

**LA CROSSE COUNTY BOARD OF SUPERVISORS MONTHLY MEETING  
PROCEEDINGS; THURSDAY, FEBRUARY 15, 2018**

The La Crosse County Board of Supervisors Monthly Meeting was held on Thursday, February 15, 2018 in the Administrative Center, Room 1700. The County Clerk, Ginny Dankmeyer, took attendance. 21 supervisors were present when Chair Tara Johnson called the meeting to order at 6:00 P.M. and those otherwise present, excused or absent are noted in the roll call detail:

<b>District</b>	<b>Name</b>	<b>Attendance</b>
1	Richmond, Andrea	Present
2	Geary, Ralph	Present
3	Weidenbach, Doug	Present
4	Freedland, Maureen	Present
5	Tahiri, Isaac	Present
6	Plesha, Roger	Present
7	Hampson, Sharon	Present
8	Isola, Peg	Present
9	Gundersen, Jerome	Present
10	Cable, Kim	Excused
11	Scheller, Patrick	Present
12	Holtze, Dave	Present
13	Tryggestad, Tina	Present at 06:06 PM
14	Larson, Margaret	Present
15	Kruse, Monica	Excused
16	Ferries, Dan	Excused
17	Giese, Mike	Present
18	Berg, Laurence	Excused
19	Cornforth, Rick	Present
20	Doyle, Steve	Excused
21	Burke, Vicki	Present
22	Barlow, Patrick	Present
23	Nikolay, Matt	Present
24	Pfaff, Leon	Present
25	Ebert, Ray	Present
26	Hesse, Dan	Present
27	Wehrs, Tina	Excused
28	Tyser, Kathie	Present
29	Johnson, Tara	Present

**PLEDGE OF ALLEGIANCE**

**COMMUNICATIONS AND ANNOUNCEMENTS:**

**County Board Chair Report - Tara Johnson**

- Supervisor Conference Reports
  - Supervisor Pfaff attended the Wildlife Abatement Committee meeting and noted that 31 deer were donated in 2017 to the deer processor, Craig's Meat. There is an average of 68 pounds of ground venison per deer that was donated.
  - Supervisor Weidenbach attended the first meeting of the Renew 2018 for the Lower Northside and Depot area. All meeting dates will be on Saturdays in

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June. Friday night will have an art reception for the "Hear Here" show that is currently being displayed at the County Administrative Center.

- o Supervisor Freedland, Giese, and Weidenbach attended the League of Women Voters luncheon with a topic of water and water quality.
- o Supervisor Barlow noted our community is hosting a group of 36 middle school students from China. They are attending programs at Logan High School and UW-La Crosse.
- o Supervisors were reminded to communicate directly with either the County Clerk's Office or Chair's office for all meetings you will not be able to attend.

#### **Administrator Report - Steve O'Malley**

- Certificate of Achievement for Excellence in Financial Reporting – Government Finance Officers Association – 2016 Comprehensive Annual Financial Report
  - o Administrator O'Malley presented the Certificate of Achievement for Excellence in Financial Report to the Finance Director Sharon Davidson and her staff. This is the 11<sup>th</sup> year the Finance Department has received this award. Only 17 counties in Wisconsin achieve this award.
- Report on Workers Compensation Self Insurance Program
  - o Human Resources Director Mary Marco and Finance Director Sharon Davidson presented on the self-funded worker compensation program. The County Board passed a resolution in 1995 and implemented the self-funded program in 1996. Excess insurance is also purchased at \$500,000 per occurrence. From 1996-2017, had we been fully insured, \$24 million would have been paid in premiums. Being self-insured, we paid out \$9.1 million. A savings of \$14.9 million over 22 years. The average claim paid out is \$290,000 per year of claim.

#### **CHAIR CHANGE**

1st Vice Chair Hampson took the chair.

#### **APPOINTMENTS**

Motion by T. Johnson/D. Holtze to appoint Anita Doering to the Historic Sites Preservation Commission to replace Barbara Kooiman for the remainder of a term to expire December 31, 2018; appoint Kari Porter to the Veterans Service Commission as an alternate for a three year term to expire December 31, 2021; reappoint Aron Newberry, Jay Loeffler, Pat Smith, Keith Butler, Mike Horstman, Adam Jacobson, Sue Kunz, and Marc Schultz to the Local Emergency Planning Committee for a two year term to expire the 3rd Tuesday in January, 2020; reappoint Dan Wee to the La Crosse County Housing Authority for a five year term to expire December 31, 2022 passed on a unanimous voice vote with 23 ayes, 6 excused - L. Berg, K. Cable, S. Doyle, D. Ferries, M. Kruse and T. Wehrs.

#### **CHAIR CHANGE**

Chair T. Johnson resumed the chair.

#### **CONSENT AGENDA**

Motion by R. Plesha/K. Tyser to approve the minutes of the La Crosse County Board of Supervisors Planning meeting held January 8, 2018 and the Monthly meeting held January 18, 2018 and the claims list for \$3,044,322.10 passed on a unanimous voice vote with 23 ayes, 6 excused - L. Berg, K. Cable, S. Doyle, D. Ferries, M. Kruse and T. Wehrs.

#### **RESOLUTION NO. 60-2/18 RE: DISCONTINUANCE OF "OLD" CTH OA AND REVERSION OF TITLE IN EXCESS HIGHWAY RIGHT OF WAY TO ADJACENT PROPERTY OWNERS**

**WHEREAS**, La Crosse County has held property rights to parcels of property for 'old' CTH OA highway right of way; and **WHEREAS**, with the alteration and completion of 'new' CTH OA, the 'old' CTH OA is discontinued and La Crosse County no longer has a need for the entire area of these parcels previously needed for highway right of way; and **WHEREAS**, pursuant

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to §66.1005 of Wisconsin Statutes when any highway or public ground acquired or held for highway purposes is discontinued, the land where the highway or public ground is located shall belong to the owner or owners of the adjoining lands; and **WHEREAS**, the total amount of property affected consists of approximately 2 acres, divided into 5 parcels and described more specifically in the attached Exhibit A; **NOW THEREFORE BE IT RESOLVED**, that the La Crosse County Board does hereby approve the discontinuance of 'old' CTH OA and approves the reversion of full title in the now unneeded highway right of way parcels to the adjoining property owners; **BE IT FURTHER RESOLVED**, that after approval by Corporation Counsel, the County Board Chair is authorized to sign any and all documents necessary to record the reversions in title. **FISCAL NOTE**: No cost to the County.

#### **PUBLIC WORKS AND INFRASTRUCTURE**

Motion by M. Freedland/R. Geary to approve passed on a unanimous voice vote with 23 ayes, 6 excused - L. Berg, K. Cable, S. Doyle, D. Ferries, M. Kruse and T. Wehrs.

#### **RESOLUTION NO. 61-2/18 RE: REAUTHORIZATION OF WORKER'S COMPENSATION SELF-INSURANCE**

**WHEREAS**, La Crosse County is a qualified political subdivision of the State of Wisconsin; and, **WHEREAS**, the Wisconsin Worker's Compensation Act (Act) provided that employers covered by the Act either insure their liability with worker's compensation insurance carriers authorized to do business in Wisconsin, or to be exempted (self-insured) from insuring liabilities with a carrier and thereby assuming the responsibility for its own worker's compensation risk and payment; and, **WHEREAS**, the State and its political subdivisions may self-insure worker's compensation without a special order from the Department of Workforce Development (Department) if they agree to report faithfully all compensable injuries and agree to comply with the Act and rules of the Department; and, **WHEREAS**, the Executive Committee at its February 8<sup>th</sup> meeting approved the continuation of the self-insured worker's compensation program, in compliance with Wisconsin Administrative Code DWD 80.60(3). **NOW THEREFORE BE IT RESOLVED**, that the La Crosse County Board does ordain as follows:

- (1) To provide for the continuation of a self-insured worker's compensation program that is currently in effect, and;
- (2) Authorizes the County Clerk to forward certified copies of this resolution to the Worker's Compensation Division, Wisconsin Department of Workforce Development.

**FISCAL NOTE**: This is a periodic reauthorization of that program as required by the State. There is no fiscal impact to this resolution. The self-insured Worker's Compensation program has provided substantial savings for La Crosse County since its inception in 1996.

#### **EXECUTIVE COMMITTEE**

Motion by S. Hampson/M. Nikolay to approve passed on a unanimous voice vote with 23 ayes, 6 excused - L. Berg, K. Cable, S. Doyle, D. Ferries, M. Kruse and T. Wehrs.

#### **RESOLUTION NO. 62-2/18 RE: DISALLOWANCE OF CLAIM OF JEFFREY STINGL**

**WHEREAS**, Jeffrey Stingl has filed a claim alleging that on or about October 16, 2017, he drove through wet paint on Lakeshore Drive or County Road BW on French Island resulting in \$5,676.18 worth of damage to his vehicle. La Crosse County contracts with Vernon County for painting services. The claim was tendered to Vernon County who has confirmed they were not painting on October 16, 2017; and, **WHEREAS**, Wisconsin Municipal Mutual Insurance Company has reviewed the information, investigated the facts and determined that La Crosse County has no liability for this claim, and recommends formal disallowance of the claim by the County Board; and, **WHEREAS**, the above stated claim does not appear to be meritorious and should be disallowed. **NOW, THEREFORE BE IT RESOLVED**, that the claim of Jeffrey Stingl, against La Crosse County, its officers, officials, employees, and agents is hereby disallowed and further be it required that notice of disallowance of this claim shall be served on the claimant by registered or certified mail and the receipts therefore, signed by the claimant, or the returned registered letter, shall be proof of service. **BE IT FURTHER**

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**RESOLVED**, that the claimant shall be notified that no action on the claim against La Crosse County, nor against any of its officers, officials, agents, or employees, may be brought after 6 months from the date of service of this notice of disallowance. **FISCAL NOTE:** The cost to La Crosse County for sending certified mail/restricted delivery to the claimant is approximately \$12.

#### **EXECUTIVE COMMITTEE**

Motion by S. Hampson/D. Holtze to approve passed on a unanimous voice vote with 23 ayes, 6 excused - L. Berg, K. Cable, S. Doyle, D. Ferries, M. Kruse and T. Wehrs.

#### **RESOLUTION NO. 63-2/18 RE: OPIOID LITIGATION**

**WHEREAS**, La Crosse County is concerned with the recent rapid rise in troubles among County citizens, residents, and visitors in relation to problems arising out of the use, abuse and overuse of opioid medications, which according to certain studies, impacts millions of people across the country; and **WHEREAS**, issues and concerns surrounding opioid use, abuse and overuse by citizens, residents and visitors are not unique to La Crosse County and are, in fact, issues and concerns shared by all other counties in Wisconsin and, for that matter, states and counties across the country, as has been well documented through various reports and publications, and is commonly referred to as the Opioid Epidemic ("Opioid Epidemic:"); and, **WHEREAS**, the societal costs associated with the Opioid Epidemic are staggering and, according to the Centers for Disease Control and Prevention, amount to over \$75 billion annually; and **WHEREAS**, the National Institute for Health has identified the manufacturers of certain of the opioid medications as being directly responsible for the rapid rise of the Opioid Epidemic by virtue of their aggressive and, according to some, unlawful and unethical marketing practices; and **WHEREAS**, certain of the opioid manufacturers have faced civil and criminal liability for their actions that relate directly to the rise of the Opioid Epidemic; and **WHEREAS**, La Crosse County has spent millions in unexpected and unbudgeted time and resources in its programs and services related to the Opioid Epidemic; and **WHEREAS**, La Crosse County is responsible for a multitude of programs and services, all of which require County to expend resources generated through state and federal aid, property tax levy, fees and other permissible revenue sources; and **WHEREAS**, County's provision of programs and services becomes more and more difficult every year because the costs associated with providing the Opioid Epidemic programs and services continue to rise, yet County's ability to generate revenue is limited by strict levy limit caps and stagnant or declining state and federal aid to County; and **WHEREAS**, all sums that the County expends in addressing, combatting and otherwise dealing with the Opioid Epidemic are sums that cannot be used for other critical programs and services that the County provides to County citizens, residents and visitors; and **WHEREAS**, La Crosse County is aware that numerous counties and states across the country have filed lawsuits against certain of the opioid manufacturers in an effort to force the persons and entities responsible for the Opioid Epidemic to assume financial responsibility for the costs associated with addressing, combatting and otherwise dealing with the Opioid Epidemic; and **WHEREAS**, La Crosse County has engaged in discussions with representatives of the law firms of von Briesen & Roper, s.c., Crueger Dickinson LLC and Simmons Hanly Conroy LLC (the "Law Firms") related to the potential for County to pursue certain legal claims against certain opioid manufacturers; and **WHEREAS**, La Crosse County is satisfied that the Law Firms have the requisite skill, experience and wherewithal to prosecute legal claims against certain of the opioid manufacturers on behalf of public entities seeking to hold them responsible for the Opioid Epidemic; and **WHEREAS**, the Law Firms have proposed that County engage the Law Firms to prosecute the aforementioned claims on a contingent fee basis whereby the Law Firms would not be compensated unless County receives a financial benefit as a result of the proposed claims and the Law Firms would advance all claim-related costs and expenses associated with the claims; and **WHEREAS**, all of the costs and expenses associated with the claims against certain of the opioid manufacturers would be borne by the Law Firms; and **WHEREAS**, the Law Firms have prepared an engagement letter, which is submitted as part of this Resolution ("Engagement Letter") specifying the terms and conditions under which the Law Firms would provide legal services to County and otherwise consistent with the terms of this Resolution; and **WHEREAS**, County is informed that the

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Wisconsin Counties Association has engaged in extensive discussions with the Law Firms and has expressed a desire to assist the Law Firms, County and other counties in the prosecution of claims against certain of the opioid manufacturers; and **WHEREAS**, County would participate in the prosecution of the claim(s) contemplated in this Resolution and the Engagement Letter by providing information and materials to the Law Firms and, as appropriate, the Wisconsin Counties Association as needed; and **WHEREAS**, County believes it to be in the best interest of County, its citizens, residents, visitors and taxpayers to join with other counties in and outside Wisconsin in pursuit of claims against certain of the opioid manufacturers, all upon the terms and conditions set forth in the Engagement Letter; and **WHEREAS**, by pursuing the claims against certain of the opioid manufacturers, County is attempting to hold those persons and entities that had a significant role in the creation of the Opioid Epidemic responsible for the financial costs assumed by County and other public agencies across the country in dealing with the Opioid Epidemic. **NOW, THEREFORE BE IT RESOLVED**, La Crosse County Board of Supervisors authorizes, and agrees to be bound by the attached Engagement Letter with the law firms involved and hereby directs the appropriate officer of the County to execute the Engagement Letter on behalf of the County. **FISCAL NOTE:** No cost to the County.

#### **EXECUTIVE COMMITTEE**

Motion by S. Hampson/P. Isola to approve. Discussion ensued. Corporation Counsel Megan DeVore responded to questions from the Board. The motion to approve passed on a unanimous voice vote with 23 ayes, 6 excused - L. Berg, K. Cable, S. Doyle, D. Ferries, M. Kruse and T. Wehrs.

#### **RESOLUTION NO. 64-2/18 RE: AUTHORIZING APPLICATION FOR STATE FUNDING FOR THE COUNTY-WIDE SAFE ROUTES TO SCHOOL PROGRAM FOR FISCAL YEAR 2021 AND 2022**

**WHEREAS**, nationally, 17% of children ages 2-19 and 31.2% of Wisconsin adults are obese, which contributes to increased development of chronic disease and lowered life expectancy; and, **WHEREAS**, the La Crosse County Safe Routes to School Program increases physical activity among K-8<sup>th</sup> grade children & families by encouraging safe and active commuting to and from school; and, **WHEREAS**, the La Crosse County Safe Routes to School Program and partner organizations including public and private school districts and communities, (La Crosse, Onalaska, Holmen, West Salem and Bangor), Gundersen Health System, Urban Connections, the Wisconsin Bike Fed, seven law enforcement agencies and community groups such as the Safe Kids Coalition of the Coulee Region, the Holmen Safe Routes to School Task Force, and the Healthy Living Collaborative, positively impact approximately 8,000 students and their families; and, **WHEREAS**, from 2007 to 2017, approximately \$900,000 in grant funding was awarded to La Crosse County from the Wisconsin Department of Transportation's Safe Routes to School grant program for implementation of Safe Routes to School non-infrastructure activities, with no required match; and, **WHEREAS**, current grant funding for Safe Routes to School non-infrastructure activities will sustain the program from 2018-2021 in the amount of \$672,797 through the Wisconsin Department of Transportation's Transportation Alternative Program (TAP), with a required 20% match; **NOW THEREFORE BE IT RESOLVED**, that the County Board of Supervisors hereby supports the La Crosse County Transportation Alternatives Program's application for state funding in the amount of \$376,000 (with a required 20% match of \$75,200) for state fiscal year 2021 and 2022 in order to continue providing this service to schools, children and families in La Crosse County. **FISCAL NOTE:** Acceptance of this grant will require a 20% match of \$75,200 to be levied as part of the 2021 and 2022 budgets.

#### **HEALTH AND HUMAN SERVICES BOARD**

Motion by M. Giese/T. Tryggestad to approve. Discussion ensued. Administrator O'Malley noted he did recommend this resolution. The motion to approve passed on a unanimous voice vote with 23 ayes, 6 excused - L. Berg, K. Cable, S. Doyle, D. Ferries, M. Kruse and T. Wehrs.

#### **SUGGESTIONS FOR FUTURE AGENDA TOPICS**

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- Supervisor Barlow requested an update on transportation and highway funding.

**ADJOURN**

Motion by J. Gundersen/R. Ebert to adjourn at 6:53 PM passed on a unanimous voice vote with 23 ayes, 6 excused - L. Berg, K. Cable, S. Doyle, D. Ferries, M. Kruse, and T. Wehrs.

**STATE OF WISCONSIN )**

**COUNTY OF LA CROSSE )**

**I, Ginny Dankmeyer , La Crosse County Clerk, in and for the County of La Crosse, Wisconsin, do hereby certify that the foregoing is a true and correct copy of the Journal of Proceedings of the La Crosse County Board of Supervisors at the La Crosse County Board of Supervisors Monthly Meeting held Thursday, February 15, 2018 and that it is the whole thereof. IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE OFFICIAL SEAL THIS DAY 16 OF FEBRUARY 2018.**