Thirty-four (34) North, Range Six (6) East, Town of Bradley, Lincoln County, Wisconsin, described as follows: Starting from the Northwest corner of the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4), Section 31, Township 34 North, Range 6 East; thence One Hundred and Sixty-five (165) East to a point; thence seven hundred and ninety-two (792) feet South to a point of beginning; thence five hundred and twenty-eight (528) feet South to a point; thence one hundred and sixty-five (165) feet East to a point; thence five hundred and twenty-eight (528) feet North to a point; thence one hundred and sixty-five (165) feet West back to point of beginning. **P.I.N. 00434063129998**

M/S Cummings/Zelinski to approve Resolution 2025-09-46. The motion to approve was carried by a voice vote.

e. **Res 2025-09-47 Resolution Authorizing the Transfer of Funds, the Establishment of an Escrow Account with Respect to and the Defeasance of Certain of the General Obligation Refunding Bonds, Dated February 14, 2017 and Certain of the General Obligation Refunding Bonds, Dated December 1, 2021**

WHEREAS, Lincoln County, Wisconsin (the "County") has outstanding its General Obligation Refunding Bonds, dated February 14, 2017 (the "2017 Bonds") which were issued for the purpose of paying the cost of refunding certain outstanding obligations of the County;

WHEREAS, the County also has outstanding its General Obligation Refunding Bonds, dated December 1, 2021 (the "2021 Bonds") which were issued for the purpose of paying the cost of refunding certain outstanding obligations of the County;

WHEREAS, the County has certain debt service funds and other funds on hand from the sale of the Pine Crest Nursing Home and Health & Human Services Building (the "Funds") sufficient to defease a portion of the debt service on the 2017 Bonds and a portion of the debt service on the 2021 Bonds;

WHEREAS, the County Board of Supervisors of the County deems it desirable and in the best interest of the County to transfer and apply such Funds to the defeasance and early redemption of a portion of the 2017 Bonds and a portion of the 2021 Bonds;

WHEREAS, since the 2017 Bonds are not currently callable, it is necessary for the available Funds to be irrevocably deposited into an escrow account, invested in direct obligations of the United States of America, treated as a portion of the debt service fund for the 2017 Bonds and applied to pay the principal of and interest on (a) all of the 2026 maturity on its December 1, 2026 maturity date and (b) all of the 2027 through 2036 maturities of the 2017 Bonds on the December 1, 2026 early redemption date (collectively, the "2017 Defeased Obligations"); and

WHEREAS, since the 2021 Bonds are not currently callable, it is necessary for the available Funds to be irrevocably deposited into an escrow account, invested in direct obligations of the United States of America, treated as a portion of the debt service fund for the 2021 Bonds and applied to pay the principal of and interest on (a) all of the 2029 maturity on its maturity date and (b) all of the 2033 through 2038 maturities of the 2021 Bonds on the December 1, 2029 early redemption date (collectively, the "2021 Defeased Obligations" and collectively with the 2017 Defeased Obligations, the "Defeased Obligations").

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

1. Establishment of Escrow Account. The County Board of Supervisors hereby authorizes and directs the officers of the County to enter into an Escrow Agreement with Associated Trust Company, National Association, as Escrow Agent (the "Escrow Agent"), for the purpose of effecting the provisions of the Resolution.

2. Transfer and Deposit to Escrow Account. The County Board of Supervisors hereby authorizes and approves the transfer and deposit of the Funds into the Escrow Account to be established with the Escrow Agent in an amount sufficient, together with earnings thereon, to provide for the payment of the Defeased Obligations concurrently with the execution of the Escrow Agreement, and the subsequent use, investment and disbursement thereof by the Escrow Agent in the manner provided by the Escrow Agreement.

3. Professional Services. The County Board of Supervisors hereby ratifies and approves the retention of Robert W. Baird & Co. Incorporated ("Baird") to provide general consulting services in connection with this transaction; Quarles & Brady LLP ("Bond Counsel") to provide limited, special counsel legal services in connection with this transaction; and Causey Public Finance, LLC to provide mathematical verification and related services in connection with this transaction.

4. Redemption of the 2017 Defeased Obligations, Notice of Defeasance and Redemption. The 2017 Defeased Obligations maturing in the years 2027 through 2036 are hereby called for redemption on December 1, 2026. The County Board of Supervisors hereby directs the Escrow Agent pursuant to the Escrow Agreement to provide a notice of the defeasance of the 2017 Defeased Obligations maturing in the years 2027 through 2036 and a notice with respect to the redemption of the 2017 Defeased Obligations at the times and in the manner set forth in the final Escrow Agreement.

5. Redemption of the 2021 Defeased Obligations, Notice of Defeasance and Redemption. The 2021

Defeased Obligations maturing in the years 2033 through 2038 are hereby called for redemption on December 1, 2029. The County Board of Supervisors hereby directs the Escrow Agent pursuant to the Escrow Agreement to provide a notice of the defeasance of the 2021 Defeased Obligations maturing in the years 2033 through 2038 and a notice with respect to the redemption of the 2021 Defeased Obligations at the times and in the manner set forth in the final Escrow Agreement.

6. Authorization of Officers and Agents. The County Board of Supervisors hereby authorizes the appropriate officers and agents of the County to work with Baird and the Escrow Agent to review and approve the finalized Escrow Agreement including the escrow deposit and other details, to provide the notices of defeasance and redemption and to execute and deliver all documents required by Bond Counsel with respect to this transaction.

M/S Simon/Bialecki to approve Resolution 2025-09-47. The motion to approve was carried by a voice vote.

f. Res 2025-09-48 A Resolution Designating the Use of Remaining Funds after the Defeasance of Certain of the General Obligation Refunding Bonds, Dated February 14, 2017 and Certain of the General Obligation Refunding Bonds, Dated December 1, 2021

WHEREAS, Lincoln County, Wisconsin (the "County") issued its General Obligation Refunding Bonds, dated February 14, 2017 (the "2017 Defeased Bonds") which were issued for the purpose of paying the cost of refunding certain obligations of the County (initial funding for the addition to Pine Crest Nursing Home); and

WHEREAS, the County also has issued its General Obligation Refunding Bonds, dated December 1, 2021 (the "2021 Defeased Bonds") which were issued for the purpose of paying the cost of refunding certain obligations of the County (secondary funds needed for the addition to Pine Crest Nursing Home); and

WHEREAS, the County Board of Supervisors, by Resolution, has proposed to authorize the defeasance of the 2017 Defeased Bonds and the 2021 Defeased Bonds by irrevocably depositing cash and other monetary assets into an escrow trust, sufficient to pay all scheduled interest and principal payments on the Defeased Bonds; and

WHEREAS, Lincoln County Ordinance 3.05 (Sale of County-Owned Property), established the procedure related to the accounting for proceeds from the sale of County-owned property, and the County Board of Supervisors has considered this ordinance while also taking into consideration any restrictions that may exist on the use of the funds received from the sale of the Pine Crest Nursing Home and Health & Human Services Building (the "Sale"); and

WHEREAS, pursuant to the aforementioned Resolution, the County Board of Supervisors may authorize and approve the transfer and deposit of the Funds into an Escrow Account in an amount sufficient, together with earnings thereon, to provide for the payment of the 2017 Defeased Bonds and 2021 Defeased Bonds; and

WHEREAS, as a result of the anticipated defeasance, the County will have proceeds in excess of the amount needed to defease the bonds, said proceeds being approximately \$1,832,391.00 (the "Remaining Funds"); and

WHEREAS, because the Sale proceeds were deposited into an interest bearing account at the time of receipt, the sum of \$21,069.67 in interest has accrued on the Sale proceeds as of August 31, 2025; and

WHEREAS, the County Board of Supervisors of the County deems it necessary, desirable, and in the best interest of the County and its inhabitants to formally designate the use of said Remaining Funds for a public purpose.

NOW, THEREFORE BE IT RESOLVED: that the Lincoln County Board of Supervisors hereby authorizes the appropriate officers and agents of the County to transfer the Remaining Funds to the Capital Improvement Projects Fund of the County to cover expenses related to the building, remodeling or maintenance of the County's buildings and infrastructure and all interest generated on the Sale proceeds to the County's General Fund Interest Account.

M/S Simon/Cummings to approve Resolution 2025-09-48. **M/S Wickham/McCrank** to send the resolution back to committee. After further discussion and without objection Chair Boyd asked for **unanimous consent** to pull the motion to send back to committee. **M/S Wickham/Bialecki** to amend

Resolution 2025-09-48 by adding the following paragraph: **BE IT FURTHER RESOLVED:** that the Ad Hoc Facilities and the Public Property Committees shall prepare and submit to the county board, no later than the December 2025 Board Meeting, a proposed priority listing of capital improvement projects for which these funds should be used. The motion to amend the resolution was carried by a voice vote. Chair Boyd called the question to approve the resolution, but with the approved amendment. The motion to approve was carried by a voice vote.

g. Res 2025-09-49 Resolution Delegating the Authority to Enter Into Settlement Agreements with Opioid Defendants to the Designated County Officer or Official

WHEREAS, the County Board of Supervisors previously 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 vast expenditure of money and resources to combat the opioid epidemic; and

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

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"); and

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

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; and

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

WHEREAS, pursuant to Wis. Stat. § 165.12(2), the Legislature's Joint Committee on Finance is required to approve settlement agreement between the County and Opioid Defendants; and

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; and

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

WHEREAS, several of the Opioid Defendants previously agreed to settlement terms with the Plaintiffs' Executive Committee ("PEC"), which is comprised of attorneys representative of all litigating local governments around the country, subject to individual approval of the litigating local governments including Lincoln County; and

WHEREAS, representatives of the Law Firms serve on the PEC and, therefore, are intimately familiar with the terms of the previous settlements and will be familiar with the terms of any settlement with any other Opioid Defendant recommended for approval by the PEC; and

WHEREAS, Lincoln County's process for approving settlement with an Opioid Defendant is typically a process requiring weeks for committee review and approval as well as approval by the full Lincoln County Board; and

WHEREAS, given concerns surrounding timing for participation in future settlements combined with the number of anticipated settlements, it would be prudent to provide an opportunity for Lincoln County to create a process whereby the authority to enter into settlement agreements is delegated to a responsible County officer or officers provided that any such settlement agreement is recommended by the PEC and the Law Firms; and

WHEREAS, the intent of this Resolution is to delegate to the specified County officer or official the authority to enter into settlement agreements with any Opioid Defendant from the date of this

Resolution forward provided (a) the settlement is recommended for approval by the PEC and the Law Firms; and (b) the Lincoln County share of proceeds from any such settlement is consistent with the shares established in Exhibit A to Addendum Two of the Wisconsin Local Government MOU, a copy of which is attached to this Resolution and which is consistent with the allocations established in previous settlements with Opioid Defendants.

NOW, THEREFORE, BE IT RESOLVED: the County Board of Supervisors hereby makes the following resolutions:

1. The County Board hereby delegates authority to the Administrative Coordinator to enter into a settlement agreement, including without limitation the execution of any and all ancillary documents and agreements necessary to effectuate a settlement, with any Opioid Defendant provided (a) the PEC and the Law Firms shall have recommended the settlement; and (b) the Lincoln County share of proceeds from any such settlement is consistent with the shares established in Exhibit A to Addendum Two, a copy of which is attached to this Resolution, and which is consistent with the allocations established in previous settlements with Opioid Defendants.
2. Prior to executing any settlement agreement, or any document related thereto, the Administrative

Coordinator shall provide notice to the County Board Chair and Corporation Counsel of the proposed settlement and the terms related thereto.

3. The Administrative Coordinator is authorized and directed to take any and all such other and further action necessary to effectuate the intent of this Resolution.

BE IT FURTHER RESOLVED: all proceeds from any settlement agreement not otherwise directed to the Attorney Fees Account shall be deposited in the County's Opioid Abatement Account. The Opioid Abatement Account shall be administered consistent with the terms of this Resolution, Wis. Stat. § 165.12(4), and the applicable settlement agreement.

BE IT FURTHER RESOLVED: the County hereby authorizes the establishment of 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." An escrow agent shall deposit a sum equal to up to, but in no event exceeding, an amount equal to 20% of the County's proceeds from a settlement agreement into the Attorney Fees Account unless such other amount is established by the applicable settlement agreement. If the payments to the County are not enough to fully fund the Attorney Fees Account as provided herein because such payments are made over time, the Attorney Fees Account shall be funded by placing up to, but in no event exceeding, an amount equal to 20% of the proceeds from a settlement agreement attributable to Local Governments (as that term is defined in the MOU) into the Attorney Fees Account for each payment. Funds in the Attorney Fees Account shall be utilized to pay the fees, costs, and disbursements owed to the Law Firms pursuant to the engagement agreement between the County and the Law Firms provided, however, the Law Firms shall receive no more than that to which they are entitled under their fee contract when considering the amounts paid the Law Firms from any fee fund established in a settlement agreement 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.

M/S Cummings/McCrank to approve Resolution 2025-09-49. The motion to approve was carried by a voice vote.

13. Ordinances - None

14. Report of Claims - None

15. Approval for Mileage and Per Diem for Board Meeting

M/S Bialecki/Dorava to approve mileage and per diem for the meeting. The motion to approve was carried by a voice vote.

16. Next County Board Meeting Date: Tuesday October 15 21, 2024-2025, 6:00pm. Meeting Location: Lincoln County Service Center, 801 N Sales Street, 2nd Floor Assembly Conference Room, Merrill, WI 54452

Clerk correction, after adjournment, for the date of the October meeting. Actual date should be read: October 21, 2025

17. Adjourn

Chair Boyd adjourned the meeting at 8:01pm.

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 organizational meeting on September 16, 2025.

Christopher J Marlowe, County Clerk